

2018 Bill 23

Fourth Session, 29th Legislature, 67 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 23

**AN ACT TO RENEW LOCAL
DEMOCRACY IN ALBERTA**

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 23

2018

AN ACT TO RENEW LOCAL DEMOCRACY IN ALBERTA

(Assented to _____, 2018)

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

Amends RSA 2000 cL-21

1 The *Local Authorities Election Act* is amended by this Act.

2 Section 1 is amended

(a) by adding the following after clause (e):

(e.1) “candidate” means an individual who has been
nominated to run for election in a local jurisdiction as a
councillor or school board trustee;

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

(n.1) “elector register” means the prescribed form on which
the name of a person who has registered to vote is
recorded;

(c) by adding the following after clause (s):

(s.1) “nomination day” means the day referred to in section
25(1);

(d) by adding the following after clause (t.3):

Explanatory Notes

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

2 Section 1 presently reads in part:

1 In this Act,

- (x) “secretary” means a chief administrative officer or designated officer of a municipality if the council has assigned the functions of the secretary under this Act to the designated officer, or a school secretary;*
- (y) “seniors’ accommodation facility” means*
 - (i) lodge accommodation as defined in the Alberta Housing Act, or*
 - (ii) a facility for seniors that provides accommodation at a location for 10 or more persons who are 65 years of age or older;*
- (bb) “voting register” means the prescribed form on which is recorded the name of a person who has registered to vote;*

(t.4) “registered charity” means a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada);

(e) in clause (x) by striking out “a school secretary” and substituting “the secretary of a school board”;

(f) by repealing clause (y);

(g) by adding the following after clause (z.1):

(z.2) “supportive living facility” means

(i) a lodge accommodation as defined in the *Alberta Housing Act*, or

(ii) a facility for adults or senior citizens that provides assisted living and accommodation

but does not include a treatment centre;

(z.3) “treatment centre” means

(i) a hospital or a facility under the *Mental Health Act*,
or

(ii) any facility not referred to in subclause (i)

providing medical treatment or care on an in-patient basis;

(h) by repealing clause (bb).

3 Section 2(4) is amended by striking out “or 118”.

3 Section 2(4) presently reads:

(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 or 118.

4 Section 3(4) is amended by striking out “or 118”.

5 Section 8 is amended by adding the following after subsection (2):

(2.1) Parts 5.1 and 8 apply, with necessary modifications as determined by the relevant Minister, to a first election.

6 Section 12(a) is amended by striking out “4 weeks after nomination day” and substituting “6 weeks after the day established by council for the receipt of nominations”.

4 Section 3(4) presently reads:

(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 or 118.

5 Section 8 presently reads:

8(1) In a newly formed local jurisdiction,

(a) nominations, and

(b) the first election, if an election is required,

shall be held on the dates fixed by the relevant Minister and the persons elected hold office from the beginning of the first organizational meeting of the elected authority to immediately before the beginning of the organizational meeting of the elected authority after the next general election.

(2) The relevant Minister shall provide for the conduct of a first election.

(3) Notwithstanding any other Act, if an Act or an order under an Act is passed to create a new municipality or a new district or division as defined in the School Act, the first election for the municipality, district or division may be held on a date prior to the date on which the Act or order comes into force.

(4) A person elected at an election referred to in subsection (3) shall not be sworn into office before the effective date of the formation of the municipality, district or division, as the case may be.

6 Section 12 presently reads in part:

12 The provisions of this Act that apply to municipalities apply to summer villages except that in respect of a summer village

7 Section 13 is amended

(a) **in subsection (1) by adding** “by June 30 of the year in which the election occurs or, for a by-election or vote on a question or bylaw, in the resolution or bylaw that fixes the day for the by-election or vote on a question or bylaw” **after** “this Act”;

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

(2.1) An elected authority must, by resolution, appoint a substitute returning officer by June 30 of the year in which the election occurs or, for a by-election, in the resolution or bylaw that fixes the day for the by-election.

(c) **in subsection (3) by adding** “or substitute returning officer” **after** “returning officer”;

(d) **by adding the following after subsection (3):**

(4) If, through illness, absence or other incapacity, the returning officer is incapable of performing the duties of returning officer, the substitute returning officer has and may exercise all the duties, functions and powers of a returning officer for the purposes of conducting elections under this Act.

8 Section 14(1)(f) is amended by adding “and process” **after** “receive”.

(a) *election day*

(i) *in the case of a general election for council or for school representatives, shall be 4 weeks after nomination day for that election, and*

(ii) *in the case of a by-election or vote on a bylaw or question, shall be as established by resolution of the summer village council,*

7 Section 13 presently reads:

13(1) An elected authority may, by resolution, appoint a returning officer for the purposes of conducting elections under this Act.

(2) If the elected authority does not appoint a returning officer, the secretary is deemed to have been appointed as the returning officer.

(3) The returning officer for a local jurisdiction may not be a candidate for the elected authority for that local jurisdiction.

8 Section 14(1) presently reads in part:

14(1) In addition to performing the duties specified in this or any other Act, a returning officer shall

(f) receive nominations;

9 Section 17 is repealed.

10 Section 21(4) is amended by striking out “this Act” and substituting “this section”.

11 Section 22 is amended

(a) in subsection (1)

(i) in clause (b) by adding “subject to subsection (4),” before “the person is”;

(ii) in clause (d.1) by adding “, the *Election Finances and Contributions Disclosure Act*” after “the *Election Act*”;

(b) in subsection (1.2)

(i) by adding “or a school board trustee” after “as a councillor”;

(ii) in clause (a) by striking out “the secretary transmitted a report to council under section 147.8(1)” and substituting “a report was transmitted under section 147.8(1)”;

(iii) in clause (c)

(A) in subclause (i) by adding “or the school board” after “council”;

(B) in subclause (ii) by striking out “municipality” and substituting “secretary”;

9 Section 17 presently reads:

17 If a person who has been appointed a returning officer becomes incapable of carrying out the duties of that office, the chief elected official of a municipality or chair of the board of trustees may, in writing, appoint a person to act in the place of the returning officer.

10 Section 21(4) presently reads:

(4) If the boundaries of a local jurisdiction are altered by the addition of land, a person who has been a resident of the added land for at least the 6 months immediately preceding nomination day is deemed, for the purposes of this Act, to have been a resident, during that time, of the local jurisdiction to which the land was added.

11 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

(b) the person is an employee of the local jurisdiction for which the election is to be held unless the person takes a leave of absence under this section;

(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 takes a leave of absence under this section.

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

(c) by repealing subsection (1.3) and substituting the following:

(1.3) Subsection (1.2) applies

- (a) with respect to a candidate for election as a councillor, if a report has been transmitted under section 147.8(1)(a) respecting a campaign period beginning on or after January 1, 2014, and
- (b) with respect to a candidate for election as a school board trustee, if a report has been transmitted under section 147.8(1)(b) respecting a campaign period beginning on or after January 1, 2019.

(d) in subsection (4)

- (i) **by striking out** “Subsection (1) does not apply” **and substituting** “Subsection (1)(b) does not apply”;
- (ii) **by repealing clauses (a) to (f), (h) and (j) to (l);**

(e) in subsection (5)

- (i) **by striking out** “An employee of a municipality” **and substituting** “A person who is an employee of a municipality and”;
- (ii) **by striking out** “his or her” **and substituting** “that person’s”;
- (iii) **by striking out** “the employee’s” **and substituting** “the person’s”;
- (iv) **by striking out** “the employee” **and substituting** “the person”;

(f) by repealing subsection (5.1) and substituting the following:

(5.1) A person employed by an entity referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may notify that person’s employer on or after July 1 in the year of an election but before the person’s last working day prior to nomination

- (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*
- (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.

(4) Subsection (1) does not apply to a person by reason only

- (a) *that the person is a shareholder in a corporation having a contract or dealings with the local jurisdiction or elected authority for which the election is being held,*
 - (i) *unless the person holds or there is held by the person and the person's spouse or adult interdependent partner, parents, children, brothers and sisters more than 25% of the issued capital stock of the corporation, or*
 - (ii) *unless the contract or dealings are for the building or construction of a public work of the local jurisdiction;*
- (b) *that the person has a contract with the local jurisdiction for the supplying to the person, the person's spouse or adult interdependent partner or child of a service, utility or commodity that the local jurisdiction has statutory authority to supply;*
- (c) *that the person holds an interest in a publication*

day that the person is taking a leave of absence without pay under this section.

- (g) **in subsection (6) by striking out** “employee who notifies his or her employer under” **and substituting** “person who notifies an employer in accordance with”.

- (i) *in which official advertisements of the local jurisdiction appear, or*
- (ii) *that is supplied to the local jurisdiction at the usual rates;*
- (d) *that the person sells or leases to the local jurisdiction land or interest in land that the local jurisdiction has authority to expropriate;*
- (e) *that the person supplies goods, merchandise or services to the local jurisdiction or to persons contracting with the local jurisdiction if they are supplied at competitive prices and in the ordinary course of the person's business or profession;*
- (f) *that the person renders*
 - (i) *services to indigents who are residents of the local jurisdiction and for which the local jurisdiction is or may become liable to pay, or*
 - (ii) *services for which the local jurisdiction has provided a subsidy;*
- (g) *that the person is appointed to a position under the Emergency Management Act;*
- (h) *that the person has rendered professional services as a lawyer to the local jurisdiction, if the fees for the services have been reviewed or assessed under the Alberta Rules of Court;*
- (i) *that the person has received a gratuity or allowance for services on a committee or board appointed by or responsible to the local jurisdiction;*
- (j) *that the person is a member of an association under the Rural Utilities Act or is a member of a cooperative under the Cooperatives Act;*
- (k) *that the person is a vendor, purchaser, assignor or assignee of land bought or sold under the Agriculture Financial Services Act;*
- (l) *that the person is a party to a contract for the purchase or lease of real or personal property from the local jurisdiction entered into before nomination day;*

12 Section 25 is repealed and the following is substituted:

Nomination day

25(1) Nomination day is 6 weeks before election day.

(2) A person may file a nomination to become a candidate

- (a) for a general election, within the period beginning on January 1 in a year in which a general election is to be held and ending at 12 noon on nomination day, and
- (b) for a by-election, within the period beginning on the day after the resolution or bylaw is passed to set election day for the by-election and ending at 12 noon on nomination day.

(m) that the person is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction or that the person is a volunteer for another purpose who performs duties under the direction of the local jurisdiction.

(5) An employee of a municipality who wishes to be nominated as a candidate in an election to be held for that municipality may notify his or her employer 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 that the employee is taking a leave of absence without pay under this section.

(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 notify his or her employer on or after July 1 in the year of an election but before the employee's last working day prior to nomination day that the employee is taking a leave of absence without pay under this section.

(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.

12 Section 25 presently reads:

25 Nomination day shall be 4 weeks before election day.

13 Section 27 is amended

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

Form of nomination

27(1) Every nomination of a candidate must

- (a) be in the prescribed form,
- (b) be signed by at least 5 persons who are electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination,
- (c) be accompanied with a written acceptance sworn or affirmed in the prescribed form by the person nominated, stating
 - (i) that the person is eligible to be elected to the office,
 - (ii) the name, address and telephone number of the person's official agent, if one has been appointed,
 - (iii) that the person will accept the office if elected,
 - (iv) that the person will read and comply with the municipality's code of conduct if elected, and
 - (v) that the persons who have signed the nomination are electors who are eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination,

and

- (d) if required by bylaw, be accompanied with a deposit in the required amount.

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

(1.1) A person who files a nomination shall also submit, in the prescribed form, the following information to the returning officer:

- (a) the full name and contact information of the candidate;

13 Section 27 presently reads:

27(1) Every nomination of a candidate shall be in the prescribed form and signed by at least 5 electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination, and shall be accompanied with a written acceptance signed in the prescribed form by the person nominated, stating

- (a) that the person is eligible to be elected to the office,*
- (a.1) the name, address and telephone number of the person's official agent,*
- (b) that the person will accept the office if elected, and*
- (c) that the person will read and comply with the municipality's code of conduct if elected,*

and if required by bylaw, it must be accompanied with a deposit in the required amount.

(2) Notwithstanding subsection (1), a city that is a local jurisdiction with a population of at least 10 000 or a board of trustees under the School Act of a local jurisdiction with a population of at least 10 000 may, by a bylaw passed prior to June 30 of a year in which a general election is to be held, specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be at least 5 and not more than 100.

(3) Notwithstanding subsection (1), if a system of wards is in effect, only an elector who is a resident of the ward for which a candidate for election is being nominated may sign the nomination of the candidate.

(4) If a bylaw has been passed providing for a deposit, a nomination paper is not valid nor shall it be acted on by the returning officer unless it is accompanied with the deposit.

- (b) the address of the place or places where records of the candidate are maintained and of the place to which communications may be addressed;
- (c) the name and address of the financial institutions to be used by or on behalf of the candidate for its campaign account, if applicable;
- (d) the names of the signing authorities for each account referred to in clause (c), if applicable.

(1.2) When there is any change in the information required to be provided under subsection (1.1), the candidate shall notify the local jurisdiction in writing within 48 hours after the change, and on receipt of the notice the local jurisdiction shall update the information accordingly.

(1.3) Notice under subsection (1.2) may be sent by fax or e-mail.

- (c) in subsection (2) by striking out “prior to June 30 of” and substituting “prior to December 31 of the year before”;**
- (d) by repealing subsection (4).**

14 Section 28 is repealed and the following is substituted:

Nominations

28(1) Nominations shall be submitted at the local jurisdiction office at any time during the relevant period referred to in section 25(2).

(2) The person nominated as a candidate is responsible for ensuring that the nomination filed under subsection (1) meets the requirements of section 27.

(3) Any person may file a nomination described in section 27 in accordance with subsection (1).

(4) A returning officer shall not accept the following for filing:

- (a) a nomination that is not completed in the prescribed form;

14 Section 28 presently reads:

28(1) The returning officer shall receive nominations at the local jurisdiction office between 10 a.m. and 12 noon on nomination day.

(1.1) The person who is nominated as a candidate is responsible for ensuring that the nomination filed under subsection (1) meets the requirements of section 27.

(2) Notwithstanding subsection (1), an elected authority may, by a bylaw passed prior to June 30 of a year in which an election is to be held, provide that the returning officer

(a) may receive nominations earlier than 10 a.m., and

(b) may establish locations, in addition to the local jurisdiction office, where a deputy may receive nominations.

- (b) a nomination that is not signed by at least the minimum number of persons required to sign the nomination;
 - (c) a nomination that is not sworn or affirmed by the person nominated;
 - (d) if a bylaw has been passed under section 29(1), a nomination that is not accompanied by the deposit required by the bylaw.
- (5)** If the returning officer has not rejected a nomination form under subsection (4), the returning officer must sign the form to indicate that the form has been accepted.
- (6)** At any time after the commencement of the relevant period referred to in section 25(2) until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy or secretary.
- (7)** The returning officer or secretary must retain all the filed nomination papers until the term of office to which the papers relate has expired.
- (8)** Twenty-four hours after the close of nominations on nomination day, the returning officer shall, as soon as practicable, forward a signed statement showing the name of each nominated candidate and any information about the candidate that the candidate has consented to being disclosed to the relevant Minister's Deputy Minister.
- (9)** A statement referred to in subsection (8) may be forwarded by electronic means, including by fax or e-mail.
- (10)** Within 48 hours of the close of nominations on nomination day, the returning officer shall post or cause to be posted at the local jurisdiction office the names of all candidates that have been nominated and the offices for which they were nominated.

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

(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.

(4) At any time after 12 noon on nomination day until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy or secretary.

(5) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the papers relate has expired.

(6) Twenty-four hours after the close of nominations on nomination day, the returning officer shall, as soon as practicable, forward a signed statement showing the name of each nominated candidate and any information about the candidate that the candidate has consented to being disclosed to the relevant Minister's Deputy Minister.

15 Section 31(2) is repealed.

16 Section 35 is amended

(a) in subsection (2) by striking out “If an election is required” **and substituting** “Subject to subsection (2.1), if an election is required”;

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

(2.1) If an election does not apply to an entire local jurisdiction, a notice published, mailed or delivered under subsection (2) is only required to be published, mailed or delivered in a ward or voting subdivision within that local jurisdiction where an election is required.

17 Section 37 is amended by adding the following after subsection (2):

(3) The elected authority may pass a bylaw by June 30 of a year in which a general election is to be held allowing the returning officer of the elected authority to designate more than one voting station for each subdivision and the location of those voting stations for that election.

18 Section 39(2) is repealed and the following is substituted:

(2) A ballot box must be made of durable material and so constructed that ballots can be deposited into the ballot box and cannot be removed from it unless the seal is broken and the ballot box opened.

15 Section 31(2) presently reads:

(2) Notwithstanding subsection (1), if a bylaw under section 28(2)(a) is in force in the local jurisdiction, the time for receipt of nominations must comply with the bylaw.

16 Section 35(2) presently reads:

(2) If an election is required, the returning officer shall give notice of it in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before election day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before election day.

17 Section 37 presently reads:

37(1) The returning officer shall designate the location of one voting station only for each voting subdivision and the location may be outside the area.

(2) When a voting station designated by the returning officer is not available, the returning officer shall designate another place in the vicinity and shall, by notice posted at the original voting station, direct the electors to the other voting station.

18 Section 39(2) presently reads:

(2) A ballot box shall meet the requirements set out in the regulations.

19 Section 47 is amended

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

(c) resides in Alberta and the person's place of residence is located in the local jurisdiction on election day.

(b) by repealing subsection (4).

20 Section 49(5) is amended

(a) by adding "and" at the end of clause (e);

(b) by repealing clause (f).

21 Section 52 is repealed and the following is substituted:

Access for enumerators and campaigners

52(1) A person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form indicating that the person is an enumerator, a candidate, an official agent or a campaign worker, shall not

(a) obstruct or interfere with, or

(b) cause or permit the obstruction or interference with,

19 Section 47 presently reads in part:

47(1) A person is eligible to vote in an election held pursuant to this Act if the person

(c) has resided in Alberta for the 6 consecutive months immediately preceding election day and the person's place of residence is located in the area on election day.

(4) In the case of the performance of any function or the exercise of any right under this Act, a person shall be a resident on the day on which that function is performed or that right is exercised in the area, ward or voting subdivision in respect of which that function is performed or that right is exercised and shall have been a resident of Alberta for the 6 consecutive months immediately preceding the day on which that function is performed or that right is exercised, unless otherwise required by this Act.

20 Section 49(5) presently reads in part:

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

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

(f) if a person has not resided in Alberta for 6 months, the date the person became a resident of Alberta, and

21 Section 52 presently reads:

52 A person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification that meets the requirements of the regulations, indicating that the person is an enumerator, a candidate, an official agent or a campaign worker shall not

(a) obstruct or interfere with, or

(b) cause or permit the obstruction or interference with,

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

(2) A municipality may issue photo identification to an enumerator and that photo identification is deemed to be identification of that enumerator in the prescribed form for the purposes of subsection (1).

22 Section 53 is 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 if

- (a) the person's name appears on the list of electors, if any, or
- (b) the person
 - (i) makes a statement that the person is eligible to vote as an elector in the presence of an officer at the voting station, in the prescribed form,
 - (ii) validates the person's identity and address of the person's residence in accordance with subsection (3), and
 - (iii) where required by a bylaw passed under section 53.01, produces the number and types of identification permitted by the bylaw to verify the person's age.

(2) A statement referred to in subsection (1)(b)(i) must include the address of the person's residence.

(3) A person may validate the person's identity and the address of the person's residence for the purpose of subsection (1)(b)(ii)

- (a) if a bylaw has been passed under section 53.01, by producing the number and types of identification required by the bylaw, or
- (b) by producing

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

22 Section 53 presently reads:

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 and produces for inspection the following proof of the person's identity and current residence and, where required by a bylaw passed under subsection (3), age:

(i) if a bylaw has not been passed under subsection (3),

(A) 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

(B) 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;

(ii) if a bylaw has been passed under subsection (3), the number and types of identification required by the bylaw to verify the person's name and current address and, if applicable, age.

(2) Notwithstanding subsection (1), if there is a list of electors, a person may instead prove that the person is eligible to vote as an elector and his or her identity and current residence and, if

- (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 person, the person's name and the address of the person's residence,
- (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 person's name and current address, or
- (iii) one piece of other acceptable identification referred to in section 53.02.

(4) Notwithstanding subsection (1)(b)(ii) and (iii), a person may validate the person's identity, the address of the person's residence and, if applicable, the person's age if the person is accompanied by an elector who

- (a) validates the elector's identity and the address of the elector's residence in accordance with subsection (3) and, if applicable, verifies the elector's age in accordance with subsection (1)(b)(iii), and
- (b) vouches for the person in accordance with subsection (7).

(5) A scrutineer shall not vouch for a person under subsection (4)(b).

(6) An elector shall not vouch for a person if the elector has relied on the process described in subsection (4) to validate the elector's identity, address and, if applicable, age.

(7) For the purposes of subsection (4)(b), an elector who vouches for a person must make a statement, in the prescribed form, that

- (a) the elector knows the person,
- (b) the elector knows that the person resides at the address indicated in the person's statement, and

applicable, age 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

(i) if subsection (1)(b)(i) applies, a piece of identification referred to in subsection (1)(b)(i), or

(ii) if subsection (1)(b)(ii) applies, the number and types of identification required by the bylaw,

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) 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 name and current address 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 name and current address for the purpose of determining whether the person is eligible to vote.

(5) A bylaw under subsection (3) or (4)

(a) may specify identification in addition to that referred to in subsection (1)(b)(i), and

(b) may provide for the number and types of identification that are required to be produced to also verify the person's age.

(6) Any bylaw passed under subsection (3) or (4) providing for the number and types of identification that are required to be produced to verify the person's name and current address for the purpose of determining whether the person is eligible to vote must provide that

(c) the elector has not relied on the process described in subsection (4) to validate the elector's identity, address and, if applicable, age.

(8) A person who attends at a voting station shall not be permitted to vote unless that person meets the requirements of this section.

Bylaws with respect to proof of elector eligibility

53.01(1) 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 name and current address for the purpose of determining whether the person is eligible to vote.

(2) 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 name and current address for the purpose of determining whether the person is eligible to vote.

(3) A bylaw passed under subsection (1) or (2) must provide that a returning officer shall accept one piece of identification referred to in section 53(3)(b) for that purpose.

(4) A bylaw under subsection (1) or (2)

(a) may specify identification that a person may produce to validate the person's identity and the address of the person's residence in addition to the identification referred to in section 53(3)(b), and

(b) may provide for the number and types of identification that a person must produce to validate the person's age.

(5) Before passing a bylaw in accordance with subsection (1) or (2), an elected authority must

(a) advertise the proposed bylaw in accordance with section 53.1, and

a returning officer shall accept one piece of identification referred to in subsection (1)(b)(i)(A) or (B) for that purpose.

(7) 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.

(8) A scrutineer may not vouch for a person under subsection (2).

(9) 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.

- (b) include in the notice of election day under section 35 the proposed number and types of identification to be required.

Other acceptable identification

53.02(1) The relevant Minister may, by order,

- (a) establish other acceptable identification for the purpose of section 53(1)(b)(iii), and
- (b) provide a process for establishing the address of a person's residence if the person produces identification under section 53(1)(b) that uses a non-residential address.

(2) The *Regulations Act* does not apply to an order referred to in subsection (1).

23 Section 54 is amended

- (a) in subsection (1) by striking out “voting” and substituting “elector”;
- (b) in subsection (1.1) by striking out “, 77”;
- (c) in subsection (2) by striking out “voting” and substituting “elector”.

24 Section 59 is repealed and the following is substituted:

Entries in elector register

59 The deputy shall record on the elector register that an elector has received a ballot for any one or more of the following that are applicable to the election:

- (a) chief elected official;

23 Section 54 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.

(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.

(2) If a returning officer on reasonable and probable grounds believes that a person is not eligible to be an elector, the returning officer must note in the voting register the reason for the belief and initial it.

24 Section 59 presently reads:

59 The deputy shall record on the voting register that an elector has received a ballot for any one or more of the following that are applicable to the election:

(a) chief elected official;

- (b) councillors;
- (c) public school trustees or representatives;
- (d) separate school trustees or representatives;
- (e) bylaw or question.

25 Section 68(2) is amended by striking out “voting register” and substituting “elector register”.

26 Section 69(5) is amended by striking out “, 77”.

27 Section 73 is repealed and the following is substituted:

Advance vote

73(1) In this section, “population” means population as defined and determined in accordance with the regulations under section 604 of the *Municipal Government Act*.

(2) Subject to subsection (3), an elected authority may by resolution provide for holding an advance vote for an election.

(3) Subject to subsections (4) and (7), a local jurisdiction having a population greater than 5000 must provide for holding an advance vote on

- (a) the election of municipal councillors, including by-elections, and

- (b) *councillors;*
- (c) *public school trustees or representatives;*
- (d) *separate school trustees or representatives;*
- (e) *bylaw or question.*

25 Section 68(2) presently reads:

(2) Any person who, having received a ballot from the deputy, leaves the voting station without first delivering it to the deputy in the manner provided by this Act, forfeits the person's right to vote at that election and the deputy shall record in the voting register an entry to the effect that the person left the voting station without first delivering the ballot.

26 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, 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.

27 Section 73 presently reads:

73(1) An elected authority may by resolution provide for holding an advance vote on any vote to be held in an election.

(2) No advance vote shall be held within 24 hours of election day.

(3) If a resolution is enacted under subsection (1), the returning officer must determine the days and hours when the advance vote is to be held.

(b) the submission of a bylaw or question to electors under section 7.

(4) If the election is being held in only one ward but that ward is within a local jurisdiction with a population greater than 5000, the requirements of subsection (3) apply.

(5) No advance vote shall be held within 24 hours of election day.

(6) The returning officer must determine the days and hours when the advance vote under subsection (2) or (3) is to be held.

(7) The Minister may, at any time, make an order to exempt an elected authority from the requirement to provide for holding an advance vote under subsection (3).

28 Section 74 is amended

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

(1.1) A notice of advance vote referred to in subsection (1) may be given by including it in the notice of election day provided under section 35(2) in respect of the same election, provided that the requirements of both subsection (1) and section 35(2) are met.

(1.2) If an election does not apply to an entire local jurisdiction, a notice of advance vote published, mailed or delivered in accordance with subsection (1.1) is only required to be published, mailed or delivered in a ward or voting subdivision within that local jurisdiction where an election is required.

(b) in subsection (2) by striking out “subsection (1)” and substituting “this section”.

29 Section 75 is amended by adding the following after subsection (1):

(1.1) If there are wards in a local jurisdiction, the returning officer is not required to establish an advance voting station in

28 Section 74 presently reads:

74(1) Notice of the days, the locations of the voting stations and the hours fixed for an advance vote shall be given in the form prescribed for use under section 35 by publishing a notice at least one week before the date set for the advance vote in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before the date set for the advance vote.

(2) On complying with subsection (1), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

29 Section 75 presently reads:

75(1) When an advance vote is authorized, the returning officer shall establish the number of advance voting stations the returning officer considers necessary.

each ward but must establish at least one advance voting station.

30 Section 77 is repealed.

31 Section 77.1 is amended

(a) in subsection (1)

- (i) in clause (a) by striking out “incapacity” and substituting “disability”;**
- (ii) in clause (c) by adding “substitute returning officer,” after “deputy returning officer,”;**

(b) in subsection (2)

- (i) in clause (c) by striking out “telecopier” and substituting “fax”;**
- (ii) by adding the following after clause (e):**
 - (f) by secure website.**

(2) If there are wards in a local jurisdiction, the presiding deputy shall maintain separate ballot boxes for each elected authority.

(3) A vote held at an advance voting station must be conducted in the same manner as a vote on election day except that

(a) a fresh ballot box must be used on each day of the advance vote, and

(b) on the completion of each day of the advance vote, the ballot box used that day must be sealed so that no ballots can be deposited in it without breaking the seal, and the ballot box must remain like that and be stored in a secure place until it is opened for the counting of ballots at the close of the voting stations on election day.

30 Section 77 presently reads:

77 Subject to section 83(3) or (4), every person applying to vote at an advance voting station, before being permitted to vote, shall be required by a deputy to make a statement in the prescribed form, which shall be kept by the deputy with the other records of the voting station.

31 Section 77.1 presently reads in part:

77.1(1) An elector who is unable to vote at an advance vote or at the voting station on election day because of

(a) physical incapacity,

(c) being a returning officer, deputy returning officer, constable, candidate, official agent or scrutineer who may be located on election day at a voting station other than that for the elector's place of residence

may apply to vote by special ballot.

(2) An elected authority may, by resolution passed 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:

- (c) **in subsection (2.1) by striking out** “, at any time between the day after the day when the resolution is passed to provide for special ballots and the closing of voting stations on election day” **and substituting** “and during the period of time specified in the resolution”;
- (d) **by repealing subsection (2.3).**

32 Section 77.2 is amended

- (a) **in subsection (2)(d.1)**
 - (i) **by adding** “section 53(1)(b),” **after** “requirements of”;
 - (ii) **by repealing subclauses (i) and (ii);**
- (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 name, current address and, if applicable, age, for the purpose of determining whether the elector is eligible to vote.
- (c) **in subsection (4)(c)**
 - (i) **by adding** “section 53(1)(b)” **after** “requirements of”;
 - (ii) **by repealing subclauses (i) and (ii);**
- (d) **in subsection (5)**
 - (i) **by adding** “section 53(1)(b),” **after** “requirements of”;
 - (ii) **by repealing clauses (a.01) and (a.02);**
 - (iii) **in clause (f) by striking out** “incapacity” **and substituting** “disability”;

(c) by telecopier;

(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 after the day when the resolution is passed to provide for special ballots and the closing of voting stations on 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 by nomination day.*

32 Section 77.2 presently reads in part:

(2) *After marking the appropriate forms, the elector must*

(a) *place them in the ballot envelope,*

(b) *seal the ballot envelope,*

(c) *place the ballot envelope in the certificate envelope,*

(d) *complete and sign Part 1 of the certificate and seal the certificate envelope,*

(d.1) *attach a copy of the elector's identification that meets the requirements of*

(i) *section 53(1)(b)(i) if the elected authority has not passed a bylaw under section 53(3) or (4), or*

(ii) *the bylaw if the elected authority has passed a bylaw under section 53(3) or (4),*

(e) *place the certificate envelope in the outer envelope, and*

(f) *seal the outer envelope.*

(2.1) *A copy of the elector's identification, as described in subsection (2)(d.1), may be used only*

(a) *if subsection (2)(d.1)(i) applies, to verify the elector's name and current address for the purpose of determining whether the elector is eligible to vote, or*

- (e) in subsection (5.1)(b)**
 - (i) by adding “section 53(1)(b),” after “requirements of”;**
 - (ii) by repealing subclauses (i) and (ii);**
- (f) by repealing subsections (5.2), (5.3), (5.4), (5.5) and (5.6).**

- (b) if subsection (2)(d.1)(ii) applies, to verify the elector's name and current address and, if applicable, 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

- (a) whether the name on the certificate envelope is the same as that of an individual already recorded in the special ballot elector register under this section,*
- (b) whether Part 1 of the certificate is properly completed, and*
- (c) whether the elector has attached a copy of the elector's identification that meets the requirements of*
 - (i) section 53(1)(b)(i) if subsection (2)(d.1)(i) applies, or*
 - (ii) the bylaw if subsection (2)(d.1)(ii) applies.*

(5) On determining that the elector is recorded in the special ballot elector register, that Part 1 of the certificate is properly completed and that the copy of the elector's identification meets the requirements of

- (a.01) section 53(1)(b)(i) if subsection (2)(d.1)(i) applies, or*
- (a.02) the bylaw if subsection (2)(d.1)(ii) applies,*

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*
- (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

- (a) that Part 1 of the certificate is properly completed,*
- (b) that the copy of the elector's identification meets the requirements of*
 - (i) section 53(1)(b)(i) if subsection (2)(d.1)(i) applies, or*
 - (ii) the bylaw if subsection (2)(d.1)(ii) applies,*
- (c) that the elector has not already been entered on the special ballot elector register, or*
- (d) that the elector has not already returned a special ballot,*

the returning officer must retain the certificate envelope unopened, attach the copy of the elector's identification, if any, to the certificate envelope, treat the ballot in the envelope as a rejected ballot and mark the certificate envelope accordingly.

(5.2) If the returning officer cannot determine whether a certificate is valid under subsection (5) or rejected under subsection (5.1) or the returning officer is of the opinion that the special ballot does not meet the requirements of this Act, the returning officer must forthwith notify a person appointed by the Minister under subsection (5.3) and set the unopened certificate envelope aside in a secure ballot box to be reviewed by that person.

33 Section 78 is amended

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

Electoral assistance

78(1) The deputy, at the request of an elector who is unable to vote in the usual manner, shall mark the vote of that elector on the elector's ballot in the manner directed by that elector, and shall immediately deposit the ballot in the ballot box.

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

(4.1) If an elector requests a blind elector template by June 30 in a year in which a general election is to be held, a municipality must pass a bylaw setting out the blind elector template.

(4.2) A municipality may pass a bylaw setting out the blind elector template even if no request is made under subsection (4.1).

(4.3) The bylaw referred to in subsections (4.1) and (4.2) must specify when the blind elector template is available and how the municipality will notify electors of the availability of the blind elector template.

(5.3) The Minister must, by order, appoint one or more persons to be available to review questionable certificates under subsection (5.2) and declare them either valid or rejected.

(5.4) On being notified under subsection (5.2), a person appointed under subsection (5.3) must review the questionable certificate, complete the prescribed form declaring the certificate either valid or rejected, submit the form to the returning officer and submit a copy of the form to the local jurisdiction and the Minister.

(5.5) If the certificate is declared valid under subsection (5.4), the returning officer must treat the ballot as a ballot to which subsection (5) applies.

(5.6) If the certificate is declared rejected under subsection (5.4), the returning officer must treat the ballot as a ballot to which subsection (5.1) applies.

33 Section 78 presently reads in part:

78(1) The deputy, at the request of an elector who is incapacitated by blindness or another physical condition from marking the elector's ballot in the usual manner, shall mark the vote of that elector on the elector's ballot in the manner directed by that elector, and shall immediately deposit the ballot in the ballot box.

(4) The deputy shall not permit an elector to vote under subsection (3) until the elector and the elector's friend have made the prescribed statements.

(5) If an elector who is blind is not accompanied by a friend into a voting compartment under subsection (3), the deputy must, if requested by the elector at least 3 months before election day,

(a) provide the elector with a blind voter template in the prescribed form, and

(b) instruct the elector in its use.

(7) When a ballot has been marked pursuant to this section, the deputy shall enter in the voting register opposite the name of the voter and in the appropriate column either "voter assistance" or "template".

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

(5) If an elector who is blind is not accompanied by a friend into a voting compartment under subsection (3) and the municipality has passed a bylaw setting out the blind elector template in accordance with subsection (4.1), the deputy must

- (a) provide the elector with a blind elector template, and
- (b) instruct the elector in its use.

(d) in subsection (7)

- (i) by striking out “voting” and substituting “elector”;**
- (ii) by striking out “voter” wherever it occurs and substituting “elector”.**

34 Section 79 is amended

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

Electoral assistance at home

79(1) An elected authority may by resolution provide for the attendance of 2 deputies at the residence of an elector, during the hours an advance voting station is open or other times as may be fixed by the resolution, in order to take the votes of an elector who, because of physical disability, is unable to attend a voting station or an advance voting station to vote.

(b) in subsection (3) by striking out “incapacity” and substituting “disability”;

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

(3.1) Notwithstanding subsection (3), a returning officer may include the name and address of an elector who is not unable to attend a voting station or an advance voting station because of physical disability on a list if the elector resides in a facility at which an elector whose name and address has been included on a list in accordance with subsection (3) resides.

34 Section 79 presently reads in part:

79(1) An elected authority may by resolution provide for the attendance of 2 deputies at the residence of an elector, during the hours an advance voting station is open or other times as may be fixed by the resolution, in order to take the votes of an elector who, because of physical incapacity, is unable to attend a voting station or an advance voting station to vote.

(3) If the returning officer is satisfied that an elector is unable to attend a voting station or an advance voting station because of physical incapacity, the returning officer shall include that elector's name and address on a list.

35 Section 80 is amended

(a) in subsection (2)

- (i) in clause (a) by striking out** “hospital, auxiliary hospital or nursing home” **and substituting** “treatment centre”;
- (ii) in clause (b) by striking out** “the local jurisdiction in a seniors’ accommodation facility” **and substituting** “a supportive living facility in the local jurisdiction”;

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

(2.1) Notwithstanding subsection (2), an elected authority may designate a self-contained housing unit in a lodge accommodation as an institution for the purposes of holding an institutional vote under this section.

- (c) in subsection (4) by striking out** “residents of seniors’ accommodation facilities” **and substituting** “electors who are residents of supportive living facilities or confined to treatment centres”.

36 Section 83 is amended

- (a) in subsection (2) by striking out** “voting register” **and substituting** “elector register”;
- (b) by repealing subsections (3) and (4).**

35 Section 80 presently reads in part:

(2) An elector who on election day

(a) is confined to a hospital, auxiliary hospital or nursing home in the local jurisdiction, or

(b) is a resident in the local jurisdiction in a seniors' accommodation facility,

that is established as an institutional voting station for the election is eligible to vote at that institutional voting station.

(4) If an elected authority provides for the holding of an advance vote, the returning officer may appoint the number of deputies that the returning officer considers necessary to take the votes on the day the advance vote is held of any residents of seniors' accommodation facilities that are located in the local jurisdiction.

36 Section 83 presently reads in part:

(2) On the production of the certificate, the deputy or constable may vote at the voting station where the deputy or constable is stationed, instead of the voting station where the deputy or constable would otherwise have been eligible to vote, and a deputy shall attach the certificate to the voting register.

(3) If, in a local jurisdiction where a ward system is in effect, an elector is appointed a deputy or constable to attend at a voting station in a ward other than the one in which that elector is eligible to vote, the returning officer may provide the elector with a certificate making the elector eligible to vote at an advance voting station, and the elector may vote at the advance voting station without the necessity of making the statement required by section 77.

(4) If an elector is appointed as an officer in a local jurisdiction other than the one in which that elector is eligible to vote, the returning officer of the local jurisdiction that appointed the elector as an officer shall provide the elector with a certificate making the

37 Section 84 is amended

(a) in subsection (1) by striking out “the” after “votes of”;

(b) in subsection (2) by striking out “and the bylaw shall as nearly as possible follow the provisions of this Act”;

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

(2.1) Notwithstanding any other provision of this Act, the bylaw referred to in subsection (1) may prescribe

- (a) directions for the use of ballot boxes,
- (b) directions for the use of tabulators,
- (c) the time allowed for counting special ballots, advance votes and institutional votes, and
- (d) directions for the use of technology for electors who are unable to vote in the usual manner.

(2.2) The bylaw referred to in subsection (1) must follow the provisions of this Act as nearly as possible.

(2.3) Notwithstanding any other provision of this Act, the bylaw referred to in subsection (1) may provide that a single ballot card may be used for all the offices referred to in section 42(1).

(2.4) If the bylaw referred to in subsection (1) prescribes directions for the use of tabulators, the bylaw must require that the equipment must not be part of or connected to an electronic network, except that the equipment may be securely connected to a network after the close of polls for the purpose of transmitting information to the local jurisdiction.

elector eligible to vote at an advance vote and the elector may vote at an advance voting station for the local jurisdiction of which the elector is an elector without the necessity of making the statement required by section 77.

37 Section 84 presently reads:

84(1) An elected authority may by bylaw provide for the taking of the votes of the electors by means of voting machines, vote recorders or automated voting systems.

(2) Notwithstanding any other provision of this Act, the bylaw referred to in subsection (1) shall prescribe

- (a) the form of the ballot,*
- (b) directions for the marking of a ballot by an elector, and*
- (c) directions for the voting procedures to be used including the procedures to be followed*
 - (i) in the taking of the votes by any of the means provided for in subsection (1),*
 - (ii) in the examination of the ballots, by machine or otherwise, to determine which votes should be declared void,*
 - (iii) in the counting, by machine or otherwise, of the votes taken by any of the means provided for in subsection (1), and*
 - (iv) if a returning officer makes a recount pursuant to section 98, in the recounting, by machine or otherwise, of the votes taken by any of the means provided for in subsection (1),*

and the bylaw shall as nearly as possible follow the provisions of this Act.

(2.5) If the bylaw referred to in subsection (1) authorizes the use of an electronic ballot marking device, section 78(5) does not apply.

(2.6) In this section, “electronic ballot-marking device” means an electronic device that has an audio instruction and vote confirmation component and Braille-embossed voting buttons.

38 The following is added after section 85:

Counting centres

85.1(1) A returning officer may designate a single location as a counting centre for the purpose of this section.

(2) The returning officer must notify all affected candidates, official agents and scrutineers of the location of the counting centre.

(3) If a ward or division system exists in a local jurisdiction, the special ballot box, advance vote ballot box and institutional vote ballot box shall be counted at the counting centre if one is designated by the returning officer for that local jurisdiction.

(4) An elected authority may pass a bylaw by June 30 of a year in which a general election is to be held allowing the returning officer of the elected authority to count the special ballot box, advance vote ballot box and institutional vote ballot box no earlier than 7:30 p.m. on election day.

(5) The deputy of a counting centre shall in the presence of

- (a) at least one and any additional officers that the deputy considers necessary, and
- (b) the candidates, official agents or scrutineers, if any,

ensure that each special ballot box, advance vote ballot box and institutional ballot box is opened and that the votes are counted in accordance with the bylaw made under section 84(1).

(6) There shall be present at the counting centre during the counting of the votes, for each candidate, not more than one of the following for each ballot box:

38 Counting centres.

- (a) the candidate;
- (b) the candidate's official agent;
- (c) the candidate's scrutineer.

(7) The results of a count conducted in accordance with this section shall not be publicly disclosed until after 8:00 p.m. on election day.

39 Section 90 is repealed and the following is substituted:

Certificate in elector register

90 Every presiding deputy at the close of the voting station shall certify in words, in the prescribed form, the number of persons who registered to vote at the voting station at which the deputy was designated to preside.

40 Section 91(1)(f) is amended by striking out "voting register" and substituting "elector register".

41 Section 93 is amended by striking out "voting register" and substituting "elector register".

39 Section 90 presently reads:

90(1) Every presiding deputy at the close of the voting station shall certify in words, in the prescribed form, the number of persons who registered to vote at the voting station at which the deputy was designated to preside.

(2) Every presiding deputy at the close of the voting station on election day must make a copy of each voter register on which an objection has been noted under section 54.

(3) After the close of voting stations on election day and prior to the disposition of election materials under section 101, any person who may object under section 54 may, in the presence of the secretary or returning officer during regular business hours, view the copy of the voter register on which objections have been noted.

40 Section 91(1) presently reads in part:

91(1) At the completion of the counting of the ballots, the presiding deputy shall make up into separate packets

(f) the voting register together with the prescribed form referred to in section 90;

41 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, all statements made on voting day and the list of electors, if any, in the ballot box

42 The following is added after section 93:

Elector registers with objection

93.1(1) Notwithstanding section 92, at the completion of the counting of the ballots, the presiding deputy shall

- (a) make a packet of the elector registers on which an objection has been noted in accordance with section 54, if any, separate from the packet made under section 91(1)(f) that contains the rest of the elector register,
- (b) seal the packet and mark it on the outside with the information referred to in section 92, and
- (c) deliver the sealed packet to the returning officer with the sealed ballot box and the ballot account under section 94.

(2) Commencing the day after election day, if a person makes a request to view the copy of the elector register on which objections have been noted in accordance with section 54, the returning officer shall

- (a) open the packet containing the elector registers on which objections have been noted and make a copy of the elector registers, and
- (b) once a copy has been made, seal the packet with the returning officer's seal.

(3) The copy of the elector registers made under subsection (2)(a) shall be shown to the person who made the request and to any subsequent person who requests to view the copy.

(4) The secretary shall retain and dispose of the packet containing the copies of the elector register made under subsection (2)(a), if any, in accordance with section 101.

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.

42 Elector registers with objection.

43 Section 94(1) is amended by striking out “voter” and substituting “elector”.

44 Section 95(2) is repealed and the following is substituted:

- (2) Unless another enactment provides otherwise,
 - (a) if more than 50% of the persons voting vote in favour of the bylaw or affirmatively on the question, then the bylaw or the question is assented to by the electors, and
 - (b) if 50% or less of the persons voting vote in favour of the bylaw or affirmatively on the question, then the bylaw or question is defeated.

45 Section 98 is amended by adding the following after subsection (8):

- (9) If a returning officer determines that a recount will be made in a local jurisdiction that is divided into wards or divisions, the returning officer may determine the number of voting stations for which a recount is required in accordance with subsection (1).

43 Section 94(1) presently reads:

94(1) The presiding deputy personally shall as soon as practicable deliver to the returning officer the sealed ballot box, the ballot account and the copies made under section 90 of the voter registers on which objections have been noted.

44 Section 95(2) presently reads:

(2) Unless another enactment provides otherwise, if more than 50% of the persons voting vote in favour of the bylaw or affirmatively on the question, then the bylaw or question is deemed to be assented to by the electors.

45 Section 98 presently reads in part:

98(1) The returning officer may make a recount of the votes cast at one or more voting stations 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

46 Section 101 is amended by striking out “voter registers” wherever it occurs and substituting “elector registers”.

47 Section 115 is repealed and the following is substituted:

Bylaw vote recount

115 Sections 103 to 110 and 112 to 114 apply, with necessary modifications, to a recount of the votes for and against a bylaw or question.

48 Section 118 is repealed.

(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.

(8) If votes have been taken and counted under section 84, a reference in this section to a voting station is deemed to include the place where the votes were counted.

46 Section 101 presently reads:

101 The secretary, unless otherwise ordered by a judge, shall retain copies of voter registers, if any, made under section 90 and the ballot boxes with their seals unbroken for 6 weeks from the date of voting and then shall cause the ballot boxes to be opened and their contents destroyed, and cause copies of voter registers, if any, to be destroyed, in the presence of 2 witnesses and each of the 2 witnesses shall take an affidavit that the witness has witnessed the destruction of the contents of the ballot boxes.

47 Section 115 presently reads:

115 Sections 103 to 114 apply to a recount of the votes for and against a bylaw or question.

48 Section 118 presently reads:

118(1) In any election under this Act, the following expenses shall be held to be lawfully incurred and the payment of them is not a contravention of this Act:

- (a) the actual personal expenses of the candidate;*
- (b) the cost of acquiring premises, accommodation, goods or services used for proper election campaign purposes;*
- (c) bona fide payments for the fair cost of printing and advertising;*
- (d) reasonable and ordinary payment to any person for the hire of transportation used*

49 Section 120 is amended by striking out “a motion” and substituting “an application”.

- (i) *by a candidate or speakers in travelling to and from public meetings, or*
- (ii) *by any person in connection with and for the proper purposes of an election.*

(2) With respect to an election of a school board trustee under this Act, an elected authority may, by a bylaw passed prior to April 15 of a year in which a general election is held require that candidates prepare and disclose to the public statements of all their campaign contributions and campaign expenses and may prescribe how campaign contributions not used for campaign expenses must be used.

(2.1) If a bylaw is passed under subsection (2), the elected authority may require that the statements of campaign contributions and campaign expenses be audited in accordance with generally accepted auditing standards.

(2.2) If a bylaw is passed under subsection (2), a person eligible to vote in the election may request to examine the statements of campaign contributions and campaign expenses during regular business hours and in the presence of the returning officer, deputy or secretary.

(3) A bylaw passed under subsection (2)

(a) shall define “campaign contributions” and “campaign expenses”, and

(b) may prescribe forms

for purposes of the bylaw.

(4) A person who contravenes a bylaw passed under this section is guilty of an offence and liable to a penalty of not more than \$1000, and on conviction the penalty enures to the benefit of the local jurisdiction in respect of which the election was conducted.

49 Section 120 presently reads:

120 A candidate elected at an election who is found guilty, on the hearing of a motion in the nature of a quo warranto, of bribery or of using undue influence

50 Section 144 is amended by adding “in the prescribed form” after “disclaimer” wherever it occurs.

51 Part 5.1 is repealed and the following is substituted:

**Part 5.1
Election Finances and
Contributions Disclosure**

Interpretation

147.1(1) In this Part,

- (a) “campaign expense” means any expense incurred, or non-monetary contribution received, by a candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a candidate during a campaign period, and includes an expense incurred for, or a non-monetary contribution in relation to,
 - (i) the production of advertising or promotional material,

- (a) *forfeits the elected office, and*
- (b) *is ineligible to be nominated as a candidate until after 2 general elections have taken place following the candidate's conviction.*

50 Section 144 presently reads:

144(1) A disclaimer delivered

- (a) *before the election, or*
- (b) *before the person disclaiming is complained of,*

relieves the person making it from all liability to costs.

(2) A disclaimer delivered or transmitted under this Act operates as a resignation and the vacancy so created shall be filled in the manner provided by this Act.

(3) A disclaimer delivered to the returning officer before election day may be posted by the returning officer in the voting stations.

51 Part 5.1 presently reads:

Part 5.1

*Municipal Election Finance and
Contribution Disclosure*

147.1(1) In this Part,

- (a) *“campaign contribution” means any money, personal property, real property or service that is provided to or for the benefit of a candidate or the candidate's election campaign without fair market value compensation from that candidate but does not include services provided by a volunteer who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or time spent providing the services;*
- (b) *“campaign expense” means any expense referred to in section 118(1);*

- (ii) the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during a campaign period, including by the use of a capital asset,
 - (iii) the payment of remuneration and expenses to or on behalf of a person for the person's services as a chief financial officer or in any other capacity,
 - (iv) securing a meeting place, or
 - (v) the conduct of election surveys or other surveys or research during a campaign period;
- (b) "campaign period" means
- (i) in the case of a general election, the period of time from January 1 to December 31 in a year in which a general election is held, and
 - (ii) in the case of a by-election, the period of time set by bylaw or resolution to 60 days immediately following the by-election;
- (c) "contribution" means any money, personal property, real property or service that is provided to or for the benefit of a candidate's election campaign without fair market value compensation from that candidate, but does not include a service provided by an individual who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or time spent providing the services;
- (d) "employee organization" means an organization, other than a trade union, that bargains collectively for employees;
- (e) "group" means an unincorporated group of individuals or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of individuals, corporations, trade unions or employee organizations;
- (f) "prohibited organization" means a corporation and an unincorporated organization, including a trade union and an employee organization;

- (c) *“campaign period” means*
- (i) *for a candidate in a general election, the period of time from January 1 immediately following a general election to December 31 immediately following the next general election;*
 - (ii) *for a candidate in a by-election, the period of time from January 1 immediately following a general election to 60 days immediately following the by-election;*
- (d) *“candidate” means an individual nominated as a candidate for election as a councillor of a municipality under this Act or an individual who intends to be nominated as a candidate for such an election and accepts campaign contributions or incurs campaign expenses;*
- (e) *“employee organization” means any organization other than a trade union that bargains collectively for any employees in Alberta, and for the purposes of this Part all branches in Alberta of an employee organization are deemed to be one organization;*
- (f) *“person” includes any individual other than a candidate, and any organization other than a corporation, employee organization or trade union;*
- (g) *“prohibited organization” means*
- (i) *a municipality,*
 - (ii) *a corporation that is controlled by a municipality and meets the test set out in section 1(2) of the Municipal Government Act,*
 - (iii) *a non-profit organization that has received since the last general election any of the following from the municipality in which the election will be held:*
 - (A) *grants,*
 - (B) *real property, or*

(g) “trade union” means an organization of employees that has a written constitution, rules or bylaws and has as one of its objects the regulation of relations between employers and employees.

(2) The value of a contribution, other than money, provided to a candidate is the fair market value of the contribution at the time it is provided.

(3) If any personal property, real property or service or the use of personal property or real property is provided to a candidate for a price that is less than the fair market value at the time it is provided, the amount by which the value exceeds the price is a contribution for the purposes of this Part.

(4) For the purposes of this section, the use of goods in a 2nd or subsequent election is a non-monetary contribution.

(5) In this section, “expense incurred” means an expense that is incurred, whether it is paid or unpaid.

Application of Part

147.12 This Part applies to candidates for election as a councillor in a municipality or as a trustee of a school board.

Responsibility of contributors

147.13(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 the limit prescribed by section 147.2(3).

(2) Every candidate and every person acting on behalf of a candidate shall make every reasonable effort to advise prospective contributors of the provisions of this Part relating to contributions.

Limitations on contributions

147.2(1) Only an individual ordinarily resident in Alberta may make a contribution to a candidate.

(2) No prohibited organization and no individual ordinarily resident outside Alberta shall make a contribution to a candidate.

- (C) *personal property,*
- (iv) *a Provincial corporation as defined in the Financial Administration Act, and includes a management body within the meaning of the Alberta Housing Act,*
- (v) *a Metis settlement,*
- (vi) *a school board under the School Act,*
- (vii) *a public post-secondary institution under the Post-secondary Learning Act,*
- (viii) *any corporation that does not carry on business in Alberta, or*
- (ix) *any organization designated by the Lieutenant Governor in Council as a prohibited organization;*
- (h) *“trade union” means a trade union as defined by the Labour Relations Code, the Public Service Employee Relations Act or the Canada Labour Code (Canada) and that holds bargaining rights for employees in Alberta, and for the purposes of this Part all locals in Alberta of a trade union are deemed to be one trade union.*

(2) Corporations that are associated with one another under section 256 of the Income Tax Act (Canada) shall be considered as a single corporation for the purposes of this Part but in determining whether and at what time corporations are associated for the purposes of this Part, 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.

(3) Nothing done or omitted to be done by a corporation is a contravention of this Part solely because that corporation subsequently becomes associated with any other corporation.

147.11(1) Any money up to and including \$10 000 paid by a candidate out of the candidate’s own funds for the purposes of the candidate’s election campaign is not a campaign contribution for the purposes of this Part.

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

(3) No individual ordinarily resident in Alberta shall contribute in any campaign period an amount that exceeds

- (a) \$4000 in the aggregate to candidates for election as councillors, and
- (b) \$4000 in the aggregate to candidates for election as school board trustees.

(4) Any amount paid by a candidate for campaign expenses from the candidate's own funds that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period is a contribution to the candidate's own campaign and is subject to the limit prescribed by subsection (3).

(5) No candidate and no person acting on behalf of a candidate shall, directly or indirectly, solicit or accept a contribution if the candidate or person knows or ought to know that the prospective contributor is a prohibited organization or an individual ordinarily resident outside Alberta.

(6) No candidate and no person acting on behalf of a candidate shall solicit or accept a contribution if the candidate or person knows or ought to know that the amount of the contribution will exceed the amounts referred to in subsection (3).

Acceptance of contributions

147.22(1) No person shall accept a contribution or incur a campaign expense unless the person has been nominated as a candidate.

(2) No candidate and no person acting for a candidate shall accept a contribution or incur a campaign expense except during the campaign period.

(3) Subsections (1) and (2) do not apply to a person who accepts not more than \$2000 in the aggregate in contributions or who incurs not more than \$2000 in the aggregate in campaign expenses, provided that the contributions are not accepted and the expenses are not incurred within the campaign period.

Anonymous and unauthorized contributions

147.23 Any anonymous contributions and any contribution or portion of a contribution made in contravention of this Part

- (a) *open and deposit the funds in a campaign account at a financial institution in the name of the candidate's election campaign or of the candidate,*
 - (b) *file a disclosure statement with the municipality setting out the total amount contributed by the candidate to the candidate's own election campaign, or*
 - (c) *file a disclosure statement with the municipality listing the campaign expenses incurred during the candidate's election campaign.*
- (3) *This section does not apply if the candidate receives or accepts any campaign contribution from any other person, corporation, trade union or employee organization.*

147.2(1) Campaign contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed \$5000 in any year.

(1.1) Money paid by a candidate out of the candidate's own funds to the candidate's election campaign shall not exceed \$10 000 in any campaign period.

(3) No prohibited organization, person normally resident outside Alberta or trade union or employee organization other than a trade union or employee organization as defined in this Part shall make any campaign contributions to a candidate.

(4) A corporation, trade union or employee organization that contravenes this section is guilty of an offence and liable to a fine of not more than \$10 000.

(5) A person or a candidate who contravenes this section is guilty of an offence and liable to a fine of up to \$5000.

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

accepted by a candidate or a person acting on behalf of a candidate must not be used or expended, and the candidate or the person acting on behalf of the candidate shall

- (a) return the contribution to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction for which the candidate is running for election.

Contributions not belonging to contributor

147.24(1) No individual shall contribute to a candidate

- (a) funds not belonging to that individual, or
- (b) funds that have been given or furnished to the individual by another individual or a prohibited organization for the purpose of making a contribution of those funds to a candidate.

(2) No individual and no prohibited organization shall give or furnish funds to another individual for the purpose of having that other individual make a contribution of those funds to a candidate.

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

Duties of candidate

147.3(1) A candidate shall ensure that

- (a) a campaign account in the name of the candidate or the candidate's election campaign is opened at a financial institution for the purposes of the election campaign at the time of nomination or as soon as possible after the total amount of contributions first exceeds \$1000 in the aggregate,
- (b) if a campaign account has been opened in accordance with clause (a), all contributions of money are deposited into the campaign account,

- (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 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.*

147.3(1) *A candidate shall ensure that*

- (a) *a campaign account in the name of the candidate's election campaign or of the candidate is opened at a financial institution for the purposes of the election campaign as soon as possible after*
 - (i) *the total amount of campaign contributions from any person, corporation, trade union or employee organization first exceeds \$5000 in the aggregate, or*
 - (ii) *the total amount of campaign contributions from any person, corporation, trade union or employee*

- (c) money in the campaign account shall only be used for the payment of campaign expenses,
- (d) contributions of real property, personal property and services are valued,
- (e) receipts are issued for every contribution and obtained for every expense,
- (f) records are kept of contributions and campaign expenses and are retained by the candidate for a period of 3 years following the date on which disclosure statements were required to be filed under section 147.4, and
- (g) proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign expenses and accept or solicit contributions on behalf of the candidate.

(2) A candidate shall not knowingly make a false or misleading statement in any disclosure statement or financial statement or other information required to be filed under this Part.

Fund-raising functions

147.31(1) In this section, "fund-raising function" includes any social function held for the purpose of raising funds for the candidate's election campaign by whom or on whose behalf the function is held.

(2) The gross income from any fund-raising function must be recorded by the candidate on whose behalf the function was held.

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

- (a) if the individual charge
 - (i) is \$50 or less, it is not considered to be a contribution unless the individual 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,

organization in combination with any money paid by the candidate out of the candidate's own funds first exceeds \$5000 in the aggregate;

- (b) if a campaign account has been opened in accordance with clause (a), all contributions of money are deposited into the campaign account;*
- (g) records are kept of campaign contributions and campaign expenses and are retained by the candidate for a period of 2 years following the date on which disclosure statements were required to be filed under section 147.4;*
- (h) proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign expenses and accept or solicit campaign contributions on behalf of the candidate;*
- (i) a campaign contribution received in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;*
- (j) an anonymous campaign contribution or a campaign contribution not returned to the contributor under clause (i) is paid to the secretary for the municipality in which the election is held.*

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

- (a) the total amount of all campaign contributions received during the campaign period that did not exceed \$100 in the aggregate from any single contributor,*
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$100 in the aggregate,*

- (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 fair market value of what the ticket entitles the bearer to obtain.
- (4) The price paid at a fund-raising function in excess of the fair market value at that time for goods or services received is considered to be a contribution to the candidate's election campaign.

Receipts

147.32 Every candidate or a person acting on behalf of the candidate shall issue a receipt for every contribution accepted in a form acceptable to the local jurisdiction.

Loans

147.33(1) A candidate

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

(2) Only a person ordinarily resident in Alberta may make a payment on behalf of the borrower in respect of a loan to which subsection (1) applies.

(3) Any payment in respect of a loan to which subsection (1) applies made by a person referred to in subsection (2) becomes, for the purposes of this Act, including, without limitation, section 147.2,

- (a) a contribution by that individual, and
- (b) a contribution accepted by the borrower,

if the individual is not reimbursed by the borrower before the borrower is next required to file a disclosure statement.

- (c) the total amount of money paid by the candidate out of the candidate's own funds,*
- (d) the total amount of any campaign surplus, including any surplus from previous campaigns, and*
- (e) a financial statement setting out the total amount of revenue and expenses.*

(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.*

(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.

(3) The municipality must ensure that all documents filed under this section are available to the public during regular business hours.

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, the candidate shall pay the surplus to the municipality.

(2) The municipality shall hold any money received under subsection (1) in trust for the candidate at a financial institution.

(3) If the candidate in respect of whom the money is held under subsection (2) files nomination papers to be a candidate in the next general election or in a by-election called before that time, the municipality shall pay the money and interest calculated at the rate prescribed by the Lieutenant Governor in Council to the candidate for use in that election.

(4) This section does not apply to the borrowing of money for purposes unrelated to the candidate's election campaign.

Campaign expense limits

147.34 No candidate and no chief financial officer of a candidate shall incur election expenses that exceed, in the aggregate, the amounts determined by the regulations.

Campaign disclosure statements

147.4(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, a candidate shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form, which must include

- (a) the total amount of all contributions received during the campaign period that did not exceed \$50 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$50 in the aggregate,
- (c) the total amount of all contributions received as referred to in section 147.22(3),
- (d) the total amount from fund-raising functions,
- (e) the total amount of other revenue,
- (f) the total amount of campaign expenses,
- (g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate,
- (h) the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,
- (i) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (j) the amount of any deficit.

(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 charity within the meaning of subsection 248(1) of the Income Tax Act (Canada).

(5) If the municipality does not receive a direction under subsection (4), the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council become the property of the municipality.

147.7(1) A candidate who contravenes section 147.4 or 147.5 and who fails to

- (a) comply with that section within 30 days after the time period provided for in that section, and*
- (b) pay the municipality a late filing fee of \$500,*

is guilty of an offence and liable to a fine of not more than \$5000.

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

(3) Section 147.5(2) to (5) apply to money paid to a municipality pursuant to a court order under this section.

147.8(1) If a candidate fails to file a disclosure statement as required by section 147.4 before the end of the late filing period provided under section 147.7, the secretary shall transmit a report to that effect to council, which shall on its receipt make the report public.

(2) A candidate under subsection (1) may, within the 60-day period following the date on which the report under subsection (1) is made public, apply to the Court for relief.

(3) On hearing the application, the Court may

- (a) dispense with compliance with section 147.4, or any provision of it, if it considers that the non-compliance is due*

(2) If a candidate's disclosure statement from the election campaign shows a campaign deficit and the candidate does not file nomination papers before the next general election, the candidate shall eliminate the deficit within 6 months after the date of the next general election.

(3) A payment made by a candidate to eliminate a deficit referred to in subsection (2) is deemed not to be a contribution for the purpose of section 147.2.

(4) A candidate who has a deficit referred to in subsection (2) shall, within 30 days after the expiration of the 6-month period referred to in subsection (2), file an amended disclosure statement showing that the deficit has been eliminated.

(5) With respect to the period during which a candidate is nominated, this section applies to a candidate who withdraws as a candidate.

(6) If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) has changed or has not been completely or accurately disclosed, the candidate shall, within 30 days, submit a supplementary statement in the prescribed form to the local jurisdiction.

(7) The local jurisdiction must ensure that all documents filed under this section are available to the public during regular business hours for a period of 4 years after the election.

Campaign surplus

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, the candidate shall pay the amount of the surplus to the local jurisdiction.

(2) The local jurisdiction shall hold any amount received under subsection (1) in trust for the candidate at a financial institution.

(3) If the candidate in respect of whom the amount is held under subsection (2) files nomination papers to be a candidate in the next general election or in a by-election called before that time, the local jurisdiction shall pay the amount received under subsection (1) to the candidate for use in that election.

to circumstances beyond the control of the candidate and that it is not reasonably possible to comply with the section,

- (b) extend the time for compliance with section 147.4, or any provision of it, if it finds mitigating reasons for non-compliance with the section,*
- (c) make any order that it considers appropriate to secure compliance with as much of section 147.4 as it considers reasonable in the circumstances, or*
- (d) refuse the application.*

(4) A candidate may apply to the Court under this section and name the municipality as the respondent.

147.91 The Lieutenant Governor in Council may make regulations

- (a) designating organizations to be prohibited organizations for the purposes of this Part;*
- (b) prescribing the interest rate for the purposes of section 147.5.*

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.

(4) If the candidate in respect of whom an amount 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 local jurisdiction to donate the amount to a registered charity.

(5) If the local jurisdiction does not receive a direction under subsection (4), the money becomes the property of the local jurisdiction.

(6) This section applies to candidates whether or not the candidate is elected.

Late filing

147.7(1) In this section, “filing deadline” means the day by which a disclosure statement referred to in section 147.4 is required to be filed with a local jurisdiction.

(2) A candidate who is required to file a disclosure statement under section 147.4 and fails to file that document by the filing deadline must pay a late filing fee of \$500 to the relevant local jurisdiction.

(3) A local jurisdiction shall not transmit a report in relation to a candidate under section 147.8 if the return is filed no later than 10 days after the filing deadline.

(4) If the late filing fee is not paid within 30 days after the date the fee was payable, the local jurisdiction shall send a notice to the candidate, indicating the amount of the late filing fee that is required to be paid.

(5) If a candidate who is sent a notice by the local jurisdiction under subsection (4) fails to pay the late filing fee set out in the notice, the local jurisdiction may file a copy of the notice 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.

Effect of non-compliance in relation to disclosure statements

147.8(1) Subject to section 147.7, if a candidate fails to file a disclosure statement as required by section 147.4

- (a) in the case of an election of municipal councillors, the secretary shall transmit a report to that effect to council, which shall on its receipt make the report public, and
- (b) in the case of an election of school board trustees, the secretary of the school board shall transmit a report to that effect to the school board, which shall on its receipt make the report public.

(2) A candidate under subsection (1) may, within the 60-day period following the date on which the report under subsection (1) is made public, apply to the Court for relief.

(3) On hearing the application, the Court may

- (a) dispense with compliance with section 147.4, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate and that it is not reasonably possible to comply with that section,
- (b) extend the time for compliance with section 147.4, or any provision of it, if it finds mitigating reasons for non-compliance with the section,
- (c) make any order that it considers appropriate to secure compliance with as much of section 147.4 as it considers reasonable in the circumstances, or
- (d) refuse the application.

(4) A candidate may apply to the Court under this section and name the municipality or the school board, as the case may be, as the respondent.

(5) The decision of the Court is final and not subject to appeal.

Prosecution

147.81 A prosecution under this Part may be commenced within 3 years of the commission of the alleged offence but not afterwards.

Offences relating to contributions

147.82(1) A prohibited organization or a person acting on its behalf that contravenes section 147.2 is guilty of an offence and liable to a fine of not more than \$10 000.

(2) An individual who contravenes section 147.2 is guilty of an offence and liable to a fine of not more than \$5000.

(3) A candidate who contravenes section 147.22(1) or (2) is guilty of an offence and liable to a fine of not more than \$1000.

(4) A candidate or a person acting on behalf of a candidate who fails to return or pay an amount referred to in section 147.23(a) or (b) is guilty of an offence and liable to a fine of not more than \$5000.

(5) A prohibited organization or a person acting on its behalf that contravenes section 147.24 is guilty of an offence and liable to a fine of not more than \$10 000.

(6) An individual who contravenes section 147.24 is guilty of an offence and liable to a fine of not more than \$5000.

Failure of candidate to comply with duties

147.83 A candidate who contravenes section 147.3 is guilty of an offence and liable to a fine of not more than \$1000.

Failure to file

147.84(1) A candidate who fails to comply with section 147.4 by April 1 in the year following a general election, or, in the case of a by-election, within 150 days after the by-election, is guilty of an offence and liable to a fine of not more than \$5000.

(2) If a candidate is found guilty of contravening section 147.4, the Court may, in addition to the penalty provided for in subsection (1), order the candidate to pay any surplus to the local jurisdiction as soon as possible.

(3) Section 147.5(2) to (5) apply to money paid to a local jurisdiction pursuant to a court order under this section.

Expenses more than maximum

147.85 A candidate who contravenes section 147.34 is guilty of an offence and liable to a fine of not more than \$10 000.

Regulations and bylaw

147.91(1) The Minister may make regulations

- (a) determining campaign expense limits for the purpose of section 147.34;

- (b) respecting transitional matters relating to the coming into force of *An Act to Renew Local Democracy in Alberta* not otherwise provided for in that Act, including remedying any confusion, difficulty, inconsistency or impossibility resulting from the enactment of that Act.

(2) An elected authority may pass a bylaw determining election advertising expense limits for the purpose of section 165 in an amount that is less than the amount determined by regulation under subsection (1)

- (a) with respect to a general election, prior to December 31 of the year before the general election is held, and
- (b) with respect to a by-election, at least 180 days before the by-election at which the bylaw is to take effect.

Transitional — definitions

147.93 In sections 147.94 to 147.96,

- (a) “former Act” means the *Local Authorities Election Act* as it read immediately before the Bill received first reading;
- (b) “the Bill” means the Bill to enact *An Act to Renew Local Democracy in Alberta*.

Transitional — all candidates

147.94(1) In this section, “candidate” means a candidate for election as a municipal councillor and, subject to subsection (2), for election as a school board trustee.

(2) For the purpose of this section, an individual is a candidate for election as a school board trustee if, before the Bill receives first reading, the individual accepted contributions or incurred campaign expenses on or after January 1, 2018, for the purposes of a school board election campaign.

(3) Subject to subsection (4), section 147.95(4) and 147.96(4), if a candidate or a person acting on behalf of a candidate received a contribution on or after January 1, 2018 but before the date the Bill receives Royal Assent, other than a contribution used to eliminate a deficit shown on the candidate’s disclosure statement for the most recent election campaign, the contribution is deemed to be collected in the next campaign period.

(4) If a candidate or a person acting on behalf of a candidate receives a contribution from a prohibited organization, trade union or employee organization within the meaning of section 147.1 of the former Act on or after the date the Bill receives first reading but before the date it receives Royal Assent, the candidate, no later than 30 days after the Bill receives Royal Assent, shall

- (a) return the contribution to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction in which the individual is a candidate.

(5) If a candidate fails to comply with subsection (4), the candidate is deemed to have contravened section 147.2(5) as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*.

(6) A candidate who fails to comply with subsection (4) is guilty of an offence and liable to a fine of not more than \$5000.

Transitional — municipal candidates

147.95(1) In this section, “candidate” means a candidate for election as a municipal councillor.

(2) If during the campaign period that commenced January 1, 2018, money paid by a candidate in accordance with section 147.11 of the former Act before the Bill receives first reading equalled or exceeded \$4000, the candidate is not entitled to make any further contributions under section 147.2, as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*.

(3) An individual ordinarily resident in Alberta who, before the Bill receives first reading, made contributions in 2018 to one or more candidates in accordance with section 147.2 of the former Act that in the aggregate equalled or exceeded \$4000 shall not make any further contributions to a candidate in 2018 under section 147.2, as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*, and no candidate shall accept those contributions.

(4) On or after the day the Bill receives first reading but before the day it receives Royal Assent, if a candidate receives a contribution from a person who has, on or after January 1, 2018, already

contributed \$4000 or more to one or more candidates, the candidate, no later than 30 days after the Bill receives Royal Assent, shall return any contribution in excess of \$4000 to the contributor, or pay an amount equivalent to the excess beyond \$4000 to a registered charity or to the local jurisdiction in which the individual is a candidate.

(5) If a candidate fails to comply with subsection (2), (3) or (4), or an individual fails to comply with subsection (3), the candidate or the individual, as the case may be, is guilty of an offence and liable to a fine of not more than \$5000.

Transitional — school board trustee candidates

147.96(1) In this section, subject to subsection (2), “candidate” means a candidate for election as a school board trustee.

(2) For the purpose of this section, an individual is a candidate for election as a school board trustee if, before the Bill receives first reading, the individual accepted contributions or incurred campaign expenses on or after January 1, 2018, for the purposes of a school board election campaign.

(3) An individual ordinarily resident in Alberta who, before the Bill receives first reading, made contributions in 2018 to one or more candidates for school board trustee under the former Act that in the aggregate equalled or exceeded \$4000 shall not make any further contributions to a candidate in 2018 under section 147.2, as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*, and no candidate shall accept those contributions.

(4) On or after the day the Bill receives first reading but before the day it receives Royal Assent, if a candidate receives a contribution from a person who has, since January 1, 2018, already contributed \$4000 or more to one or more candidates, the candidate, no later than 30 days after the Bill receives Royal Assent, shall return any contribution in excess of \$4000 to the contributor, or pay an amount equivalent to the excess beyond \$4000 to a registered charity or to the local jurisdiction in which the individual is a candidate.

(5) A candidate shall, no later than 90 days after the Bill receives Royal Assent,

- (a) file with the local authority a statement disclosing the total amount of all campaign contributions held by the candidate, and
- (b) pay any campaign surplus held by the candidate to the local authority.

(6) If an individual fails to comply with subsection (3), or a candidate fails to comply with subsection (4) or (5), the candidate or the individual, as the case may be, is guilty of an offence and liable to a fine of not more than \$5000.

(7) A bylaw made under section 118 of the former Act applies only with respect to campaign expenses accepted and campaign expenses incurred before the Bill receives first reading, and section 118(2.2) of the former Act continues to apply with respect to the examination of the statements of contributions and campaign expenses made under that section.

(8) Despite the repeal of section 118 of the former Act, a school board may make bylaws respecting the transition from its bylaw passed under section 118(2) of the former Act and the coming into force of *An Act to Renew Local Democracy in Alberta*, for the purposes of reporting contributions.

52 Section 148 is amended

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

(3.1) No person shall obstruct any person carrying out an inquiry, investigation 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.

(b) in subsection (7) by adding “(3.1),” after “(3),”.

52 Section 148 presently reads:

148(1) No person shall

- (a) without authority supply a ballot to any person,*
- (b) fraudulently put into a ballot box any paper other than a ballot that the person is authorized by this Act to deposit,*
- (c) fraudulently take a ballot out of the voting station,*
- (d) without authority destroy, take, open or otherwise interfere with any ballot box or packet of ballots then in use for the purpose of an election.*

(2) No person shall

53 Section 152 is amended

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

Advertisement distribution

152(1) Subject to subsection (2), a person who, at an advance vote or on election day,

- (a) displays within a building used for a voting station or on the property on which a building used for a voting station is located, or

- (a) request a ballot in the name of some other person, whether the name is that of a person living or dead or of a fictitious person, or*
 - (b) having voted once, request at the same election a ballot in the person's own name.*
- (3) No person shall vote knowing that the person has no right to do so.*
- (4) No person shall make or sign a false statement for any purpose related to an election or vote held or to be held under this Act.*
- (5) No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the returning officer, indicating or showing it to be marked for any candidate or candidates.*
- (6) Notwithstanding anything in this section, the returning officer may at any time after nomination day cause a facsimile of the ballot for chief elected official, member of an elected authority, bylaw or question to be published as often as the returning officer considers necessary in a newspaper circulating in the area, for the information of the electors.*
- (7) A person who contravenes subsection (1), (2), (3), (4) or (5) is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for not more than 6 months or to both fine and imprisonment.*

53 Section 152 presently reads in part:

152(1) Subject to subsection (2), a person who, on election day,

- (a) displays inside or on the outside of a building used for a voting station, or*
- (b) distributes within a building used for a voting station,*

an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than \$500.

- (b) distributes within a building used for a voting station or on the property on which the building used for a voting station is located,

an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than \$500.

- (b) by repealing subsection (3).

54 The following is added after section 152:

Campaign activities at a voting station

152.1(1) Subject to subsection (2), a person who, at an advance vote or on election day, canvasses or solicits votes, or communicates with any person for the purpose of influencing that person's vote, in a voting station or on the property on which a building used for a voting station is located is guilty of an offence and liable to a fine of not more than \$500.

(2) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area used as a voting station.

(3) If a person contravenes this section, the deputy may issue one or more of the following directions to the person:

- (a) to cease all conduct that constitutes a contravention;
- (b) to leave a location referred to in subsection (1) or (2);
- (c) to move to a location specified by the deputy.

(4) A person who, on receiving a direction under subsection (3), fails to immediately comply with the direction is guilty of an offence and liable to a fine of not more than \$500.

(5) If a person contravenes this section, the deputy may request the assistance of a peace officer

- (a) to aid the deputy in maintaining unobstructed public access to the voting station, and

(3) The distribution by or on behalf of a candidate or the candidate's official agent or scrutineer of newspapers, pamphlets or other literature containing articles or reports on matters of public interest is not a contravention of this section.

54 Campaign activities at a voting station.

- (b) to remove a person who has refused to comply with a direction referred to in subsection (3) from a location referred to in subsections (1) and (2).

55 The following is added after the heading for Part 7:

Methods of notification

158.1 Notwithstanding any provision of this Act, if a municipality has passed a bylaw in accordance with section 606.1 of the *Municipal Government Act*, the method or methods for advertising authorized by that bylaw may be used by that municipality for the purpose of notifications referred to in sections 26, 35, 53.01, 53.1 and 74 of this Act.

Transitional

158.2(1) In this section, “former Act” means the *Local Authorities Election Act* as it read immediately before the Bill to enact *An Act to Renew Local Democracy in Alberta* received first reading.

(2) The former Act applies to the following:

- (a) a by-election where the vacancy to which the by-election relates occurs before the coming into force of this section;
- (b) a vote on a question or bylaw where the resolution or bylaw that fixes the day for the vote on the question or bylaw is passed before the coming into force of this section.

56 The following is added after section 161:

**Part 8
Third Party Advertising**

Definitions

162(1) In this Part,

- (a) “advertising account” means, as applicable,

55 Methods of notification; Transitional.

56 Part 8, Third Party Advertising; Part 9, Election
Commissioner.

- (i) the account on record with the local jurisdiction for the purpose of accepting advertising contributions for election advertising and for the payment of advertising expenses for election advertising, and
 - (ii) the account on record with the local jurisdiction for the purpose of accepting advertising contributions for political advertising and for the payment of advertising expenses for political advertising;
- (b) “advertising contribution” means, subject to subsection (2),
- (i) money provided to or for the benefit of a third party, or
 - (ii) real property, goods or services, or the use of real property, goods or services, provided to or for the benefit of a third party,
- without compensation from that third party, for the purpose of election advertising or political advertising, whether provided before or after the third party becomes registered under section 163;
- (c) “advertising expense” means an expense incurred in relation to
- (i) the production of an election advertising message or political advertising message in the format in which the message is to be transmitted, and
 - (ii) the acquisition of the means of transmission to the public of an election advertising message or a political advertising message;
- (d) “election advertising” means, subject to subsection (3), the transmission to the public by any means during an election advertising period of an advertising message that promotes or opposes the election of a candidate, including an advertising message that takes a position on an issue with which a candidate or a council is associated, and for greater certainty does not include
- (i) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,

- (ii) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,
 - (iii) the transmission of a document or the communication directly by a corporation or a group to its members, employees or shareholders, as the case may be,
 - (iv) the transmission by an individual, corporation or group, on a non-commercial basis on the Internet, of the political views of that individual, corporation or group,
 - (v) the making of telephone calls to electors only to encourage them to vote,
 - (vi) advertising by the local jurisdiction in any form, or
 - (vii) the transmission to the public in a local jurisdiction that is not a local jurisdiction for which the advertising message was intended and in which there is no candidate and no vote on a question or bylaw to which the transmission relates;
- (e) “election advertising period” means
- (i) in the case of a general election, the period commencing May 1 in the year in which a general election is held and ending at the end of the election day,
 - (ii) in the case of a by-election, the period commencing on the date the by-election is set by bylaw or resolution and ending at the end of the election day, and
 - (iii) in the case of a vote on a question or bylaw, the period commencing on the date the election is set by bylaw or resolution and ending at the end of the election day;
- (f) “employee organization” means an organization, other than a trade union, that bargains collectively for employees;
- (g) “expenses” means
- (i) amounts paid,

- (ii) liabilities incurred,
- (iii) subject to subsection (2)(a), the market value of real property, goods and services that are donated or provided, and
- (iv) subject to subsection (2)(a), amounts that represent the difference between an amount paid or a liability incurred for real property, goods or services and the market value of the real property, goods or services, when they are provided at less than their market value;
- (h) “group” means an unincorporated group of individuals or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of individuals, corporations, trade unions or employee organizations;
- (i) “political advertising” means, subject to subsection (5), the transmission to the public by any means, at any time other than during an election advertising period, of an advertising message that promotes or opposes the election of a candidate, including an advertising message that takes a position on an issue with which a candidate is associated, and for greater certainty does not include
 - (i) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,
 - (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 or the communication directly by a corporation or a group to its members, employees or shareholders, as the case may be,
 - (iv) the transmission by an individual, corporation or group, on a non-commercial basis on the Internet, of the political views of that individual, corporation or group,
 - (v) the making of telephone calls to electors only to encourage them to vote,
 - (vi) advertising by the local jurisdiction in any form, or

- (vii) the transmission to the public in a local jurisdiction that is not a local jurisdiction for which the advertising message was intended and in which there is no candidate and no vote on a question or bylaw to which the transmission relates;
- (j) “prohibited corporation” means a prohibited corporation as defined in the *Election Finances and Contributions Disclosure Act*;
- (k) “registered third party” means a third party registered under this Part;
- (l) “third party” means an individual, corporation or group, but does not include a candidate;
- (m) “trade union” means an organization of employees that has a written constitution, rules or bylaws and has as one of its objects the regulation of relations between employers and employees.

(2) For the purposes of subsection (1)(b), “services” does not include

- (a) volunteer labour provided by an individual, so long as that individual does not receive from that individual’s employer or any person, compensation or paid time off to volunteer,
- (b) professional services provided free of charge for work relating to compliance with this Act,
- (c) services provided free of charge by an individual acting as the chief financial officer of the recipient of the services for work relating to compliance with this Act, or
- (d) services that a third party provides in support of its own campaign,

but for greater certainty “services” includes services provided by an individual who is self-employed if the services are normally charged for by that individual.

(3) For the purposes of subsection (1)(d), “election advertising” includes

- (a) canvassing for the benefit of a candidate, and
- (b) organizing events where a significant purpose of the event is to promote or oppose a candidate.

(4) In determining a significant purpose of an event under subsection (3)(b), the following factors, in addition to any other relevant information, shall be used:

- (a) whether it is reasonable to conclude that the event was specifically planned to coincide with an election;
- (b) whether the formatting or branding of promotional materials for the event is similar to the formatting, branding or election material used by a candidate;
- (c) the extent to which an election or any candidate is referred to, either directly or indirectly, in promotional materials for the event or at the event;
- (d) whether the event is consistent with previous events held by that third party;
- (e) whether messages conveyed at the event are political messages associated with a candidate.

(5) For the purposes of subsection (1)(i), “political advertising” includes

- (a) canvassing for the benefit of a candidate, and
- (b) organizing events where a significant purpose of the event is to promote or oppose a candidate.

(6) In determining a significant purpose of an event under subsection (5)(b), the following factors, in addition to any other relevant information, shall be used:

- (a) whether it is reasonable to conclude that the event was specifically planned to coincide with an election;
- (b) whether the formatting or branding of promotional materials for the event is similar to the formatting, branding or election material used by a candidate;

- (c) the extent to which an election or any candidate is referred to, either directly or indirectly, in promotional materials for the event or at the event;
- (d) whether the event is consistent with previous events held by that third party;
- (e) whether messages conveyed at the event are political messages associated with a candidate.

(7) The Minister may issue guidelines respecting the application of this Part and shall publish any guidelines on the Minister's department's website.

Registration of third parties

163(1) A third party shall apply for registration in a local jurisdiction under this section

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

(2) A local jurisdiction shall maintain separate registers as follows:

- (a) a register of third parties who engage in election advertising;
- (b) a register of third parties who engage in political advertising.

(3) Subject to this section, the local jurisdiction shall register in the appropriate register any third party who is eligible to be registered and who files with the local jurisdiction an application for registration in the prescribed form setting out the following:

- (a) the name and contact information
 - (i) if the third party is an individual, of the individual,
 - (ii) if the third party is a corporation, of the corporation and of the officer who has signing authority for it, and

- (iii) if the third party is a group, of the group and of the principal officers of the group or, if there are no principal officers, the principal members;
 - (b) whether the third party will be engaging in election advertising or political advertising or both;
 - (c) in the case of a third party who engages or will be engaging in election advertising, the address and telephone number of the place or places in Alberta where records of the third party are maintained and of the place in Alberta to which communications may be addressed;
 - (d) in the case of a third party who engages or will be engaging in political advertising, the address and telephone number of the place or places in Canada where records of the third party are maintained and of the place in Canada to which communications may be addressed;
 - (e) the name and contact information of the chief financial officer responsible for the advertising account of the third party;
 - (f) the name and address of the financial institution to be used by the third party for its advertising account;
 - (g) the names of the signing authorities for the advertising account;
 - (h) any additional information required by the local jurisdiction concerning an advertising account.
- (4)** If the third party has a governing body, the application must include a copy of the resolution passed by the governing body authorizing the third party to incur election advertising expenses or political advertising expenses, as the case may be.
- (5)** A local jurisdiction shall not register a third party if, in the local jurisdiction's opinion,
- (a) the name or the abbreviation of the name of the applicant so nearly resembles the name or abbreviation of the name or a nickname of a candidate that is active anywhere in that local jurisdiction that confusion is likely, or

- (b) the proposed name was the name of a registered third party whose registration was cancelled or whose name was changed since the last election.

(6) The following are not eligible to be registered in a register referred to in subsection (2)(a):

- (a) a corporation that does not carry on business in Alberta;
- (b) an individual who is not ordinarily resident in Alberta;
- (c) a trade union or employee organization that is not an Alberta trade union or Alberta employee organization;
- (d) a group where any member of the group is ineligible under clause (a), (b) or (c);
- (e) a registered charity;
- (f) a prohibited corporation.

(7) A local jurisdiction shall, as soon as possible after receiving an application,

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

(8) When there is any change in the information required to be provided under this section, the registered third party shall notify any local jurisdiction with which it is registered in writing within 30 days after the alteration and, subject to section 164, on receipt of the notice a local jurisdiction shall vary the register of third parties accordingly.

(9) A notice under subsection (8) may be sent by fax or e-mail.

Cancellation of registration

164(1) The local jurisdiction may cancel the registration of a registered third party on application by the third party.

(2) If the chief financial officer of a third party fails to file a report under section 180 or 181, an election advertising return or a report under section 182, the local jurisdiction may cancel the registration of the third party.

(3) When the registration of a third party is cancelled, all funds in the advertising account must be dealt with in accordance with section 183.

(4) If the registration of a third party is cancelled in accordance with this section, the third party shall

- (a) if the third party received advertising contributions for the purpose of political advertising prior to the cancellation, file a report in accordance with section 181 for the year in which the advertising contributions were received, and,
- (b) if the third party received advertising contributions for the purpose of election advertising or incurred election advertising expenses prior to the cancellation, file a report in accordance with section 180 and a return in accordance with section 182 for the general election, by-election or vote on the question or bylaw to which the advertising contributions or election advertising expenses, as applicable, relate.

Election advertising expense limit

165(1) During an election advertising period, no registered third party shall incur election advertising expenses that exceed, in the aggregate, the amounts determined by the regulations.

(2) A third party shall not circumvent, or attempt to circumvent, a limit set out in this section in any manner, including by splitting itself into 2 or more third parties for the purpose of circumventing a limit or acting in collusion with another third party so that their combined election advertising expenses exceed a limit.

(3) For greater certainty, for the purposes of this section, if election advertising is transmitted during an election advertising period, the expense incurred for that advertising is considered to be an election advertising expense, regardless of when it was incurred.

(4) The chief financial officer of a registered third party shall prepare an election advertising expense limit report for the purposes of a return required to be filed under section 182 relating

to third party advertising expenses in relation to election advertising.

Collusion

166(1) A registered third party shall not circumvent, or attempt to circumvent, a contribution limit or an expense limit set out in Part 5.1 or an expense limit set out in this Part by colluding with a candidate.

(2) A candidate shall not collude with a third party to circumvent, or attempt to circumvent, a contribution limit or an expense limit set out in Part 5.1 or an expense limit set out in this Part.

Restrictions on advertising contributions and expenses

167(1) Subject to subsections (3) and (4), no advertising contribution shall be made by an individual, a corporation, a trade union or an employee organization to a third party or used to incur election advertising or political advertising expenses unless

- (a) the third party to whom the advertising contribution is made is registered under section 163, or
- (b) the third party is not required to be registered under section 163.

(2) No third party required to be registered under section 163 and no individual acting for a third party required to be registered under section 163 shall accept advertising contributions or incur advertising expenses unless the third party is registered under section 163.

(3) The following shall not make an election advertising contribution:

- (a) an individual ordinarily resident outside Alberta;
- (b) a prohibited corporation;
- (c) a trade union or employee organization that is not an Alberta trade union or Alberta employee organization;
- (d) a registered charity;
- (e) a group of which any member of the group is ineligible under clause (a), (b) or (c).

(4) A third party shall not incur election advertising expenses in a total amount of \$1000 or more if the third party is not eligible to be registered under section 163.

(5) 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 an individual, organization or group referred to in subsection (3).

(6) If the chief financial officer of a third party learns that an advertising contribution was accepted in contravention of this section, the chief financial officer shall, within 30 days after learning of the contravention, advise the local jurisdiction in writing of the fact and circumstances and return the contribution in accordance with the directions of the local jurisdiction.

Payments made by third party

168 Any money paid by a third party from its own funds

- (a) for election advertising is an advertising contribution of the third party for the purposes of this Part, and
- (b) for political advertising is a political advertising contribution of the third party for the purposes of this Part.

Deposit of advertising contributions

169(1) Advertising contributions for election advertising or political advertising accepted by or on behalf of a registered third party shall be paid into the appropriate advertising account.

(2) When any advertising contribution, other than money, accepted by or on behalf of a registered third party is converted at any time into money, that amount shall be paid into the appropriate advertising account.

Additional rules for groups

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

- (a) an advertising contribution from funds collected from a group's members may be attributed to its members only if

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

Valuing contributions other than money

171(1) The value of advertising contributions, other than money, provided to a third party is the market value of the advertising contributions at that time.

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

Fund-raising functions

172(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 163 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 a fund-raising function is held by the sale of tickets by or on behalf of a third party, the amount of the advertising 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 an advertising contribution unless the individual 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 an advertising contribution,

(ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be an advertising contribution, and

(iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be an advertising contribution;

(b) the amount of the advertising contribution is the difference between the price of the ticket and the market value of what the ticket entitles the bearer to obtain.

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

(5) This section does not apply to a fund-raising function for purposes unrelated to election advertising or political advertising.

Advertising contributions less than \$50

173(1) When, at a meeting held on behalf of or in relation to the affairs of a third party, money is given in response to a general collection of money solicited from the individuals in attendance at the meeting, individual amounts given of \$50 or less shall not be considered to be advertising contributions, but the chief financial officer of the third party shall record the aggregate amount received.

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

Loans

174(1) A third party

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

(2) Any payment in respect of a loan to which subsection (1) applies is considered an advertising contribution by the individual, corporation or group that made the payment unless that individual, corporation or group is reimbursed by the borrower prior to the filing by the borrower of the applicable advertising report or return next required to be filed pursuant to section 181 or 182.

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

Anonymous contributions and unauthorized contributions

175(1) Any anonymous advertising contribution in excess of \$50 and any advertising contribution or portion of a contribution made in contravention of this Part accepted by a registered third party must not be used or expended, and the registered third party

- (a) shall return the advertising contribution or the portion, as the case may be, to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, shall pay an amount equivalent to the advertising contribution to the relevant local jurisdiction.

(2) Any amounts received by the local jurisdiction under subsection (1)(b) must be paid into the local jurisdiction's general revenue.

Contributions not belonging to contributor

176(1) No individual, corporation, group, trade union or employee organization shall contribute to any third party that is registered or is required to be registered under section 163 funds not actually belonging to that individual, corporation, group, trade union or employee organization, or any funds that have been given or furnished to the individual, corporation, group, trade union or employee organization by any group or by a corporation, trade union or employee organization for the purpose of making an advertising contribution of those funds to the third party that is registered or is required to be registered under section 163.

(2) No third party that is registered or is required to be registered under section 163 and no individual on its behalf shall solicit or accept any advertising contribution if the third party or individual knows or ought to know that the contribution is contrary to subsection (1).

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

Receipts

177 A third party shall issue receipts in the form and manner approved by the local jurisdiction for every advertising contribution accepted by the third party.

Third party advertising expenses

178(1) All election advertising expenses or political advertising expenses, as the case may be, must be paid from the third party's applicable advertising account.

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

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

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

(5) The chief financial officer may delegate a function described in subsection (3) or (4) to another individual, but the delegation does not limit the chief financial officer's responsibility.

(6) Subject to the requirements of this Part, a registered third party that operates an advertising account may transfer amounts

- (a) from its election advertising account to the election advertising accounts of other registered third parties,
- (b) from its political advertising account to the political advertising accounts of other registered third parties,
- (c) from its election advertising account to its political advertising account, or
- (d) from its election advertising account to the political advertising accounts of other registered third parties,

and any amounts transferred shall not be considered as advertising contributions for the purposes of this Part, but must be recorded as to source and amount.

(7) Funds held in a political advertising account shall not

- (a) be transferred to the third party's election advertising account, if the third party has such an account, or
- (b) to the election advertising account of another third party.

(8) All election advertising expenses or political advertising expenses paid for by a third party from its advertising account must be recorded in its advertising report.

Identification of third parties

179(1) A third party, or an individual acting on a third party's behalf, must ensure that election advertising or political advertising sponsored by the third party complies with the following in accordance with the guidelines of the Minister:

- (a) the election advertising and political advertising must include the third party's name and contact information and must indicate whether the third party authorizes the election advertising or political advertising;
- (b) subject to clause (c), in the case of election advertising or political 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 or political advertising;
- (c) in the case of election advertising or political 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 or political advertising,
 - (iii) the election advertising or political advertising must state whether the third party authorizes the election advertising or political 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 or political advertising.

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

(3) The guidelines established under subsection (2) must be published on the Minister's department's website.

(4) If election advertising or political advertising is not in compliance with this section, the local jurisdiction may cause it to be removed or discontinued, and in the case of election advertising or political advertising displayed on a sign, poster or other similar format, no person acting on behalf of the local jurisdiction is liable for trespass or damage resulting from or occasioned by the removal.

Disclosure of contributions for election advertising

180(1) This section applies only to advertising contributions provided for the purpose of election advertising.

(2) In addition to the report referred to in section 182, every registered third party who engages in election advertising shall file with the local jurisdiction, in the prescribed form, on or before March 1 in the year following a general election or, in the case of a by-election or a vote on a question or bylaw, within 120 days after the by-election or the vote on the question or bylaw, a report about advertising contributions received during the election advertising period, setting out

- (a) the total amount of all advertising contributions received during the election advertising period that did not exceed \$250 in the aggregate from any single contributor, and
- (b) for each contributor who made advertising contributions during the election advertising period totalling more than \$250, the total amount contributed, together with the contributor's name and address and the amount and date of each advertising contribution.

Disclosure of contributions for political advertising

181(1) This section applies only to advertising contributions provided for the purpose of political advertising.

(2) The chief financial officer of a registered third party shall, on or before December 31 of each year, file an annual report in the prescribed form respecting advertising contributions received in respect of political advertising for that year.

(3) The report referred to in subsection (2) must set out

- (a) the total amount of all advertising contributions received during the year that did not exceed \$250 in the aggregate from any single contributor, and
- (b) for each contributor who made advertising contributions during the year totalling more than \$250, the total amount contributed, together with the contributor's name and address and the amount and date of each advertising contribution.

Third party election advertising return

182(1) Subject to subsection (2), on or before March 1 in the year after a general election, or, in the case of a by-election or a vote on a question or bylaw, within 120 days after the by-election or the vote on the question or bylaw, the chief financial officer of a third party who is registered under section 163 shall file with the local jurisdiction a third party election advertising return, which must include

- (a) a financial statement,
- (b) a list of all advertising contributions received during the election advertising period,
- (c) an election advertising spending limit report referred to in section 165(4),
- (d) the time and place of broadcast or publication of the advertisements to which the election advertising expenses relate, and
- (e) any supporting information and documents relating to the election advertising return.

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

(3) For the purposes of subsection (1)(b), the list of contributions received shall set out, for each contributor who made election advertising contributions totalling more than \$250, the contributor's name and address and the amount and date of each advertising contribution.

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

(5) The Minister may issue guidelines relating to the preparation and contents of the election advertising return referred to in this section and shall publish any guidelines on the Minister's department's website.

Disposition of advertising account funds

183(1) Subject to subsection (2), any funds held by a registered third party in its election advertising account with respect to an election advertising period shall continue to be held in the election advertising account to be expended for election advertising during a subsequent election advertising period.

(2) If a registered third party decides not to expend funds for election advertising during the next election advertising period for a general election or does not engage in election advertising during the next election advertising period for a general election, the registered third party shall, within 6 months after that period, deal with the funds remaining in the election advertising account in accordance with subsection (4).

(3) If a registered third party decides not to engage in political advertising, the registered third party shall deal with the funds remaining in its political advertising account in accordance with subsection (4) by the time the report for the next year is required to be filed, as referred to in section 181.

(4) Funds remaining in the advertising accounts referred to in subsections (2) and (3) must be dealt with in one or more of the following ways:

- (a) by transferring the funds in accordance with section 178;
- (b) by donating the funds to a registered charity;
- (c) by returning the funds to the third party's contributors if they can be identified;
- (d) if the funds or any portion of the funds cannot be dealt with in accordance with clauses (a) to (c), by paying the funds or that portion of the funds, as the case may be, to the local jurisdiction to become the property of the local jurisdiction.

(5) A registered third party to which subsection (2) or (3) applies shall notify the local jurisdiction of its decisions under this section and shall apply to the local jurisdiction under section 164 to cancel its registration.

(6) The chief financial officer of a registered third party that has not dealt with the funds remaining in the respective advertising accounts referred to in subsection (2) or (3) shall file an election

advertising return with the local jurisdiction on or before March 1 of each year until such time as the funds have been disposed of completely.

Late filing fee

184(1) In this section, “filing deadline” means the day by which a report and return under this Part are required to be filed with a local jurisdiction.

(2) A third party that is required to file a report and return under this Part and fails to file that report or return by the filing deadline must pay a late filing fee of \$500 to the relevant local jurisdiction.

(3) A local jurisdiction shall not cancel the registration of the third party under section 164(2) if the report or return is filed no later than 30 days after the filing deadline.

(4) The third party and the chief financial officer of the third party are jointly and severally liable for payment of the fee referred to in subsection (2).

(5) If the late filing fee is not paid within 30 days after the date the fee was payable, a local jurisdiction shall send a notice to the third party and the chief financial officer referred to in subsection (4) indicating the amount of the late filing fee that is required to be paid.

(6) If the third party and the chief financial officer who are sent notices by a local jurisdiction under subsection (5) fail to pay the late filing fee set out in the notice, the local jurisdiction may file a copy of the notice 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.

Records

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

Prosecution

186 A prosecution under this Part may be commenced within 3 years of the commission of the alleged offence but not afterwards.

Third party election advertising offences

187 A third party that contravenes a provision of this Part is guilty of an offence and liable to a fine not exceeding

- (a) \$5000 if the third party is an individual;
- (b) \$10 000 if the third party is a trade union, employee organization, corporation or other organization.

Regulations

188 The Minister may make regulations determining election advertising expense limits for the purpose of section 165.

Transitional — third parties

189(1) In this section, “the Bill” means the Bill to enact *An Act to Renew Local Democracy in Alberta*.

(2) If a third party or a person acting on behalf of a third party receives a contribution from a prohibited organization, trade union or employee organization on or after the date the Bill receives first reading but before the date it receives Royal Assent, the third party, no later than 30 days after the Bill receives Royal Assent, shall

- (a) return the contribution to the contributor if the contributor’s identity can be established, or
- (b) if the contributor’s identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction in which the individual is a candidate.

(3) A third party shall apply for registration in accordance with section 163 within 30 days of the coming into force of that section if, on or after the date the Bill receives first reading but before the date it receives Royal Assent, the third party

- (a) incurs expenses of at least \$1000 for election advertising or political advertising, or
- (b) accepts advertising contributions of at least \$1000.

(4) If a third party or a person acting on behalf of a third party accepts advertising contributions for election advertising or political advertising or converts an advertising contribution for election advertising or political advertising into money on or after

the date the Bill receives first reading but before the date it receives Royal Assent, the contributions shall be paid into the appropriate advertising account within 30 days of the coming into force of section 163.

(5) If a third party or a person acting on behalf of a third party receives advertising contributions for election advertising or political advertising of at least \$1000 on or after the date the Bill receives first reading but before the date the Bill receives Royal Assent, the third party shall report the contributions in accordance with sections 180, 181 and 182, as applicable.

(6) A third party who fails to comply with this section is guilty of an offence and liable to a fine of not more than \$5000.

Part 9 Election Commissioner

Interpretation

190(1) In this Part, “Election Commissioner” means the Election Commissioner appointed under the *Election Act*.

(2) The definitions in Parts 5.1 and 8 apply to this Part.

Duties and powers of the Election Commissioner

191(1) The Election Commissioner may, on the Election Commissioner’s own initiative or at the request of another person or organization, conduct an investigation into any matter that might constitute an offence under Part 5.1 or 8.

(2) For the purpose of conducting an investigation under this Act, the Election Commissioner has all the powers of a commissioner under the *Public Inquiries Act* as though the investigation were an inquiry under that Act.

(3) For the purpose of conducting an investigation under this Act, a representative of the Election Commissioner, on production of the representative’s authorization from the Election Commissioner, may at any reasonable time enter any premises referred to in the authorization in which books or documents of a candidate or third party 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.

(4) Before entering a private dwelling or a part of premises used as a private dwelling to carry out the powers described in subsection (3), a representative of the Election Commissioner shall

(a) obtain the consent of the occupant or the legal representative of the occupant of the private dwelling or the part of the premises used as a private dwelling, or

(b) obtain an order from the Court.

(5) A candidate or third party shall, within 30 days after receiving a written request from the Election Commissioner or within an extended period that the Election Commissioner may determine, provide any information with respect to the affairs of the candidate or third party that is reasonably required by the Election Commissioner in the course of the Election Commissioner's duties under this Act.

Notice of investigation and conclusion

192(1) At any time before completing an investigation referred to in section 191(1), the Election Commissioner shall notify any person or organization who is the subject of an investigation that the person or organization is being investigated and the nature of the matter being investigated before completing the investigation, unless the Election Commissioner believes that notification would compromise or impede the investigation.

(2) The Election Commissioner may refuse to conduct an investigation, or may cease an investigation, if the Election Commissioner believes 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 Election Commissioner 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 Election Commissioner refuses to conduct or ceases an investigation under subsection (2) or determines that no offence was committed, the Election Commissioner

- (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 Election Commissioner had not refused to conduct an investigation,
 - and
 - (ii) every person or organization who requested an investigation, if any,
 - and
- (b) may, as the Election Commissioner considers to be appropriate, provide notice of that decision to any other person or organization involved in the matter referred to in section 191(1).

Administrative penalties

193(1) In subsections (2) and (3) and section 195, “individual or entity” means the individual, corporation, trade union, employee organization, prohibited organization, prohibited corporation, local jurisdiction 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 Election Commissioner is of the opinion that
- (a) an individual has made one or more contributions in excess of a limit prescribed by section 147.2(3),
 - (b) a prohibited individual or entity has made a contribution in contravention of section 147.2(1) or (2),
 - (c) an individual or a third party fails to comply with a direction of the Election Commissioner,
 - (d) a prohibited corporation, an individual ordinarily resident outside Alberta or a trade union or employee organization that is not an Alberta trade union or Alberta employee

organization has made an election advertising contribution in contravention of section 167(3), or

- (c) an individual, a prohibited individual or entity or a third party has contravened a provision of Part 5.1 or 8, otherwise than as referred to in clause (a), (b) or (d),

the Election Commissioner may serve on the individual or entity either a notice of administrative penalty requiring the individual 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 individual 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 Election Commissioner 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 individual or entity has a history of non-compliance;

- (f) whether or not the individual or entity reported the contravention on discovery of the contravention;
 - (g) any other factors that, in the opinion of the Election Commissioner, 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 147.2(3) 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 147.2(1) or (2) or 167(3), 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 147.4, \$1000,
 - (d) in the case of a contravention referred to in section 187,
 - (i) \$10 000 if the third party is an individual, and
 - (ii) \$100 000, if the third party is a trade union, employee organization, corporation or other organization,
 and
 - (e) in the case of any other contravention, \$10 000.
- (6)** An individual 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)** An individual 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 an individual or entity fails to pay the administrative penalty in accordance with a notice of administrative penalty, the Election Commissioner 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

194(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 203(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

195(1) An individual or entity who is served with a notice of administrative penalty under section 193 may appeal the Election Commissioner'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 Election Commissioner 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.

Compliance agreements

196(1) In this Part, "contracting party" means an individual or a local jurisdiction with whom the Election Commissioner enters into a compliance agreement under this Act.

(2) If the Election Commissioner believes on reasonable grounds that an individual or a local jurisdiction has committed, is about to commit or is likely to commit an act or omission that could constitute a contravention of Part 5.1 or 8, the Election Commissioner may enter into a compliance agreement with that individual or local jurisdiction for the purpose of ensuring compliance with Part 5.1 or 8.

(3) A compliance agreement may contain any terms and conditions that the Election Commissioner considers necessary to ensure compliance with Part 5.1 or 8.

(4) Before entering into a compliance agreement, the Election Commissioner shall require the consent of the prospective contracting party to the publication of a notice under section 199.

(5) A compliance agreement may include a statement by the contracting party that the contracting party admits responsibility for the act or omission that constitutes a contravention of Part 5.1 or 8.

(6) The fact that a compliance agreement was entered into, and any statement referred to in subsection (5), is not admissible in evidence against the contracting party in any civil or criminal proceedings.

(7) When a compliance agreement is entered into, a prosecution of the contracting party for an act or omission that led to the agreement shall not be instituted and any prosecution already instituted is suspended.

(8) The Election Commissioner and the contracting party may renegotiate the terms of the compliance agreement at the request of the Election Commissioner or contracting party at any time before it is fully executed.

Notice of compliance agreement

197(1) When, in the opinion of the Election Commissioner, the compliance agreement has been complied with, the Election Commissioner shall give a notice to that effect to the contracting party.

(2) On the giving of a notice under subsection (1), any prosecution of the contracting party that is based on the act or omission in

question terminates and no further prosecution shall be instituted based on that act or omission.

Failure to comply

198 If the Election Commissioner is of the opinion that a contracting party

- (a) failed to disclose all material facts when the compliance agreement was entered into, or
- (b) has failed to comply with a term of the compliance agreement,

the Election Commissioner shall give notice of the failure to the contracting party, informing the contracting party that the Election Commissioner may serve a notice of administrative penalty or a letter of reprimand under section 193, or may consent to a prosecution in respect of the original act or omission or, if a prosecution has been suspended by section 196(7), that those proceedings are no longer suspended.

Publication of notice

199 The Election Commissioner may publish a notice on the Election Commissioner's website that sets out the contracting party's name, the act or omission in question and a summary of the compliance agreement.

Application for injunction

200(1) If the Election Commissioner has reasonable grounds to believe that a person has committed or is likely to commit an act or omission that is contrary to Part 5.1 or 8, the Election Commissioner may, during a campaign period or an election advertising period, after taking into account the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest, apply by originating application to the Court for an injunction described in subsection (2).

(2) If the Court, on application by the Election Commissioner under subsection (1), is satisfied that there are reasonable grounds to believe that a person has committed or is likely to commit an act or omission that is contrary to this Act, and that the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest justify the issuing of an

injunction, the Court may issue an injunction ordering any person named in the application to do one or both of the following:

- (a) refrain from committing any act that appears to the Court to be contrary to Part 5.1 or 8;
- (b) do any act that appears to the Court to be required by Part 5.1 or 8.

(3) No injunction may be issued under subsection (2) unless at least 48 hours' notice is given to each person named in the application, or the urgency of the situation is such that service of notice would not be in the public interest.

Election Commissioner's orders

201(1) Where a contribution or an advertising contribution has been made or accepted in contravention of this Act, the Election Commissioner may order that the amount of the contribution or advertising contribution that was made or accepted in contravention of this Act be returned to the contributor by a date determined by the Election Commissioner.

(2) If it cannot be determined who made the contribution or advertising contribution that was made or accepted in contravention of this Act, the amount ordered under subsection (1) must be paid to the local jurisdiction.

(3) A person who fails to comply with an order of the Election Commissioner made under this section is guilty of an offence and liable to a fine of not more than \$5000.

Notice of prosecution

202 No prosecution shall be instituted under Part 5.1 or 8 without the consent of the Election Commissioner.

Disclosure

203(1) Except as provided in subsection (2), a secretary of a local jurisdiction, a returning officer, the Election Commissioner, any former secretary of a local jurisdiction, any former returning officer, any former Election Commissioner, every person who is or was employed or engaged by a local jurisdiction or a returning officer to carry out the duties of the local jurisdiction or returning officer and every person who is or was employed or engaged by the Office of the Election Commissioner to carry out the duties of the

Election Commissioner shall maintain the confidentiality of all information, complaints and allegations that come to their knowledge.

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

- (a) disclosed by a local jurisdiction or a returning officer to the Election Commissioner for the purpose of carrying out the Election Commissioner's powers, duties and functions under this Act,
- (b) disclosed by the Election Commissioner to a local jurisdiction or returning officer for the purposes of carrying out the local jurisdiction or returning officer's powers, duties and functions under this Act,
- (c) disclosed to the person or organization whose conduct is the subject of proceedings under this Act,
- (d) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person,
- (e) disclosed in the course of an application to the Court under this Act,
- (f) adduced in evidence at an inquiry, or
- (g) disclosed where the Election Commissioner 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, any other enactment of Alberta, an Act or regulation of Canada or a municipal bylaw or school board bylaw.

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

- (a) subject to section 194(2), if an administrative penalty is imposed or a letter of reprimand is issued under section 193;

- (b) if the Election Commissioner has provided notice under section 192(4) and receives a written request for disclosure from a person or organization who received the notice.

Duty to provide documents or information

204(1) On the request of the Election Commissioner, a local jurisdiction or returning officer shall disclose to the Election Commissioner any document or information that the local jurisdiction or returning officer obtained under this Act that the Election Commissioner considers necessary for the purposes of carrying out his or her powers, duties and functions under this Act.

(2) On the request of a local jurisdiction or a returning officer, the Election Commissioner shall disclose to the local jurisdiction or returning officer any document or information that the Election Commissioner obtained under this Act that the local jurisdiction or returning officer considers necessary for the purposes of carrying out his or her powers, duties and functions under this Act, unless the Election Commissioner believes that notification would compromise or impede an investigation.

Duty to refer complaints and allegations and to report acts or omissions

205 A local jurisdiction or returning officer shall, within a reasonable time,

- (a) refer any complaint or allegation received by the local jurisdiction or returning officer under Part 5.1 or 8 to the Election Commissioner, and
- (b) report any act or omission that in the local jurisdiction or returning officer's opinion likely constitutes an offence under this Act to the Election Commissioner.

Related Amendments, Transitional Provisions and Coming into Force

Amends RSA 2000 cE-1

57(1) The *Election Act* is amended by this section.

**Related Amendments, Transitional Provisions
and Coming into Force**

57(1) Amends chapter E-1 of the Revised Statutes of Alberta
2000.

(2) Section 153.05 is amended by striking out “or the *Election Finances and Contributions Disclosure Act*” **and substituting** “, the *Election Finances and Contributions Disclosure Act* or the *Local Authorities Election Act*”.

(3) Section 153.092 is amended

- (a) in subsection (1) by striking out** “and the *Election Finances and Contributions Disclosure Act*” **and substituting** “, the *Election Finances and Contributions Disclosure Act* and the *Local Authorities Election Act*”;
- (b) in subsection (2)**
 - (i) in clause (b) by striking out** “or the *Election Finances and Contributions Disclosure Act*” **and substituting** “, the *Election Finances and Contributions Disclosure Act* and the *Local Authorities Election Act*”;
 - (ii) in clause (d) by striking out** “or the *Election Finances and Contributions Disclosure Act*” **and substituting** “, the *Election Finances and Contributions Disclosure Act* and the *Local Authorities Election Act*”;
- (c) in subsection (3) by striking out** “or the *Election Finances and Contributions Disclosure Act*” **and substituting** “, the *Election Finances and Contributions Disclosure Act* or the *Local Authorities Election Act*”.

(2) Section 153.05 presently reads:

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

(3) Section 153.092 presently reads in part:

153.092(1) The Election Commissioner shall after the end of each year prepare a report on the exercise of the Election Commissioner's functions under this Act and the Election Finances and Contributions Disclosure 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.

(2) The annual report must set out the following in respect of the previous year:

- (b) the number of investigations commenced pursuant to this Act or the Election Finances and Contributions Disclosure Act and, with respect to each investigation,*
 - (i) the nature of the act or omission giving rise to the investigation,*
 - (ii) the outcome of the investigation, including any findings and decisions of the Election Commissioner, and*
 - (iii) if the Election Commissioner recommends a prosecution be instituted, the outcome of the prosecution, including any fine imposed;*
- (d) the number of injunctions sought by the Election Commissioner under this Act or the Election Finances and Contributions Disclosure Act and, with respect to each injunction, the nature of the act or omission giving rise to the injunction;*

(3) Where, in the opinion of the Election Commissioner, it is in the public interest to do so, the Election Commissioner shall publish a

Amends RSA 2000 cM-26

58(1) The *Municipal Government Act* is amended by this section.

(2) Section 144 is amended

- (a) in subsection (1) by striking out “at least 180 days” and substituting “by December 31 of the year”;**
- (b) in subsection (2) by striking out “less than 180 days before the next general election” and substituting “in the same year a general election is held”.**

(3) Section 149 is amended

- (a) in subsection (1) by striking out “under section 148 must be passed at least 180 days” and substituting “passed under section 148 must be passed by December 31 of the year”;**
- (b) in subsection (2) by striking out “less than 180 days before the next general election” and substituting “in the same year a general election is held”.**

(4) Section 151 is amended

- (a) in subsection (1) by striking out “at least 180 days” and substituting “by December 31 of the year”;**
- (b) in subsection (2) by striking out “less than 180 days before the next general election” and substituting “in the same year a general election is held”.**

(5) Section 174(1)(b.1) is amended by striking out “late filing period provided under section 147.7” and substituting “time period referred to in section 147.7”.

special report on the Election Commissioner's website relating to any matter within the scope of the Election Commissioner's responsibilities under this Act or the Election Finances and Contributions Disclosure Act, including a report referring to and commenting on any particular matter investigated by the Election Commissioner.

58(1) Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Section 144 presently reads in part:

144(1) A bylaw passed under section 143 must be passed at least 180 days before the general election at which it is to take effect.

(2) If a bylaw is passed less than 180 days before the next general election, it takes effect at the 2nd general election after the date on which it is passed.

(3) Section 149 presently reads in part:

149(1) A bylaw under section 148 must be passed at least 180 days before the general election at which it is to take effect.

(2) If a bylaw is passed less than 180 days before the next general election, it takes effect at the 2nd general election after the date on which it is passed.

(4) Section 151 presently reads:

151(1) A bylaw under section 150 must be passed at least 180 days before the general election at which it is to take effect.

(2) If a bylaw is passed less than 180 days before the next general election, it takes effect at the 2nd general election after the date on which it is passed.

(3) A bylaw passed under section 150 must be advertised.

(5) Section 174(1) presently reads in part:

174(1) A councillor is disqualified from council if

Amends SA 2017 cN-5.1

59(1) The *Northland School Division Act* is amended by this section.

(2) Section 8 is amended

(a) in subsection (2)

- (i) in clause (b) by adding “and” after “citizen,”;**
- (ii) by repealing clause (c);**

(b) in subsection (6)

- (i) by striking out “March 1” and substituting “December 31”;**
- (ii) by striking out “in the year in which” and substituting “of the year before”.**

Amends RSA 2000 cS-3

60(1) The *School Act* is amended by this section.

(2) Section 256(1)(a)(v) is amended by striking out “has been a resident of Alberta for the 6 consecutive months immediately preceding” and substituting “is a resident of Alberta on”.

(b.1) *the councillor*

- (i) *fails to file a disclosure statement as required under section 147.4 of the Local Authorities Election Act before the end of the late filing period provided under section 147.7 of the Local Authorities Election Act, and*
- (ii) *has not been relieved from the obligation to file a disclosure statement by a court order under section 147.8 of the Local Authorities Election Act;*

59(1) Amends chapter N-5.1 of the Statutes of Alberta, 2017.

(2) Section 8 presently reads in part:

(2) In addition to the persons who are eligible to vote under the Local Authorities Election Act, a person is eligible to vote in an election to elect a trustee of the board if the person

- (a) is at least 18 years old,*
- (b) is a Canadian citizen,*
- (c) has resided in Alberta for the 6 consecutive months immediately preceding election day, and*
- (d) on election day is resident on an Indian reserve in respect of which an agreement entered into by the board under section 62(2)(b) or (c) of the School Act respecting the education of persons referred to in section 62(2)(b)(i) or (c) of that Act is in effect.*

(6) A bylaw passed under subsection (3) or any bylaw that amends or replaces it does not apply to the general election next following the passing of the bylaw unless it is passed before March 1, or another date specified by order of the Minister, in the year in which that general election is held.

60(1) Amends chapter S-3 of the Revised Statutes of Alberta 2000.

(2) Section 256 presently reads in part:

61(1) In this section, “the Bill” means the Bill to enact *An Act to Renew Local Democracy in Alberta*.

(2) The following sections are deemed to have come into force on the day the Bill received first reading:

section 51, to the extent that it enacts sections 147.93 to 147.96;
section 56, to the extent that it enacts section 189.

(3) This Act, except sections 3, 4, 48, 51 and 56, comes into force on January 1, 2019.

(4) Section 56, to the extent that it enacts Part 9, comes into force on August 1, 2019.

(5) Definitions contained in section 1 of the *Local Authorities Election Act* as enacted or amended by section 2 of this Act apply to Parts 5.1 and 8 of the *Local Authorities Election Act*, as enacted or amended by sections 51 and 56 of this Act, on and after the coming into force of those Parts.

256(1) For the purposes of this Act and the Local Authorities Election Act, an individual is eligible to vote in an election of members of a Regional authority if

(a) the individual

(v) has been a resident of Alberta for the 6 consecutive months immediately preceding election day,

or

61 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