

2010 Bill 7

Third Session, 27th Legislature, 59 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 7

ELECTION STATUTES AMENDMENT ACT, 2010

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 7

2010

ELECTION STATUTES AMENDMENT ACT, 2010

(Assented to _____, 2010)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Part 1 Election Act

Amends RSA 2000 cE-1

1 The *Election Act* is amended by this Part.

2 Section 1 is amended

(a) by adding the following after subsection (1)(g.1):

(g.2) “declined ballot” means a ballot referred to in section 107.1;

(b) by adding the following after subsection (1)(cc):

(cc.1) “rejected ballot” means a ballot rejected in accordance with section 111(5) or 119;

(c) by repealing subsection (1)(ii) and substituting the following:

(ii) “spoiled ballot” means a ballot that has been dealt with in accordance with section 102;

Explanatory Notes

Part 1 Election Act

1 Amends chapter E-1 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1(1) In this Act,

(q) “list of electors” means a list of persons entitled to vote at an election;

(ii) “spoiled ballot” means a ballot that has been

(i) dealt with by an elector in a manner that may render its use inappropriate, and

(ii) surrendered by the elector to the deputy returning officer in return for a new ballot;

(d) by repealing subsection (3) and substituting the following:

(3) The ordinary residence of an inmate who is an elector is the first of the following places for which the inmate knows the address:

- (a) his or her residence before being incarcerated;
- (b) the residence of his or her spouse or adult interdependent partner, a relative or a dependant of the inmate, a relative of his or her spouse or adult interdependent partner or a person with whom the inmate would live but for his or her incarceration;
- (c) the place of his or her arrest;
- (d) the last court where the inmate was convicted and sentenced.

(4) For the purpose of this section and sections 56(c.2) and 116(1)(c), “inmate” means a person who has been convicted of an offence and is serving his or her sentence in a correctional institution under the *Corrections Act*, in a penitentiary under the *Corrections and Conditional Release Act* (Canada), in a place of custody under the *Youth Justice Act* or the *Youth Criminal Justice Act* (Canada) or in any other similar institution outside Alberta, excluding a person sentenced to a term of imprisonment of 10 days or less or for the non-payment of fines.

3 Section 3.1(1) is amended by adding “, the *Senatorial Selection Act* or the *Election Finances and Contributions Disclosure Act*” after “this Act”.

3 Section 3.1 presently reads:

3.1(1) Before beginning the duties of office, the Chief Electoral Officer shall take an oath to perform the duties of the office faithfully and impartially and, except as provided in this Act, not to disclose any information received by the Office of the Chief Electoral Officer under this or any other Act.

(2) The oath referred to in subsection (1) shall be administered by the Speaker of the Legislative Assembly or the Clerk of the Assembly.

4 Section 4 is repealed and the following is substituted:

Duties and powers of Chief Electoral Officer

4(1) The Chief Electoral Officer shall

- (a) provide guidance, direction and supervision respecting the conduct of all elections, enumerations and plebiscites conducted under this Act and the *Senatorial Selection Act* and plebiscites and referendums under any other Act to which this Act applies;
- (b) enforce fairness and impartiality on the part of all election officers in the conduct of their duties and compliance with this Act and the *Senatorial Selection Act*;
- (c) issue to election officers any guidance, direction and information the Chief Electoral Officer considers necessary to ensure the effective carrying out of their duties under this Act and the *Senatorial Selection Act*;
- (d) perform all duties assigned to the Chief Electoral Officer by this or any other Act.

(2) The Chief Electoral Officer may provide information to the public about the election process and the democratic right to vote.

(3) Where the Chief Electoral Officer is of the opinion that an emergency or a circumstance exists for which no adequate provision is made in this Act, the Chief Electoral Officer may

- (a) extend the time specified for the doing of anything except
 - (i) the holding of an election, or
 - (ii) the time by which a nomination paper must be filed;
- (b) increase the number of election officers;
- (c) require the provision of additional polling places;
- (d) omit or vary any form prescribed, other than a ballot.

4 Section 4 presently reads:

4(1) The Chief Electoral Officer shall

- (a) provide guidance, direction and supervision respecting the conduct of all elections, enumerations and plebiscites conducted under this Act and the Senatorial Selection Act and plebiscites and referendums under any other Act to which this Act applies;*
- (b) enforce on the part of all election officers fairness and impartiality in the conduct of their duties and compliance with this Act and the Senatorial Selection Act;*
- (c) issue to election officers any information and guidance the Chief Electoral Officer considers necessary to ensure the effective carrying out of this Act and the Senatorial Selection Act;*
- (d) perform all duties assigned to the Chief Electoral Officer by this or any other Act.*

(2) The Chief Electoral Officer, where the Chief Electoral Officer is of the opinion that an emergency exists, or a circumstance for which no adequate provision is made in the Act, may

- (a) extend the time specified for the doing of any thing except
 - (i) the holding of an election,*
 - (ii) the hours during which a polling place shall be kept open,
or*
 - (iii) the time by which a nomination paper must be filed;**
- (b) increase the number of election officers;*
- (c) remove from office any election officer for disability, misconduct or neglect of duty and order that election officer to deliver all materials in the election officer's possession relating to that office to a designated person;*
- (d) require the provision of additional polling places;*
- (e) omit or vary any form prescribed, other than a ballot or prescribe any additional form, other than a ballot.*

(4) The Chief Electoral Officer may remove any election officer from office for disability or misconduct or for failing to perform his or her work satisfactorily and may order that election officer to deliver all materials in the election officer's possession relating to that office to a designated person.

(5) The Chief Electoral Officer shall, immediately after each enumeration, general election, election under the *Senatorial Selection Act*, by-election or plebiscite or a plebiscite or referendum under any other Act, prepare and have printed a report including a summary of the Chief Electoral Officer's conduct respecting the enumeration, general election, election under the *Senatorial Selection Act*, by-election, plebiscite or referendum, as the case may be, a breakdown of results and a summary of costs and shall transmit the report to the Standing Committee, which shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, not more than 15 days after the commencement of the next sitting of the Assembly.

Test of new equipment and procedures

4.1(1) Where the Chief Electoral Officer wishes to test at a by-election the use of election procedures and equipment that are different from what this Act requires, the Chief Electoral Officer shall submit a written proposal to the Standing Committee describing in detail the election procedures and equipment proposed to be tested.

(2) If the Standing Committee approves the proposal, with or without changes, the Chief Electoral Officer may test the use of the election procedures and equipment in accordance with the approved proposal.

(3) As soon as possible after the proposal is approved, the Chief Electoral Officer shall publish the approved proposal on the Chief Electoral Officer's website.

(4) A by-election held in accordance with the details provided in the approved proposal is not invalid by reason of any non-compliance with this Act.

(5) To the extent of any conflict between the approved proposal and this Act or a regulation under this Act, the approved

(3) The Chief Electoral Officer shall, immediately following each enumeration, general election, election under the Senatorial Selection Act, by-election or plebiscite or plebiscite or referendum under any other Act, prepare and have printed a report including a summary of the Chief Electoral Officer's conduct respecting the enumeration, general election, election under the Senatorial Selection Act, by-election or plebiscite or referendum, as the case may be, a breakdown of results, and a summary of costs, and shall transmit the report to the Standing Committee, which shall cause the report to be laid before the Legislative Assembly if it is then sitting or, if it is not then sitting, not more than 15 days after the commencement of the next sitting of the Assembly.

proposal prevails and has the force of law with respect to the by-election.

Inquiries and investigations

4.2(1) For the purpose of carrying out an inquiry or conducting an investigation under this Act, the Chief Electoral Officer has all the powers of a commissioner under the *Public Inquiries Act* as though the inquiry or investigation were an inquiry under that Act.

(2) For the purpose of carrying out an inquiry or conducting an investigation under this Act, a representative of the Chief Electoral Officer, on production of the representative's authorization from the Chief Electoral Officer, may at any reasonable time enter any premises referred to in the authorization in which books or documents of a registered political party, registered constituency association or registered candidate relevant to the subject-matter of the inquiry or investigation are kept and may examine and make copies of the books or documents or remove them temporarily for the purpose of making copies.

(3) Any information with respect to the affairs of a registered political party, registered constituency association or registered candidate that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act must be provided by the registered political party, registered constituency association or registered candidate within 30 days after a written request for it is received from the Chief Electoral Officer or within an extended period that the Chief Electoral Officer may determine.

(4) Subject to subsection (5), any former Chief Electoral Officer and every person who is or was employed or engaged by the Office of the Chief Electoral Officer shall maintain the confidentiality of all information and allegations that come to their knowledge in the course of an inquiry or investigation.

(5) Information and allegations to which subsection (4) applies may be

- (a) disclosed to the person whose conduct is the subject of proceedings under this Act;

- (b) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person;
- (c) adduced in evidence at an inquiry under this section;
- (d) disclosed where the Chief Electoral Officer believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Attorney General or a law enforcement agency of an alleged offence under this Act or any other enactment of Alberta or an Act or regulation of Canada.

5 Section 5(1) is amended

- (a) **by striking out** “, a Deputy Chief Electoral Officer”;
- (b) **by adding** “, including a Deputy Chief Electoral Officer,” **after** “employees”.

6 The following is added after section 5:

Immunity

5.1 No proceedings lie against the Chief Electoral Officer, or against a person acting for or under the direction of the Chief Electoral Officer, for anything done, or omitted to be done, in good faith in the exercise or performance or the intended exercise or performance of a power, duty or function under this Act, the *Election Finances and Contributions Disclosure Act* or the *Senatorial Selection Act*.

7 Section 9 is amended

- (a) **in subsection (1) by striking out** “The Lieutenant Governor in Council” **and substituting** “The Chief Electoral Officer”;
- (b) **by adding the following after subsection (2):**

5 Section 5(1) presently reads:

5(1) There shall be a department of the public service of Alberta called the Office of the Chief Electoral Officer, consisting of the Chief Electoral Officer, a Deputy Chief Electoral Officer and those officers and employees appointed pursuant to the Public Service Act who are required to assist the Chief Electoral Officer in the administration of this Act.

6 Immunity.

7 Section 9 presently reads in part:

9(1) The Lieutenant Governor in Council may, 2 years after a general election, appoint a returning officer for each electoral division for the purposes of or in connection with elections, enumerations and plebiscites under this Act and elections under the Senatorial Selection Act.

(2.1) Where, in the opinion of the Chief Electoral Officer, the Chief Electoral Officer is unable to appoint a qualified person resident within an electoral division as returning officer for that electoral division, the Chief Electoral Officer may appoint as returning officer an elector resident in any other electoral division as the Chief Electoral Officer considers appropriate.

- (c) in subsection (4) by striking out** “shall notify each returning officer of the returning officer’s appointment and”;
- (d) in subsection (5) by striking out** “Immediately on receiving notice of the returning officer’s appointment, each” **and substituting** “Each”.

8 Section 10 is amended

- (a) in subsection (2) by striking out** “by the Lieutenant Governor in Council”;
- (b) in subsection (3) by striking out** “by the Lieutenant Governor in Council”.

(4) The Chief Electoral Officer shall notify each returning officer of the returning officer's appointment and shall publish in The Alberta Gazette the name and address of the returning officer appointed for each electoral division.

(5) Immediately on receiving notice of the returning officer's appointment, each returning officer shall, before assuming the returning officer's duties, take the prescribed oath of office and transmit it to the Chief Electoral Officer.

8 Section 10 presently reads in part:

(2) If a returning officer is for any reason unable or unwilling to act, or neglects the returning officer's duties, the Chief Electoral Officer

(a) before a writ of election has been issued, or

(b) after a writ of election has been issued and if there is no election clerk appointed for the relevant electoral division,

may appoint an acting returning officer who shall have all the rights and powers and shall perform all the duties of a returning officer for that electoral division until the returning officer resumes the returning officer's duties or a new returning officer is appointed by the Lieutenant Governor in Council.

(3) The appointment of a returning officer expires 4 months after polling day of the general election in which the returning officer was a returning officer unless it is sooner terminated by the Lieutenant Governor in Council.

(4) The Chief Electoral Officer shall confirm in writing to each returning officer the date of termination of the returning officer's appointment.

9 Section 12 is amended

- (a) **by adding** “or election clerk” **after** “returning officer”;
- (b) **in clause (a) by striking out** “or candidate” **and substituting** “, candidate or constituency association”.

10 Section 13 is repealed and the following is substituted:

Maintenance of register

13(1) The Chief Electoral Officer shall maintain a register of electors from which lists of electors for polling subdivisions for each electoral division may be compiled for use at general elections, by-elections or plebiscites under this Act, elections under the *Senatorial Selection Act* or referendums or plebiscites under any other Act.

(2) The register of electors may only contain the following information about persons ordinarily resident in Alberta who are electors or will be eligible to be electors:

- (a) the residential address, including the postal code, of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address,
- (b) the surname, given name and any middle name of the person,
- (c) the telephone number of the person,
- (d) the gender of the person,
- (e) the citizenship of the person,
- (f) the date of birth of the person,

9 Section 12 presently reads:

12 No person who has been appointed or is acting as a returning officer may

- (a) engage in political activity on behalf of any political party or candidate, or*
- (b) make a contribution under the Election Finances and Contributions Disclosure Act,*

while the person is so appointed or acting.

10 Section 13 presently reads:

13(1) The Chief Electoral Officer shall establish, maintain and update on a regular basis a register of electors from which lists of electors for polling subdivisions for each electoral division may be compiled for use at general elections, by-elections, referendums and plebiscites held under this Act or under an Act to which this Act applies.

(2) The register may be created and revised by any or all of the following:

- (a) conducting a door to door enumeration in accordance with Division 3 of all or some of the electoral divisions, or portions of any of them, as determined by the Chief Electoral Officer;*
- (b) using information provided by the Chief Electoral Officer of Canada that was used for compiling lists of electors for use at a general election, by-election, plebiscite or referendum conducted by the Chief Electoral Officer of Canada;*
- (b.1) using personal information held by a public body as defined in the Freedom of Information and Protection of Privacy Act if in the opinion of the Chief Electoral Officer the information is necessary for the purposes of creating or revising the register;*
- (b.2) using personal information listed in public telephone directories;*

- (g) the permanent unique identifier number assigned under subsection (4), and
- (h) any other identification number assigned by other persons who provide information to the Chief Electoral Officer under section 13.1 or pursuant to an agreement under section 13.2 to assist in distinguishing a person from another person or verifying information about a person.

(3) The information referred to in subsection (2)(d), (e) and (f) obtained under this Act may only be used to verify the identification of an elector when revising the register.

(4) The Chief Electoral Officer may assign, in respect of each elector whose information is contained in the register, a permanent unique identifier number consisting of numbers or letters, or a combination of numbers and letters, to be used to assist in distinguishing an elector from another elector or verifying information about an elector.

Revising the register

13.1(1) The register may, in accordance with this section, be revised from time to time as the Chief Electoral Officer considers necessary but must be revised as soon as possible after the Schedule of electoral divisions in the *Electoral Divisions Act* is amended or re-enacted.

(2) The register may be revised by any or all of the following methods:

- (a) conducting a door-to-door enumeration in accordance with Division 3 of all or some of the electoral divisions, or portions of any of them, as determined by the Chief Electoral Officer;
- (b) using information provided pursuant to an agreement under section 13.2(1) or (2);
- (c) using personal information held by a public body as defined in the *Freedom of Information and Protection of Privacy Act* if in the opinion of the Chief Electoral

(c) using any other information obtained by or available to the Chief Electoral Officer.

(2.1) For the purpose of subsection (2)(b.1), a public body as defined in the Freedom of Information and Protection of Privacy Act shall, at the request of the Chief Electoral Officer, provide the personal information held by that public body.

(2.2) A public body providing information under subsection (2.1) may charge a reasonable fee for providing the information, but the fee may not exceed an amount that represents the actual cost of producing a copy of the information.

(3) The register may be revised from time to time as the Chief Electoral Officer considers necessary but must be revised as soon as possible after the Schedule of electoral divisions in the Electoral Divisions Act is amended or re-enacted.

(4) The register may be created or revised manually or by means of any computer-based system and may be kept in printed form or may be stored in any computer-based system or any other information storage device that is capable of reproducing any required information in legible printed form within a reasonable time.

(4.1) The Chief Electoral Officer may assign, in respect of each elector whose information is contained in the register, a unique and permanent identifier number consisting of numbers or letters, or a combination of numbers and letters, to be used to assist in distinguishing an elector from another elector or verifying the information about an elector.

(5) The register may only contain the following information about persons ordinarily resident in Alberta who are electors or will be eligible to be electors:

(a) the residential address, including the postal code of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address,

(b) the surname, given name and middle initial of the person,

(c) the telephone number of the person,

(d) the gender of the person,

(e) the day, month and year of birth of the person, and

Officer the information is necessary for the purpose of revising the register;

- (d) using personal information listed in public telephone directories;
- (e) using any other information obtained by or available to the Chief Electoral Officer.

(3) A public body as defined in the *Freedom of Information and Protection of Privacy Act* shall, at the request of the Chief Electoral Officer,

- (a) for the purpose of subsection (2)(c), provide personal information held by that public body, and
- (b) provide address, mapping, demographic or geographic information, including geospatial information.

(4) A public body providing information under subsection (3) may charge a reasonable fee for providing the information, but the fee may not exceed the actual cost of producing a copy of the information.

(5) The Chief Electoral Officer may retain information collected under subsection (2) but not included in the register, for the purpose of correlating information contained or to be included in the register.

Agreements on information

13.2(1) The Chief Electoral Officer may enter into an agreement with the Chief Electoral Officer of Canada under the *Canada Elections Act* (Canada)

- (a) to receive from the Chief Electoral Officer of Canada information that will assist the Chief Electoral Officer of Alberta in revising the register, and
- (b) to provide to the Chief Electoral Officer of Canada information that will assist the Chief Electoral Officer of Canada in preparing or revising that Chief Electoral Officer's information for the purpose of compiling or revising lists of electors under the *Canada Elections Act* (Canada).

- (f) the unique identifier number assigned under subsection (4.1), and*
 - (g) any other identification number assigned by other persons who provide information under this section to the Chief Electoral Officer to assist in distinguishing a person from another person or verifying the information about a person.*
- (6) Subject to subsection (7), the information referred to in subsection (5)(d) and (e) obtained under this Act may only be used to verify the identification of an elector when creating or revising the register.*
- (7) The Chief Electoral Officer may enter into an agreement with the Chief Electoral Officer of Canada under the Canada Elections Act (Canada)*
- (a) to receive from the Chief Electoral Officer of Canada information that will assist the Chief Electoral Officer of Alberta in revising the register, and*
 - (b) to provide to the Chief Electoral Officer of Canada information that will assist the Chief Electoral Officer of Canada in preparing or revising that Chief Electoral Officer's information for the purpose of compiling or revising lists of electors under the Canada Elections Act (Canada).*
- (8) The Chief Electoral Officer may enter into an agreement with a municipality*
- (a) to receive from the municipality information that will assist the Chief Electoral Officer in revising the register, and*
 - (b) to provide to the municipality's secretary, as defined in the Local Authorities Election Act, information that will assist the secretary in compiling or revising information for the purpose of compiling or revising the municipality's permanent electors register under the Local Authorities Election Act.*
- (9) Persons or their agents are entitled to have access to information in the register about themselves to determine whether the information is correct.*
- (10) The Chief Electoral Officer may enter into agreements with any person for the purpose of obtaining or providing mapping,*

- (2) The Chief Electoral Officer may enter into an agreement with a municipality
- (a) to receive from the municipality information that will assist the Chief Electoral Officer in revising the register, and
 - (b) to provide to the municipality's secretary, as defined in the *Local Authorities Election Act*, information that will assist the secretary in compiling or revising information for the purpose of compiling or revising the municipality's permanent electors register under the *Local Authorities Election Act*.
- (3) The Chief Electoral Officer may enter into agreements with any person for the purpose of obtaining address, mapping, demographic or geographic information, including geospatial information.

Access to information in the register

13.3(1) A person or the person's agent may, on request and in the manner determined by the Chief Electoral Officer,

- (a) have access to information in the register about the person to determine whether the information is correct, and
 - (b) have his or her personal information removed from or not included in the register.
- (2) Where a request is made under subsection (1)(b), the Chief Electoral Officer must remove the person's personal information from the register or not include the person's personal information in the register.
- (3) Any person requesting access to information for the purpose set out in subsection (2) shall complete and sign a declaration.

11 Section 17 is amended

- (a) **by striking out** "Only" **and substituting** "Subject to section 18(7), only";

geographic or demographic information, but any information provided by the Chief Electoral Officer under this subsection may relate only to the location of residential buildings and not any other elector information.

(11) Any person requesting access to information for the purpose set out in subsection (9) shall complete and sign a declaration.

11 Section 17 presently reads:

17 Only the first names, middle initials and surnames, the addresses, including postal codes, the telephone numbers and the

(b) by striking out “initials” and substituting “names”.

12 Section 18(6) is repealed and the following is substituted:

(6) A member or a registered political party may request additional copies of the lists of electors in addition to those furnished under subsection (1) or (3) on providing a reason for the additional copies and on payment of an amount determined by the Chief Electoral Officer.

(7) For the purpose of tracing the unauthorized use of the list of electors, the Chief Electoral Officer may have fictitious voter information included in a list of electors provided under this section.

(8) A member or registered political party to whom a copy of a list of electors has been furnished under this section shall take all reasonable steps to protect the list and the information contained in it from unauthorized use.

13 Section 23 is repealed and the following is substituted:

Appointment of enumerators

23 Each returning officer shall, in accordance with directions issued by the Chief Electoral Officer, appoint sufficient enumerators for the efficient conduct of the enumeration within the returning officer’s electoral division.

unique identifier numbers of electors may be contained in the list of electors.

12 Section 18(6) presently reads:

(6) The Chief Electoral Officer may require members and registered political parties to pay an amount determined by the Chief Electoral Officer for any copies of the maps requested in addition to those furnished under subsection (1) or (3).

13 Section 23 presently reads:

23(1) Each returning officer shall appoint in accordance with this section sufficient enumerators for the efficient conduct of the enumeration within the returning officer's electoral division.

(2) During the period determined by the Chief Electoral Officer, each returning officer shall, by registered letter, communicate a request to the executive of

- (a) the registered constituency association within the returning officer's electoral division of the registered political party forming the Government, and*
- (b) the registered constituency association within the returning officer's electoral division of the registered political party not forming the Government whose candidate received the highest or next highest number of votes, as the case may be, at the immediately preceding election within the electoral division,*

14 Section 45 is repealed and the following is substituted:

Persons ineligible to vote

45 Persons prohibited from voting under section 178(4)(e) or 181(1) are not eligible to vote at an election.

that written recommendations of qualified and available persons to act as enumerators be provided to the returning officer within the time determined by the Chief Electoral Officer.

(3) The returning officer shall appoint enumerators from the names provided to the returning officer under subsection (2), but if

- (a) there are no registered constituency associations to which subsection (2) applies, or*
- (b) a sufficient number of available persons who, in the opinion of the returning officer, are qualified to serve as enumerators has not been provided under subsection (2),*

the returning officer shall appoint the required number of enumerators necessary to complete the enumeration from any other source the returning officer considers appropriate.

(4) If the Legislature re-enacts or amends the Schedule of electoral divisions in the Electoral Divisions Act but the amendment or re-enactment is not yet in force,

- (a) a constituency association may, in respect of a new or amended electoral division, register under the Election Finances and Contributions Disclosure Act for the purposes of the enumeration only, and*
- (b) the Chief Electoral Officer shall, for the purpose of determining with which registered constituency associations a returning officer is to communicate under subsection (2), estimate the number of votes that a political party would have received in each electoral division if the immediately preceding election had been held in the electoral divisions as amended or re-enacted.*

14 Section 45 presently reads:

45 The following persons are not eligible to vote at an election:

- (a) returning officers, except to break a tie at the official count or judicial recount;*
- (b) persons disqualified from voting under this Act;*

15 Section 46(b) is repealed.

16 Section 47 is repealed and the following is substituted:

Appointment of election clerks

47(1) Immediately after a writ of election is issued, the Chief Electoral Officer shall appoint an elector of the electoral division as election clerk.

(2) If an election clerk is unable or unwilling to act or neglects the election clerk's duties, the Chief Electoral Officer may appoint another election clerk in the election clerk's place.

(3) The Chief Electoral Officer may appoint additional election clerks for an electoral division as the Chief Electoral Officer considers necessary.

(4) Where, in the opinion of the Chief Electoral Officer, the Chief Electoral Officer is unable to appoint a qualified person resident within an electoral division as election clerk for that electoral division, the Chief Electoral Officer may appoint as election clerk an elector resident in any other electoral division as the Chief Electoral Officer considers appropriate.

(c) *persons who have been convicted of offences and on polling day are serving their sentences in a correctional institution under the Corrections Act, in a penitentiary under the Corrections and Conditional Release Act (Canada), in a place of custody under the Youth Justice Act or the Youth Criminal Justice Act (Canada) or in any other similar institution outside Alberta, excluding persons sentenced to terms of imprisonment of 10 days or less or for the non-payment of fines.*

15 Section 46(b) presently reads:

46 The following persons shall not be appointed or act as returning officers, election clerks, administrative assistants, supervisory deputy returning officers, registration officers, deputy returning officers or poll clerks:

(b) *persons appointed or acting as returning officers under the Canada Elections Act (Canada);*

16 Section 47 presently reads:

47(1) Immediately on being notified by the Chief Electoral Officer of the issue of a writ of election, the returning officer shall, in the prescribed form, appoint an elector of the electoral division as election clerk.

(2) If an election clerk is unable or unwilling to act or neglects the election clerk's duties, the returning officer may appoint another election clerk in the election clerk's place.

(3) A returning officer may, with the written consent of the Chief Electoral Officer, appoint additional election clerks.

(4) Each election clerk shall, before assuming the election clerk's duties, take the prescribed oath of office, and the appointment and the certificate evidencing that the oath was taken shall be attached to the writ.

(5) Each election clerk shall, before assuming the election clerk's duties, take the prescribed oath of office.

17 Section 47.1 is amended

(a) **by adding the following after subsection (2):**

(2.1) Where, in the opinion of the returning officer, the returning officer is unable to appoint a qualified person resident within an electoral division as administrative assistant for that electoral division, the returning officer may appoint as administrative assistant an elector resident in any other electoral division as the returning officer considers appropriate.

(b) **in subsection (3) by striking out** “, and the appointment and the certificate evidencing that the oath was taken shall be attached to the writ”.

18 Section 51(1) is repealed and the following is substituted:

Access to electors list and revisions

51(1) The list of electors and a separate list of additions to or revisions of the list of electors shall be available in the office of the returning officer to any person for the purpose of

- (a) determining whether the person's name is on the list of electors, or
- (b) verifying whether the information about the person is correct.

19 Section 55(2.1) is amended by striking out “(2)(b) to (e)” and substituting “(2)(b), (d) and (e)”.

17 Section 47.1 presently reads:

47.1(1) Immediately on being notified by the Chief Electoral Officer of the issue of a writ of election, the returning officer shall appoint an elector of the electoral division as administrative assistant.

(2) If an administrative assistant is unable or unwilling to act or neglects the administrative assistant's duties, the returning officer may appoint another administrative assistant in the administrative assistant's place.

(3) Each administrative assistant shall, before assuming the administrative assistant's duties, take the prescribed oath of office, and the appointment and the certificate evidencing that the oath was taken shall be attached to the writ.

(4) An administrative assistant shall assist the returning officer and the election clerk in the performance of their duties.

18 Restricts access to own information.

19 Section 55(2.1) presently reads:

(2.1) A returning officer shall as soon as possible publish the information in the proclamation referred to in subsection (1)(a) to (f) and the information referred to in subsection (2)(b) to (e) in a newspaper having general circulation in the electoral division for which the returning officer is appointed.

20 Section 56 is amended by adding the following after clause (c.1):

(c.2) is not an inmate,

21 Section 57(c) is amended by striking out “43(1)” and substituting “43(2) or 43.1”.

20 Section 56 presently reads:

56 A person is eligible to be nominated as a candidate in an election if on the day the person's nomination paper is filed the person

- (a) is a Canadian citizen,*
- (b) is of the full age of 18 years or will be that age on polling day,*
- (c) has been ordinarily resident in Alberta continuously from the day 6 months immediately preceding polling day,*
- (c.1) is registered under section 9 of the Election Finances and Contributions Disclosure Act,*
- (d) is not prohibited from being nominated as a candidate under this Act or the Senatorial Selection Act by reason of section 57, 58, 178 or 181, and*
- (e) is not a member of the Senate or House of Commons of Canada.*

21 Section 57 presently reads:

57 A person is prohibited from being nominated as a candidate in an election if

- (a) the Speaker has laid a report before the Assembly pursuant to section 44(1) of the Election Finances and Contributions Disclosure Act,*
- (b) that person was the registered candidate or the chief financial officer of the registered candidate referred to in the report,*
- (c) the Court did not dispense with compliance with section 43(1) of that Act by an order under section 44(3) of that Act, and*
- (d) nomination day for the election occurs within*
 - (i) the 8-year period following the day on which the Speaker laid the report before the Assembly, or*

22 Section 59 is amended

- (a) **by repealing subsection (1) and substituting the following:**

Nomination of candidates

59(1) Any 25 or more electors of an electoral division may nominate a person eligible to be a candidate as a candidate for that electoral division by signing a nomination paper in the prescribed form.

(1.1) The nomination paper referred to in subsection (1) must be filed with the returning officer for the electoral division for which the person is being nominated any time after the publication of the proclamation but prior to 2 p.m. of the day fixed for the closing of nominations.

- (b) **by repealing subsection (3) and substituting the following:**

(3) A candidate whose nomination papers are not filed with the returning officer prior to the time set for the closing of nominations ceases to be a candidate on the closing of nominations.

- (c) **by adding the following after subsection (3):**

(4) At any one time, a person is not eligible to be nominated as a candidate for more than one electoral division.

23 Section 61(1) is amended by adding “the original nomination paper is submitted for filing and” after “unless”.

- (ii) *where the financial statement has been filed with the Chief Electoral Officer, the 5-year period following the day of filing,*

whichever period expires first.

22 Section 59 presently reads in part:

59(1) At any time following publication of the proclamation and prior to 2 p.m. of the date fixed for the closing of nominations, any 25 or more electors of an electoral division may nominate for that electoral division a person eligible to be a candidate as a candidate for that electoral division by signing a nomination paper in the prescribed form and filing it with the returning officer for the electoral division for which the candidate is being nominated.

(3) A person who

- (a) is a candidate by virtue of section 1(1)(c)(iii), and*
- (b) does not file the person's nomination papers with the returning officer prior to the time set for closing of nominations,*

ceases to be a candidate on the closing of nominations.

23 Section 61(1) presently reads:

61(1) A nomination paper is not valid and shall not be filed with the returning officer unless

- (a) it contains a properly completed affidavit of the attesting witness or witnesses, as the case may be, to the signatures of the nominating electors,*

24 Section 62 is amended

- (a) by repealing subsection (2);**
- (b) by repealing subsection (2.1) and substituting the following:**

(2.1) The deposit received under section 61 must be refunded to the chief financial officer of the candidate if the required financial statement is filed within the time period referred to in section 43(2) of the *Election Finances and Contributions Disclosure Act*.

- (b) *it states an address within Alberta at which documents may be served and notices given respecting the candidate,*
- (c) *it contains the appointment, name and address of the official agent immediately followed, subject to clause (d), by the signature of the person being nominated,*
- (d) *the person being nominated confirms by written communication*
 - (i) *that the person is eligible under section 56 for nomination,*
 - (ii) *that the person consents to the person's nomination,*
 - (iii) *the appointment of the person's official agent,*
 - (iv) *that the person is the officially endorsed candidate of a registered political party or is an independent candidate,**and the confirmation is filed with the nomination paper,*
- (e) *it is accompanied with a deposit of \$500,*
- (f) *it is filed with the returning officer prior to 2 p.m. of the date fixed for the closing of nominations.*

24 Section 62 presently reads in part:

(2) One half of the deposit received under section 61 shall be refunded to the candidate if the candidate

- (a) is elected,*
- (b) obtains a number of votes equal to at least 1/2 of the total number of votes obtained by the candidate elected, or*
- (c) withdraws within 48 hours of the filing of the candidate's nomination paper.*

(2.1) One half of the deposit received under section 61 shall be refunded to the candidate if the candidate files the required financial statement within the time period referred to in section 43(2) of the Election Finances and Contributions Disclosure Act.

25 Section 73(1) is amended

- (a) **by striking out** “station” **and substituting** “place”;
- (b) **by striking out** “a qualified person as a poll clerk” **and substituting** “one or more qualified persons as poll clerks”.

26 Section 79 is amended by renumbering it as section 79(1) and by adding the following after subsection (1):

(2) Notwithstanding subsection (1), where, in the opinion of a candidate, the candidate is unable to appoint a qualified person resident within an electoral division as a scrutineer for that electoral division, the candidate may appoint as a scrutineer an elector resident in any other electoral division as the candidate considers appropriate.

27 Section 83 is amended

- (a) **in subsection (3)(a) by adding the following after subclause (i):**

(i.1) middle name,

- (b) **by adding the following after subsection (3):**

(3.1) For the purpose of subsection (3)(a)(i.1), only one middle name is permitted.

- (c) **by repealing subsection (8).**

25 Section 73(1) presently reads:

73(1) For each polling station established in an electoral division the returning officer for that electoral division shall appoint a qualified person as a poll clerk.

26 Section 79 presently reads:

79 Each candidate may appoint in the prescribed form not more than 4 electors resident in the electoral division as scrutineers

- (a) to represent the candidate at each polling station,*
- (b) to observe the election procedures on the candidate's behalf, and*
- (c) to be present at the registration officer's station while an elector is being sworn in under section 95.*

27 Section 83 presently reads in part:

(3) The names of the candidates shall be printed on the ballot as follows:

- (a) the candidate's*
 - (i) given name,*
 - (ii) initials, or*
 - (iii) nickname*

or any combination of them in a type of 10 point capital letters;

(8) The name of the printer shall appear on the back of each ballot but not on the stub or counterfoil.

28 The following is added after section 88:

Pilot for earlier opening of polls at a by-election

88.1(1) Notwithstanding section 88(1)(c), where authorized under subsection (3), polling places with respect to a by-election authorized under the regulations to be conducted in accordance with this section shall be open for the purpose of voting from 7 a.m. to 9 p.m. on polling day.

(2) In order to assist with the counting of ballots at a poll for a by-election authorized to be conducted in accordance with this section, the Chief Electoral Officer may use vote-counting equipment for the purpose of conducting the unofficial count of votes under this Act.

(3) The Lieutenant Governor in Council may make regulations

- (a) authorizing that a by-election may be conducted in accordance with this section;
- (b) respecting the modification of procedures under this Act for the unofficial counting of votes.

(4) After a by-election that has been authorized to be conducted in accordance with this section has been held, the Chief Electoral Officer shall table a report with the Standing Committee setting out the Chief Electoral Officer's opinion on the following:

- (a) whether any increase in voter turnout was attributable to the earlier opening of the poll;
- (b) whether the use of any vote-counting equipment that was used at the by-election was effective and efficient;
- (c) whether the extended hours had any adverse effect on election officials and their ability to carry out their functions, including whether they caused any difficulty in recruiting persons to work at the poll;
- (d) any other matter the Chief Electoral Officer considers appropriate.

(5) The Standing Committee shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then

28 Pilot for earlier opening of polls at a by-election.

sitting, not more than 15 days after the commencement of the next sitting of the Assembly.

29 Section 90(1)(c) is repealed.

30 Section 93(3) is repealed.

31 Section 95 is repealed and the following is substituted:

Swearing-in procedure

95(1) An elector who is otherwise eligible to vote but whose name does not appear on the list of electors for the polling subdivision in which the elector is ordinarily resident may vote if

- (a) the elector produces to the registration officer or deputy returning officer the following proof of his or her identity and current residence:
 - (i) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and current address, or

29 Section 90(1) presently reads:

90(1) Prior to the opening of a returning officer's polling station, the deputy returning officer shall post in a conspicuous location at the polling station one copy of each of the following prescribed bulletins:

- (a) Notice as to Secrecy of Voting;*
- (b) Directions for Guidance of Voters;*
- (c) Offences, Corrupt Practices and Voter Disqualification.*

30 Section 93(3) presently reads:

(3) On receiving notification under subsection (2), the Chief Electoral Officer shall immediately inquire into the matter, and if the Chief Electoral Officer is satisfied that a contravention may have occurred, the Chief Electoral Officer shall so notify the Minister of Justice and Attorney General.

31 Section 95 presently reads:

95(1) An elector who is otherwise eligible to vote but whose name does not appear on the list of electors for the polling subdivision in which the elector is ordinarily resident may vote if

- (a) the elector produces to the registration officer or deputy returning officer 2 pieces of identification, which must be*
 - (i) any 2 of the following:*
 - (A) an Alberta motor vehicle operator's licence;*
 - (B) an Alberta health insurance card;*
 - (C) a Senior Citizen's Identification Card;*
 - (D) any piece of identification that is acceptable to the registration officer or deputy returning officer;*

- (ii) 2 pieces of identification authorized by the Chief Electoral Officer each of which establish the elector's name and at least one of which establishes the elector's current address,

and

- (b) the elector signs a declaration before the registration officer or deputy returning officer stating that the elector
 - (i) qualifies as an elector, and
 - (ii) ordinarily resides in that polling subdivision.

(2) An elector may instead prove his or her identity and residence by signing a declaration if he or she is accompanied by an elector whose name appears on the list of electors for the same polling subdivision and that elector

- (a) provides to the registration officer or deputy returning officer the piece or pieces of identification referred to in subsection (1)(a), and
- (b) vouches for him or her by signing a declaration.

(3) The registration officer or deputy returning officer shall indicate on the declaration referred to in subsections (1) and (2) the nature of the identification accepted.

(4) No elector shall vouch for more than one elector at an election.

(5) An elector who has been vouched for at an election may not vouch for another elector at that election.

(6) The Chief Electoral Officer shall publish each year, and within 3 days after the issue of a writ, in a manner that he or she considers appropriate, a notice setting out the types of identification that are authorized for the purpose of subsection (1)(a)(ii).

(7) The deputy returning officer shall, after receiving a signed declaration under subsection (1)(b) or (2), enter the elector's name and address on the list of electors and enter in the poll book in the appropriate column a check mark or other

or

(ii) if none of the pieces of identification named in subclause (i)(A), (B) and (C) are produced, any 2 pieces acceptable to the registration officer or deputy returning officer,

and

(b) the elector takes and signs the prescribed oath before the registration officer or deputy returning officer stating that the elector

(i) qualifies as an elector, and

(ii) ordinarily resides in that polling subdivision.

(2) The registration officer or deputy returning officer before whom an oath is taken under subsection (1) shall indicate on the oath form the nature of the identification accepted.

(3) The deputy returning officer shall, after administering an oath or receiving an oath administered by a registration officer under subsection (1), cause the elector's name to be included in the list of electors and entered in the poll book with the word "sworn" or "affirmed" written in the appropriate column.

annotation indicating that the voter signed a declaration or was vouched for, as the case may be.

32 Section 96 is amended

- (a) **in subsection (1)(b) by adding** “if requested by the voter,” **before** “place”;
- (b) **by repealing subsection (3)(a)(ii) and substituting the following:**
 - (ii) if requested by the voter or the friend, place the ballot in the ballot box,

33 Section 98 is amended

- (a) **by repealing subsection (1) and substituting the following:**

Polling place for advance poll

98(1) The returning officer shall establish at least one and no more than 4 polling places to enable electors to vote in advance at an election in the electoral division in which those electors ordinarily reside.

- (b) **by repealing subsection (2) and substituting the following:**

(2) The Chief Electoral Officer shall ensure that the distance that an elector would have to travel to attend at an advance poll is no greater than 100 km, unless the cost to do so in any particular situation would be unreasonable in the circumstances.

32 Section 96 presently reads in part:

96(1) The deputy returning officer, at the request of a voter who is unable to vote in the usual manner due to a physical incapacity or inability to read the ballot, shall

- (a) assist the voter by marking the voter's ballot in the manner directed by the voter in the presence of the poll clerk, and*
- (b) place the ballot so marked in the ballot box.*

(3) The deputy returning officer, in the case of a voter referred to in subsection (1), shall

- (a) if the voter is accompanied by a friend,*
 - (i) permit the friend to accompany the voter into a polling booth to mark the voter's ballot, and*
 - (ii) accept the marked ballot from the voter or the voter's friend and place it in the ballot box,*

33 Section 98 presently reads in part:

98(1) The returning officer shall establish at least one and no more than 4 polling places to enable

- (a) electors who are disabled,*
- (b) electors who believe that they will be absent from their ordinary place of residence on polling day,*
- (c) election officers, candidates, official agents or scrutineers who believe that their official duties on polling day will require their attendance at polling subdivisions other than the one for which their name appears on the list of electors, and*
- (d) electors who believe that they will be unable to vote on polling day,*

34 Section 99(1) is repealed and the following is substituted:

Voting in advance poll

99(1) When a person who is an elector presents himself or herself to vote at the advance poll, the deputy returning officer shall

- (a) if the person's name appears on the list of electors for the polling subdivision in which the elector ordinarily resides, enter opposite the name of that person on the list of electors in the appropriate column a check mark or other annotation indicating that the voter voted in the advance poll, or
- (b) if the person's name does not appear on the list of electors for the polling subdivision in which the elector ordinarily resides,
 - (i) require the person to comply with section 95(1) or (2), and
 - (ii) enter the person's name and address on the list of electors and enter in the appropriate column in the poll book a check mark or other annotation indicating that the voter signed a declaration in accordance with section 95(1) or signed a declaration and was vouched for in accordance with section 95(2), and voted in the advance poll.

35 Section 100(1)(b) is amended by adding "or (2)" after "95(1)".

to vote in advance at an election in the electoral division in which those electors ordinarily reside.

(2) Polling places for advance polling shall be in a location that, in the opinion of the returning officer, is convenient for the electors.

34 Section 99 presently reads in part:

99(1) When a person who is an elector eligible to vote in the advance poll presents himself or herself for that purpose, the deputy returning officer shall

- (a) if the person's name appears on the list of electors for the polling subdivision in which the elector ordinarily resides,*
 - (i) require the person to complete the prescribed declaration, and*
 - (ii) enter opposite the name of that person on the list of electors the words "advance poll",*

or

- (b) if the person's name does not appear on the list of electors for the polling subdivision in which the elector ordinarily resides,*
 - (i) require the person to complete the prescribed declaration,*
 - (ii) require the person to comply with section 95(1), and*
 - (iii) enter the person's name on the list of electors and opposite the name the words "sworn" or "affirmed", as the case may be, and "advance poll".*

35 Section 100(1) presently reads:

100(1) Each elector who presents himself or herself to vote on polling day shall give his or her name and address to the deputy returning officer and if

- (a) the name of that elector appears on the list of electors for the polling subdivision, or*

36 Section 101 is amended

(a) in subsection (2)(c) by adding “return the ballot to the voter so that the voter may” before “place”;

(b) by adding the following after subsection (2):

(3) Notwithstanding subsection (2), on being requested by the voter, the deputy returning officer shall place the ballot in the ballot box.

37 Section 102(1) is repealed and the following is substituted:

Spoiled ballot

102(1) If a voter has dealt with the voter’s ballot in a manner that may render its use inappropriate, the voter may surrender the ballot to the deputy returning officer and on surrendering it obtain a new ballot.

38 Section 103 is amended by adding “after” after “Immediately”.

(b) the elector complies with section 95(1),

the poll clerk shall strike the elector's name off the list of electors and enter the name and address in the poll book if it is not already there, and for each name so recorded the poll clerk shall enter a number in consecutive sequence opposite it.

36 Section 101(2) presently reads:

(2) The deputy returning officer, without unfolding the ballot, shall in full view of the voter and all present

(a) ascertain by examining

(i) the initials, and

(ii) the number on the counterfoil,

that it is the same ballot the deputy returning officer provided to the voter,

(b) remove and tear up the counterfoil, and

(c) place the ballot in the ballot box.

37 Section 102(1) presently reads:

102(1) If a voter has dealt with the voter's ballot in such a manner that it cannot be properly used, the voter may obtain another ballot on returning the previous ballot to the deputy returning officer.

38 Section 103 presently reads:

103 Immediately a voter's ballot is deposited in the ballot box the poll clerk shall enter in the poll book opposite the name of the voter and in the appropriate column a check mark or other annotation indicating that the voter has voted.

39 Section 104 is amended

- (a) in subsection (1) by striking out “the oath” and substituting “the declaration”;**
- (b) in subsection (2) by striking out “take the prescribed oath” and substituting “sign the declaration”;**
- (c) in subsection (3)**
 - (i) by striking out “taken an oath” and substituting “signed a declaration”;**
 - (ii) by striking out “ “oath” ” and substituting “ “declaration” ”;**
 - (iii) by striking out “take an oath” and substituting “sign a declaration”;**
 - (iv) by striking out “ “refused oath” ” and substituting “ “refused declaration” ”;**
- (d) in subsection (4) by striking out “take the oath” and substituting “sign the declaration”;**
- (e) in subsection (5)**
 - (i) by striking out “taken the prescribed oath” and substituting “signed the declaration”;**
 - (ii) by striking out “take an oath” and substituting “sign a declaration”.**

39 Section 104 presently reads:

104(1) A deputy returning officer shall administer the oath in the prescribed form to a person if

- (a) the deputy returning officer doubts the eligibility of that person to vote, or*
- (b) the deputy returning officer is requested to do so by a candidate, official agent or scrutineer and the deputy returning officer is of the opinion that the request is made in good faith.*

(2) An election clerk, administrative assistant, deputy returning officer, poll clerk, supervisory deputy returning officer, registration officer, candidate, official agent or scrutineer who presents himself or herself for the purpose of voting at the polling subdivision in which that person ordinarily resides may be required by a candidate, official agent or scrutineer before that person votes to take the prescribed oath before the deputy returning officer or poll clerk located at that polling subdivision.

(3) If a voter

- (a) has taken an oath for the purpose of voting, the poll clerk shall enter in the poll book opposite the name of that voter in the appropriate column the word "oath", or*
- (b) has refused to take an oath that the voter was required to take for the purpose of voting, the poll clerk shall enter in the poll book opposite the name of that voter in the appropriate column the words "refused oath".*

(4) A person who refuses to take the oath when required to do so

- (a) shall not be provided with a ballot or permitted to vote,*
- (b) forfeits the person's right to vote in the election, and*
- (c) shall forthwith leave the polling place.*

(5) An elector who has taken the prescribed oath under section 95 is not required to take an oath under this section.

40 Section 107 is repealed and the following is substituted:

Taking ballot out of polling place

107(1) A person who receives a ballot shall not take it out of the polling place.

(2) If a person contravenes subsection (1), the deputy returning officer shall make an entry in the poll book in the appropriate column to the effect that the person received a ballot but took it out of the polling place.

(3) A person who contravenes subsection (1) forfeits the right to vote in the election.

Declining to vote

107.1(1) If a person returns the person's ballot indicating that the person does not wish to mark the ballot, the deputy returning officer shall immediately write the word "declined" on the ballot and place it in the required envelope to be sent to the returning officer.

(2) A person who returns a ballot under subsection (1)

- (a) forfeits the right to vote in the election, and
- (b) shall forthwith leave the polling place.

41 Section 111(5) is amended by adding the following after clause (h):

- (h.1) in the case of a Special Ballot,
 - (i) does not have the prescribed identification document or documents required under section 118(2)(c.1) included in the certificate envelope, or
 - (ii) is treated as a rejected ballot under section 118(5)(b),

40 Section 107 presently reads:

107(1) A person who receives a ballot shall not take it out of the polling place.

(2) If a person contravenes subsection (1) or returns the person's ballot declining to vote, the deputy returning officer shall

(a) make an entry in the poll book in the appropriate column to the effect that the person received a ballot but took it out of the polling place or returned it declining to vote, as the case may be, and

(b) if the person declined to vote, immediately write the word "declined" on the ballot and place it in the required envelope to be sent to the returning officer.

(3) A person who contravenes subsection (1) or returns the person's ballot declining to vote

(a) forfeits the person's right to vote in the election, and

(b) shall forthwith leave the polling place.

41 Section 111(5) presently reads:

(5) In counting the votes, the deputy returning officer shall reject and place in a rejected ballot envelope any ballot that

(a) does not have on its back the name of the electoral division and year of the election,

(b) does not indicate a vote for any candidate,

(c) in the case of a vote by Special Ballot, does not indicate a vote for any candidate or registered political party, as the case may be,

(d) contains votes for more than one candidate,

42 Section 116(1) is amended

- (a) in clause (c) by striking out** “, other than an inmate described in section 45(c)” **and substituting** “including a person sentenced to a term of imprisonment of 10 days or less or for the non-payment of fines”;
- (b) in clause (d) by adding** “returning officer, election clerk, administrative assistant,” **after** “being a”.

43 Section 118(2) is amended by adding the following after clause (c):

- (e) *in the case of a vote by Special Ballot, contains votes for more than one candidate or registered political party, as the case may be,*
- (f) *is so marked that it is uncertain for which candidate the vote was cast,*
- (g) *in the case of a vote by Special Ballot, is so marked that it is uncertain for which candidate or registered political party, as the case may be, the vote was cast,*
- (h) *contains a vote for a candidate who has withdrawn,*
- (i) *in the case of a vote by Special Ballot, contains a vote for a candidate who has withdrawn or for a registered political party that does not have a candidate for the electoral division, or*
- (j) *contains any writing or mark enabling the voter to be readily identified.*

42 Section 116 presently reads in part:

116(1) An elector who is unable to vote at an advance poll or at the poll on polling day on account of

- (c) *being an inmate, other than an inmate described in section 45(c),*
- (d) *being a supervisory deputy returning officer, registration officer, deputy returning officer or other staff member working in the office of a returning officer, poll clerk, interpreter, peace officer appointed under the Peace Officer Act, candidate, official agent or scrutineer who may be located on polling day at a polling place in a polling subdivision within the electoral division other than that in which the elector is ordinarily resident,*

may apply to vote by Special Ballot.

43 Section 118(2) presently reads:

- (2) *After marking the voter's ballot, the voter shall*

- (c.1) place a copy of the prescribed identification document or documents in the certificate envelope,

44 Section 132(4) is repealed.

45 Section 134 is repealed and the following is substituted:

Printed or electronic advertising

134(1) In this section, “advertisement” means an advertisement, for which there is or normally would be a charge, in any broadcast, print or electronic media, including telephone, fax, internet, e-mail and text messaging, with the purpose of promoting or opposing any registered political party or the election of a registered candidate.

(2) Every advertisement containing a reference to any election shall include the sponsor’s name and contact information and indicate that the sponsor authorizes the advertisement.

(3) Subsection (2) does not apply to a printed or electronic advertisement bearing only one or more of the following:

- (a) the colours and logo of a registered political party;
- (b) the name of a registered political party;
- (c) the name of a candidate.

- (a) *place the marked ballot in the ballot envelope,*
- (b) *seal the ballot envelope,*
- (c) *place the ballot envelope in the certificate envelope,*
- (d) *complete and sign part 1 of the certificate and seal the certificate envelope,*
- (e) *place the certificate envelope in the outer envelope, and*
- (f) *seal the outer envelope.*

44 Section 132(4) presently reads:

(4) This section does not apply to employees actually engaged in the operation or dispatching of railway trains or scheduled commercial aircraft and to whom the 3 consecutive hours mentioned in subsection (1) cannot be allowed without interfering with the operation or dispatching of the trains or aircraft.

45 Section 134 presently reads:

134(1) Every printed or electronic advertisement, handbill, placard or poster having a reference to any election shall include on its front in legible form the name and address of the sponsor.

(2) Subsection (1) does not apply to a printed or electronic advertisement, handbill, placard or poster bearing only one or more of the following:

- (a) *the colours and logo of a registered political party;*
- (b) *the name of a registered political party;*
- (c) *the name of a candidate.*

46 The following is added after section 135:

Election surveys

135.1 In this section and sections 135.2 to 135.4,

- (a) “election period” means the period commencing with the issue of the writ and ending at the end of polling day;
- (b) “election survey” means an opinion survey of how electors voted or will vote at an election or respecting an issue with which a registered political party or registered candidate is associated;
- (c) “person” includes a group as defined in Part 6.1 of the *Election Finances and Contributions Disclosure Act*.

Transmission of election survey results

135.2(1) The first person who transmits the results of an election survey, other than a survey described in section 135.3, to the public during an election period and any person who transmits them to the public within 24 hours after they are first transmitted to the public shall provide the following together with the results:

- (a) the name of the sponsor of the survey;
- (b) the name of the person or organization that conducted the survey;
- (c) the date on which or the period during which the survey was conducted;
- (d) the population from which the sample of respondents was drawn;
- (e) the number of people who were contacted to participate in the survey;
- (f) if applicable, the margin of error in respect of the data obtained.

(2) In addition to the information referred to in subsection (1), the following must be provided in the case of a transmission to the public by means other than broadcasting:

46 Election surveys.

- (a) the wording of the survey questions in respect of which data was obtained, and
- (b) the means by which a report referred to in subsection (3) may be obtained.

(3) A sponsor of an election survey shall, at any time during an election period after the results of the survey are transmitted to the public, provide, on request, a copy of a written report on the results of the survey, as transmitted under subsection (1).

(4) The written report must include the following, as applicable:

- (a) the name and address of the sponsor of the survey;
- (b) the name and address of the person or organization that conducted the survey;
- (c) the date on which or the period during which the survey was conducted;
- (d) information about the method used to collect the data from which the survey results were derived, including
 - (i) the sampling method,
 - (ii) the population from which the sample was drawn,
 - (iii) the size of the initial sample,
 - (iv) the number of individuals who were asked to participate in the survey and the numbers and respective percentages of them who participated in the survey, refused to participate in the survey, and were ineligible to participate in the survey,
 - (v) the dates and time of day of the interviews,
 - (vi) the method used to recalculate data to take into account in the survey the results of participants who expressed no opinion, were undecided or failed to respond to any or all of the survey questions, and

- (vii) any weighting factors or normalization procedures used in deriving the results of the survey;
 - (e) the wording of the survey questions and, if applicable, the margins of error in respect of the data obtained.
- (5) A sponsor may charge a fee of up to \$0.25 per page for a copy of a report provided under subsection (3).

Broadcast of surveys not based on recognized statistical methods

135.3 The first person who transmits the results of an election survey that is not based on recognized statistical methods to the public during an election period and any person who transmits them within 24 hours after they are first transmitted to the public shall indicate that the survey was not based on recognized statistical methods.

Prohibitions re transmission of election survey results during blackout period

135.4(1) No person shall knowingly cause to be transmitted to the public, in an electoral division on polling day before the close of all of the polling places in that electoral division, the results of an election survey that have not previously been transmitted to the public.

(2) No person shall transmit to the public, in an electoral division on polling day before the close of all of the polling places in that electoral division, the results of an election survey that have not previously been transmitted to the public.

Landlords and condominium corporations

135.5(1) No landlord or person acting on a landlord's behalf may prohibit a tenant from displaying election advertising posters on the premises to which the tenant's lease relates, and no condominium corporation or any of its agents may prohibit the owner of a condominium unit from displaying election advertising posters on the premises of his or her unit.

(2) Notwithstanding subsection (1), a landlord, person, condominium corporation or agent referred to in that subsection may set reasonable conditions relating to the size or type of election advertising posters that may be displayed on the premises and may prohibit the display of election advertising

posters in common areas of the building in which the premises are found.

47 Part 4 is repealed and the following is substituted:

Part 4 Post-Polling-Day Procedures

Facilities for official count

136 The returning officer for each electoral division shall provide adequate quarters and facilities for receiving and conducting the official count of the ballots received from all the deputy returning officers of the returning officer's electoral division.

Conduct of official count

137(1) The returning officer shall give written notice to each candidate or each candidate's official agent of the place, date and time of commencement of the official count.

(2) No person may be allowed in the room where an official count is being conducted except

- (a) the returning officer and election clerk,
- (b) deputy returning officers in the discharge of their duties,
- (c) the candidates for the electoral division, their official agents or electors of the electoral division appointed in writing by the candidates, or all of them, and
- (d) the Chief Electoral Officer or a designate or both.

(3) In conducting the official count, the returning officer in the presence of the election clerk shall open each ballot box, remove the deputy returning officer's Statement of Poll and the envelopes containing the ballots and

- (a) check the deputy returning officer's Statement of Poll with the ballots accompanying it,

47 Post-polling-day procedures.

- (b) make a note in the poll book of every objection to a ballot made by or on behalf of a candidate and the name of any candidate by or on whose behalf an objection was made,
- (c) number each objection to a ballot in the poll book, place a corresponding number on the back of the ballot and initial the back of the ballot,
- (d) decide any questions arising out of an objection regardless of whether a decision was made by the deputy returning officer in the first instance,
- (e) inspect all rejected ballots and decide on the validity of each ballot regardless of the previous rejection by the deputy returning officer, and
- (f) complete an official count of the votes.

(4) The decision of the returning officer under subsection (3)(d) or (e) is final, subject only to a judicial recount under this Part.

(5) On completing the official count, the returning officer shall provide to each candidate or each candidate's official agent a Certificate and Return in the prescribed form indicating

- (a) the number of votes counted for each candidate under this section,
- (b) unless clause (c) applies, the name of the candidate to be declared elected pursuant to section 138, and
- (c) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, that the results of the election will be subject to a judicial recount under this Part.

(6) On complying with subsection (5), the returning officer shall prepare the prescribed Statement of Official Results.

Announcement of official results

138(1) The returning officer shall attend at the place, date and time stated in the election proclamation and announce the results of the official count and

- (a) declare elected the candidate who received the largest number of votes, or
- (b) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, declare that the results of the election are subject to a judicial recount under this Part.

(2) The returning officer shall retain a copy of the Statement of Official Results for a period of 10 days after announcing the results of the official count to allow for a possible judicial recount under this Part.

Disclaimer

139(1) A candidate who has been declared elected under section 138(1) may disclaim the candidate's right to become a Member of the Legislative Assembly by filing a disclaimer in the prescribed form with the Chief Electoral Officer at any time after the candidate is declared elected under this Part and before the candidate would otherwise become a member of the Assembly by reason of section 1(2) of the *Legislative Assembly Act*.

(2) A candidate who files a disclaimer pursuant to subsection (1) shall deliver a copy of it forthwith to the returning officer and to the Clerk of the Legislative Assembly.

(3) Subject to subsection (4), if a disclaimer is filed pursuant to subsection (1), the election in which that candidate was declared elected is void.

(4) The filing of a disclaimer under subsection (1) does not affect any application under section 144 or appeal under section 148 by another candidate or the right of that other candidate to be declared elected if that other candidate's application or appeal is successful.

Delay in announcement of official results

140(1) If in any electoral division not all the ballot boxes have reached the returning officer by the date stated in the election proclamation for announcing the results of the official count, the returning officer shall on that date adjourn the proceedings for a period of not more than one week and subsequently may adjourn for further periods of not more than one week at a time.

(2) Notwithstanding subsection (1), the announcement of the results shall not be delayed under subsection (1) beyond 30 days from the date stated in the election proclamation.

(3) If after a delay of 30 days the ballot boxes are not recovered, the returning officer shall forthwith announce the results of the official count without considering the missing ballots.

(4) If a returning officer is unable for any reason other than the one referred to in subsection (1) to announce the results of the official count at the date and time stated in the election proclamation, the returning officer shall adjourn the proceedings from time to time as may be required.

(5) Notwithstanding subsection (4), the announcement of the results of the official count shall not be delayed under subsection (4) beyond 14 days from the date stated in the election proclamation.

Handling of documents and register information after official count

141(1) After the official count of the votes has been completed and the Statement of Official Results has been completed, the returning officer shall prepare the following for return to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions:

- (a) the lists of electors;
- (b) the various envelopes containing the ballots;
- (c) the poll books;
- (d) the election proclamation;
- (e) the writ;
- (f) the Statement of Official Results;
- (g) the Certificate and Return;
- (h) the forfeited candidate deposits;

- (i) any other documents requested by the Chief Electoral Officer.
- (2) The returning officer shall enter in the register in accordance with the directions of the Chief Electoral Officer any information listed in section 13(2) that is collected during the election period.
- (3) The returning officer shall complete the updating of the register under subsection (2) within the time period set out in section 142(1).
- (4) The returning officer shall prepare a report concerning the election proceedings in the returning officer's electoral division, including the returning officer's recommendations regarding those proceedings as prescribed by the Chief Electoral Officer, within a time period determined by the Chief Electoral Officer.

Transmission of election materials to Chief Electoral Officer

- 142(1)** Within 10 days after announcing the results of the official count, the returning officer shall transmit the documents specified in section 141(1) to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions.
- (2) Notwithstanding subsection (1), if prior to transmitting the documents under subsection (1) the returning officer is served with notice pursuant to section 144(6), the returning officer shall retain the documents until the returning officer receives the certificate of the judge under section 147, and on receiving the certificate the returning officer shall forthwith transmit the documents to the Chief Electoral Officer.
 - (3) All other documents and materials, used and unused, relating to the election shall be prepared for return to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions.
 - (4) Immediately after preparing the election documents and materials for return, each returning officer shall complete the prescribed affidavit and forward it to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions.

Compelling returning officer to perform duties

143(1) If a returning officer does not, as and when required, or if no time is stated, does not within a reasonable time,

- (a) complete the official count,
- (b) declare elected the candidate who received the largest number of votes or, if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, declare that the results of the election are subject to a judicial recount under this Part, or
- (c) transmit the returning officer's Statement of Official Results to the Chief Electoral Officer,

a candidate for the relevant electoral division or any elector who voted in the relevant electoral division may apply to the Court for an order in the nature of mandamus requiring the returning officer to perform the duty not carried out.

(2) Notice of the application under subsection (1) shall be served on the returning officer, the Chief Electoral Officer and each person who was a candidate in the election in the relevant electoral division.

(3) Nothing in this section derogates from any other right or remedy available at law to the applicant.

Judicial recount

144(1) An application may be made to the Court in accordance with this section for a judicial recount of some or all of the votes for an election.

(2) Except as provided in subsection (5), an application may only be made on one or both of the following bases:

- (a) that votes were not correctly accepted or ballots were not correctly rejected;
- (b) that a Certificate and Return does not accurately record the number of votes for a candidate.

(3) An application must be filed not later than 8 days after the date the returning officer announces the results of the official count under section 138 and on the filing of the application, the

clerk of the Court shall set the date of the recount not later than the 10th day after the filing of the application.

(4) The application may only be filed

- (a) by a candidate or the candidate's official agent, or
- (b) by a returning officer in the case of a declaration made under section 138(1)(b).

(5) The returning officer shall make an application under this section if a declaration has been made under section 138(1)(b).

(6) At least 4 days' notice of the time and place appointed for the recount shall be given by the applicant

- (a) to the candidates, in the manner prescribed in section 68, and
- (b) to the returning officer, if the returning officer is not the applicant, and the election clerk.

(7) A candidate served with notice under subsection (6) respecting a recount that is limited to a recount of votes that have been rejected or in respect of which there has been an objection may, not later than the 2nd day following service of the notice, make application for any further recount as if the application had been made within the original 8-day period.

Persons to attend recount

145(1) The returning officer and election clerk shall

- (a) attend at the time and place appointed for the recount, and
- (b) bring all ballot boxes and documents required for the purpose of disposing of the matter.

(2) The ballot boxes and documents remain the responsibility of the returning officer, and the returning officer shall retain them in the returning officer's custody, subject to the directions of the presiding judge.

(3) At any recount of votes, the returning officer and election clerk shall be present and the following may be present:

- (a) each candidate and each candidate's official agent, or either of them, or in their absence 2 electors of the relevant electoral division designated by the candidate;
- (b) the Chief Electoral Officer or a designate or both;
- (c) the legal representatives of the parties.

(4) No person other than those specified in subsection (3) may attend at the recount of votes without leave of the presiding judge.

Conduct of recount

146(1) At the time and place appointed and in the presence of the persons entitled or required to attend, the judge shall conduct the recount.

(2) If consented to by the applicant or applicants for the recount, the returning officer and the candidates present at the recount, the judge may limit the ballots to be considered to those for which the recount was requested.

(3) In his or her discretion, the judge may consider other ballots and open other envelopes in addition to those for which the recount was requested, and for this purpose may require the returning officer to bring other ballot boxes.

(4) The judge may hear any oral evidence the parties wish to adduce.

(5) In the case of a recount of all the votes, the judge shall open all the envelopes containing

- (a) the votes counted,
- (b) the rejected ballots,
- (c) the spoiled and declined ballots, and
- (d) the unused ballots.

(6) Notwithstanding subsection (5), the judge shall not open the outer envelope containing a Special Ballot if the envelope was received by the returning officer after the closing of the polling places on polling day.

(7) The judge shall as far as practicable proceed continuously with the recount from 9 a.m. to 6 p.m. or for any longer hours to which the judge and the persons present agree.

(8) During the periods when the recount is not being actually conducted, the judge shall place the ballots and other related documents in a closed container under the judge's seal and the seals of any others present who so desire, and shall cause to be taken all other security precautions the judge considers necessary.

(9) The judge shall conduct a recount according to the provisions governing an official count by a returning officer and shall verify and, if necessary, amend the Statement of Official Results.

(10) When a recount is completed, the judge shall seal all the ballots in their respective envelopes and shall seal the statements of the deputy returning officers in suitably marked envelopes.

(11) On the request of any party to the proceedings, the judge shall number any disputed ballots on their backs and seal them in a separate envelope.

Results of recount

147 On conclusion of a recount, the judge shall immediately certify the result to the returning officer, who shall, on the 3rd day after the certification,

- (a) declare elected the candidate found to have received the largest number of votes, unless the returning officer is served with a notice of appeal under section 148(1), or
- (b) declare that the results of the election are subject to an appeal under section 148
 - (i) if the returning officer is served with a notice of appeal under section 148(1), or
 - (ii) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates.

Appeal to Court of Appeal

148(1) Any party may appeal to the Court of Appeal from the decision of a judge of the Court of Queen's Bench respecting a recount under section 146 by serving the judge, the parties and the returning officer with a notice of appeal not later than the 2nd day following the judge's certification of the result.

- (2)** The returning officer shall appeal if, after the results of a recount referred to in section 147, a candidate cannot be declared elected because there is an equality of votes for 2 or more candidates.
- (3)** A notice of appeal may limit the appeal to specified ballots.
- (4)** If an appeal is limited to specified ballots, the judge shall
 - (a)** seal in a packet the ballots so specified, and
 - (b)** immediately forward the packet and the certified results to the Registrar of the Court of Appeal.
- (5)** If an appeal is not limited to specified ballots, the judge shall immediately forward all ballots and relevant documentation to the Registrar of the Court of Appeal.
- (6)** On receipt of the ballots and documents, the Registrar of the Court of Appeal shall set the matter down for hearing not later than the 10th day after the receipt, and shall notify the parties and the returning officer accordingly.
- (7)** At the conclusion of the appeal, the Court of Appeal shall declare the results of the election in accordance with its recount and shall issue to the returning officer a certificate of those results.
- (8)** On receipt of the certificate of results under subsection (7), the returning officer shall
 - (a)** declare elected the candidate found to have received the largest number of votes, or
 - (b)** if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, declare that no member was elected for the electoral division.

Costs

148.1(1) If a recount is conducted or an appeal is heard under this Part, the court may direct

- (a) that the parties bear their own costs, or
- (b) that costs be paid to one or more of the parties by any or all of the following:
 - (i) the applicant;
 - (ii) one or more of the candidates;
 - (iii) the Crown in right of Alberta.

(2) Costs must be determined in accordance with the *Alberta Rules of Court* and the practice and procedure of the Court of Queen's Bench or the Court of Appeal, as the case may be.

By-election if tie vote

149(1) This section applies if a returning officer makes a declaration under section 148(8)(b) that no member has been declared elected because there is an equality of votes for 2 or more candidates.

(2) As soon as possible after a declaration has been made under section 148(8)(b) that no member has been declared elected for the electoral division because there is an equality of votes for 2 or more candidates, the Chief Electoral Officer shall present a report to the Speaker that there is a vacancy for that electoral division, in which case a writ of election for that electoral division shall be issued under section 39 as if the election were a by-election.

Publication of election results

150(1) On receiving a Certificate and Return respecting the election of a member to serve in the Legislative Assembly, the Chief Electoral Officer shall cause notice of the receipt of the Certificate and Return and the name of the candidate elected to be published in The Alberta Gazette.

(2) The Chief Electoral Officer shall provide a copy of each Certificate and Return respecting the election of a member to serve in the Legislative Assembly to

- (a) the Speaker of the Legislative Assembly, and
- (b) the Clerk of the Assembly,

and where a judicial recount or an appeal has been commenced under section 144 or 148, the Chief Electoral Officer shall notify the Speaker of the Legislative Assembly and the Clerk of the Assembly of that recount or appeal and the results of that recount or appeal.

Post-election custody of election documents

151(1) Subject to this Act, the Chief Electoral Officer shall retain the documents and information transmitted to the Chief Electoral Officer pursuant to section 142(1).

(2) The Chief Electoral Officer shall retain the documents and information for at least

- (a) 3 months after receiving them from the returning officer, or
- (b) in the case of a judicial recount or an appeal, 3 months after the final determination of the recount or appeal,

after which the retained documents and information shall be destroyed.

Inspection of election documents

152(1) A candidate and the candidate's official agent, or either of them, may for a period of 30 days after the publication in The Alberta Gazette of the name of the candidate declared elected in the relevant electoral division, inspect any election documents, except ballots, retained by the Chief Electoral Officer and pertaining to the election in that electoral division.

(2) If within the 30-day period described in subsection (1) a candidate or a candidate's official agent makes a written request to the Chief Electoral Officer for a copy of the poll books for the relevant electoral division, the Chief Electoral Officer shall, on payment of the cost to produce the copy as determined by the Chief Electoral Officer, furnish the copy to the candidate.

(3) Information contained in documents referred to in subsections (1) and (2) may be used only for electoral purposes.

(4) Subject to subsection (1), no person may inspect any election documents retained by the Chief Electoral Officer pertaining to the election in that electoral division except by order of a judge.

(5) A judge may make an order under subsection (4) if the judge is satisfied on oral or affidavit evidence that inspection of the election documents is required for the purpose of

- (a) a prosecution for an offence under this Act, or
- (b) a petition questioning an election or return.

(6) An order under this section may be made subject to any conditions regarding the inspection that the judge considers appropriate.

Provincial Archives

153 Notwithstanding sections 151 and 152, after each election, the Chief Electoral Officer shall deposit the writ and the Statement of Official Results for each electoral division with the Provincial Archives of Alberta.

48 Section 163.1(2) is amended by striking out “2 years” and substituting “3 years”.

49 Section 167(b) is repealed and the following is substituted:

- (b) signs a false declaration under section 95, 99(1) or 104 or takes a false oath,

50 Sections 178 and 179 are repealed and the following is substituted:

Corrupt practice by candidate

178(1) If the Court finds that an elected candidate is guilty of a corrupt practice or that a corrupt practice was committed with the knowledge and consent of the elected candidate, the Court

48 Section 163.1(2) presently reads:

(2) A prosecution under this Act may be commenced within 2 years of the commission of the alleged offence but not afterwards.

49 Section 167 presently reads in part:

167 A person commits a corrupt practice who

(b) takes a false oath, or

50 Sections 178 and 179 presently read:

178(1) If the Court finds that a candidate is guilty of a corrupt practice or that a corrupt practice was committed with the knowledge and consent of the candidate, the Court shall send a report of its findings to the Chief Electoral Officer, and the election in which the candidate was nominated is void.

shall declare the election in which the candidate was elected void.

(2) If the Court finds that a candidate, other than the elected candidate, is guilty of a corrupt practice or that a corrupt practice was committed with the knowledge and consent of the candidate, the Court shall send a report of its findings to the Chief Electoral Officer and, subject to subsection (3), may declare the election in which the candidate was nominated void.

(3) The Court may confirm the election of a candidate in relation to which the Court finds that a corrupt practice was committed by another candidate if the Court is satisfied that

- (a) the elected candidate did not also commit a corrupt practice,
- (b) the corrupt practice of the other candidate was not committed with the knowledge and consent of the elected candidate, and
- (c) the corrupt practice of the other candidate did not materially affect the results of the election.

(4) During the 8 years immediately following the date on which the Chief Electoral Officer receives the report of the Court under subsection (1) or (2), the candidate who is the subject of the report is, subject to subsection (5), prohibited from

- (a) being nominated as a candidate under this Act,
- (b) being elected to any public office under any other Act,
- (c) being entered on any list of electors,
- (d) being registered as an elector,
- (e) voting at an election, and
- (f) holding any office at the nomination of the Crown.

(5) If the Court finds that

(2) During the 8 years immediately following the date on which the Chief Electoral Officer receives the report of the Court under subsection (1), the candidate who is the subject of the report is, subject to subsection (3), prohibited from

- (a) being nominated as a candidate under this Act,*
- (b) being elected to any public office under any other Act of the Legislature,*
- (c) being entered on any list of electors,*
- (d) being registered as an elector,*
- (e) voting at an election, and*
- (f) holding any office at the nomination of the Crown.*

(3) If the Court finds that

- (a) a corrupt practice was committed by a candidate, or by any other person with the knowledge and consent of a candidate,*
- (b) the act was done without any corrupt intent and in an ignorance that was excusable in the circumstances, and*
- (c) the candidate honestly desired and attempted as far as reasonably possible to have the election conducted according to law,*

the Court shall make an order declaring that the prohibitions referred to in subsection (2) do not apply to the candidate.

179(1) If the Court finds that a candidate's official agent is guilty of committing a corrupt practice, the Court shall send a report of its findings to the Chief Electoral Officer, and the election in which the candidate was nominated is, subject to subsection (2), void.

(2) If the Court finds that an official agent has committed a corrupt practice but further finds

- (a) that no corrupt practice was committed by the candidate personally, and that the corrupt practice of the official agent was committed contrary to the order and without the knowledge and consent of the candidate,*

- (a) a corrupt practice was committed by a candidate, or by any other person with the knowledge and consent of a candidate,
- (b) the corrupt practice was committed without any corrupt intent and in ignorance that was excusable in the circumstances, and
- (c) the candidate honestly desired and attempted as far as reasonably possible to have the election conducted according to law,

the Court shall make an order declaring that the prohibitions referred to in subsection (4) do not apply to the candidate.

Corrupt practice by candidate's official agent

179(1) If the Court finds that a candidate's official agent is guilty of committing a corrupt practice, the Court shall send a report of its findings to the Chief Electoral Officer and, subject to subsection (2), shall declare the election void.

(2) The Court shall not make an order declaring that the election of a candidate is void by reason of the corrupt practice of an official agent if the Court is satisfied that

- (a) the candidate did not commit a corrupt practice,
- (b) the corrupt practice was not committed with the knowledge and consent of the official agent's candidate, and
- (c) the corrupt practice of the official agent did not materially affect the results of the election.

51 Section 180 is amended by striking out "178(1)" and substituting "178(2)".

52 Section 181(1) is amended by striking out "178(2)" and substituting "178(4)".

- (b) *that the candidate took all reasonable means for preventing the commission of corrupt practices,*
- (c) *that the corrupt practice was of a trivial, unimportant and limited character, and*
- (d) *that in all other respects so far as disclosed by the evidence, the election was free from any corrupt practice on the part of the candidate and of the candidate's official agent,*

the Court shall make an order declaring that the election of the candidate is not void by reason of that corrupt practice.

51 Section 180 presently reads:

180 On receiving the report of the Court pursuant to section 178(1) or 179(1) or 181(1), the Chief Electoral Officer shall send a copy of the report to the Lieutenant Governor in Council.

52 Consequential to re-enactment of section 178.

53 Section 207(c) is repealed and the following is substituted:

(c) respecting forms for the purposes of this Act;

54 Sections 209, 210 and 211 are repealed.

53 Section 207(c) presently reads:

207 The Lieutenant Governor in Council may make regulations

(c) prescribing required forms;

54 Sections 209 to 211 presently read:

209 A candidate may lawfully contribute to the candidate's election campaign an amount from the candidate's personal funds to the limit prescribed for a contributor in section 17(1)(b)(ii) and (5) of the Election Finances and Contributions Disclosure Act and if the candidate's personal expenses paid exceed the maximum limit allowed for a contributor, the excess amount shall be reimbursed to the candidate from the candidate's campaign account.

210(1) Subject to subsection (2), unless a person who has any monetary claim against a candidate for or in respect of an election sends in the claim to the chief financial officer of the candidate not later than 2 months following the date of polling day, the right to recover the claim is barred.

(2) In the case of the death of any person having a monetary claim under subsection (1) within the 2-month period, unless the person's legal representative sends in the claim within one month after probate or administration has been obtained, the right to recover the claim is barred.

(3) In the case of the death of the chief financial officer or of the chief financial officer's incapacity to act, if no other chief financial officer has been appointed, the claim may be delivered to the candidate or the candidate's official agent.

(4) No claim may be paid without the authority of the candidate and the approval of the chief financial officer.

211 Notwithstanding anything in section 210, any claim that would have been payable if sent within 2 months of polling day may be paid by the candidate through the candidate's chief financial officer after that time if the claim is approved by a judge.

Part 2
Election Finances and
Contributions Disclosure Act

Amends RSA 2000 cE-2

55 The *Election Finances and Contributions Disclosure Act* is amended by this Part.

56 Section 1 is amended

- (a) by renumbering subsection (1)(a) as subsection (1)(a.1) and by adding the following before subsection (1)(a.1):**
 - (a) “audited financial statement” means a financial statement that has been independently examined by a person authorized to perform such examinations under the *Regulated Accounting Profession Act* for the purpose of expressing an opinion as to whether financial information is presented fairly;
- (b) by repealing subsection (1)(c)(i)(A);**
- (c) by repealing subsection (1)(e) and substituting the following:**
 - (e) “contribution” means any money, real property or goods or the use of real property or goods that is provided
 - (i) to a political party, constituency association or candidate, or
 - (ii) for the benefit of a political party, constituency association or candidate with its or the candidate’s consent,

without compensation from that political party, constituency association or candidate;
- (d) by repealing subsection (1)(j) and substituting the following:**
 - (j) “person” does not include a corporation, employee organization or trade union;

Part 2
Election Finances and
Contributions Disclosure Act

55 Amends chapter E-2 of the Revised Statutes of Alberta 2000.

56 Section 1 presently reads in part:

1(1) In this Act,

- (a) “by-election” means an election other than a general election;*
- (c) “candidate” means*
 - (i) with respect to an election under the Election Act, a person*
 - (A) who is a member of the Legislative Assembly,*
- (e) “contribution” means any money or real or personal property that is provided*
 - (i) to a political party, constituency association or candidate, or*
 - (ii) for the benefit of a political party, constituency association or candidate with its or the candidate’s consent,*

without compensation from that political party, constituency association or candidate;
- (j) “person” includes a candidate but does not include a corporation, employee organization or trade union;*
- (l) “prohibited corporation” means*
 - (i) a Provincial corporation as defined in the Financial Administration Act, and includes a management body within the meaning of the Alberta Housing Act and a regional health authority and a subsidiary health corporation under the Regional Health Authorities Act,*

(e) in subsection (1)(l) by striking out “or” at the end of subclause (vi) and by adding the following after subclause (vi):

(vi.1) a corporation associated with a corporation referred to in subclauses (i) to (vi) as determined under section 256 of the *Income Tax Act* (Canada), or

(f) by adding the following after subsection (1):

(1.1) Terms defined in Part 6.1 relating to third parties apply to the use of those terms with respect to third parties in the rest of this Act.

(g) by repealing subsection (3) and substituting the following:

(3) Corporations that are associated with one another as determined under section 256 of the *Income Tax Act* (Canada) are considered a single corporation for the purposes of this Act.

(3.1) In determining whether and at what time corporations are associated for the purposes of this Act, subsection 256(1) of the *Income Tax Act* (Canada) shall be read as though the words “at any time in the year” were struck out.

57 Section 4 is amended

(a) by repealing subsection (1)(b) and substituting the following:

- (b) may inquire into or conduct periodic investigations of the financial affairs and records of
- (i) registered parties and registered constituency associations,
 - (ii) registered candidates in relation to election campaigns, and
 - (iii) registered third parties in relation to election advertising under Part 6.1;

(b) by repealing subsection (1)(c) and substituting the following:

- (ii) a municipality,
- (iii) a Metis settlement,
- (iv) a school board under the *School Act*,
- (v) a public post-secondary institution under the *Post-secondary Learning Act*,
- (vi) any corporation that does not carry on business in Alberta, or
- (vii) any corporation designated by the Lieutenant Governor in Council as a prohibited corporation;

(3) Corporations that are associated with one another under section 256 of the *Income Tax Act (Canada)* shall be considered as a single corporation for the purposes of this Act but in determining whether and at what time corporations are associated for the purposes of this Act, subsection 256(1) of the *Income Tax Act (Canada)* shall be read as though the words “at any time in the year” were struck out.

57 Section 4 presently reads in part:

4(1) The Chief Electoral Officer, in addition to the Chief Electoral Officer’s other powers and duties under this Act, the Election Act and the Senatorial Selection Act,

- (b) *may inquire into or conduct periodic investigations of the financial affairs and records of*
 - (i) *registered parties and constituency associations, and*
 - (ii) *registered candidates in relation to election campaigns;*
- (c) *shall prescribe forms necessary for use under this Act and provide for their printing and distribution;*
- (d) *shall cause a statement setting out the amount of the expenses in total based on the financial statement submitted by each candidate pursuant to section 43 to be published on the*

(c) shall provide or approve forms for the purposes of this Act;

(c) by repealing subsection (1)(d) and substituting the following:

(d) with respect to a candidate, shall publish a statement on the website of the Chief Electoral Officer within 30 days after the date on which the financial statement is required to be filed with the Chief Electoral Officer under section 43(2), which must include the name of any contributor who has contributed to the candidate an amount exceeding \$375 in the aggregate, and the actual amount contributed;

(e) with respect to a third party, shall publish a statement on the website of the Chief Electoral Officer within 30 days after the date on which the election advertising report is required to be filed with the Chief Electoral Officer under section 44.9, which must include the name of any contributor who has contributed to the third party an amount exceeding \$375 in the aggregate, and the actual amount contributed.

(d) in subsection (2) by striking out “Speaker of the Legislative Assembly who” **and substituting** “Standing Committee on Legislative Offices, which”.

58 Section 5 is amended

(a) in subsection (2) by striking out “or candidate” **and substituting** “, candidate or third party”;

(b) by repealing subsection (3) and substituting the following:

(3) A registered party, registered constituency association, registered candidate or registered third party shall, within 30 days after receiving a written request from the Chief Electoral Officer or within an extended period that the Chief Electoral Officer may determine, provide any information with respect to the financial affairs of the registered party, registered constituency association, registered candidate or registered third party that is reasonably required by the Chief Electoral Officer

website of the Chief Electoral Officer within 30 days after the date on which the financial statement is approved by the Chief Electoral Officer.

(2) The Chief Electoral Officer shall after the end of each year prepare a report on the exercise of the Chief Electoral Officer's functions under this Act and shall transmit the report to the Speaker of the Legislative Assembly who shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting of the Assembly.

58 Section 5 presently reads:

5(1) For the purpose of carrying out an inquiry or conducting an examination under this Act, the Chief Electoral Officer has all the powers of a commissioner under the Public Inquiries Act as though the inquiry or examination were an inquiry under that Act.

(2) For the purpose of carrying out an inquiry or conducting an examination under this Act, a representative of the Chief Electoral Officer, on production of the representative's authorization from the Chief Electoral Officer, may at any reasonable time enter any premises referred to in the authorization in which books or documents of a political party, constituency association or candidate relevant to the subject-matter of the inquiry or examination are kept and may examine and make copies of the books or documents or remove them temporarily for the purpose of making copies.

in the course of the Chief Electoral Officer's duties under this Act.

(c) by repealing subsection (4) and substituting the following:

(4) Except as provided in subsection (5), the Chief Electoral Officer or any former Chief Electoral Officer and every person who is or was employed or engaged by the Office of the Chief Electoral Officer shall maintain the confidentiality of all information and allegations that come to their knowledge in the course of an inquiry or investigation under this section.

(5) Information and allegations to which subsection (4) applies may be

- (a) disclosed to the person whose conduct is the subject of proceedings under this Act;
- (b) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person;
- (c) adduced in evidence at an inquiry under this section;
- (d) disclosed in a report made by the Chief Electoral Officer under section 44(1);
- (e) disclosed where the Chief Electoral Officer believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Attorney General or a law enforcement agency of an alleged offence under this Act or any other enactment of Alberta or an Act or regulation of Canada.

59 Section 6 is amended

- (a) in subsection (4) by striking out** “in authorized trustee investments” **and substituting** “invested in accordance with the *Trustee Act*”;
- (b) in subsection (5) by striking out** “the authorized trustee”.

(3) Any information with respect to the affairs of a registered party, registered constituency association or registered candidate that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act shall be provided by the registered party, constituency association or candidate within 30 days after receiving a written request for it from the Chief Electoral Officer or within an extended period that the Chief Electoral Officer may determine.

(4) All records of a registered party, registered constituency association or registered candidate shall be retained by that registered party, registered constituency association or registered candidate for a period of 2 years following the date on which the financial statements required under this Act for the period to which the records relate were required to be filed.

59 Section 6 presently reads in part:

(4) The assets of a foundation established under subsection (3) shall consist of funds either on deposit with a financial institution or in authorized trustee investments.

(5) No funds or other property may be received by or transferred to a foundation after the filing of an application for registration of the political party that established the foundation except for interest on

60 Section 7 is amended by adding the following after subsection (3):

(3.1) If a registered party changes its name, the Chief Electoral Officer shall not vary the register accordingly if, in the Chief Electoral Officer's opinion,

- (a) the proposed name or the abbreviation of the name so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with the name or abbreviation of that registered party,
- (b) the proposed name was the name of a registered party whose registration was cancelled or whose name was changed since the last general election, or
- (c) the proposed name or abbreviation is unacceptable to the Chief Electoral Officer for any other reason.

the funds on deposit or the income from the authorized trustee investments referred to in subsection (4).

60 Section 7 presently reads:

7(1) The Chief Electoral Officer shall maintain a register of political parties and, subject to this section, shall register in it any political party that is qualified to be registered and that files with the Chief Electoral Officer an application for registration setting out

- (a) the full name of the political party;*
- (b) the political party name or the abbreviation of it to be shown in election documents;*
- (c) the name of the leader of the political party;*
- (d) the address of the place or places where records of the political party are maintained and of the place to which communications may be addressed;*
- (e) the names of the principal officers of the political party;*
- (f) the name of the chief financial officer of the political party;*
- (g) the name and address of the financial institutions to be used by the political party as the depositories for all contributions made to that political party;*
- (h) the names of the political party's signing officers responsible for each depository referred to in clause (g);*
- (i) an indication of the provision of section 6(2) under which the political party qualified for registration;*
- (j) a statement of the assets and liabilities of the political party as of a date not earlier than 90 days prior to the date of its application for registration attested to by its chief financial officer.*

(2) On receipt of an application for registration of a political party, the Chief Electoral Officer shall examine the application and determine if the political party is entitled to be registered and

61 Section 9(1)(a) is amended by adding “or 18, as the case may be” after “17”.

- (a) *if the political party is entitled to be registered, enter it in the register of political parties and so inform the political party, or*
- (b) *if the political party is not entitled to be registered, so inform the political party with written reasons for the determination.*

(2.1) The Chief Electoral Officer may refuse to register a political party that proposes to be qualified under section 6(2)(d) if the information provided under that clause is submitted to the Chief Electoral Officer less than 60 days before the start of a campaign period.

(3) The Chief Electoral Officer shall not register a political party if, in the Chief Electoral Officer's opinion,

- (a) *the name or the abbreviation of the name of the applying party so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with the name or abbreviation of that registered party,*
 - (a.1) *the proposed name was the name of a registered political party whose registration was cancelled or whose name was changed since the last general election, or*
 - (b) *the proposed name or abbreviation is unacceptable to the Chief Electoral Officer for any other reason.*

(4) When there is any change in the information required to be provided by subsection (1)(a) to (i), the registered party shall notify the Chief Electoral Officer in writing within 30 days after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of political parties accordingly.

(5) Notice under subsection (4) may be sent by fax or electronic mail.

61 Section 9(1) presently reads:

9(1) No candidate at an election and no person acting on behalf of a candidate may

- (a) *accept contributions pursuant to section 17, or*

62 The following is added after section 9:

Registration of third parties

9.1(1) A third party shall apply for registration under this section

- (a) when it has incurred expenses of \$1000 or plans to incur expenses of at least \$1000 for election advertising, or
- (b) when it has accepted election advertising contributions of \$1000 or plans to accept election advertising contributions of at least \$1000.

(2) The Chief Electoral Officer shall maintain a register of third parties and, subject to this section, shall register in it any third party who is eligible to be registered and who files with the Chief Electoral Officer an application for registration setting out the following:

- (a) the full name, address and telephone number
 - (i) if the third party is a person, of the person,
 - (ii) if the third party is a corporation, of the corporation and of the officer who has signing authority for it, and
 - (iii) if the third party is a group, of the group and of the principal officers of the group or, if there are no principal officers, the principal members;
- (b) the address and telephone number of the place or places in Alberta where records of the third party are maintained and of the place in Alberta where communications may be addressed;
- (c) the name, address and telephone number of the chief financial officer responsible for the advertising account of the third party;

*(b) use any funds, including the funds of the candidate,
unless the candidate is registered under this Act.*

62 Registration of third parties.

- (d) the name and address of the financial institution to be used by the third party for its advertising account;
- (e) the names of the signing authorities for the advertising account;
- (f) any additional information required by the Chief Electoral Officer concerning an advertising account.

(3) If the third party has a governing body, the application must include a copy of the resolution passed by the governing body authorizing the third party to incur election advertising expenses.

(4) The Chief Electoral Officer shall not register a third party if, in the Chief Electoral Officer's opinion,

- (a) the name or the abbreviation of the name of the applicant so nearly resembles the name or abbreviation of the name or a nickname of another registered third party, or of a candidate, political party or political organization that is active anywhere in Alberta, that confusion is likely, or
- (b) the proposed name was the name of a registered party or registered third party whose registration was cancelled or whose name was changed since the last general election.

(5) The following are not eligible to be registered under this section:

- (a) a corporation that does not carry on business in Alberta;
- (b) a person who is not ordinarily resident in Alberta;
- (c) a trade union or employee organization that is not a trade union or employee organization as defined in this Act;
- (d) a group where any member of the group is ineligible under clause (a), (b) or (c);
- (e) a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada);
- (f) a prohibited corporation.

(6) The Chief Electoral Officer shall, as soon as possible after receiving an application,

- (a) determine whether the requirements set out in this section are met,
- (b) notify the persons who signed the application whether the applicant is accepted for registration, and
- (c) in the case of a refusal to register, give reasons for the refusal.

(7) When there is any change in the information required to be provided under this section, the registered third party shall notify the Chief Electoral Officer in writing within 30 days after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of candidates accordingly.

(8) A notice under subsection (7) may be sent by fax or electronic mail.

63 Section 10 is amended

(a) in subsection (1) by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following after clause (b):

(c) a registered third party on application by the third party.

(b) by adding the following after subsection (4):

(4.1) If the chief financial officer of a third party fails to file an election advertising report under section 44.9 or 44.92, the Chief Electoral Officer may cancel the registration of the third party.

(c) in subsection (5) by striking out “constituency association or candidate” wherever it occurs and substituting “registered constituency association, registered candidate or registered third party”;

(d) by repealing subsection (6) and substituting the following:

63 Section 10 presently reads:

10(1) The Chief Electoral Officer may cancel the registration of

- (a) a registered party on application by the registered party, or*
- (b) a registered constituency association on application by the constituency association and the registered party concerned.*

(1.1) If after this subsection comes into force a registered party does not endorse a candidate in a general election, the Chief Electoral Officer shall cancel the registration of that party unless that registered party had endorsed a candidate at the most recent election under the Senatorial Selection Act.

(2) If

- (a) a registered candidate who was nominated in accordance with the Election Act or the Senatorial Selection Act withdraws the candidate's candidacy in accordance with that Act, or*

(6) If the Chief Electoral Officer cancels the registration of a political party, constituency association, candidate or third party, the Chief Electoral Officer shall send written notice of the cancellation, together with the Chief Electoral Officer's reasons for the cancellation, by registered mail to

- (a) the political party, when the registration of that political party is cancelled,
- (b) the constituency association and the political party concerned, when the registration of that constituency association is cancelled,
- (c) the candidate, when the registration of that candidate is cancelled, or
- (d) the third party, when the registration of that third party is cancelled,

and the cancellation is effective on and after the 3rd day following the date of mailing the notice.

(e) in subsections (7) and (8) by striking out "constituency association or candidate" **and substituting** "constituency association, candidate or third party";

(f) in subsection (9)

(i) by striking out "constituency association or candidate" **and substituting** "constituency association, candidate or third party";

(ii) by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding the following after clause (c):

- (d) if the cancellation involves a third party, give written notification of the Chief Electoral Officer's decision to the third party.

(g) by adding the following after subsection (12):

(13) When the registration of a third party is cancelled, all funds in the third party advertising account not required to pay for third party election advertising expenses must be dealt with

- (b) a person who becomes a registered candidate before becoming nominated in accordance with the Election Act or the Senatorial Selection Act does not in fact become so nominated,*

that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person.

(3) If the chief financial officer of a registered party or registered constituency association fails to comply with section 42 or 43, the Chief Electoral Officer may cancel the registration of the registered party or constituency association, as the case may be.

(4) If a constituency association or a person acting for the constituency association accepts contributions in respect of an election under the Senatorial Selection Act, the Chief Electoral Officer may cancel the registration of the constituency association.

(5) If the Chief Electoral Officer is for any reason of the opinion that a registered party, constituency association or candidate

- (a) is no longer qualified to be registered, or*
- (b) obtained registration on the basis of an application that was false in any material particular,*

the Chief Electoral Officer may cancel the registration of the registered party, constituency association or candidate.

(6) If the Chief Electoral Officer cancels the registration of a political party, constituency association or candidate, the Chief Electoral Officer shall send written notice of the cancellation, together with the Chief Electoral Officer's reasons for the cancellation, by registered mail to

- (a) the political party, when the registration of that political party is cancelled,*
- (b) the constituency association and the political party concerned, when the registration of that constituency association is cancelled, or*
- (c) the candidate, when the registration of that candidate is cancelled,*

in accordance with section 44.92 as if they were a surplus referred to in that section.

and the cancellation is effective on and after the 3rd day following the date of mailing the notice.

(7) A political party, constituency association or candidate notified under subsection (6) may, within 30 days after the mailing of the notice, request the Chief Electoral Officer in writing to review the cancellation.

(8) When the Chief Electoral Officer receives a written request under subsection (7), the Chief Electoral Officer shall, within 48 hours after that receipt, review the cancellation and give the political party, constituency association or candidate concerned an opportunity to make representations.

(9) Following the review of a cancellation, the Chief Electoral Officer may withdraw or confirm the cancellation of the registration of the political party, constituency association or candidate, as the case may be, and shall,

(a) if the cancellation involves a political party, give written notification of the Chief Electoral Officer's decision to the political party,

(b) if the cancellation involves a constituency association, give written notification of the Chief Electoral Officer's decision to the constituency association and the political party concerned, or

(c) if the cancellation involves a candidate, give written notification of the Chief Electoral Officer's decision to the candidate.

(10) When the registration of a political party is cancelled, the registration of the registered constituency associations of that political party is accordingly also cancelled and the Chief Electoral Officer shall forthwith give written notification of the cancellations to those constituency associations.

(11) When the registration of a political party or constituency association is cancelled for failure to comply with section 42 or 43, it may not again apply for registration until the financial statements required by section 42 or 43 that were not filed have been filed with the Chief Electoral Officer.

(12) When the registration of a political party, constituency association or candidate is cancelled, all funds of the political party,

64 The following is added after section 10:

Records

10.1 A registered party, registered constituency association, registered candidate and registered third party shall retain all of the records of that registered party, registered constituency association, registered candidate or registered third party for a period of 3 years following the date on which the financial statements required under this Act for the period to which the records relate are required to be filed.

65 Section 12(2) is repealed.

66 Section 13(2) is amended

- (a) **by striking out** “or property” **and substituting** “or goods”;
- (b) **by striking out** “does not exceed \$50 in aggregate is” **and substituting** “do not exceed \$50 in the aggregate are”.

constituency association or candidate not required to pay the outstanding debts of the political party, constituency association or candidate shall be paid over to the Chief Electoral Officer and held by the Chief Electoral Officer in trust for the political party, constituency association or candidate and, if that political party, constituency association or candidate does not again become registered under this Act within a period of one year following cancellation of the registration, the funds shall be paid into the General Revenue Fund.

64 Records.

65 Section 12(2) presently reads:

- (2) The trustee of a trust held pursuant to subsection (1) shall*
- (a) deposit the funds in an account maintained by the trustee at a financial institution for that purpose or invest the funds in authorized trustee investments, and*
 - (b) permit only interest paid on the funds on deposit and income from the investments referred to in clause (a), if any, to be added to the funds on deposit.*

66 Section 13(2) presently reads:

- (2) Money or property provided by any person, corporation, trade union or employee organization that does not exceed \$50 in aggregate is not a contribution for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the recipient unless the donor specifically requests that the amount be considered a contribution.*

67 Section 14 is amended by striking out “depository of record” wherever it occurs and substituting “depository on record”.

68 Section 15 is repealed.

69 Section 16 is amended by striking out “normally” and substituting “ordinarily”.

70 Section 17 is amended

(a) by adding the following before subsection (1):

Limitation on contributions

17(0.1) This section does not apply to an election under the *Senatorial Selection Act*.

67 Section 14 presently reads:

14(1) All financial contributions accepted by or on behalf of a registered party, registered constituency association or registered candidate shall be paid into an appropriate depository of record with the Chief Electoral Officer.

(2) When any contribution of other than money, accepted by or on behalf of a registered party, registered constituency association or registered candidate, is converted at any time into money, that amount shall be paid into an appropriate depository of record with the Chief Electoral Officer.

68 Section 15 presently reads:

15(1) Any anonymous contribution in excess of \$50 received by a political party, constituency association or candidate registered under this Act shall not be used or expended, but

(a) shall be returned to the contributor if the contributor's identity can be established, or

(b) if the contributor's identity cannot be established, shall be paid over to the Chief Electoral Officer.

(2) Any amounts received under subsection (1) shall be paid into the General Revenue Fund.

69 Section 16 presently reads:

16 No prohibited corporation, person normally resident outside Alberta or trade union or employee organization other than a trade union or employee organization as defined in this Act shall make any contributions to a registered party, registered constituency association or registered candidate.

70 Section 17 presently reads in part:

17(1) For the purposes of an election under the Election Act, contributions by any person, corporation, trade union or employee organization to registered parties, registered constituency associations or registered candidates shall not exceed

- (b) **in subsection (1) by striking out** “For the purposes of an election under the *Election Act*, contributions” **and substituting** “Contributions”;
- (c) **in subsection (5) by adding** “, including the payment of the candidate’s deposit under section 61(1)(e) of the *Election Act*,” **after** “candidate’s campaign”.

71 The following is added after section 21:

Anonymous and unauthorized contributions

21.1(1) Any anonymous contribution in excess of \$50 and any contribution or portion of a contribution made in contravention of this Act accepted by a registered party, registered constituency association or registered candidate must not be used or expended, and the registered party, registered constituency association or registered candidate

- (a) shall return the contribution to the contributor if the contributor’s identity can be established, or
- (b) if the contributor’s identity cannot be established, shall pay an amount equivalent to the contribution to the Chief Electoral Officer.

(a) in any year,

(i) \$15 000 to each registered party, and

(ii) \$1000 to any registered constituency association, and \$5000 in the aggregate to the registered constituency associations of each registered party,

and

(b) in any campaign period,

(i) \$30 000 to each registered party less any amount contributed to the party in that calendar year under clause (a)(i), and

(ii) \$2000 to any registered candidate, and \$10 000 in the aggregate to the registered candidates of each registered party.

(5) Any money paid during a campaign period by a candidate out of the candidate's own funds for the purposes of the candidate's campaign

(a) is a contribution for the purposes of this Act, and

(b) shall be paid into a depository of the candidate on record with the Chief Electoral Officer.

71 Anonymous and unauthorized contributions.

(2) Any amounts received by the Chief Electoral Officer under subsection (1)(b) must be paid into the General Revenue Fund.

72 Section 22(2) is amended by striking out “or personal property” and substituting “property or goods or the use of real property or goods”.

73 Section 23(5) is repealed.

74 Section 24 is amended by striking out “or association” and substituting “or constituency association”.

75 Section 28 is repealed.

76 Section 29 is amended by adding the following after subsection (3):

(4) A person is prohibited from being a chief financial officer under this Act for a registered party, registered constituency association, registered candidate or registered third party if

72 Section 22(2) presently reads:

(2) If any real or personal property is provided to a political party, constituency association or candidate registered under this Act for a price that is less than the market value at that time, the amount by which the value exceeds the price is a contribution for the purposes of this Act.

73 Section 23(5) presently reads:

(5) The price paid in excess of market value at that time for the goods or services received shall be considered a contribution.

74 Section 24 presently reads:

24 When, at a meeting held on behalf of or in relation to the affairs of a registered candidate, registered party or registered constituency association, money is given in response to a general collection of money solicited from the persons in attendance at the meeting, individual amounts given of \$50 or less shall be considered not to be contributions for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the candidate, political party or association, as the case may be.

75 Section 28 presently reads:

28 A person who makes a contribution under this Act must indicate in writing whether the contribution is being made in respect of an election under the Election Act or an election under the Senatorial Selection Act.

76 Section 29 presently reads:

29(1) Every political party, constituency association and candidate shall, before filing its application for registration with the Chief Electoral Officer, appoint a chief financial officer.

- (a) the Speaker has laid a report before the Assembly pursuant to section 44(1),
- (b) that person was the chief financial officer of the registered candidate referred to in the report,
- (c) the Court did not dispense with compliance with section 43(2) or 43.1, as the case may be, by an order under section 44(3), and
- (d) the date the person seeks to be a chief financial officer under this Act occurs within
 - (i) the 8-year period following the day on which the Speaker laid the report before the Assembly, or
 - (ii) where the financial statement has been filed with the Chief Electoral Officer in the case of a non-compliance with section 43(2) or 43.1, as the case may be, the 5-year period following the day of filing,

whichever period expires first.

77 Section 30(a) is repealed and the following is substituted:

- (a) proper records are kept of all revenue, expenses, assets and liabilities, as required for the purposes of this Act,

78 Section 32(1) is repealed and the following is substituted:

Records of contributions

32(1) When any person accepts contributions in any year on behalf of a registered party, registered constituency association or registered candidate, the chief financial officer shall record all the contributions, including the names and the addresses of the contributors and the dates on which the contributions were made.

(2) When a chief financial officer appointed pursuant to subsection (1) ceases for any reason to hold that office, the political party, constituency association or candidate, as the case may be, shall forthwith appoint another chief financial officer.

(3) A candidate may not be appointed as chief financial officer for a candidate under this section.

77 Section 30 presently reads in part:

30 The chief financial officer of a registered party, registered constituency association or registered candidate is responsible, with respect to the affairs of the party, constituency association or candidate that appointed the chief financial officer, for ensuring that

(a) proper records are kept of all income,

78 Section 32 presently reads in part:

32(1) When any person accepts contributions in any year on behalf of a registered party, registered constituency association or registered candidate, the chief financial officer shall record all the contributions, including the name and the address of the contributor.

79 Section 33 is amended by striking out “as required” and substituting “in the form and manner approved”.

80 Section 35(1)(a) is amended by striking out “accept contributions from any person normally” and substituting “solicit or accept contributions from any person ordinarily”.

81 Section 38 is amended by striking out “or that real or personal property and those funds or that real or personal property” and substituting “or real property or goods or the use of real property or goods, and those funds or that real property or goods or that use of real property or goods”.

82 Section 39 is amended by striking out “or personal property” wherever it occurs and substituting “property or goods or the use of real property or goods”.

79 Section 33 presently reads:

33 Every registered party, registered constituency association and registered candidate shall issue receipts as required by the Chief Electoral Officer for every contribution accepted and the receipts shall indicate whether they have been issued in respect of an election under the Election Act or an election under the Senatorial Selection Act.

80 Section 35(1)(a) presently reads:

35(1) No registered party, registered constituency association or registered candidate shall, directly or indirectly,

- (a) knowingly accept contributions from any person normally resident outside Alberta, from any prohibited corporation or from a trade union or employee organization other than a trade union or employee organization as defined in this Act,*
- or*

81 Section 38 presently reads:

38 A registered party, and any of its registered constituency associations or registered candidates, may transfer to or accept from each other funds or that real or personal property and those funds or that real or personal property so accepted by the registered party, registered constituency association or registered candidate shall not be considered as contributions for the purposes of this Act but shall be recorded as to source and any funds accepted shall be deposited in an appropriate depository on record with the Chief Electoral Officer.

82 Section 39 presently reads:

39 Notwithstanding section 38, no registered constituency association may transfer funds or real or personal property to or accept funds or real or personal property from a registered political party or registered candidate in respect of an election under the Senatorial Selection Act.

83 The following is added after section 39:

Candidate may pay personal expenses

39.1 A candidate may lawfully contribute to the candidate's election campaign an amount from the candidate's personal funds to the limit prescribed for a contributor in section 17(1)(b)(ii) or 18(1)(b)(ii), as the case may be, and if the candidate's expenses paid from the candidate's personal funds exceed the maximum limit allowed for a contributor, the excess amount must be reimbursed to the candidate from the candidate's campaign account.

Monetary claims against candidate

39.2(1) Subject to subsection (2), unless a person who has a monetary claim against a candidate for or in respect of an election sends in the claim to the chief financial officer of the candidate not later than the date determined under section 43.1(6), the right to recover the claim is barred.

(2) In the case of the death of a person having a monetary claim under subsection (1) on or before the date determined under section 43.1(6), unless the person's legal representative sends in the claim within one year after the death of the person, the right to recover the claim is barred.

(3) In the case of the death of the chief financial officer or the chief financial officer's incapacity to act, if no other chief financial officer has been appointed, claims may be delivered to the candidate or the candidate's official agent as defined in the *Election Act*.

(4) No claim may be paid without the authority of the candidate or the chief financial officer.

Payment of late claim

39.3 Notwithstanding section 39.2, any claim that would have been payable if sent on or before the date determined under section 43.1(6) may be paid by the candidate through the candidate's chief financial officer after that time if the claim is approved by a judge.

83 Candidate may pay personal expenses; monetary claims against candidate; payment of late claim.

84 Section 40(2) is repealed and the following is substituted:

(2) Any payment in respect of a loan to which subsection (1) applies is considered a contribution by the person, corporation, trade union or employee organization or the unincorporated association or organization that made the payment unless that person, corporation, trade union or employee organization or the unincorporated association or organization is reimbursed by the borrower prior to the filing by the borrower of the financial statement next required to be filed pursuant to section 42 or 43.

85 Section 42 is amended

(a) by repealing subsection (1)(a) and (b) and substituting the following:

- (a) the chief financial officer of each registered party shall file with the Chief Electoral Officer an audited financial statement, in the form and manner approved by the Chief Electoral Officer, setting out for the previous year the revenue, expenses, assets and liabilities, excluding revenue and expenses relating to an election during a campaign period, and
- (b) the chief financial officer of each registered constituency association shall file with the Chief Electoral Officer a financial statement, in the form and manner approved by the Chief Electoral Officer, setting out for the previous year the revenue, expenses, assets and liabilities, including a nil return where applicable.

(b) by adding the following after subsection (1):

(1.1) Unless otherwise directed by the Chief Electoral Officer, a registered party is not required to file an audited financial statement in respect of the registered party if the revenue and expenses of the registered party do not each exceed \$1000.

(c) in subsection (2) by adding “to be in” after “deemed”.

84 Section 40(2) presently reads:

(2) Any payment

- (a) in respect of a loan to which subsection (1) applies, and*
- (b) made by other than the borrower*

shall be considered a contribution by the person, corporation, trade union or employee organization or the unincorporated association or organization that made the payment unless that person, corporation, trade union or employee organization or the unincorporated association or organization is reimbursed by the borrower prior to the filing by the borrower of the financial statement next required to be filed pursuant to section 42 or 43.

85 Section 42 presently reads:

42(1) On or before March 31 of each year,

- (a) the chief financial officer of each registered party shall file with the Chief Electoral Officer an audited financial statement setting out for the previous year the assets and liabilities, the income and transfers and the amount of the expenses in total excluding income, transfers and expenses relating to an election during a campaign period, and*
- (b) the chief financial officer of each registered constituency association shall file with the Chief Electoral Officer a financial statement setting out for the previous year the income and transfers and the amount of the expenses in total, including a nil return where applicable.*

(2) If a political party or constituency association becomes registered under this Act within the last 4 months of any year, the financial statement filed with its application for registration is deemed compliance with subsection (1) in relation to that year.

(3) The chief financial officer of each registered party shall file separate audited financial statements relating to the Election Act and the Senatorial Selection Act.

86 Section 43 is amended

(a) **in subsection (1) by striking out** “the income and transfers and the amount of expenses in total” **and substituting** “in the form and manner approved by the Chief Electoral Officer the revenue and expenses”;

(b) **by repealing subsection (2) and substituting the following:**

(2) Subject to subsection (7) and section 44(3), within 4 months after polling day the chief financial officer of a registered candidate shall file with the Chief Electoral Officer a financial statement setting out, in the form and manner approved by the Chief Electoral Officer, assets of over \$1000 in the aggregate, liabilities, revenue and expenses, including expenses paid on behalf of the candidate by a registered party or a constituency association, during the campaign period or that relate to the campaign period.

(c) **by adding the following after subsection (5):**

(5.1) Unless otherwise directed by the Chief Electoral Officer, an audited financial statement is not required to accompany a financial statement filed under subsection (1) if the revenue and expenses of the registered party do not each exceed \$1000.

87 The following is added after section 43:

Campaign deficits

43.1(1) In this section,

- (a) “expenses” means the total amount of money spent and liabilities incurred by a registered candidate during or in relation to a campaign period, including expenses paid on behalf of a registered candidate by a registered party or registered constituency association;
- (b) “revenue” means the total of
 - (i) contributions received by a registered candidate made in accordance with this Act,

86 Section 43 presently reads in part:

43(1) Subject to subsection (6) and section 44(3), within 6 months after polling day the chief financial officer of a registered party shall file with the Chief Electoral Officer a financial statement setting out the income and transfers and the amount of expenses in total of the party for which the chief financial officer acts that relate to an election during the campaign period, including a nil return where applicable.

(2) Subject to subsection (6) and section 44(3), within 4 months after polling day the chief financial officer of a registered candidate shall file with the Chief Electoral Officer a financial statement setting out the income and transfers and the amount of expenses in total, including expenses paid on behalf of the candidate by a registered party or a constituency association, during the campaign period or that relate to the campaign period.

87 Campaign deficits.

- (ii) other income, including fund-raising revenue and interest on deposits,
- (iii) amounts transferred in accordance with this Act to a registered candidate by a registered party, registered constituency association or other registered candidate, and
- (iv) campaign funds held in trust under section 12(1).

(2) For the purpose of this section, a registered candidate has a campaign deficit if, at the end of the campaign period,

- (a) any liabilities relating to the candidate's campaign remain outstanding, or
- (b) expenses exceed revenue.

(3) Where a registered candidate has a campaign deficit, the candidate shall eliminate the deficit within 3 months after the date that the financial statement of the candidate is required to be filed under section 43(2) or such further period approved under subsection (4).

(4) The Chief Electoral Officer may, on the request of a registered candidate or the candidate's chief financial officer received before the expiry of the 3-month period referred to in subsection (3), extend the 3-month period referred to in subsection (3) for a further period not exceeding 3 months.

(5) For the purpose of eliminating a campaign deficit,

- (a) a registered candidate may, notwithstanding section 17(4) or 18(5), accept contributions in accordance with this Act during the period referred to in subsection (3), and
- (b) a registered party or registered constituency association of the registered candidate may transfer funds to the candidate or may pay any outstanding liabilities.

(6) The chief financial officer of the registered candidate shall, within one month after the expiration of the period referred to in subsection (3), file an amended financial statement showing any

contributions accepted and any transfers received to eliminate the deficit.

88 Section 44 is amended

- (a) **in subsection (1) by adding** “or a registered candidate fails to eliminate a campaign deficit referred to in section 43.1” **after** “43”;
- (b) **in subsection (3) by adding** “or 43.1” **after** “43” **wherever it occurs.**

89 The following is added after section 44:

**Part 6.1
Third Party Advertising**

Definitions

44.1(1) In this Part,

- (a) “advertising account” means a dedicated depository on record with the Chief Electoral Officer opened at a

88 Section 44 presently reads in part:

44(1) Subject to subsections (2) and (3), if the chief financial officer of a registered candidate fails to file a financial statement as required by section 43, the Chief Electoral Officer shall transmit a report to that effect to the Speaker of the Assembly, who shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(3) On hearing the application, the Court may

(a) dispense with compliance with section 43, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate or the chief financial officer, or both, and that it is not reasonably possible to comply with the section,

(b) extend the time for compliance with section 43, or any provision of it, if it finds mitigating reasons for non-compliance with the section,

(c) make any order that it considers appropriate to secure compliance with so much of section 43 as it considers reasonable in the circumstances, or

(d) refuse the application.

(4) An application to the Court under this section is to be made by originating notice naming the Chief Electoral Officer as respondent.

89 Third party advertising.

financial institution for the purpose of accepting election advertising contributions and for the payment of election advertising expenses;

- (b) “election advertising” means political advertising that appears during an election period;
- (c) “election advertising contribution” means any
 - (i) money provided to or for the benefit of a third party, or
 - (ii) real property or goods, or the use of real property or goods, provided to or for the benefit of a third party, without compensation from that third party, for the purpose of election advertising, whether given before or after the third party becomes registered under section 9.1;
- (d) “election advertising expense” means an expense incurred by a third party in relation to election advertising;
- (e) “election period” means the period commencing the day a writ of election is issued for a general election under the *Election Act* and concluding at the end of polling day;
- (f) “group” means an unincorporated group of persons or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of persons, corporations, trade unions or employee organizations;
- (g) “political advertising” means advertising, for which there is or normally would be a charge, in any broadcast, print or electronic media, including telephone, fax, internet, e-mail and text messaging, with the purpose of promoting or opposing any registered party or the election of a registered candidate, including advertising that takes a position on an issue with which a registered party or registered candidate is associated, but does not include

- (i) the publication without charge of news, an editorial, an editorial comment, an interview, a column, a letter, a debate, a speech or a commentary in a bona fide periodical publication, a radio or television program or a website or online discussion forum,
- (ii) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value,
- (iii) the transmission of a document in any form directly by a person, corporation or group to its members, employees or shareholders or other persons, groups or corporations who have given permission to the person, corporation or group to transmit information to them, or
- (iv) advertising by the Government in any form;
- (h) “registered third party” means a third party registered under section 9.1;
- (i) “third party” means a person, corporation or group, but does not include the following:
 - (i) a registered party;
 - (ii) a registered constituency association;
 - (iii) a registered candidate or member of the Legislative Assembly.

Limits on contributions

44.2(1) No election advertising contribution shall be made by a person, corporation, trade union or employee organization to a third party or used to incur election advertising expenses unless

- (a) the third party to whom the contribution is made is registered under section 9.1, or
- (b) the third party is not required to be registered under section 9.1.

(2) No third party required to be registered under section 9.1 and no person acting for the third party required to be registered

under section 9.1 shall accept election advertising contributions unless the third party is registered under section 9.1.

(3) Subject to subsection (5), election advertising contributions made by any person, corporation, trade union or employee organization to third parties shall not exceed, in the aggregate,

- (a) \$15 000 in any calendar year in which there is not a general election, or
- (b) \$30 000 in any calendar year in which there is a general election, less any amount contributed under clause (a).

(4) No third party and no person acting for a third party shall accept any election advertising contributions if the third party or person knows or ought to know that the amount would exceed the limit referred to in subsection (3).

(5) The following shall not make an election advertising contribution and no third party shall, directly or indirectly, knowingly accept an election advertising contribution from any of them:

- (a) a person ordinarily resident outside Alberta;
- (b) a prohibited corporation;
- (c) a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada);
- (d) a trade union or employee organization that is not a trade union or employee organization, as the case may be, as defined in this Act.

(6) If the chief financial officer of a third party learns that an election advertising contribution was accepted in contravention of this section, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

(7) A third party shall not circumvent or attempt to circumvent a limit set out in this section in any manner, including splitting itself into 2 or more third parties.

Payments made by third party

44.21 Any money paid by a third party from its own funds for election advertising is an election advertising contribution of the third party for the purposes of this Part.

Additional rules for groups

44.3 The following rules apply where a group wishes to make an election advertising contribution to a third party or wishes to use funds collected to pay for election advertising expenses:

- (a) an election advertising contribution from funds collected from a group's members may be attributed to its members only if
 - (i) the amounts paid by its members were made on a voluntary basis,
 - (ii) it was made explicit that the amounts being collected were for election advertising, and
 - (iii) the names of the members who made the payments, and the amounts they each paid, are recorded by the group and, if applicable, provided to the third party;
- (b) a group other than a trade union or employee organization may make election advertising contributions only from funds collected from its members in accordance with clause (a);
- (c) contributions by a trade union or employee organization from funds collected from its members but not in accordance with clause (a) are deemed to be election advertising contributions of the trade union or employee organization and cannot be attributed to its members;
- (d) amounts making up election advertising contributions that are attributed to members under clause (a) are contributions of those members for the purposes of this Part.

Valuing contributions other than money

44.31(1) The value of election advertising contributions, other than money, provided to a third party is the market value of the election advertising contributions at that time.

(2) If any real property or goods or the use of real property or goods is provided to a third party for a price that is less than the market value at that time, the amount by which the value exceeds the price is an election advertising contribution for the purposes of this Part.

Fund-raising functions

44.32(1) In this section, “fund-raising function” includes any social function held for the purpose of raising funds for a third party required to be registered under section 9.1 by whom or on whose behalf the function is held.

(2) The gross income from any fund-raising function must be recorded by the chief financial officer of the third party that held the function or on whose behalf the function was held.

(3) If an individual charge by the sale of tickets or otherwise is made for a fund-raising function held by or on behalf of a third party, then, for the purposes of this Part,

- (a) if the individual charge is \$50 or less, it shall not be considered as an election advertising contribution unless the person who pays the charge specifically requests that it be so considered, in which case 1/2 shall be allowed for expenses and 1/2 shall be considered as an election advertising contribution to the third party, and
- (b) if the individual charge is more than \$50, \$25 shall be allowed for expenses and the balance shall be considered as an election advertising contribution to the third party.

(4) The price paid by a person at a fund-raising function in excess of the market value at that time for goods or services received is considered to be an election advertising contribution to the third party.

General collections

44.33(1) When, at a meeting held on behalf of or in relation to the affairs of a third party, money is given in response to a general collection of money solicited from the persons in attendance at the meeting, individual amounts given of \$50 or less shall not be considered to be an election advertising contribution, but the chief financial officer of the third party shall record the aggregate amount.

(2) Subsection (1) does not apply to funds raised for or on behalf of a third party for purposes unrelated to election advertising.

Loans

44.4(1) A third party

- (a) may borrow money only from a financial institution, and
- (b) shall record all loans and their terms and shall report accordingly to the Chief Electoral Officer.

(2) Any payment in respect of a loan to which subsection (1) applies is considered an election advertising contribution by the person, corporation or group that made the payment unless that person, corporation or group is reimbursed by the borrower prior to the filing by the borrower of the election advertising report next required to be filed pursuant to section 44.9.

(3) This section does not apply to the borrowing of money by a third party for purposes unrelated to election advertising.

Anonymous contributions and unauthorized contributions

44.5(1) Any anonymous election advertising contribution in excess of \$50 and any election advertising contribution or portion of a contribution made in contravention of this Part accepted by a registered third party must not be used or expended, and the registered third party

- (a) shall return the contribution to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, shall pay an amount equivalent to the contribution to the Chief Electoral Officer.

(2) Any amounts received by the Chief Electoral Officer under subsection (1)(b) must be paid into the General Revenue Fund.

Contributions not belonging to contributor

44.51(1) No person, corporation, trade union or employee organization shall contribute to any third party that is registered or is required to be registered under section 9.1 funds not

actually belonging to that person, corporation, trade union or employee organization, or any funds that have been given or furnished to the person, corporation, trade union or employee organization by any group or by a corporation, trade union or employee organization for the purpose of making an election advertising contribution of those funds to that third party that is registered or is required to be registered under section 9.1.

(2) No third party that is registered or is required to be registered under section 9.1 and no person on its behalf shall solicit or knowingly accept any election advertising contribution contrary to subsection (1).

(3) If the chief financial officer learns that an election advertising contribution received by or on behalf of the third party that is registered or is required to be registered for whom the chief financial officer acts was made contrary to subsection (1), the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

Receipts

44.6 A third party shall issue receipts in the form and manner approved by the Chief Electoral Officer for every election advertising contribution accepted by the third party.

Third party advertising accounts

44.7(1) A third party that is registered or is required to be registered under section 9.1 shall open an advertising account for the payment of all election advertising expenses and the receipt of all election advertising contributions and transfers.

(2) A registered third party may open and operate only one advertising account and only contributions and other revenue accepted under this Part may be deposited in the account.

(3) All election advertising expenses must be paid from the third party's advertising account.

(4) Every registered third party shall appoint a chief financial officer.

(5) Every election advertising expense that is incurred by or on behalf of a registered third party must be authorized by its chief financial officer.

(6) No election advertising contribution shall be accepted by a registered third party otherwise than through the third party's chief financial officer.

(7) The chief financial officer may delegate a function described in subsection (5) or (6) to another person, but the delegation does not limit the chief financial officer's responsibility.

(8) Subject to the requirements of this Part, a registered third party that operates an advertising account may transfer amounts from its advertising account to other advertising accounts of other registered third parties.

(9) All election advertising expenses paid for by a third party from its advertising account must be recorded in its election advertising report whether or not the election advertising expenses were incurred during the election period.

Identification of third parties

44.8(1) All election advertising must contain the name and contact information of the third party that sponsors the advertisement and indicate that the third party authorizes the advertisement.

(2) The Chief Electoral Officer may establish rules for the content of contact information in advertisements under subsection (1).

(3) Where an advertisement is not in compliance with subsection (1), the Chief Electoral Officer or person designated by the Chief Electoral Officer may cause it to be removed, and neither the Chief Electoral Officer nor any person acting under the Chief Electoral Officer's instructions is liable for trespass or damage resulting from or occasioned by the removal.

Third party election advertising report

44.9(1) The chief financial officer of every third party that is registered or is required to be registered under section 9.1 must file an election advertising report in the form and manner

approved by the Chief Electoral Officer with the Chief Electoral Officer within 6 months after polling day.

(2) If the polling day for a general election occurs within 6 months after the polling day for a previous general election, the time for compliance with subsection (1) in respect of the previous general election is extended to the expiration of the 4-month period after the 2nd general election.

(3) The chief financial officer of a registered third party that accepts election advertising contributions or incurs election advertising expenses outside of the report period in subsection (1) shall file an election advertising report with the Chief Electoral Officer on or before March 31 of each year for the preceding calendar year.

(4) If a registered third party has not incurred election advertising expenses, that fact shall be indicated in its election advertising report.

(5) The election advertising report must include

- (a) the amount of election advertising contributions that were received during the year,
- (b) for each contributor who made election advertising contributions totalling more than \$375 during the year, the contributor's name and address and the amount and date of each contribution,
- (c) a financial statement setting out revenue and expenses in the form approved by the Chief Electoral Officer and the amount of expenses in total in the form and manner approved by the Chief Electoral Officer, and
- (d) the time and place of broadcast or publication of the advertisements to which the election advertising expenses relate.

(6) A chief financial officer shall, at the request of the Chief Electoral Officer, provide the original of any bill, voucher or receipt for an election advertising expense of more than \$50.

Audited financial statements

44.91(1) The chief financial officer of a third party whose election advertising expenses are \$100 000 or more shall file an audited financial statement with the Chief Electoral Officer within 6 months after polling day.

(2) The Chief Electoral Officer may determine what information is to be provided in the audited financial statement required under subsection (1).

Continuing use of advertising account

44.92(1) Subject to subsection (2), any surplus funds held by a third party in its advertising account at the end of an election period must be held in the advertising account to be expended for election advertising during a subsequent election period.

(2) If a third party decides not to expend the funds for election advertising during the next election period or does not advertise during the next election period or within 6 months after that period, the third party shall deal with the surplus in one or more of the following ways:

- (a) transfer the surplus to an advertising account of another third party;
- (b) spend the surplus on political advertising outside of an election period;
- (c) donate the surplus to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada);
- (d) return the surplus to the third party's contributors if they can be identified;
- (e) pay the surplus into the General Revenue Fund if the surplus or any portion of it cannot be dealt with in accordance with clauses (a) to (d).

(3) The third party shall advise the Chief Electoral Officer of its decisions under this section.

(4) The chief financial officer of a third party that has not dealt with its surplus funds under subsection (2) shall file an election advertising report with the Chief Electoral Officer on or before

March 31 of each year until such time as the surplus is completely dealt with.

90 The following is added after section 49:

Third party election advertising offences

49.1 A third party that contravenes Part 6.1 of this Act is guilty of an offence and liable to a fine not exceeding

- (a) \$10 000 if the third party is an individual;
- (b) \$100 000 if the third party is a trade union, employee organization, corporation or other organization.

91 Section 51 is amended

- (a) **in subsection (1) by striking out** “and being equivalent to” **and substituting** “not exceeding”;
- (b) **in subsection (2) by striking out** “equivalent to” **and substituting** “not exceeding”.

92 The following is added after section 51:

Chief Electoral Officer’s orders

51.1(1) Where a contribution has been made or accepted in contravention of this Act, the Chief Electoral Officer may order that the amount of the contribution that was made or accepted in contravention of this Act be returned to the person who made the contribution.

(2) If it cannot be determined who made the contribution that was made or accepted in contravention of this Act, the amount

90 Third party election advertising offences.

91 Section 51 presently reads in part:

51(1) When the Chief Electoral Officer is satisfied that any person, corporation, trade union or employee organization has made one or more contributions in excess of an amount permitted under this Act, the Chief Electoral Officer may by written notice require that person, corporation, trade union or employee organization to pay a penalty in an amount named in the notice and being equivalent to the amount by which the contribution or contributions exceeded the amount permitted under this Act.

(2) When the Chief Electoral Officer is satisfied that a prohibited corporation has made a contribution in contravention of section 16, the Chief Electoral Officer may by written notice require the prohibited corporation to pay a penalty in an amount named in the notice equivalent to the amount contributed.

92 Chief Electoral Officer's orders.

ordered under subsection (1) must be paid into the General Revenue Fund.

93 Section 52(3) is amended by striking out “2 years” and substituting “3 years”.

**Part 3
Consequential Amendments, Repeal
and Coming into Force**

Amends RSA 2000 cL-9

94 The *Legislative Assembly Act* is amended

- (a) in section 1(2)(d) by striking out “148(7)” and substituting “148(8)”;**
- (b) in section 25 by striking out “section 43” and substituting “section 43 or 43.1, as the case may be.”.**

93 Section 52(3) presently reads:

(3) A prosecution under this Act may be commenced within 2 years of the commission of the alleged offence but not afterwards.

Part 3
**Consequential Amendments, Repeal
and Coming into Force**

94 Amends chapter L-9 of the Revised Statutes of Alberta 2000. Sections 1(2) and 25 presently read:

1(2) For the purposes of this Act and any other enactment, the following rules apply to determine when a person becomes a Member of the Legislative Assembly:

- (a) if the person is declared elected by acclamation under section 64 of the Election Act, the person becomes a Member of the Assembly on the making of the declaration;*
- (b) if the person is declared elected under section 138 of the Election Act and no application is made to the Court within the 8-day period prescribed by section 144 of that Act, the person becomes a Member of the Assembly at the expiration of that period;*
- (c) if the person is declared elected under section 147(1) of the Election Act and no appeal is taken to the Court of Appeal within the 2-day period prescribed by section 148(1) of that Act, the person becomes a Member of the Assembly at the expiration of that period;*
- (d) if the person is declared elected pursuant to section 148(7) of the Election Act, the person becomes a Member of the Assembly on the making of the declaration.*

25 A person is disqualified from membership of the Assembly if

Amends SA 2009 c53

95 The *Rules of Court Statutes Amendment Act, 2009* is amended by repealing section 52.

Amends RSA 2000 cS-5

96 The *Senatorial Selection Act* is amended

- (a) in section 4 by striking out “148” and substituting “148.1”;
- (b) in section 8(d) and (e) by adding “56(c.2),” after “section”;
- (c) in section 24

- (a) *the Speaker has laid a report before the Assembly pursuant to section 44(1) of the Election Finances and Contributions Disclosure Act,*
- (b) *that person was the registered candidate or the chief financial officer of the registered candidate referred to in the report, and*
- (c) *the financial statement to which the report relates has not been filed with the Chief Electoral Officer and the Court has not dispensed with compliance with section 43 of that Act by an order under section 44(3)(a) of that Act.*

95 Amends chapter 53 of the Statutes of Alberta, 2009. Section 52 presently reads:

52(1) The Election Act is amended by this section.

(2) Section 142(2) is amended by striking out “originating notice” and substituting “application”.

(3) Section 143(1) is amended by striking out “by originating notice”.

(4) Section 144 is amended

(a) in subsection (1)(a) by striking out “by way of originating notice”;

(b) in subsection (4) by striking out “originating notice” and substituting “application”.

96 Amends chapter S-5 of the Revised Statutes of Alberta 2000. Sections 4, 8(d) and (e), 24(1), (2), (3) and (5), 29(1)(c) and 31(2) presently read:

4 For the purposes of this Part, sections 57, 58, 68, 144 to 148 and Parts 5 to 9, except sections 185(2)(c) and 207, of the Election Act apply to an election under this Act as if it were a general election under the Election Act.

8 A person is eligible to be nominated as a candidate in an election under this Act if

- (i) **in subsection (1)(a) by striking out** “appeal may be commenced” **and substituting** “application may be made”;
- (ii) **in subsection (1)(b) by striking out** “an appeal from a decision of the Chief Electoral Officer” **and substituting** “a recount”;
- (iii) **in subsection (1)(c) by striking out** “hearing and determining the appeal” **and substituting** “the recount”;
- (iv) **in subsection (2)(a) by striking out** “hearing and determining the appeal” **and substituting** “the recount”;
- (v) **by repealing subsection (3) and substituting the following:**
 - (3) Notwithstanding section 146 of the *Election Act*, a reference in that section to a returning officer shall be read as a reference to the Chief Electoral Officer.
- (vi) **by repealing subsection 5(a);**
- (d) **in section 29(1)(c) by adding** “, declarations” **after** “notices”;
- (e) **in section 31(2) by adding** “, 150” **after** “149”.

- (d) *the person is not prohibited from being a candidate for an election under the Election Act under section 57, 58, 178 or 181 of that Act,*
- (e) *the person is not prohibited from being a candidate for an election under this Act under section 57, 178 or 181 of the Election Act, as those sections apply to this Act, and*

24(1) Notwithstanding section 144 of the Election Act, for the purposes of this Act,

- (a) *an appeal may be commenced within 8 days after the date the Chief Electoral Officer announces the results of the official count and declares one or more candidates elected;*
- (b) *an appeal from a decision of the Chief Electoral Officer may also be made in relation to the addition of the results contained in the Tabulation of Official Results;*
- (c) *the Chief Electoral Officer shall also be given notice of the time and place appointed for hearing and determining the appeal.*

(2) Notwithstanding section 145 of the Election Act, for the purposes of this Act,

- (a) *where a recount of the votes is required, the Chief Electoral Officer shall attend at the place, date and time appointed for hearing and determining the appeal but the Court shall determine which election officers, if any, are required also to attend;*
- (b) *where the application is limited to a decision of a returning officer, only the returning officer and the Chief Electoral Officer are required to attend;*
- (c) *the Chief Electoral Officer shall bring all the ballot boxes and documents required for the purposes of disposing of the matter.*

(3) Notwithstanding section 146 of the Election Act, for the purposes of this Act, the judge shall also hear and determine appeals from the decision of the Chief Electoral Officer.

29(1) The Lieutenant Governor in Council may make regulations

Repeal

97 The *Election Finances and Contributions Disclosure (Third Party Advertising) Amendment Act, 2009*, SA 2009 c43, is repealed.

Coming into force

98(1) Sections 77, 78, 79 and 85(a) and (b) come into force on January 1, 2011.

(2) Sections 31, 34, 35, 39, 41, 43 and 49 apply with respect to the next election that is held at least 6 months after the coming into force of this section, and subsequent elections.

(3) Sections 21, 54, 76, 83, 84, 86(b), 87, 88 and 94(b) come into force on the day that a writ is issued under section 40 of the *Election Act* for the next general election after this section comes into force.

(c) *respecting forms, notices and oaths to be used for the purpose of an election under this Act.*

(5) *Notwithstanding section 147 of the Election Act, for the purposes of this Act,*

(a) *on conclusion of the appeal, the judge shall immediately certify the result to the Chief Electoral Officer, who shall declare elected the candidate or candidates who, taking into account all appeal results, received the highest number of votes;*

(b) *on conclusion of a recount, the judge shall immediately certify the result to the Chief Electoral Officer, who shall, on the 3rd day after that certification, unless the Chief Electoral Officer is served with a notice of appeal within that period, declare elected the candidate or candidates who received the highest number of votes pursuant to the recount;*

(c) *if on a recount an equality of votes exists for 2 or more candidates, the vote drawn pursuant to section 21(4) shall be counted.*

31(2) *For the purposes of this Part, sections 39, 40, 55, 56, 59 to 67, 82, 83, 101, 111(5)(a), 126 to 131, 137(5) and (6), 138, 139, 149 and 153 of the Election Act do not apply.*

97 Repeals chapter 43 of the Statutes of Alberta, 2009.

98 Coming into force.

(4) Sections 45, 56(f), 57(a), 58(a) and (b), 62, 63, 89, 90 and 97 come into force on Proclamation.

