

2012 Bill 7

First Session, 28th Legislature, 61 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 7

ELECTION ACCOUNTABILITY AMENDMENT ACT, 2012

THE MINISTER OF JUSTICE AND SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 7

2012

ELECTION ACCOUNTABILITY AMENDMENT ACT, 2012

(Assented to , 2012)

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) in subsection (1)

(i) by adding the following after clause (b):

(b.1) “campaign period” means

- (i) in the case of a general election held in accordance with section 38.1(2), the period commencing on February 1 in the year in which the election is held and ending 2 months after polling day,**
- (ii) in the case of a general election held other than in accordance with section 38.1(2), the period commencing with the issue of a writ for the election and ending 2 months after polling day,**

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,

(c) “candidate” means a person

(i) who is a member of the Legislative Assembly,

(ii) who is nominated as a candidate for an electoral division,

(iii) who is nominated by a constituency association of a registered party in an electoral division for endorsation as the official candidate of that party in the electoral division, or

(iv) who, on or after the date of the issue of a writ for an election in an electoral division, declares the person’s candidacy as an independent candidate at the election in the electoral division;

- (iii) in the case of an election held under the *Senatorial Selection Act*, the period commencing with the issue of a writ for the election and ending 2 months after polling day, and
 - (iv) in the case of a by-election, the period commencing with the issue of a writ for the by-election and ending 2 months after polling day;
- (ii) by repealing clause (c)(i);**
- (iii) in clause (i) by striking out** “or any other person having a duty to perform under this Act for the faithful performance of which that person is to be sworn” **and substituting** “, information officer or any other person appointed under section 4(3)(c)”;
- (iv) by repealing clause (z) and substituting the following:**
- (z) “polling subdivision” means a polling subdivision referred to in section 14(b);
 - (z.1) “recorded mail” means a form of document delivery by mail or courier in which receipt of the document must be acknowledged in writing;
- (v) in clause (cc.1) by adding “, 118(5)(b)” after “111(5)”;**
- (vi) by repealing clause (ff) and substituting the following:**
- (ff) “scrutineer” means an elector who is authorized to represent a candidate at a polling station;
- (vii) by repealing clause (kk) and substituting the following:**
- (kk) “subdivision” means a subdivision referred to in section 14(a);
- (b) by repealing subsection (2) and substituting the following:**

- (i) *“election officer” means a returning officer, election clerk, administrative assistant, supervisory deputy returning officer, registration officer, deputy returning officer, poll clerk or any other person having a duty to perform under this Act for the faithful performance of which that person is to be sworn;*
 - (z) *“polling subdivision” means that area of an electoral division that has been established as a polling subdivision to enable the efficient conduct of an election;*
 - (cc.1) *“rejected ballot” means a ballot rejected in accordance with section 111(5) or 119;*
 - (ff) *“scrutineer” means an elector of an electoral division who is authorized to represent a candidate in that electoral division at a polling station;*
 - (kk) *“subdivision” means that area of an electoral division that has been established as a subdivision to enable the efficient conduct of an enumeration;*
- (2) *Subject to section 121, for the purposes of this Act, ordinary residence is determined in accordance with the following rules:*
- (a) *a person can have only one place of ordinary residence;*
 - (b) *a person’s ordinary residence is the place where the person lives and sleeps and to which, when the person is absent from it, the person intends to return;*
 - (c) *a student who*
 - (i) *is in attendance at an educational institution within or outside Alberta,*
 - (ii) *temporarily rents accommodation for the purpose of attending an educational institution, and*
 - (iii) *has family members who are ordinarily resident in Alberta and with whom the student ordinarily resides when not in attendance at an educational institution**is deemed to reside with those family members;*
 - (d) *when a person leaves Alberta with the intention of becoming ordinarily resident outside Alberta, the person’s ordinary residence in Alberta ceases.*

(2) Subject to subsections (2.1) to (2.4) and section 121, for the purposes of this Act, ordinary residence is determined in accordance with the following rules:

- (a) a person can have only one place of ordinary residence;
- (b) a person's ordinary residence is the place where the person lives and sleeps and to which, when the person is absent from it, the person intends to return;
- (c) when a person leaves Alberta with the intention of becoming ordinarily resident outside Alberta, the person's ordinary residence in Alberta ceases.

(2.1) If a person leaves his or her residence in Alberta to study at an educational institution outside Alberta, the person is, while pursuing his or her studies outside Alberta, considered to be ordinarily resident in the place where he or she was resident immediately before commencing the studies.

(2.2) If a person leaves his or her residence in Alberta to study at an educational institution elsewhere in Alberta, the person may, while pursuing his or her studies, consider one of the following as his or her place of ordinary residence:

- (a) the place where he or she was resident immediately before commencing his or her studies;
- (b) the place where he or she is residing in Alberta.

(2.3) If a person leaves his or her residence in a province or territory other than Alberta to study at an educational institution in Alberta, the person is, while pursuing his or her studies in Alberta, considered to be ordinarily resident in the place where the person is residing in Alberta.

(2.4) Subsections (2.1), (2.2) and (2.3) apply to the spouse, adult interdependent partner or dependant of a person described in those subsections.

3 Section 4 is amended

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

(1.1) The Chief Electoral Officer may, on the Chief Electoral Officer's own initiative or at the request of another person or organization, conduct an investigation into any matter that might constitute an offence under this Act.

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

(2.1) The Chief Electoral Officer may from time to time meet with representatives of the registered political parties that are represented in the Legislative Assembly concerning the election process or activities under this Act, the *Election Finances and Contributions Disclosure Act* or the *Senatorial Selection Act*.

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

(3) The Chief Electoral Officer may, where the Chief Electoral Officer considers it necessary for the efficient conduct of an election, enumeration or plebiscite under this Act, an election under the *Senatorial Selection Act* or a plebiscite or referendum under any other Act to which this Act applies,

- (a) extend the time for doing anything under this Act, except
 - (i) the time for the holding of an election, and
 - (ii) the time by which a nomination paper must be filed,
- (b) increase the number of election officers or enumerators,
- (c) appoint other persons as election officers to carry out duties authorized by the Chief Electoral Officer, for the faithful performance of which those persons are to be sworn,
- (d) increase the number of polling stations,
- (e) omit or vary a prescribed form, except the ballot, to suit the circumstances, and
- (f) generally, adapt the provisions of this Act to the circumstances.

3 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 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) 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.

(d) by repealing subsection (5) and substituting the following:

(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) 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,
- (b) a breakdown of results and a summary of costs, and
- (c) any recommendations for amendments to this Act or the *Senatorial Selection Act*, as the case may be.

(6) The Chief Electoral Officer shall transmit the report prepared under subsection (5) 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.

4 Section 4.2 is repealed and the following is substituted:

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 investigation or inquiry 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 political party, constituency association or candidate relevant to the subject-matter of the investigation are kept and may examine and make copies of the books or documents or remove them temporarily for the purpose of making copies.

(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.

4 Section 4.2 presently reads:

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

(3) A registered political party, registered constituency association or registered candidate 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 affairs of the 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.

Notice of investigation and conclusion

4.3(1) At any time before completing an investigation referred to in section 4(1.1), the Chief Electoral Officer shall notify any person or organization who is the subject of the investigation that the person or organization is being investigated and inform the person or organization of the nature of the matter being investigated, unless the Chief Electoral Officer believes that doing so would compromise or impede the investigation.

(2) The Chief Electoral Officer may refuse to conduct or may cease an investigation if the Chief Electoral Officer is of the opinion that

- (a) the matter is frivolous or vexatious, or
- (b) there are no or insufficient grounds to warrant an investigation or the continuation of an investigation.

(3) The Chief Electoral Officer shall not make an adverse finding against a person or organization unless that person or organization has had reasonable notice of the substance of the allegations and a reasonable opportunity to present his or her or its views.

(4) If the Chief Electoral Officer refuses to conduct or ceases an investigation under subsection (2) or determines that no offence was committed, the Chief Electoral Officer

- (a) shall provide notice of that decision to
 - (i) every person or organization who
 - (A) is the subject of the investigation, or

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.*

(B) would have been the subject of an investigation if the Chief Electoral Officer had not refused to conduct an investigation,

and

(ii) every person or organization who requested an investigation, if any,

and

(b) may, as the Chief Electoral Officer considers to be appropriate, provide notice of that decision to any other person or organization involved in the matter referred to in section 4(1.1).

Disclosure

4.4(1) Except as provided in subsections (2) and (3), the Chief Electoral Officer, 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.

(2) Information and allegations to which subsection (1) applies may be

- (a) disclosed to the person or organization 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;
- (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 Solicitor 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.

(3) Findings and decisions and any additional information that the Chief Electoral Officer considers to be appropriate shall be

published on the Chief Electoral Officer's website in the following circumstances:

- (a) if a penalty is imposed or a letter of reprimand is issued under section 153.1;
- (b) if the Chief Electoral Officer has provided notice under section 4.3(4) and receives a written request for disclosure from a person or organization who received the notice.

5 Section 12 is amended by striking out “or election clerk” and substituting “, election clerk or administrative assistant”.

6 Section 13.1 is amended

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

(2.1) If information has been collected under the *Alberta Personal Income Tax Act* with the consent of the taxpayers to whom the information relates for the purpose of updating the list of electors, the Chief Electoral Officer must use that information to revise the register.

(b) by adding the following after subsection (5):

(6) On the request of the Chief Electoral Officer, a board of trustees of a school district or division or an operator of a private school or charter school shall, in accordance with a form provided by the Chief Electoral Officer, arrange for the collection of information referred to in section 13(2)(a) to (f) with respect to students who are at least 16 years of age

5 Section 12 presently reads:

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

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

while the person is so appointed or acting.

6 Section 13.1 presently reads:

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);*

enrolled in a school operated by that board or operator for disclosure to and use by the Chief Electoral Officer.

(7) Nothing in subsection (6) requires a student to provide the information referred to in section 13(2)(a) to (f), and the consent of the student's guardian to the collection, use and disclosure of the information is required if the student is 16 or 17 years of age.

7 Section 18(8) is repealed.

8 The following is added after section 19:

Protection of list

19.1(1) A person or registered political party to whom a copy of a list of electors has been furnished under this Act shall take

- (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 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.

7 Section 18(8) presently reads:

(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.

8 Protection of list.

all reasonable steps to protect the list and the information contained in it from loss and unauthorized use.

(2) A person or registered political party to whom a copy of a list of electors has been furnished under this Act shall immediately notify the Chief Electoral Officer if the list or information contained in the list has been lost.

(3) On being notified under subsection (2), the Chief Electoral Officer shall direct the person or registered political party to take any action the Chief Electoral Officer considers appropriate.

9 Section 20(2)(c) is repealed and the following is substituted:

- (c) by a candidate,
 - (i) for communicating with electors during a campaign period, including for soliciting contributions and campaigning, and
 - (ii) for soliciting contributions during any period authorized under section 43.1 of the *Election Finances and Contributions Disclosure Act*;

9 Section 20(2) presently reads:

(2) A list of electors, including a post-polling-day list of electors under section 19, may be used only as follows:

- (a) by a registered political party or a registered constituency association, for communicating with electors, including for soliciting contributions and recruiting party members;*
- (b) by a member of the Legislative Assembly*
 - (i) for carrying out the duties and functions of the member,*
 - (ii) in the case of a member of a registered political party, for soliciting contributions for the use of the registered political party or any constituency association of that party and recruiting party members, and*
 - (iii) in the case of a member who is not a member of a registered political party but who has endorsed a constituency association as the official association of the member, for soliciting contributions for the use of the constituency association;*
- (c) by a candidate, for communicating with electors during a campaign period as defined in the Election Finances and Contributions Disclosure Act, including for soliciting contributions and campaigning;*
- (d) by election officers for the purpose of carrying out their duties under this Act.*

10 Section 25(3) is repealed.

11 Section 30(2) is amended by striking out “13(5)(a) to (e)” and substituting “13(2)(a) to (f)”.

12 Section 34 is repealed and the following is substituted:

Notice of revisions

34 When the returning officer has accepted all the forms completed under section 30(2) and any forms returned under section 30(9) for the subdivisions in the returning officer’s electoral division, the returning officer shall publish in one or more newspapers of general circulation in the returning officer’s electoral division and on the Chief Electoral Officer’s website the dates, times and places for consideration of applications for revisions to the information.

13 Section 36(3) is repealed and the following is substituted:

(3) The returning officer shall publish in one or more newspapers of general circulation in the returning officer’s electoral division and on the Chief Electoral Officer’s website the details of any additional dates, times and places for consideration of applications for revisions so as to give not less than 2 days’ notice of the information.

14 Section 38(2) is repealed and the following is substituted:

(2) The returning officer shall review the boundaries of and the number of electors in each subdivision of the returning officer’s electoral division and, if the returning officer considers it necessary, shall, in consultation with the Chief Electoral Officer, redefine and, if necessary, renumber the subdivisions in accordance with section 14 for use as polling subdivisions in any election, by-election, referendum or plebiscite.

10 Section 25(3) presently reads:

(3) When 2 enumerators are appointed for a subdivision they shall, where possible, represent different political interests based in the first instance on the recommended names provided by the registered constituency associations under section 23.

11 Corrects a cross-reference error.

12 Section 34 presently reads:

34 When the returning officer has accepted all the forms completed under section 30(2) and any forms returned under section 30(9) for the subdivisions within the returning officer's electoral division, the returning officer shall have published in one or more newspapers of general circulation within the returning officer's electoral division the dates, times and places for consideration of applications for revisions to the information.

13 Section 36(3) presently reads:

(3) The returning officer shall have published in one or more newspapers of general circulation within the returning officer's electoral division the details of any additional dates, times and places for attending to applications for revisions so as to give not less than 2 days' notice of the information.

14 Section 38(2) presently reads:

(2) The Chief Electoral Officer shall review the boundaries of and the number of electors in each subdivision of the Chief Electoral Officer's electoral division and, if the Chief Electoral Officer considers it necessary, shall, in consultation with the returning officer, redefine and, if necessary, renumber the subdivisions in accordance with section 14 for use as polling subdivisions in any election, by-election, referendum or plebiscite.

15 Section 39 is amended

(a) by repealing clause (c) and substituting the following:

- (c) appointing the 10th day after the date of the writ as nomination day, or if the 10th day is a holiday, the next following day not being a holiday,

(b) by repealing clause (d) and substituting the following:

- (d) providing that, where voting is necessary, the 28th day after the date of the writ is the day on which voting is to take place, or if the 28th day is a holiday, the next following day not being a holiday, and

16 Section 43(b) is amended by striking out “is sworn in” and substituting “signs a declaration”.

15 Section 39 presently reads:

39 Every election shall be commenced by the passing of an order of the Lieutenant Governor in Council

- (a) authorizing the issue of a writ of election in the prescribed form directed and addressed to the returning officer of each electoral division for which an election is to take place,*
- (b) fixing the date of the writ,*
 - (i) which must be the same for all writs in the case of a general election, and*
 - (ii) which must be the same as the date of the order in the case of a by-election,*
- (c) appointing the 14th day after the date of the writ as nomination day,*
- (d) providing that, where voting is necessary, the 14th day after nomination day shall be the day on which voting is to take place, or if the 14th day is a holiday, then on the next following day not being a holiday, and*
- (e) directing that the writ be returned as provided by this Act.*

16 Section 43 presently reads:

43 Subject to section 45, a person is eligible to vote at an election if that person is an elector and ordinarily resident on polling day in the polling subdivision in which the person seeks to vote, and

- (a) that person's name appears on the list of electors for the polling subdivision,*
- (b) that person is sworn in under section 95, or*
- (c) that person's name has been entered in the Special Ballot Poll Book and the person has properly completed part 1 of the certificate referred to in section 118(2)(d).*

17 Section 47(1) is amended by striking out “Immediately after a writ of election is issued” **and substituting** “In preparation for the conduct of an election in an electoral division”.

18 Section 47.1(1) is amended by striking out “Immediately on being notified by the Chief Electoral Officer of the issue of a writ of election” **and substituting** “In preparation for the conduct of an election in an electoral division”.

19 Section 54(1)(b) is amended by adding “supervisory deputy returning officer or” **before** “deputy returning officer”.

20 Section 55 is amended

(a) by repealing subsection (2.1) and substituting the following:

(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), (d) and (e) in a newspaper of general circulation in the returning officer’s electoral division and on the Chief Electoral Officer’s website.

(b) by repealing subsection (4)(a) and substituting the following:

(a) publish details of the correction in the newspaper in which the information in the proclamation was published under subsection (2.1) and on the Chief Electoral Officer’s website, and

17 Section 47(1) presently reads:

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.

18 Section 47.1(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.

19 Section 54(1) presently reads:

54(1) Each returning officer shall

- (a) have prepared conspicuous signs for directing electors to the location of each polling place within the returning officer's electoral division, and*
- (b) distribute the signs to each deputy returning officer in the returning officer's electoral division.*

20 Section 55 presently reads in part:

55(1) Each returning officer shall, as soon as possible but not later than the 5th day before nomination day, issue a proclamation containing the following:

- (a) the place, dates and hours for considering applications for revisions to the lists of electors,*
- (b) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations,*
- (c) the place, dates and hours fixed for voting at an advance poll if voting is necessary,*
- (d) the date of polling day and the hours at which the polling places will open and close if voting is necessary,*

21 Section 59 is amended

- (a) in subsection (1) by striking out “Any” and substituting “At any time during the campaign period, any”;**
- (b) by repealing subsection (1.1) and substituting the following:**

- (e) *the place, date and time for announcing the results of the official count, that date being the 10th day after polling day, and*
- (f) *the name, address and telephone number of the returning officer.*

(2) A returning officer shall post a copy of the following in the returning officer's office:

- (a) the proclamation referred to in subsection (1);*
- (b) a map of the electoral division including the numbered polling subdivisions;*
- (c) a list of the locations of polling places;*
- (d) a statement of the availability of level access to the office of the returning officer and to the advance polling places;*
- (e) a list of the qualifications for electors who may use a Special Ballot.*

(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), (d) and (e) in a newspaper having general circulation in the electoral division for which the returning officer is appointed.

(4) If any of the information published under subsection (2.1) is or becomes inaccurate for any reason, the returning officer shall

- (a) publish details of the correction in the newspaper in which the information in the proclamation was published under subsection (2.1), and*
- (b) immediately provide to all candidates or their official agents written details of the correction.*

21 Section 59 presently reads:

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 at any time prior to 2 p.m. on the date appointed as nomination day.

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

(5) An elector resident in an electoral division, on application to the returning officer of that electoral division, may, during the period commencing on the day following nomination day and ending on polling day, inspect the nomination papers filed by candidates in that electoral division.

22 Section 61(1) is amended

- (a) in clause (c) by striking out “and address” and substituting “, address and telephone number”;**
- (b) in clause (f) by striking out “of the date fixed for the closing of nominations” and substituting “on the date appointed as nomination day”.**

23 Section 62(3) is amended by striking out “personal representative” and substituting “chief financial officer”.

24 Section 63(a)(iii) and (b)(iv) are amended by striking out “that will allow the candidate to appoint the number of scrutineers that the candidate is entitled to appoint”.

(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.

(2) The signatures of the electors nominating a candidate must be witnessed by another elector who shall complete the required affidavit on the nomination paper prior to its filing.

(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.

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

22 Section 61(1)(c) and (f) presently read in part:

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

(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,

(f) it is filed with the returning officer prior to 2 p.m. of the date fixed for the closing of nominations.

23 Section 62(3) presently reads:

(3) If a candidate dies after being nominated and prior to the closing of the polling places on polling day, the deposit shall be refunded to the candidate's personal representative.

24 Section 63(a)(iii) and (b)(iv) presently read:

63 The returning officer, on filing a nomination paper, shall provide to the candidate,

(a) if the candidate is the candidate of a registered political party,

25 Section 67 is amended

- (a) in subsection (1) by striking out “the date fixed for the close of nominations” and substituting “the date appointed as nomination day”.**
- (b) by adding the following after subsection (1):**
 - (1.1)** The returning officer shall send the deposits received under section 61 to the Chief Electoral Officer.
- (c) by repealing subsection (2)(b) and substituting the following:**
 - (b)** publish in the prescribed form the names, addresses and telephone numbers of the candidates’ official agents in a newspaper of general circulation in the electoral division and on the Chief Electoral Officer’s website.

(iii) *a sufficient number of copies of the prescribed form for the appointment of scrutineers that will allow the candidate to appoint the number of scrutineers that the candidate is entitled to appoint,*

and

(b) *in every other case,*

(iv) *a sufficient number of copies of the prescribed form for the appointment of scrutineers that will allow the candidate to appoint the number of scrutineers that the candidate is entitled to appoint, and*

25 Section 67 presently reads in part:

67(1) At 2 p.m. on the date fixed for the close of nominations, the returning officer shall, at the place fixed for the filing of nominations,

(a) declare the nominations closed,

(b) announce the names of all officially nominated candidates in the electoral division,

(c) announce the name and address of each candidate's official agent, and

(d) announce the polling date and the date, time and place at which the official results of the election will be declared.

(2) On complying with subsection (1), the returning officer shall, as soon as possible,

(a) make available a list of the candidates to each candidate or each candidate's official agent, and

(b) publish in the prescribed form the names and addresses of the candidates' official agents in a newspaper of general circulation within the electoral division.

26 Section 70(a) is amended by striking out “within the electoral division” **and substituting** “in the electoral division and on the Chief Electoral Officer’s website”.

27 Section 73 is amended by adding the following after subsection (1):

(1.1) Notwithstanding subsection (3), a person who is 16 or 17 years of age may be appointed as a poll clerk to carry out the duties of a poll clerk, except to act as a deputy returning officer under section 75.

26 Section 70 presently reads:

70 Each returning officer shall

- (a) publish once within the 7 days immediately preceding polling day, in one or more newspapers of general circulation within the electoral division,*
 - (i) a copy of the map of the electoral division setting out the numbered polling subdivisions,*
 - (ii) a list of the locations of the polling places,*
 - (iii) a statement of the availability of level access to the office of the returning officer and to the advance polling places, and*
 - (iv) a list of qualifications for electors who may use a Special Ballot,*
- and*
- (b) provide one copy of the map and one copy of the list to each of the returning officer's deputy returning officers for use on polling day.*

27 Section 73 presently reads:

73(1) For each polling place established in an electoral division the returning officer for that electoral division shall appoint one or more qualified persons as poll clerks.

(2) Each poll clerk shall, before assuming the poll clerk's duties, take the prescribed oath of office before the returning officer, election clerk or deputy returning officer or any person authorized to take oaths in Alberta, and no charge may be made by the person administering the oath.

(3) A person appointed as a poll clerk must be an elector resident in the electoral division.

(4) Notwithstanding subsection (3), if there is not a sufficient number of qualified persons available from among those persons resident in the electoral division, the returning officer may appoint

28 The following is added after section 75:

Appointment of information officer

75.1(1) A returning officer may, if the returning officer considers it necessary, appoint in the prescribed form a qualified person as an information officer for each polling place.

(2) Each information officer shall, before assuming the information officer's duties, take the prescribed oath of office before the returning officer, election clerk, supervisory deputy returning officer or deputy returning officer or any person authorized to take oaths in Alberta, and no fee may be charged by the person administering the oath.

(3) The duties of an information officer are to assist electors, to respond to questions from electors and to maintain peace and order in the polling place and on the premises on which the polling place is located.

29 Section 77(b) is repealed and the following is substituted:

(b) performing the duties of other election officers as required,

30 Section 77.1(4) is repealed and the following is substituted:

(4) The duties of a registration officer are

as poll clerks qualified persons from any other electoral divisions as the returning officer considers appropriate.

(5) If a poll clerk is unable or unwilling to act or neglects the poll clerk's duties, the returning officer may appoint another poll clerk in that poll clerk's place, and a copy of the appointment shall be attached to the poll book.

28 Appointment of information officer.

29 Section 77 presently reads in part:

77 A supervisory deputy returning officer is responsible for

- (a) providing overall supervision of 2 or more polling stations in the polling place,*
- (b) performing the duties of the deputy returning officer or poll clerk in an emergency,*

30 Section 77.1(4) presently reads:

(4) The duties of a registration officer are to assist electors who are not on the list of electors by administering the oath of elector and to

- (a) to assist electors who are not on the list of electors in the completion of a declaration referred to in section 95, and
- (b) to assist the supervisory deputy returning officer and the deputy returning officer in the performance of their duties.

31 Section 79 is repealed and the following is substituted:

Scrutineers

79(1) Each candidate may appoint in the prescribed form not more than 4 electors as scrutineers

- (a) to represent the candidate at each polling station,
 - (b) to be present at the place to which the ballot box is brought under section 96(1.1),
 - (c) to observe the election procedures on the candidate's behalf, and
 - (d) to be present at the registration officer's station while an elector is completing a declaration under section 95.
- (2)** The Chief Electoral Officer shall establish a code of conduct for scrutineers.
- (3)** The code of conduct must be posted in each polling place.
- (4)** Each candidate shall provide to each of his or her scrutineers a copy of the code of conduct.
- (5)** A scrutineer shall comply with the code of conduct, and a scrutineer may be removed from the polling place if in the opinion of the supervisory deputy returning officer or deputy returning officer the scrutineer fails to comply with the code.

32 Section 90(1) is amended by striking out "returning officer's".

assist the supervisory deputy returning officer and the deputy returning officer in the performance of their duties.

31 Section 79 presently reads:

79(1) 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.*

(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.

32 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:

33 Section 92(1) is amended by adding the following after clause (h):

- (i) the information officers;
- (j) other election officers authorized by the Chief Electoral Officer.

34 Section 94(1) is repealed and the following is substituted:

Preservation of peace and order

94(1) Every election officer, from the time that officer takes that officer's oath of office until completion of the duties of that office,

- (a) is charged with preserving the peace at polling places,

- (a) *Notice as to Secrecy of Voting;*
- (b) *Directions for Guidance of Voters.*

33 Section 92(1) presently reads:

92(1) Only the following persons may remain in a polling place during polling hours:

- (a) *the supervisory deputy returning officer and deputy returning officers;*
- (a.1) *the registration officers;*
- (b) *the poll clerks;*
- (c) *the returning officer or election clerk;*
- (d) *the Chief Electoral Officer, members of the Chief Electoral Officer's office staff designated by the Chief Electoral Officer and visiting officials from other electoral jurisdictions authorized by the Chief Electoral Officer;*
- (e) *the official agents of the candidates;*
- (f) *one scrutineer per candidate for each ballot box;*
- (f.1) *one scrutineer per candidate at each registration officer's station;*
- (g) *the interpreters;*
- (h) *peace officers appointed under the Peace Officer Act.*

34 Section 94(1)(c) presently reads:

94(1) Every returning officer, supervisory deputy returning officer, registration officer and deputy returning officer, from the time that officer takes that officer's oath of office until completion of the duties of that office,

- (c) *may*

- (b) is vested with all the powers of a justice of the peace,
and
- (c) may, where a person is contravening subsection (3),
 - (i) request the assistance of a justice of the peace, a peace officer or any person present to aid that election officer in maintaining peace and order at the polling place,
 - (ii) order any person contravening subsection (3) to leave the polling place and the premises on which the polling place is located,
 - (iii) arrest or cause to be arrested and placed in the custody of a peace officer or other person any person contravening subsection (3), and
 - (iv) cause an arrested person to be imprisoned on that officer's written order until a time not later than the close of a poll.

35 Section 95 is amended by adding the following after subsection (4):

- (4.1)** Scrutineers may not vouch for an elector.

- (i) *request the assistance of justices of the peace, peace officers or any persons present to aid that officer in maintaining peace and order at an election;*
- (iii) *arrest or cause to be arrested and placed in the custody of a peace officer or other person anyone disturbing the peace or order at an election;*
- (iv) *cause an arrested person to be imprisoned on that officer's written order until a time not later than the close of a poll.*

35 Section 95 presently reads in part:

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*
 - (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

36 Section 96 is amended by adding the following after subsection (1):

(1.1) Where a voter is unable to access a polling place because of the voter's physical incapacity, the poll clerk, and the other election officers the deputy returning officer considers necessary, shall bring the ballot box to some other place on the site on which the polling place is located.

(1.2) Before bringing the ballot box to some other place under subsection (1.1), the poll clerk shall advise the scrutineers at the polling place.

37 Section 97 is amended by striking out "polling subdivisions" and substituting "assigned polling subdivisions".

38 Section 98(3) is amended by adding "Wednesday," before "Thursday,".

39 Section 102(2) is amended by adding " , and the poll clerk shall annotate the poll book accordingly" after "sent to the returning officer".

(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.

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

36 Section 96(1) presently reads:

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) if requested by the voter, place the ballot so marked in the ballot box.

37 Section 97 presently reads:

97 The returning officer shall provide one copy of the list of electors for all polling subdivisions in the electoral division for use by the deputy returning officer at the advance poll.

38 Section 98(3) presently reads:

(3) The polling places for advance polling shall be open from 9 a.m. to 8 p.m. on each of the Thursday, Friday and Saturday of the full week preceding polling day.

39 Section 102(2) presently reads:

(2) The deputy returning officer shall immediately write the word "spoiled" on the previous ballot returned to the deputy returning officer under subsection (1) and place it in the required envelope to be sent to the returning officer.

40 Section 104 is amended

(a) **in subsection (2) by striking out** “election clerk, administrative assistant, deputy returning officer, poll clerk, supervisory deputy returning officer, registration officer” **and substituting** “election officer”;

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

(3) If a voter

(a) has signed a declaration for the purpose of voting, or

(b) has refused to sign a declaration that the voter is required to complete for the purpose of voting,

the poll clerk shall annotate the poll book accordingly.

41 Section 107.1 is amended by adding the following after subsection (2):

(3) If a person declines to vote, the poll clerk shall annotate the poll book accordingly.

42 Section 111(11)(a) to (c) are repealed and the following is substituted:

(a) the returning officer;

(b) any other election officer authorized by the returning officer;

40 Section 104 presently reads in part:

(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 sign the declaration before the deputy returning officer or poll clerk located at that polling subdivision.

(3) If a voter

- (a) has signed a declaration 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 "declaration", or*
- (b) has refused to sign a declaration 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 declaration".*

41 Section 107.1 presently reads:

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.*

42 Section 111(11) presently reads in part:

(11) Only the following persons may be present during the unofficial count of ballots and then only if they have taken the prescribed oath of secrecy:

- (a) the supervisory deputy returning officer and the deputy returning officers;*

43 Section 113(3) is amended by striking out “electors” and substituting “election officers”.

44 Section 118 is amended

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

(4) On receipt of the outer envelope, the returning officer or election clerk shall remove and open the certificate envelope and determine

- (a) whether the name on the certificate envelope is the same as that of a person already entered in the Special Ballot Poll Book under section 116,
- (b) whether a copy of the prescribed identification document or documents has been included, and
- (c) whether part 1 of the certificate has been properly completed.

(b) in subsection (5)

(i) by adding “, that a copy of the prescribed identification document or documents has been included” after “recorded in the Special Ballot Poll Book”;

(ii) in clause (a)

(A) in subclause (iii) by striking out “and, opposite the name, the word “special”,” and substituting “and put a line through the voter’s name and enter opposite the name of that voter on the list of electors the word “special”,”;

- (a.1) the registration officers;*
- (b) the poll clerks;*
- (c) the returning officer or election clerk;*

43 Section 113(3) presently reads:

(3) A returning officer may, if the returning officer considers it necessary, appoint in the prescribed form additional electors to assist in counting the votes from the advance poll.

44 Section 118 presently reads in part:

(4) On receipt of the outer envelope, the returning officer or election clerk shall remove the certificate envelope and determine

(a) whether the name on the certificate envelope is the same as that of an individual already recorded in the Special Ballot Poll Book under section 116, and

(b) that part 1 of the certificate is properly completed.

(5) On determining that the voter is recorded in the Special Ballot Poll Book and that part 1 of the certificate is completed, the returning officer or election clerk, as the case may be, shall,

(a) if the returning officer or election clerk is satisfied as to the voter's eligibility to vote,

(i) sign part 2 of the certificate,

(ii) if the voter's name appears on the list of electors for the polling subdivision in which the voter is entitled to vote, put a line through the voter's name and enter opposite the name of that person on the list of electors the word "special",

(iii) if the voter's name does not appear on the list of electors for the polling subdivision in which the voter is entitled to vote, enter the voter's name on the list of electors and, opposite the name, the word "special",

(B) by repealing subclause (v) and substituting the following:

- (v) remove the sealed ballot envelope from the certificate envelope and place the sealed ballot envelope in a sealed ballot box marked “special ballot”;

(C) in subclause (vii) by striking out “and forward it” and substituting “and the copy of the identification document or documents and forward them”;

(iii) in clause (b)(i) by striking out “unopened” and substituting “and its contents”;

(c) by repealing subsections (6), (6.1) and (7) and substituting the following:

(6) At the close of the polling place on polling day, the returning officer shall deliver the sealed ballot box referred to in subsection (5)(a)(v) to the authorized election officers in the electoral division and advise them of the names of the electors who have voted by Special Ballot, and the authorized election officers shall proceed in accordance with section 113 as if the ballot box were from an advance poll.

(6.1) Any election officer appointed for the electoral division may assist with the duties under subsection (6).

(7) After completing the count of the ballots, the election officer authorized by the returning officer shall record the results on the prescribed form.

- (iv) *record in the Special Ballot Poll Book in the appropriate column the date the returning officer or election clerk received the certificate envelope,*
- (v) *open the certificate envelope, remove the sealed ballot envelope and place the sealed ballot envelope in a sealed ballot box marked "special ballot",*
- (vi) *enter in the Special Ballot Poll Book, in the appropriate columns, a check mark or other annotation indicating that the voter has voted and the reason for using the Special Ballot, that is, physical incapacity, absence, inmate, election officer, candidate, official agent, scrutineer, remote area or another reason prescribed by the Chief Electoral Officer, and*
- (vii) *retain the certificate envelope and forward it to the Chief Electoral Officer in accordance with section 142,*

or

- (b) *if the returning officer or election clerk is not satisfied as to the voter's eligibility to vote,*
 - (i) *retain the certificate envelope unopened,*
 - (ii) *treat the ballot in the envelope as a rejected ballot, and*
 - (iii) *mark the certificate envelope accordingly.*

(6) At the close of the polling place on polling day, the returning officer shall deliver the Special Ballot ballot box to any deputy returning officer and poll clerk in the electoral division and advise them of the names of the electors who have so voted, and the deputy returning officer and poll clerk shall proceed in accordance with section 113 as if the ballot box were from an advance poll.

(6.1) Any election officer appointed for the electoral division may assist or be asked to assist the deputy returning officer and poll clerk with their duties under subsection (6).

(7) After completing the count of the ballots, the deputy returning officer shall record the results on the prescribed form.

45 Section 123 is amended by striking out “take the required oath” wherever it occurs and substituting “sign the required declaration”.

46 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, electronic or other media, including telephone, fax, internet, electronic mail and text messaging, with the purpose of promoting or opposing any registered political party or the election of a registered candidate.

(2) A registered candidate, a registered constituency association and a registered political party must ensure that advertisements sponsored by the registered candidate, the registered constituency association or the registered political party comply with the following in accordance with the guidelines of the Chief Electoral Officer:

- (a) the advertisement must include the sponsor’s name and contact information and must indicate whether the sponsor authorizes the advertisement;
- (b) subject to clause (c), in the case of an advertisement that is broadcast or is made through electronic media, the information referred to in clause (a) must be stated at the beginning of the advertisement;

45 Section 123 presently reads in part:

(2) An elector eligible to vote who is an in-patient of a treatment centre and considered by an official of the treatment centre to be well enough to vote

(a) shall take the required oath before voting, and

(b) may, if necessary, vote in accordance with section 96.

(3) An elector eligible to vote who is a resident of a supportive living facility

(a) shall, if the elector's name does not appear on the list of electors, take the required oath before voting, and

(b) may, if necessary, vote in accordance with section 96.

46 Section 134 presently reads:

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.

- (c) in the case of an advertisement transmitted to a telephone, whether in the form of a live call or an automated pre-recorded call,
 - (i) the telephone number of the sponsor must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed;
 - (ii) the name of the sponsor and the sponsor's party affiliation, if any, must be stated at the beginning of the advertisement;
 - (iii) the advertisement must state whether the sponsor authorizes the advertisement;
 - (iv) the telephone number of the sponsor or the sponsor's campaign office at which the sponsor can be contacted must be stated at the end of the advertisement.
- (3) The Chief Electoral Officer shall establish guidelines respecting the requirements referred to in subsection (2).
- (4) The guidelines must be published on the Chief Electoral Officer's website.
- (5) If an advertisement is not in compliance with this section, the Chief Electoral Officer may cause it to be removed or discontinued, and in the case of an advertisement displayed on a sign, poster or other similar format 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.

47 Section 135.1 is amended by striking out "sections 135.2 to 135.4" **and substituting** "sections 135.11 to 135.4".

47 Section 135.1 presently reads:

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*

48 The following is added after section 135.1:

Conducting election surveys

135.11(1) No person or organization may, during an election period, conduct an election survey unless

- (a) the following information is provided, in accordance with the guidelines established by the Chief Electoral Officer, prior to the start of the survey:
 - (i) the name and contact information of the person or organization on whose behalf the survey is being conducted and whether the person or organization has approved the content of the survey;
 - (ii) the name and contact information of the person or organization conducting the survey if the person or organization is not the person or organization referred to in subclause (i);
- (b) in the case of an election survey transmitted to a telephone, whether in the form of a live call or automated pre-recorded call, the telephone number of the person or organization conducting the survey must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed.

(2) The Chief Electoral Officer shall establish guidelines respecting the content of the information required under subsection (1) and the manner in which the information is to be provided.

(3) The guidelines must be published on the Chief Electoral Officer's website.

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.*

48 Conducting election surveys.

49 Section 135.5 is repealed and the following is substituted:

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 or tenant of a condominium unit from displaying election advertising posters on the premises of his or her unit.

(2) For the purposes of subsection (1), "premises" includes land or a window, door, balcony or other structure of which the owner or tenant enjoys exclusive use in connection with his or her unit.

(3) 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 under subsection (1) and may prohibit the display of election advertising posters in common areas, other than areas that form part of the premises of the tenant or owner.

50 Section 137 is amended

(a) by repealing subsection (2)(a) and substituting the following:

- (a) the returning officer and election clerk, and any other election officers authorized by the returning officer to assist with the counting of the ballots,

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

(3) In conducting the official count, the returning officer, with the assistance of the election clerk and any other election officers authorized by the returning officer to assist with the counting of the ballots, shall open each ballot box and remove the deputy returning officer's Statement of Poll and the envelopes containing the ballots.

(3.1) The returning officer shall

49 Section 135.5 presently reads:

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.

50 Section 137 presently reads in part:

(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,
 - (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,
 - (f) supervise election officers in conducting the official count of the valid votes,
 - (g) supervise election officers in reconciling the number of spoiled and declined ballots, and
 - (h) complete an official count of the valid votes.
- (c) **in subsection (5) by striking out** "On completing the official count" **and substituting** "On completion of the official count of the polls".

51 Section 141(1)(h) is repealed.

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

51 Section 141(1)(h) presently reads:

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:

52 Section 152 is amended

(a) by repealing subsection (2) and substituting the following:

(2) If within the 30-day period described in subsection (1) a candidate in an electoral division, a candidate's official agent or a political party that has a candidate in the electoral division 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, official agent or political party.

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

(3.1) A candidate, a candidate's official agent or a political party to whom a copy of a poll book has been furnished under this section shall take all reasonable steps to protect the poll book and the information contained in it from loss and unauthorized use.

(3.2) A candidate, a candidate's official agent or a political party to whom a copy of a poll book has been furnished under this section shall immediately notify the Chief Electoral Officer if the poll book or the information contained in the poll book has been lost.

(3.3) On being notified under subsection (3.2), the Chief Electoral Officer shall direct the candidate, the candidate's official agent or the political party to take any action the Chief Electoral Officer considers appropriate.

53 The heading preceding section 154 is repealed and the following is substituted:

**Part 5
Administrative Penalties
and Offences**

(h) the forfeited candidate deposits;

52 Section 152 presently reads in part:

(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.

53 The heading preceding section 154 presently reads:

*Part 5
Offences*

54 The following is added before section 154:

Administrative penalties

153.1(1) If the Chief Electoral Officer is of the opinion that a person has contravened a provision of this Act, the Chief Electoral Officer may serve on the person either a notice of administrative penalty requiring the person to pay to the Crown the amount set out in the notice, or a letter of reprimand.

(2) A notice of administrative penalty must contain the following information:

- (a) the name of the person required to pay the administrative penalty;
- (b) the particulars of the contravention;
- (c) the amount of the administrative penalty and the date by which it must be paid;
- (d) a statement of the right to appeal the imposition or the amount of the administrative penalty to the Court of Queen's Bench.

(3) In determining the amount of an administrative penalty required to be paid or whether a letter of reprimand is to be issued, the Chief Electoral Officer must take into account the following factors:

- (a) the severity of the contravention;
- (b) the degree of wilfulness or negligence in the contravention;
- (c) whether or not there were any mitigating factors relating to the contravention;
- (d) whether or not steps have been taken to prevent reoccurrence of the contravention;
- (e) whether or not the person has a history of non-compliance;
- (f) whether or not the person reported the contravention on discovery of the contravention;

54 Administrative penalties.

(g) any other factors that, in the opinion of the Chief Electoral Officer, are relevant.

(4) The amount of an administrative penalty that may be imposed under subsection (1) must not exceed the maximum fine that could be imposed for the corresponding offence under sections 154 to 161.

(5) A person who pays an administrative penalty in respect of a contravention shall not be charged under this Act with an offence in respect of the same contravention that is described in the notice of administrative penalty.

(6) A person who has been served with a notice of administrative penalty shall pay the amount of the administrative penalty within 30 days from the date of service of the notice.

(7) Subject to the right to appeal, where a person fails to pay the administrative penalty in accordance with a notice of administrative penalty, the Chief Electoral Officer may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

55 Section 163(a) is amended by striking out “section 13(1), (7) or (8)” **and substituting** “section 13(1) or 13.2(1) or (2)”.

56 Section 188(1) is amended by adding “and the Chief Electoral Officer” **after** “the respondent”.

55 Corrects a cross-reference error.

56 Section 188(1) presently reads:

188(1) A copy of the petition shall, within 20 days after being filed, be served on the respondent, and service of the copy of the petition may be effected

(a) in the way that service of a statement of claim in an ordinary civil action in the Court is effected, or

(b) in the manner provided by section 68.

Part 2
Election Finances and
Contributions Disclosure Act

Amends RSA 2000 cE-2

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

58 Section 1 is amended

(a) in subsection (1)

(i) by repealing clause (b) and substituting the following:

(b) “campaign period” means

- (i) in the case of a general election held in accordance with section 38.1(2) of the *Election Act*, the period commencing on February 1 in the year in which the election is held and ending 2 months after polling day,**
- (ii) in the case of a general election held other than in accordance with section 38.1(2) of the *Election Act*, the period commencing with the issue of a writ for the election and ending 2 months after polling day,**
- (iii) in the case of an election held under the *Senatorial Selection Act*, the period commencing with the issue of a writ for the election and ending 2 months after polling day,**
- (iv) in the case of a by-election, the period commencing with the issue of a writ for the by-election and ending 2 months after polling day, and**
- (v) in the case of a leadership contest, the period beginning on the date of the official call of the leadership contest, as set out in a statement filed by a registered party under section 9.2, and**

Part 2
Election Finances and
Contributions Disclosure Act

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

58 Section 1 presently reads in part:

1(1) In this Act,

(b) “campaign period” means the period commencing with the issue of a writ for an election and terminating 2 months after polling day;

(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;

(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,

(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,

ending 2 months after the date of the leadership vote;

(ii) by repealing clause (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, candidate or leadership contestant, or
 - (ii) for the benefit of a political party, constituency association, candidate or leadership contestant with the consent of the political party, the constituency association, the candidate or the leadership contestant,

without compensation from that political party, constituency association, candidate or leadership contestant;

(iii) by adding the following after clause (i):

- (i.1) “leadership contest” means the procedure by which a registered party selects a leader;
- (i.2) “leadership contestant” means a person who seeks the leadership of a registered party at a leadership contest called by that party for that purpose;
- (i.3) “leadership vote” means the vote at which the leader of a registered party is selected;

(iv) in clause (l)

(A) by repealing subclause (vi);

(B) by repealing subclause (vi.1) and substituting the following:

- (vi.1) a corporation associated with a corporation referred to in subclauses (i) to (v) as determined under subsections (2.1) to (2.3),

- (vi) any corporation that does not carry on business in Alberta,*
 - (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*
 - (vii) any corporation designated by the Lieutenant Governor in Council as a prohibited corporation;*
- (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.*

(vi.2) a corporation that does not carry on business in Alberta,

(vi.3) a registered charity,

(vi.4) a publicly funded corporation as determined by the regulations, or

(C) in subclause (vii) by adding “, or corporation within a class of corporation,” after “any corporation”;

(v) by adding the following after clause (l):

(l.1) “recorded mail” means a form of document delivery by mail or courier in which receipt of the document must be acknowledged in writing;

(vi) by adding the following after clause (m):

(m.1) “registered charity” means a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada);

(vii) by adding the following after clause (n):

(n.1) “registered leadership contestant” means a leadership contestant registered under section 9.2;

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

(2.1) For the purposes of this Act,

(a) a corporation is associated with another corporation if one of them is the subsidiary of the other or both are subsidiaries of the same corporation or each of them is controlled by the same person, and

(b) if 2 corporations are associated with the same corporation at the same time, they are deemed to be associated with each other.

(2.2) For the purposes of this Act, a corporation is controlled by a person if

- (a) securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation are held, other than by way of security only, by or for the benefit of that person, and
- (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

(2.3) For the purposes of this Act, a corporation is a subsidiary of another corporation if

- (a) it is controlled by
 - (i) that other corporation,
 - (ii) that other corporation and one or more corporations, each of which is controlled by that other corporation, or
 - (iii) 2 or more corporations, each of which is controlled by that other corporation,
 or
- (b) it is a subsidiary of a corporation that is that other corporation's subsidiary.

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

(3) Corporations that are associated with one another as determined under subsections (2.1) to (2.3) are considered a single corporation for the purposes of this Act.

(d) by repealing subsection (3.1).

59 Section 2 is amended by striking out “in relation to the leadership of a registered party or”.

59 Section 2 presently reads:

2 This Act does not apply to campaigns and conventions carried on or held in relation to the leadership of a registered party or in relation to constituency association nominations for endorsement of official party candidates.

60 Section 3 is repealed and the following is substituted:

Prohibited corporations

3 The Lieutenant Governor in Council may, by regulation,

- (a) designate a corporation to be a prohibited corporation;
- (b) designate a class of corporation, a corporation within which class is a prohibited corporation;
- (c) determine what constitutes a corporation to be a publicly funded corporation for the purpose of section 1(1)(l)(vi.4).

61 Section 4 is amended

(a) in subsection (1)

(i) in clause (b) by striking out “and” at the end of subclause (ii) and by adding the following after subclause (ii):

- (ii.1) registered leadership contestants in relation to leadership contests, and

(ii) by adding the following after clause (b):

- (b.1) may, on the Chief Electoral Officer’s own initiative or at the request of another person or organization, conduct an investigation into any matter that might constitute an offence under this Act;

(iii) by repealing clause (d) and substituting the following:

- (d) with respect to a registered party, constituency association and registered candidate, shall publish a statement on the Chief Electoral Officer’s website within 30 days after the date on which
- (i) a return is required to be filed with the Chief Electoral Officer under section 32(3) or (4), and

60 Section 3 presently reads:

3 The Lieutenant Governor in Council may designate corporations to be prohibited corporations for the purposes of this Act.

61 Section 4 presently reads:

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,

- (a) may examine all financial statements required to be filed with the Chief Electoral Officer;*
- (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;*
- (c) shall provide or approve forms for the purposes of this Act;*
- (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;*

- (ii) the financial statement is required to be filed with the Chief Electoral Officer under section 42 or 43;
- (d.1) with respect to a registered leadership contestant, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which the financial statement and return are required to be filed with the Chief Electoral Officer under section 44.96;
- (d.2) shall include in the statements published by the Chief Electoral Officer under clauses (d) and (d.1) the name of any contributor who has contributed an amount exceeding \$250 in the aggregate and the actual amount contributed;
- (iv) in clause (e)
 - (A) by striking out "website of the Chief Electoral Officer" and substituting "Chief Electoral Officer's website";
 - (B) by striking out "\$375" and substituting "\$250";
- (b) in subsection (2) by adding " , including any recommendations for amendments to this Act," after "this Act".

62 Section 5 is repealed and the following is substituted:

Powers of Chief Electoral Officer

5(1) For the purpose of carrying out an examination or inquiry, or conducting an investigation, referred to in section 4(1), the Chief Electoral Officer has all the powers of a commissioner under the *Public Inquiries Act* as though the examination, inquiry or investigation were an inquiry under that Act.

(2) For the purpose of carrying out an examination or inquiry, or conducting an investigation, referred to in section 4(1), 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

(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.

(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 Standing Committee on Legislative Offices, which 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.

62 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, candidate or third party relevant to the subject-matter of the inquiry or examination are kept and may examine and make copies of the

political party, constituency association, candidate, leadership contestant or third party relevant to the subject-matter of the examination, 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) A registered party, registered constituency association, registered candidate, registered leadership contestant 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, registered leadership contestant or registered third party that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act.

Notice of investigation and conclusion

5.1(1) At any time before completing an investigation referred to in section 4(1)(b.1), the Chief Electoral Officer shall notify any person or organization who is the subject of the investigation that the person or organization is being investigated and inform the person or organization of the nature of the matter being investigated, unless the Chief Electoral Officer believes that doing so would compromise or impede the investigation.

(2) The Chief Electoral Officer may refuse to conduct or may cease an investigation if the Chief Electoral Officer is of the opinion that

- (a) the matter is frivolous or vexatious, or
- (b) there are no grounds or insufficient grounds to warrant an investigation or the continuation of an investigation.

(3) The Chief Electoral Officer shall not make any adverse finding against a person or organization unless that person or organization has had reasonable notice of the substance of the allegations and a reasonable opportunity to present his or her or its views.

books or documents or remove them temporarily for the purpose of making copies.

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

(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.*

(4) If the Chief Electoral Officer refuses to conduct or ceases an investigation under subsection (2), or determines that no offence was committed, the Chief Electoral Officer

(a) shall provide notice of that decision to

(i) every person or organization who

(A) is the subject of the investigation, or

(B) would have been the subject of an investigation if the Chief Electoral Officer had not refused to conduct an investigation,

and

(ii) every person or organization who requested an investigation, if any,

and

(b) may, as the Chief Electoral Officer considers to be appropriate, provide notice of that decision to any other person or organization involved in the matter referred to in section 4(1)(b.1).

Disclosure

5.2(1) Except as provided in subsections (2) and (3), the Chief Electoral Officer, 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 examination, inquiry or investigation.

(2) Information and allegations to which subsection (1) applies may be

(a) disclosed to the person or organization 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) disclosed in a report made by the Chief Electoral Officer under section 44(1),
- (d) adduced in evidence at an inquiry, and
- (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 Solicitor 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.

(3) Findings and decisions and any additional information that the Chief Electoral Officer considers to be appropriate shall be published on the Chief Electoral Officer's website in the following circumstances:

- (a) subject to section 51.02(2), if a penalty is imposed or a letter of reprimand is issued under section 51 or 51.01;
- (b) if the Chief Electoral Officer has provided notice under section 5.1(4) and receives a written request for disclosure from a person or organization who received the notice.

63(1) Section 6 is amended

- (a) in subsection (2)(d) by striking out “at any time,” and substituting “subject to subsection (2.1), at any time”;**
- (b) by adding the following after subsection (2):**

(2.1) The Chief Electoral Officer may refuse to register a political party that proposes to be qualified under subsection (2)(d) if the information provided under that clause is submitted to the Chief Electoral Officer less than 60 days before the issuance of a writ of election.
- (c) in subsection (4) by adding “, not exceeding \$5000,” after “shall consist of funds”.**

(2) This section applies to political parties established after this section comes into force.

63 Section 6 presently reads:

6(1) No political party and no person acting for a political party may accept contributions for the political party or for any constituency association of that party unless the political party is registered under this Act.

(2) Any political party that

- (a) held a minimum of 3 seats in the Legislative Assembly following the most recent election,*
- (b) endorsed candidates nominated in at least 50% of the electoral divisions in the most recent general election,*
- (c) endorses candidates in at least 50% of the electoral divisions following the issue of a writ of election for a general election,*
or

64 Section 7 is amended

- (a) in subsection (1)(b) by striking out “name or the abbreviation” and substituting “name and the abbreviation”;**
- (b) by repealing subsection (2.1).**

- (d) *at any time, other than during a campaign period, provides the Chief Electoral Officer with the names, addresses and signatures of persons who*
 - (i) *represent 0.3% of the number of electors eligible to vote at the last general election,*
 - (ii) *are currently eligible to vote in an election, and*
 - (iii) *request the registration of that political party,*

is, subject to subsection (3), qualified for registration in the register of political parties.

(3) A political party shall not be registered under this Act unless the Chief Electoral Officer is satisfied that prior to filing an application for registration the party has established a non-profit corporation or trust as a foundation for the purposes of receiving and managing the assets, except the premises, equipment, supplies and other such property required for the administration of the affairs of the party, held by the political party immediately prior to filing the application.

(4) The assets of a foundation established under subsection (3) shall consist of funds either on deposit with a financial institution or invested in accordance with the Trustee Act.

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

(6) Each foundation shall file with the Chief Electoral Officer on or before April 1 in each year a report of the expenditures of that foundation during the previous year.

64 Section 7 presently reads in part:

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;*

65 Section 8(1) is repealed and the following is substituted:

Registration of constituency associations

8(1) No constituency association and no person acting for a constituency association shall accept contributions for the constituency association or for its registered party, if applicable, unless the constituency association is registered under this Act.

66 Section 9 is amended

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

Registration of candidates

9(1) Subject to subsection (1.1), no candidate and no person acting on behalf of a candidate shall

- (a) accept contributions pursuant to section 17 or 18, as the case may be, or
- (b) use any funds, including the funds of the candidate,

unless the candidate is registered under this Act.

(1.1) No registered candidate and no person acting for a registered candidate shall accept contributions or use any funds except during the campaign period.

- (b) in subsection (2)**

- (i) by repealing clause (a)(i);**
- (ii) in clause (c) by striking out “address” and substituting “contact information”;**

(b) the political party name or the abbreviation of it to be shown in election documents;

(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.

65 Section 8(1) presently reads:

8(1) No constituency association of a registered party and no person acting for the constituency association shall accept contributions for the constituency association or for the registered party unless the constituency association is registered under this Act.

66 Section 9 presently reads in part:

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 18, as the case may be, or

(b) use any funds, including the funds of the candidate,

unless the candidate is registered under this Act.

(2) The Chief Electoral Officer shall maintain a register of candidates in relation to each election and, subject to this section, shall register in it any candidate who is qualified to be registered and who files with the Chief Electoral Officer an application for registration setting out

(a) that, in the case of a candidate under the Election Act, the candidate

(i) is a member of the Legislative Assembly,

(c) the full name and address of the candidate;

(4) When there is any change in the information required to be provided by subsection (2), the registered candidate shall notify the

- (c) in subsection (4) by striking out “30 days” and substituting “48 hours”.

67 Section 9.1 is amended

- (a) in subsection (2)(a) by striking out “full name, address and telephone number” and substituting “name and contact information”;
- (b) in subsection (5)(e) by striking out “within the meaning of subsection 248(1) of the *Income Tax Act* (Canada)”.

68 The following is added after section 9.1:

Registration of leadership contestants

9.2(1) The chief financial officer of a registered party that proposes to hold a leadership contest shall promptly file with the Chief Electoral Officer a statement setting out the date of the official call of the leadership contest and the date fixed for the leadership vote or votes and shall submit to the Chief Electoral Officer an application for each leadership contestant setting out

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.

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

67 Section 9.1 presently reads in part:

(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;

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

(e) a registered charity within the meaning of subsection 248(1) of the Income Tax Act (Canada);

68 Registration of leadership contestants.

- (a) the full name and contact information of the leadership contestant,
 - (b) the addresses of the place or places where records of the leadership contestant are maintained and of the place to which communications may be addressed,
 - (c) the name of the chief financial officer of the leadership contestant,
 - (d) the names and addresses of the financial institutions to be used by or on behalf of the leadership contestant as depositories for contributions made to that leadership contestant,
 - (e) the names of the signing authorities for each depository referred to in clause (d), and
 - (f) the date the person became a leadership contestant.
- (2)** No leadership contestant and no person acting on behalf of a leadership contestant may, during the campaign period,
- (a) accept contributions, or
 - (b) use any funds, including the funds of the leadership contestant,

unless the leadership contestant is registered under this Act.

(3) The Chief Electoral Officer shall maintain a register of leadership contestants in relation to the leadership contest and, subject to this section, shall register in it any leadership contestant whose name has been submitted under subsection (1).

(4) When there is any change in the information required to be provided under subsection (1), the registered leadership contestant shall notify the Chief Electoral Officer in writing within 48 hours after the change and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of leadership contestants accordingly.

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

69 Section 10 is amended

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

- (b) a registered constituency association on application by the registered party concerned or by the independent member, as the case may be, or

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

(2.1) If a registered leadership contestant withdraws from the leadership contest, that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person.

(c) in subsection (5) by adding “, registered leadership contestant” after “registered candidate” wherever it occurs;

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

(6) If the Chief Electoral Officer cancels the registration of a political party, constituency association, candidate, leadership contestant 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 recorded mail to

- (a) the political party, when the registration of that political party is cancelled,
- (b) the constituency association and the political party concerned or the independent member, as the case may be, when the registration of that constituency association is cancelled,
- (c) the candidate and the political party concerned, if any, when the registration of that candidate is cancelled,
- (d) the third party, when the registration of that third party is cancelled, or

69 Section 10 presently reads in part:

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

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

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

- (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, registered constituency association, registered candidate or registered third party.

(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.

(7) A political party, constituency association, candidate or third party 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.

- (e) the leadership contestant and the political party concerned when the registration of that leadership contestant is cancelled,

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

- (e) **in subsection (7) by adding “, leadership contestant” after “candidate”;**

- (f) **in subsection (8) by adding “, leadership contestant” after “candidate”;**

- (g) **in subsection (9)**

- (i) **by adding “, leadership contestant” after “constituency association, candidate”;**

- (ii) **by striking out “or” at the end of clause (c) and by adding the following after clause (c):**

- (c.1) if the cancellation involves a leadership contestant, give written notification of the Chief Electoral Officer’s decision to the leadership contestant, or

- (h) **by adding the following after subsection (11):**

(11.1) For the purpose of subsection (11), a political party may file the statement on behalf of its constituency association.

70 Section 10.1 is amended

- (a) **by striking out “and registered third party” and substituting “, registered leadership contestant and registered third party”;**
- (b) **by striking out “or registered third party” and substituting “, registered leadership contestant or registered third party”.**

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

(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.

70 Section 10.1 presently reads:

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.

71 Section 11 is repealed and the following is substituted:

Access to documents

11(1) All documents required to be filed with the Chief Electoral Officer under this Act are public records and may on request during normal office hours be inspected at the offices of the Chief Electoral Officer.

(2) Notwithstanding subsection (1), the home address of a registered candidate included in the register under section 9 or of a registered leadership contestant included in the register under section 9.2 is not public information.

(3) Copies of any document referred to in subsection (1) may be obtained on payment for the preparation of the copies at the rates that the Chief Electoral Officer determines.

72 The following is added before section 16:

Responsibility of contributors

15.1 A prospective contributor is responsible for ensuring, before making a contribution under this Act, that the contributor is not prohibited from making a contribution and is not making a contribution that is in excess of a limit prescribed by section 17(1) or 18(1).

73 Section 17(5) is repealed and the following is substituted:

(5) Any money paid during a campaign period by a candidate out of the candidate's personal funds for the purposes of the candidate's campaign for which the candidate is not reimbursed from the candidate's campaign account

- (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 Section 11(1) presently reads:

11(1) All documents filed with the Chief Electoral Officer are public records and may on request during normal office hours be inspected at the offices of the Chief Electoral Officer.

72 Responsibility of contributors.

73 Section 17 presently reads in part:

(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, including the payment of the candidate's deposit under section 61(1)(e) of the Election Act,

(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.

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

(6) Any money paid during a campaign period by a candidate out of the candidate's personal funds for the purposes of the candidate's campaign for which the candidate is not reimbursed from the candidate's campaign account

- (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.

75 Section 19(1) is repealed and the following is substituted:

Excessive contributions

19(1) No registered party, registered constituency association or registered candidate and no person acting on behalf of a registered party, registered constituency association or registered candidate shall accept a contribution if the registered party, registered constituency association, registered candidate or person knows or ought to know that the amount would exceed the limits imposed by section 17.

76 Section 20(1) is repealed and the following is substituted:

Excessive contributions re Senatorial Selection Act

20(1) No registered party or registered candidate and no person acting on behalf of a registered party or registered candidate shall accept a contribution if the registered party, registered candidate or person knows or ought to know that the amount would exceed the limits imposed by section 18.

77 Section 23(3) is repealed and the following is substituted:

(3) If a fund-raising function is held by the sale of tickets by or on behalf of a registered party, registered constituency association or registered candidate, the amount of the contribution is to be determined under clause (a) or under clause (b), at the option of the registered party, registered constituency association or registered candidate:

- (a) if the individual charge

74 Section 18(6) presently reads:

(6) 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.

75 Section 19(1) presently reads:

19(1) No registered party, registered constituency association or registered candidate and no person on its or the candidate's behalf shall knowingly accept any contributions in excess of the limits imposed by section 17.

76 Section 20(1) presently reads:

20(1) No registered party or registered candidate and no person on its or the candidate's behalf shall knowingly accept any contributions in excess of the limits imposed by section 18.

77 Section 23(3) presently reads:

(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 registered party, registered constituency association or registered candidate, then, for the purposes of this Act,

(a) if the individual charge is \$50 or less, it shall not be considered as a contribution unless the person who pays the charge specifically requests that it be so considered, in which

- (i) is \$50 or less, it is not considered to be a contribution unless the person who pays the charge specifically requests that it be so considered, in which case 1/2 of the amount is allowed for expenses and 1/2 is considered to be a contribution,
 - (ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be a contribution, and
 - (iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be a contribution;
- (b) the amount of the contribution is the difference between the price of the ticket and the market value of what the ticket entitles the bearer to obtain.

78 Section 30 is renumbered as section 30(1) and the following is added after subsection (1):

(2) The chief financial officer of a registered party, registered constituency association or registered candidate shall make every reasonable effort to advise prospective contributors of the provisions of this Act relating to contributions.

case 1/2 shall be allowed for expenses and 1/2 shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be, and

- (b) if the individual charge is more than \$50, \$25 shall be allowed for expenses and the balance shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be.*

78 Section 30 presently reads:

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 revenue, expenses, assets and liabilities, as required for the purposes of this Act,*
- (b) contributions are placed in a depository on record with the Chief Electoral Officer,*
- (c) proper receipts are completed and dealt with in accordance with this Act,*
- (d) the financial statements as required by sections 42 and 43 are filed with the Chief Electoral Officer in accordance with this Act, and*
- (e) contributions of other than money are valued and recorded in accordance with this Act.*

79 Section 31 is amended by striking out “or other person on record with the Chief Electoral Officer as authorized to accept contributions”.

80 Section 32 is amended

(a) by repealing subsections (3), (4) and (5) and substituting the following:

(3) Every registered party and registered constituency association shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer,

(a) within 15 days after the end of each quarter of each year a return setting out

(i) the total amount of all contributions received during the quarter that did not exceed \$250 in the aggregate from any single contributor, and

(ii) the total amount contributed, together with the contributor’s name and address, when the contribution of that contributor during the quarter exceeded an aggregate of \$250,

and

(b) within the period during which an annual financial statement must be filed under section 42, a return setting out for the previous year

(i) the total amount of all contributions received that did not exceed \$250 in the aggregate from any single contributor, and

(ii) the total amount contributed that, together with the contributor’s name and address, when the contribution of that contributor during the year exceeded an aggregate of \$250,

79 Section 31 presently reads:

31 No contribution shall be accepted by a registered candidate otherwise than through the candidate's chief financial officer or other person on record with the Chief Electoral Officer as authorized to accept contributions.

80 Section 32 presently reads in part:

(3) Every registered party and registered candidate shall file with the Chief Electoral Officer within the period during which a financial statement must be filed relating to a campaign period, a return setting out

(a) the total amount of all contributions received during the campaign period that did not exceed \$375 in the aggregate from any single contributor, and

(b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the campaign period exceeded an aggregate of \$375.

(4) Every registered party and registered constituency association shall file with the Chief Electoral Officer within the period during which an annual financial statement must be filed, a return setting out

(a) the total amount of all contributions received during the year that did not exceed \$375 in the aggregate from any single contributor, and

(b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the year exceeded an aggregate of \$375,

but, in the case of a registered party, excluding any information included in a return under subsection (3).

(5) Separate returns must be filed for contributions made in respect of an election under the Election Act and those made in respect of an election under the Senatorial Selection Act.

but in the case of a registered party returns under clauses (a) and (b) shall not include the information relating to contributions made during the period commencing the day a writ of election is issued and concluding at the end of polling day.

(4) Every registered party and registered candidate shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer, within the period during which a financial statement must be filed relating to a campaign period under section 43, a return setting out

- (a) the total amount of all contributions received during the campaign period that did not exceed \$250 in the aggregate from any single contributor, and
- (b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the campaign period exceeded an aggregate of \$250.

(5) Separate returns must be filed for contributions made in respect of an election under the *Election Act* and those made in respect of an election under the *Senatorial Selection Act*.

(6) For the purpose of subsection (3), the ends of each quarter of a year are as follows:

- (a) for the first quarter, March 31 of the year;
- (b) for the 2nd quarter, June 30 of the year;
- (c) for the 3rd quarter, September 30 of the year;
- (d) for the final quarter, December 31 of the year.

81 Section 33 is repealed and the following is substituted:

Receipts

33 Every registered party, registered constituency association and registered candidate shall issue a receipt in the form and manner approved by the Chief Electoral Officer for every contribution accepted, and the receipt must indicate

81 Section 33 presently reads:

33 Every registered party, registered constituency association and registered candidate shall issue receipts in the form and manner approved 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.

- (a) whether it has been issued in respect of an election under the *Election Act* or an election under the *Senatorial Selection Act*,
- (b) that the contributor acknowledges that the contribution is made in compliance with this Act, and
- (c) where information about the making of contributions can be found.

82 Section 34(2) is repealed and the following is substituted:

(2) No registered party, registered constituency association or registered candidate and no person acting on behalf of a registered party, registered constituency association or registered candidate shall solicit or accept a contribution if the registered party, registered constituency association, registered candidate or person knows or ought to know that the contribution is contrary to subsection (1).

83 Section 35(1) is repealed and the following is substituted:

Prohibited contributions

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

- (a) solicit or accept a contribution if the registered party, registered constituency association or registered candidate knows or ought to know that the prospective contributor is
 - (i) a person ordinarily resident outside Alberta,
 - (ii) a prohibited corporation, or
 - (iii) a trade union or employee organization other than a trade union or employee organization as defined in this Act,

or

82 Section 34(2) presently reads:

(2) No registered party, registered constituency association or registered candidate and no person on its or the candidate's behalf shall solicit or knowingly accept any contribution contrary to subsection (1).

83 Section 35 presently reads in part:

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

- (a) knowingly solicit or accept contributions from any person ordinarily 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*
- (b) contribute or transfer funds to any political party, constituency association or candidate not registered under this Act, except that during an election under the Canada Elections Act (Canada) a registered party may transfer to a federal political party registered under the Canada Elections Act (Canada) an amount not exceeding, in the aggregate, \$150 for each candidate at a federal election in a federal electoral district in Alberta who is endorsed as a candidate by that federal party.*

- (b) contribute or transfer funds to any political party, constituency association or candidate not registered under this Act.

84 Sections 36 and 37 are repealed and the following is substituted:

Funds from federal parties

36 No registered party, registered constituency association or registered candidate may accept funds from a federal political party, electoral district association or registered candidate registered under the *Canada Elections Act* (Canada) in respect of an election under this Act.

Prohibition re federal parties

37 No registered party or registered candidate may accept funds from a federal political party or electoral district association registered under the *Canada Elections Act* (Canada) in respect of an election under the *Senatorial Selection Act*.

85 Section 38 is repealed and the following is substituted:

Transfers within parties

38 A registered party and any of its registered constituency associations or registered candidates may annually transfer to or accept from each other

- (a) funds or real property or goods or the use of real property or goods, or
- (b) debts incurred during a campaign period for the purpose of eliminating a campaign deficit under section 43.1,

and the funds, real property or goods or the use of real property or goods, or the debts, 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.

84 Sections 36 and 37 presently read:

36 No registered party, registered constituency association or registered candidate may accept funds from a federal political party, electoral district association or registered candidate registered under the Canada Elections Act (Canada), except that during a campaign period a registered party may accept from a registered federal political party an amount not exceeding, in the aggregate, \$150 for each registered candidate endorsed by that registered party and those funds are not contributions for the purposes of this Act but must be recorded as to source and deposited in an appropriate depository on record with the Chief Electoral Officer.

37 Notwithstanding section 36, no registered party or registered candidate may accept funds from a federal political party or electoral district association registered under the Canada Elections Act (Canada) in respect of an election under the Senatorial Selection Act.

85 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 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 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.

86 Section 42 is amended

(a) by adding the following after subsection (1.1):

(1.2) Where under subsection (1.1) a registered party is not required to file an audited financial statement, the registered party is required to file a non-audited financial statement on or before March 31 of the year in which the filing is required, including a nil return where applicable.

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

(2.1) If the registration of a constituency association is cancelled because of the establishment of new electoral divisions, that constituency association must file its financial statements within 6 months after the date the registration was cancelled.

87 Section 43(5.1) is amended by adding “, but a non-audited financial statement must be filed, including a nil return where applicable” after “exceed \$1000”.

86 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, 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.*

(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.

(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 to be in 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.

87 Section 43(5.1) presently reads:

(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.

88 Section 44.1(1) is amended

- (a) by renumbering it as section 44.1;**
- (b) in clause (g) by striking out** “print or electronic media, including telephone, fax, internet, e-mail” **and substituting** “print, electronic or other media, including telephone, fax, internet, electronic mail”.

89 Section 44.2(5) is repealed and the following is substituted:

- (5)** The following shall not make an election advertising contribution:
- (a) a person ordinarily resident outside Alberta;
 - (b) a prohibited corporation;
 - (c) a registered charity;
 - (d) a trade union or employee organization other than a trade union or employee organization as defined in this Act.

88 Section 44.1 presently reads in part:

44.1(1) In this Part,

- (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;*

89 Section 44.2(5) presently reads:

(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);*

(5.1) No third party shall, directly or indirectly, accept an election advertising contribution if the third party knows or ought to know that the contribution is made by a person, organization or group referred to in subsection (5).

90 Section 44.32(3) is repealed and the following is substituted:

(3) If a fund-raising function is held by the sale of tickets by or on behalf of a third party, the amount of the contribution is to be determined under clause (a) or under clause (b), at the option of the third party:

- (a) if the individual charge
 - (i) is \$50 or less, it is not considered to be a contribution unless the person who pays the charge specifically requests that it be so considered, in which case 1/2 of the amount is allowed for expenses and 1/2 is considered to be a contribution,
 - (ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be a contribution, and
 - (iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be a contribution;
- (b) the amount of the contribution is the difference between the price of the ticket and the market value of what the ticket entitles the bearer to obtain.

91 Section 44.51(2) is amended by striking out “knowingly accept any election advertising contribution contrary to subsection (1)” and substituting “accept any election advertising contribution if the third party or person knows or ought to know that the contribution is contrary to subsection (1)”.

- (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.*

90 Section 44.32 presently reads:

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.

91 Section 44.51(2) presently reads:

(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).

92 Section 44.8 is repealed and the following is substituted:

Identification of third parties

44.8(1) A third party, or a person acting on a third party's behalf, must ensure that election advertising sponsored by the third party complies with the following in accordance with the guidelines of the Chief Electoral Officer:

- (a) the election advertising must include the third party's name and contact information and must indicate whether the third party authorizes the election advertising;
- (b) subject to clause (c), in the case of election advertising that is broadcast or is made through electronic media, the information referred to in clause (a) must be stated at the beginning of the election advertising;
- (c) in the case of election advertising transmitted to a telephone, whether in the form of a live call or an automated pre-recorded call,
 - (i) the telephone number of the third party must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed,
 - (ii) the name of the third party must be stated at the beginning of the election advertising,
 - (iii) the election advertising must state whether the third party authorizes the election advertising, and
 - (iv) the telephone number of the third party at which the third party can be contacted must be stated at the end of the election advertising.

(2) The Chief Electoral Officer shall establish guidelines respecting the requirements referred to in subsection (1).

(3) The guidelines must be published on the Chief Electoral Officer's website.

(4) If election advertising is not in compliance with this section, the Chief Electoral Officer may cause it to be removed or discontinued, and in the case of election advertising

92 Section 44.8 presently reads:

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.

displayed on a sign, poster or other similar format 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.

93 Section 44.9(5)(b) is amended by striking out “\$375” and substituting “\$250”.

94 Section 44.92(2)(c) is amended by striking out “within the meaning of subsection 248(1) of the *Income Tax Act* (Canada)”.

95 The following is added after section 44.92:

93 Section 44.9(5) presently reads:

(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.*

94 Section 44.92(2)(c) presently reads:

(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:

- (c) donate the surplus to a registered charity within the meaning of subsection 248(1) of the Income Tax Act (Canada);*

95 Adds Part 6.2, Leadership Contests.

Part 6.2

Leadership Contests

Prohibitions

44.93(1) No prohibited corporation, person ordinarily 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 leadership contestant.

(2) No person, corporation, trade union or employee organization shall contribute to a registered leadership contestant

- (a) funds not actually belonging to that person, corporation, trade union or employee organization, or
- (b) funds that have been given or furnished to the person, corporation, trade union or employee organization by any person or group of persons or by a corporation, trade union or employee organization for the purpose of making a contribution of those funds to that registered leadership contestant.

(3) No registered leadership contestant and no person acting on behalf of a registered leadership contestant shall solicit or accept a contribution if the registered leadership contestant or person knows or ought to know that the contribution is made contrary to subsection (2).

(4) No registered leadership contestant shall, directly or indirectly, solicit or accept a contribution if the registered leadership contestant knows or ought to know that the prospective contributor is

- (a) a person ordinarily resident outside Alberta,
- (b) a prohibited corporation, or
- (c) a trade union or employee organization other than a trade union or employee organization as defined in this Act.

(5) If a chief financial officer learns that a contribution was accepted in contravention of subsection (3) or (4) by or on behalf of the registered leadership candidate for whom the chief financial officer acts, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

Contributions

44.94(1) All financial contributions accepted by or on behalf of a registered leadership candidate shall be paid into an appropriate depository on record with the Chief Electoral Officer.

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

(3) No contribution shall be accepted by a registered leadership contestant otherwise than through the registered leadership contestant's chief financial officer.

(4) When any person accepts contributions on behalf of a registered leadership contestant during a campaign period, 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.

(5) A registered leadership contestant shall issue receipts in the form and manner approved by the Chief Electoral Officer for every contribution accepted by the registered leadership contestant in respect of a leadership contest during the campaign period.

(6) Sections 21.1, 22, 23, 24, 26 and 27 apply with the necessary modifications with respect to registered leadership contestants.

(7) Sections 40 and 41 apply with the necessary modifications with respect to registered leadership contestants, and a reference in those provisions to section 42 or 43 shall be read as a reference to section 44.96(1).

Chief financial officer

44.95(1) Every leadership contestant shall, before his or her application for registration under section 9.2 is filed, appoint a chief financial officer.

(2) When a chief financial officer appointed pursuant to subsection (1) ceases for any reason to hold that office, the registered leadership contestant shall forthwith appoint another chief financial officer.

(3) The chief financial officer of a registered leadership contestant is responsible, with respect to the affairs of the registered leadership contestant, for ensuring that

- (a) proper records are kept of all revenue, expenses and liabilities, as required for the purposes of this Act,
- (b) contributions are placed in a depository on record with the Chief Electoral Officer,
- (c) proper receipts are completed and dealt with in accordance with this Act,
- (d) the financial statement and return required by section 44.96 are filed with the Chief Electoral Officer in accordance with this Act, and
- (e) contributions of other than money are valued and recorded in accordance with this Act.

(4) The chief financial officer of a registered leadership contestant shall make every reasonable effort to advise prospective contributors of the provisions of this Act relating to contributions.

Financial and disclosure statements

44.96(1) Within 4 months after the date fixed for the leadership vote, the chief financial officer of a registered leadership contestant shall file with the Chief Electoral Officer a financial statement setting out, in the form and manner approved by the Chief Electoral Officer, revenue, expenses and liabilities and a return setting out

- (a) the total amount of all contributions received during the campaign period that did not exceed \$250 in the aggregate from any single contributor, and
- (b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the campaign period exceeded \$250 in the aggregate.

(2) This section also applies to any registered leadership contestant who withdraws from the leadership contest.

96 Section 45 is amended by adding “, investigation” after “inquiry”.

97 Section 48 is amended by adding the following after subsection (2):

- (3) The chief financial officer of a registered leadership contestant who contravenes section 44.96 is guilty of an offence and liable to a fine of not more than \$1000.

98 Section 49.1(a) is amended by striking out “an individual” and substituting “a person”.

96 Section 45 presently reads:

45 No person shall obstruct any person carrying out an inquiry or examination under this Act or withhold from that person or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination.

97 Section 48 presently reads:

48(1) The chief financial officer of a registered party, registered constituency association or registered candidate who contravenes section 42 or 43 is guilty of an offence and liable to a fine of not more than \$1000.

(2) When any contravention of section 42 or 43 is committed by a chief financial officer of a registered party, registered constituency association or registered candidate, the political party or constituency association or candidate for which the chief financial officer acts is also guilty of an offence and liable,

(a) in the case of a registered party, to a fine of not more than \$5000, and

(b) in the case of a registered constituency association or registered candidate, to a fine of not more than \$1000.

98 Section 49.1 presently reads:

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

99 Section 50 is amended by striking out “\$1000” and substituting “\$10 000”.

100 Section 51 is repealed and the following is substituted:

Penalties

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 not exceeding the amount by which the contribution or contributions exceeded the amount permitted under this Act or may issue a letter of reprimand to the person, corporation, trade union or employee organization.

(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 not exceeding the amount contributed or may issue a letter of reprimand to the person, corporation, trade union or employee organization.

(3) All penalties collected under this section shall be paid into the General Revenue Fund.

(4) This section applies in respect of contributions made before this subsection comes into force.

Administrative penalties

51.01(1) In subsections (2) and (3) and section 51.03, “person or entity” means the person, corporation, trade union, employee

- (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.

99 Section 50 presently reads:

50 A person, political party or constituency association that contravenes any of the provisions of this Act, for which contravention no fine is otherwise provided, is guilty of an offence and liable to a fine of not more than \$1000.

100 Section 51 presently reads:

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 not exceeding 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 not exceeding the amount contributed.

(3) All penalties collected under this section shall be paid into the General Revenue Fund.

organization, prohibited corporation, political party, constituency association or third party, as the case may be, on whom a notice of administrative penalty or letter of reprimand is served under this section.

(2) If the Chief Electoral Officer is of the opinion that

- (a) a person, corporation, trade union or employee organization has made one or more contributions in excess of a limit prescribed by section 17(1) or 18(1),
- (b) a prohibited corporation, a person ordinarily resident outside Alberta or a trade union or employee organization other than a trade union or employee organization as defined in this Act has made a contribution in contravention of section 16, 44.2(5) or 44.93(1), or
- (c) a person, political party, constituency association or third party has contravened a provision of this Act, otherwise than as referred to in clause (a) or (b),

the Chief Electoral Officer may serve on the person or entity either a notice of administrative penalty requiring the person or entity to pay to the Crown the amount set out in the notice, or a letter of reprimand.

(3) A notice of administrative penalty must contain the following information:

- (a) the name of the person or entity required to pay the administrative penalty;
- (b) the particulars of the contravention;
- (c) the amount of the administrative penalty and the date by which it must be paid;
- (d) a statement of the right to appeal the imposition or the amount of the administrative penalty to the Court of Queen's Bench.

(4) In determining the amount of an administrative penalty required to be paid or whether a letter of reprimand is to be

issued, the Chief Electoral Officer must take into account the following factors:

- (a) the severity of the contravention;
- (b) the degree of wilfulness or negligence in the contravention;
- (c) whether or not there were any mitigating factors relating to the contravention;
- (d) whether or not steps have been taken to prevent reoccurrence of the contravention;
- (e) whether or not the person or entity has a history of non-compliance;
- (f) whether or not the person or entity reported the contravention on discovery of the contravention;
- (g) any other factors that, in the opinion of the Chief Electoral Officer, are relevant.

(5) The amount of an administrative penalty that may be imposed under subsection (2) must not exceed

- (a) in the case of a contravention referred to in subsection (2)(a), twice the amount by which the contribution or contributions exceed the limit prescribed by section 17(1) or 18(1), as the case may be, and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention;
- (b) in the case of a contravention of section 16, 44.2(5) or 44.93(1), twice the amount that was contributed in contravention of that provision, and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention;
- (c) in the case of a contravention referred to in section 48(1), (2)(b) or (3), \$1000;
- (d) in the case of a contravention referred to in section 49.1,
 - (i) \$10 000 if the third party is a person, and

(ii) \$100 000, if the third party is a trade union, employee organization, corporation or other organization;

(e) in the case of any other contravention, \$10 000.

(6) A person or entity who pays an administrative penalty in respect of a contravention shall not be charged under this Act with an offence in respect of the same contravention that is described in the notice of administrative penalty.

(7) A person or entity who has been served with a notice of administrative penalty shall pay the amount of the administrative penalty within 30 days from the date of service of the notice.

(8) Subject to the right to appeal, where a person or entity fails to pay the administrative penalty in accordance with a notice of administrative penalty, the Chief Electoral Officer may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

Time limit

51.02(1) A letter of reprimand or a notice of administrative penalty may not be served more than 3 years after the date on which the alleged contravention occurs.

(2) A disclosure under section 5.2(3)(a) may be made with respect to an alleged contravention that occurred before the coming into force of this section, but may not be made with respect to an alleged contravention that occurred more than 3 years before the coming into force of this section.

Appeal of administrative penalty

51.03(1) A person or entity who is served with a notice of administrative penalty under section 51.01 may appeal the Chief Electoral Officer's decision by filing an application with the Court of Queen's Bench within 30 days from the date the notice was served.

(2) The application must be accompanied with a copy of the notice of administrative penalty and state the reasons for the appeal.

(3) A copy of the application must be served on the Chief Electoral Officer not less than 30 days before the appeal is to be heard.

(4) The Court of Queen's Bench may, on application either before or after the time referred to in subsection (1), extend that time if it considers it appropriate to do so.

(5) On hearing the appeal, the Court of Queen's Bench may confirm, rescind or vary the amount of the administrative penalty.

101 Section 51.1(1) is amended by striking out "the person who made the contribution" **and substituting** "the contributor".

Part 3

Local Authorities Election Act

Amends RSA 2000 cL-21

102 The *Local Authorities Election Act* is amended by this Part.

103 Section 2(4) is amended by adding "or 118" after "27".

101 Section 51.1(1) presently reads:

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.

Part 3

Local Authorities Election Act

102 Amends chapter L-21 of the Revised Statutes of Alberta 2000.

103 Section 2 presently reads in part:

2(4) The elected authority that is responsible for the conduct of the election under an agreement referred to in subsection (2) has all the rights, powers and duties of the elected authorities that have entered into that agreement respecting the conduct of the election in the area to which the agreement applies, including the power to pass bylaws and resolutions but not the power to pass bylaws under section 27.

104 Section 3(4) is amended by adding “or 118” after “27”.

105 Section 10(1) is repealed and the following is substituted:

General term of office

- 10(1)** Commencing with the year 2013,
- (a) the members of an elected authority elected at a general election hold office for a term of 4 years, and
 - (b) a general election shall be held every 4th year.

106 Section 16(1) is amended by striking out “and official agent”.

107 Section 22 is amended

- (a) in subsections (1)(b) and (1.1) by striking out “is on a leave of absence granted” and substituting “takes a leave of absence”;

(b) by adding the following after subsection (1.1):

(1.2) A person is not eligible to be nominated as a candidate for election as a councillor if

- (a) the secretary transmitted a report to council under section 147.8(1) in respect of the person,
- (b) the Court did not dispense with, or extend the time for, compliance with section 147.4 by an order under section 147.8(3), and

104 Section 3 presently reads in part:

3(4) The elected authority that is responsible for the conduct of the election under an agreement referred to in subsection (1) has all the rights, powers and duties of the elected authorities that have entered into the agreement respecting the conduct of the election in the area to which the agreement applies, including the power to pass bylaws and resolutions but not the power to pass bylaws under section 27.

105 Section 10(1) presently reads:

10(1) The members of an elected authority elected at a general election hold office for a term of 3 years and a general election shall be held every 3rd year commencing with the year 1983.

106 Section 16(1) presently reads:

16(1) Every returning officer and official agent before performing the duties of that office must take and subscribe to the official oath in the prescribed form.

107 Section 22 presently reads in part:

22(1) A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day

- (a) the person is the auditor of the local jurisdiction for which the election is to be held;*
- (b) the person is an employee of the local jurisdiction for which the election is to be held unless the person is on a leave of absence granted under this section;*
- (c) the person is indebted to the municipality of which the person is an elector for taxes in default exceeding \$50, excluding from that amount*
 - (i) any indebtedness for current taxes, and*

- (c) subject to subsection (1)(d.1), nomination day for the election occurs within
 - (i) the 8-year period following the day on which the secretary transmitted the report to council, or
 - (ii) where the disclosure statement required by section 147.4 has been filed with the municipality, the 3-year period following the day of filing,

whichever period expires first.

(1.3) Subsection (1.2) applies where a report has been transmitted under section 147.8(1) respecting a campaign period beginning on or after January 1, 2014.

(c) in subsection (5)

- (i) **by striking out** “apply to the council for a leave of absence without pay” **and substituting** “notify his or her employer”;
- (ii) **by adding** “that the employee is taking a leave of absence without pay under this section” **after** “nomination day”;

(d) in subsection (5.1)

- (i) **by striking out** “apply to his or her employer for a leave of absence without pay” **and substituting** “notify his or her employer”;
- (ii) **by adding** “that the employee is taking a leave of absence without pay under this section” **after** “nomination day”;

(e) by repealing subsections (6) and (6.1) and substituting the following:

(6) Notwithstanding any bylaw, resolution or agreement of a local jurisdiction, every employee who notifies his or her employer under subsection (5) or (5.1) is entitled to a leave of absence without pay.

- (ii) *any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of any money due under the agreement;*
- (d) *the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$500 and in default for more than 90 days;*
- (d.1) *the person has, within the previous 10 years, been convicted of an offence under this Act, the Election Act or the Canada Elections Act (Canada).*

(1.1) A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by

- (a) a school district or division,*
- (b) a charter school, or*
- (c) a private school,*

in Alberta unless the person is on a leave of absence granted under this section.

(5) An employee of a municipality who wishes to be nominated as a candidate in an election to be held for that municipality may apply to the council for a leave of absence without pay on or after July 1 in the year of a general election or on or after the day the council passes a resolution to hold a by-election but before the employee's last working day prior to nomination day.

(5.1) An employee referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may apply to his or her employer for a leave of absence without pay on or after July 1 in the year of an election but before the employee's last working day prior to nomination day.

(6) Notwithstanding any bylaw, resolution or agreement of a municipality, the council shall grant every application it receives under this section.

(6.1) A school district or division, a charter school or a private school shall grant every application it receives under subsection (5.1).

- (f) in subsections (7), (8), (9), (10) and (11) by striking out “has been granted a leave of absence” and substituting “takes a leave of absence under this section”.

108 Section 28 is amended by adding the following after subsection (3):

(3.01) If a nomination is not signed by at least the minimum number of electors required to sign the nomination, the returning officer shall not accept it for filing.

109 Sections 53 and 53.1 are repealed and the following is substituted:

Proof of elector eligibility

53(1) Every person who attends at a voting station for the purpose of voting must be permitted to vote

- (a) if the person’s name appears on the list of electors, if any, or

(7) An employee who has been granted a leave of absence is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.

(8) If an employee who has been granted a leave of absence is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after election day or, if the 5th day is not a working day, on the first working day after the 5th day.

(9) If an employee who has been granted a leave of absence is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official.

(10) If an employee who has been granted a leave of absence is declared elected but, after a recount under Part 4, is declared not to be elected, the employee may return to work on the first working day after the declaration is made, and subsections (7) and (8) apply.

(11) Subject to subsection (12), an employee who has been granted a leave of absence and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's election is adjudged invalid.

108 Section 28 presently reads in part:

28(3) Any person may file a nomination described in section 27 with the returning officer or deputy.

109 Sections 53 and 53.1 presently read:

53(1) Every person who attends at a voting station for the purpose of voting must be permitted to vote

(a) if the person's name appears on the list of electors, if any, or

(b) if the person makes a statement in the presence of an officer at the voting station, in the prescribed form, that the person is eligible to vote as an elector.

- (b) if the person makes a statement in the presence of an officer at the voting station, in the prescribed form, that the person is eligible to vote as an elector and produces for inspection 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
 - (ii) one piece of identification authorized by the Chief Electoral Officer under the *Election Act* for the purposes of section 95(1)(a)(ii) of that Act that establishes the elector's name and current address.
- (2) Notwithstanding subsection (1), if there is a list of electors, a person may instead prove his or her identity and current residence by making a statement in the presence of an officer at the voting station, in the prescribed form, if he or she is accompanied by another person whose name appears on the list of electors for the same voting station at which that other person is entitled to vote and that other person
 - (a) produces for inspection a piece of identification referred to in subsection (1)(b), and
 - (b) vouches for him or her by making a statement in the presence of an officer at the voting station in the prescribed form.
- (3) Notwithstanding any bylaw of an elected authority, for the purposes of subsection (1)(b) or (2)(a), an officer at a voting station may only accept identification referred to in subsection (1)(b).
- (4) A scrutineer may not vouch for a person under subsection (2).
- (5) A person who attends a voting station for the purpose of voting may not vote unless the requirements of subsection (1) or (2) are met.

(2) Despite subsection (1), if a bylaw has been passed by the elected authority under subsection (3), a person who attends at a voting station for the purpose of voting must be permitted to vote if the requirements of subsection (1) are met and the person produces for inspection the number and types of identification required by the bylaw.

(3) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person to verify the person's identity and age for the purpose of determining whether the person is eligible to vote.

(4) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person who wishes to vote by a special ballot to verify the person's identity and age for the purpose of determining whether the person is eligible to vote.

(5) When an elected authority intends to pass a bylaw under subsection (3) or (4) it must

- (a) advertise the proposed bylaw in accordance with section 53.1, and*
- (b) include in the notice of election day under section 35 the proposed number and types of identification to be required.*

(6) A person who attends a voting station for the purpose of voting may not vote

- (a) if the requirements of subsection (1) are not met, and*
- (b) if the elected authority has passed a bylaw under subsection (3) and the requirements of subsection (2) are not met.*

53.1(1) Notice of a bylaw to be passed under section 53 must

- (a) be published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, or*
- (b) be mailed or delivered to every residence in the area to which the proposed bylaw relates.*

110 Section 54 is amended by adding the following after subsection (1):

(1.1) A candidate, official agent or scrutineer may only make an objection under subsection (1) at the time the person makes the statement under section 53(1)(b) or (2), 77 or 78.

111 Section 68.1(1) is repealed and the following is substituted:

Official agent

68.1(1) Each person nominated as a candidate may, on the nomination form, appoint an elector to be the candidate's official agent.

(1.1) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the contact information of the new official agent.

(2) A notice under subsection (1) must be advertised before second reading of the proposed bylaw.

(3) A notice under subsection (1) must contain

(a) a statement of the general purpose of the proposed bylaw and the proposed requirements for the number and types of identification that must be produced to verify elector identity and age,

(b) the address where a copy of the proposed bylaw may be inspected, and

(c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw, as provided for in the Municipal Government Act.

(4) A certificate of a designated officer as defined in the Municipal Government Act certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in the certificate.

(5) The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

110 Section 54(1) presently reads:

54(1) If a candidate or the candidate's official agent or scrutineer objects to a person who makes a statement, a deputy shall note in the voting register the reason for the objection and the name of the candidate or official agent or scrutineer making the objection and shall initial the objection.

111 Section 68.1(1) presently reads:

68.1(1) Each person nominated as a candidate may, when filing nomination papers, appoint an elector to be the person's official agent.

112 Section 69(5) is amended by adding “, and in designating the place or places, the presiding deputy shall ensure that the candidate, official agent or scrutineer can observe any person making a statement under section 53(1)(b) or (2), 77 or 78” after “procedure”.

113 Section 77.1 is amended

- (a) in subsection (2) by striking out “no later than 6 months”;**
- (b) in subsection (2.1) by striking out “of the notice of election day” and substituting “after the day when the resolution is passed to provide for special ballots”;**
- (c) by repealing subsection (2.2);**
- (d) in subsection (2.3) by striking out “no later than 4 months prior to nomination day” and substituting “by nomination day”.**

114 Section 77.2 is amended

- (a) in subsection (2)**
 - (i) by striking out “voter” and substituting “elector”;**

112 Section 69(5) presently reads:

(5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure.

113 Section 77.1 presently reads in part:

(2) An elected authority may, by resolution passed no later than 6 months prior to nomination day, provide for special ballots and provide that the application for special ballots may be made by any one or more of the following methods:

- (a) in writing;*
- (b) by telephone;*
- (c) by telecopier;*
- (d) in person;*
- (e) by e-mail.*

(2.1) If an elected authority has made a resolution described in subsection (2), an elector may apply to the returning officer of the elector's local jurisdiction for a special ballot, by a method provided for in the resolution, at any time between the day of the notice of election day and the closing of voting stations on election day.

(2.2) Despite subsection (2.1), if authorized by a resolution of the elected authority passed before nomination day, the returning officer may accept an application under subsection (2.1) earlier than the day of the notice of election day.

(2.3) If an elected authority passes a resolution described in subsection (2), the elected authority must notify the Minister of the resolution no later than 4 months prior to nomination day.

114 Section 77.2 presently reads in part:

(2) After marking the appropriate forms, the voter must

(ii) by repealing clause (d.1) and substituting the following:

(d.1) attach a copy of the elector's identification that meets the requirements of section 53(1)(b);

(b) by repealing subsection (2.1) and substituting the following:

(2.1) A copy of the elector's identification, as described in subsection (2)(d.1), may be used only to verify the elector's identity and address for the purpose of determining whether the elector is eligible to vote, and the returning officer must ensure that the copy and the information it contains are not disclosed or used for any other purpose.

(c) in subsection (4)(c)

(i) by striking out "if the elected authority has passed a bylaw under section 53(3) or (4),";

(ii) by striking out "that bylaw" **and substituting** "section 53(1)(b)";

(d) in subsection (5)

(i) by striking out "voter" **and substituting** "elector";

(ii) by striking out ", if the elected authority has passed a bylaw under section 53(3) or (4),";

(iii) by striking out "the bylaw" **and substituting** "section 53(1)(b)";

(e) in subsection (5.1)

(i) in clause (b)

(A) by striking out "if the elected authority passed a bylaw under section 53(3) or (4),";

(B) by striking out "the bylaw" **and substituting** "section 53(1)(b)";

(ii) in clause (c) by striking out "voter" **and substituting** "elector".

(d.1) if the elected authority has passed a bylaw under section 53(3) or (4), the elector must attach a copy of the elector's identification that meets the requirements of that bylaw,

(2.1) If an elector has attached a copy of the elector's identification, as described in subsection (2)(d.1), the copy may be used only to verify the elector's identity and age for the purpose of determining whether the elector is eligible to vote, and the returning officer must ensure that the copy and the information it contains are not disclosed or used for any other purpose.

(4) On receipt of the outer envelope, the returning officer must open the outer envelope, remove from it the certificate envelope and determine

(c) if the elected authority has passed a bylaw under section 53(3) or (4), whether the elector has attached a copy of the elector's identification that meets the requirements of that bylaw.

(5) On determining that the voter is recorded in the special ballot elector register, that Part 1 of the certificate is properly completed and, if the elected authority has passed a bylaw under section 53(3) or (4), that the copy of the elector's identification meets the requirements of the bylaw, the returning officer must

(a) sign Part 2 of the certificate,

(b) if the elector's name appears on the list of electors, if any, for the voting station in which the elector is entitled to vote, enter opposite the name of that person on the list of electors the word "special",

(c) if the elector's name does not appear on the list of electors, if any, for the voting station in which the elector is entitled to vote, enter the elector's name on the list of electors and, opposite the name, the word "special",

(d) record in the special ballot elector register in the appropriate column the date and time the returning officer received the certificate envelope,

(e) open the certificate envelope, remove from it the sealed ballot envelope and place the sealed ballot envelope in a sealed ballot box marked "special ballot", and

115 Section 93 is amended by striking out “identification, if any,” **and substituting** “identification,”.

116 Section 98(1) is amended by adding “of the votes cast at one or more voting stations” **after** “recount”.

(f) enter in the special ballot elector register, in the appropriate column, the word “voted” and the reason for using the special ballot, that is, physical incapacity, absence, election officer, candidate, official agent or scrutineer.

(5.1) If the returning officer is not satisfied

(b) if the elected authority passed a bylaw under section 53(3) or (4), that a copy of the elector’s identification meets the requirements of the bylaw,

(c) that the elector has not already been entered on the special ballot voter register, or

115 Section 93 presently reads:

93 The presiding deputy shall then place all the packets containing ballots, the voting register, the special ballot certificate envelopes and copies of special electors’ identification, if any, if any, all statements made on voting day and the list of electors, if any, in the ballot box and the ballot box shall be closed and sealed with a deputy’s seal so that it cannot be opened without breaking the seal and marked on the outside with the voting station name or number.

116 Section 98(1) presently reads:

98(1) The returning officer may make a recount if

(a) a candidate or an official agent or a scrutineer of a candidate recognized pursuant to section 69 or, in the case of a vote on a bylaw or question, a scrutineer appointed pursuant to section 70(1) shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count of votes at any voting station is inaccurate,

(b) the returning officer considers that the number of

(i) valid ballots objected to, or

(ii) rejected ballots other than those on which no vote has been cast by an elector,

was sufficient to affect the result of the election if they had not been counted or rejected, as the case may be, or

117 Section 147.11(2)(a) is amended by adding “or of the candidate” after “candidate’s election campaign”.

118 The following is added after section 147.2:

Registration of candidates

147.21(1) No candidate may accept campaign contributions, including the funds of the candidate, unless the candidate is registered under this Act with the municipality in which the candidate intends to run.

(2) The municipality shall maintain a register of candidates in relation to each election and shall register in it any candidate who is eligible to be nominated at the time of registration and who files with the municipality an application for registration setting out

- (a) the full name and address of the candidate,
- (b) the addresses of the place or places where records of the candidate are maintained and of the place to which communications may be addressed,
- (c) the names and addresses of the financial institutions to be used by or on behalf of the candidate as depositories for campaign contributions made to that candidate, and
- (d) the names of the signing authorities for each depository referred to in clause (c).

(3) When there is any change in the information required to be provided under subsection (2), the registered candidate shall notify the municipality in writing within 48 hours after the

- (c) the returning officer is of the opinion that there may have been an administrative or technical error that may cause an error in the count of votes.*

117 Section 147.11(2)(a) presently reads:

(2) If a candidate's entire election campaign is funded exclusively out of the candidate's own funds, the candidate is not required to

- (a) open and deposit the funds in a campaign account at a financial institution in the name of the candidate's election campaign,*

118 Registration of candidates.

change, and on receipt of the notice the municipality shall update the register of candidates accordingly.

(4) Notice under subsection (3) may be sent by fax or electronic mail.

(5) A candidate who contravenes subsection (1) or (3) is guilty of an offence and liable to a fine of not more than \$1000.

(6) This section does not apply to a candidate if the candidate's entire election campaign is funded exclusively out of the candidate's own funds up to a maximum of \$10 000.

(7) This section applies to a campaign period beginning on or after January 1, 2014.

119 Section 147.3(1)(a) is amended by adding “or of the candidate” after “candidate’s election campaign”.

120 Section 147.4 is amended

(a) in subsection (1)(d) by striking out “exceeding \$500”;

(b) by repealing subsection (1.1) and substituting the following:

(1.1) If a candidate does not file nomination papers before the next general election, the candidate shall, within 6 months after the date of the next general election,

(a) if there is a surplus, donate the amount of money disclosed under subsection (1)(d) to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada) or to the municipality where the candidate was declared elected in a previous general election, or

(b) if there is a deficit, eliminate the deficit.

119 Section 147.3(1)(a) presently reads in part:

147.3(1) A candidate shall ensure that

- (a) a campaign account in the name of the candidate's election campaign is opened at a financial institution for the purposes of the election campaign as soon as possible after*

120 Section 147.4 presently reads in part:

147.4(1) If a candidate's election campaign is funded exclusively from campaign contributions from any person, corporation, trade union or employee organization or is funded from a combination of money paid by the candidate out of the candidate's own funds and campaign contributions from any person, corporation, trade union or employee organization, then, on or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the municipality a disclosure statement in the prescribed form, which must include

- (d) the total amount of any campaign surplus exceeding \$500, including any surplus from previous campaigns, and*

(1.1) If a candidate does not file nomination papers before the next general election, the candidate shall, within 6 months after the date of the next general election, donate the amount of money disclosed under subsection (1)(d) to a registered charitable organization as

(1.2) A candidate who has a deficit referred to in subsection (1.1)(b) shall, within 30 days after the expiration of the 6-month period referred to in subsection (1.1), file an amended disclosure statement showing any campaign contributions accepted and any other funds received to eliminate the deficit.

121 Section 147.5 is amended

- (a) in subsection (1) by striking out** “exceeding \$500, the candidate shall pay the excess amount to the municipality” **and substituting** “, the candidate shall pay the surplus to the municipality”;
- (b) in subsection (4) by striking out** “registered charitable organization as defined in” **and substituting** “registered charity within the meaning of subsection 248(1) of”.

122 Section 147.6 is repealed.

123 Section 147.7 is amended

- (a) in subsection (1) by striking out** “, 147.5 or 147.6” **and substituting** “or 147.5”;
- (b) in subsection (2)**

defined in the Income Tax Act (Canada) or to the municipality where the candidate was declared elected in a previous general election.

121 Section 147.5 presently reads in part:

147.5(1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, if a candidate's disclosure statement shows a surplus exceeding \$500, the candidate shall pay the excess amount to the municipality.

(4) If the candidate in respect of whom money is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the municipality to donate the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council to a registered charitable organization as defined in the Income Tax Act (Canada).

122 Section 147.6(1) presently reads:

147.6(1) Within 3 months following the coming into force of the Local Authorities Election (Finance and Contribution Disclosure) Amendment Act, 2009, a candidate shall

- (a) file with the municipality a declaration in the prescribed form outlining the total amount of campaign contributions held by the candidate, which shall include any surplus money from previous campaigns, and*
- (b) if this amount exceeds \$500, pay the amount in excess of \$500 to the municipality.*

123 Section 147.7(2) presently reads:

(2) If a candidate is found guilty of contravening section 147.5 or 147.6, the Court may, in addition to the penalty provided for in subsection (1), order the candidate to pay any surplus money in excess of \$500 to the municipality as soon as possible.

- (i) **by striking out** “or 147.6”;
- (ii) **by striking out** “money in excess of \$500”.

124 Section 147.92 is repealed and the following is substituted:

Application

147.92(1) Sections 147.5, 147.7(2) and (3) and 147.91(b) apply to campaign funds on or after December 1, 2015.

(2) Subsection (1) is deemed to have come into force on February 3, 2010.

**Part 4
Senatorial Selection Act**

Amends RSA 2000 cS-5

125 The *Senatorial Selection Act* is amended by this Part.

126 Section 1(2) is amended by striking out “actually received” **and substituting** “accepted”.

127 Section 5(2)(b) is repealed and the following is substituted:

- (b) nomination day shall be the 14th day after the date of the writ for the general election under the *Election Act*, or if that day is a holiday, the next following day not being a holiday, and

128 Section 12(3) is amended by striking out “candidate’s personal representative” **and substituting** “candidate’s chief financial officer”.

124 Section 147.92 presently reads:

147.92(1) Sections 147.5, 147.6, 147.7(2) and (3) and 147.91(b) apply to campaign funds on or after December 1, 2011.

(2) Subsection (1) is deemed to have come into force on February 3, 2010.

Part 4 **Senatorial Selection Act**

125 Amends chapter S-5 of the Revised Statutes of Alberta 2000.

126 Section 1(2) presently reads:

(2) For the purposes of this Act, a document that is required to be filed with the Chief Electoral Officer is filed when it is actually received by the Chief Electoral Officer.

127 Section 5(2)(b) presently reads:

(2) Where an election under this Act is to be held in conjunction with a general election under the Election Act,

(b) nomination day shall be the same day as nomination day for the general election under the Election Act, and

128 Section 12(3) presently reads:

(3) If a candidate dies after being nominated and prior to the closing of the polling places on polling day, the deposit shall be refunded to the candidate's personal representative.

129 Section 18(2)(b) is amended by adding “on the Chief Electoral Officer’s website and” after “official agents”.

130 Section 19 is amended by adding the following after subsection (3):

(3.1) The Chief Electoral Officer may disallow the use of a nickname if in the opinion of the Chief Electoral Officer it is a nickname by which the candidate is not generally known or that is unacceptable on any reasonable basis.

131 Section 21(1) is amended by striking out “4 days” and substituting “8 days”.

129 Section 18(2)(b) presently reads:

(2) On complying with subsection (1), the Chief Electoral Officer shall, as soon as possible,

(b) publish in the prescribed form the names and addresses of the candidates' official agents in one or more newspapers of general circulation

(i) in each electoral division, in the case of an election held in accordance with Part 2, and

(ii) in each local jurisdiction, in the case of an election held in accordance with Part 3.

130 Section 19 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;

(b) the candidate's surname shall appear following the given name, initials or nickname, as the case may be;

(c) the candidates' names shall be listed in alphabetical order by surname;

(d) no titles, degrees, prefixes or suffixes may be included with a name.

131 Section 21 presently reads:

21(1) Each returning officer shall, within 4 days after the vote has taken place, submit to the Chief Electoral Officer the Statement of Official Results prepared by the returning officer.

132 Section 27 is repealed.

**Part 5
Coming into Force**

133(1) Section 6(b) of Part 1 comes into force on Proclamation.

(2) Sections 58(a)(iv), (b), (c) and (d), 61(a)(iii) and (iv)(B), 77, 80, 81, 85, 89, 90 and 93 of Part 2 come into force on January 1, 2013.

132 Section 27 presently reads:

27 For the purposes of this Act, the reference in section 209 of the Election Act to “section 17(1)(b)(ii) and (5) of the Election Finances and Contributions Disclosure Act” is deemed to be a reference to section 18(1)(b)(ii) and (3) of the Election Finances and Contributions Disclosure Act.

Part 5 Coming into Force

133 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To