

2019 Bill 13

First Session, 30th Legislature, 68 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

ALBERTA SENATE ELECTION ACT

THE MINISTER OF JUSTICE AND SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 13

2019

ALBERTA SENATE ELECTION ACT

(Assented to , 2019)

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

Interpretation

1(1) In this Act,

- (a) “candidate” means a person
 - (i) who is endorsed as an official candidate of a registered political party for the purposes of an election under this Act, or
 - (ii) who, after the commencement of the campaign period, declares the person’s candidacy as an independent candidate at the election under this Act;
- (b) “council” means the council of a municipality as described in the *Municipal Government Act*;
- (c) “elected authority” means
 - (i) a council under the *Municipal Government Act*,
 - (ii) the council of the City of Lloydminster, or
 - (iii) a board of trustees under the *School Act*;
- (d) “election officer” means an election officer under the *Election Act* or an officer under the *Local Authorities Election Act*, as the case may be;
- (e) “electoral division” means an electoral division under the *Electoral Divisions Act*;
- (f) “registered federal political party” means a political party registered under the *Canada Elections Act* (Canada);
- (g) “Senate nominee” means a person declared elected under this Act.

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

(3) Except as provided in this Act, words and phrases used in this Act have the meanings given to them in the *Election Act*.

Part 1 General

Definitions

2 In this Part and in the provisions of the *Election Act* referred to in section 4 that apply for the purposes of this Part, unless the context provides otherwise,

- (a) “deputy returning officer” means a deputy returning officer under the *Election Act* or a deputy under the *Local Authorities Election Act*, as the case may be;
- (b) “polling day” means polling day as defined in the *Election Act* or election day as defined in the *Local Authorities Election Act*, as the case may be;
- (c) “polling place” means a polling place as defined in the *Election Act* or a voting station as defined in the *Local Authorities Election Act*, as the case may be;
- (d) “returning officer” means a returning officer under the *Election Act* or a returning officer or a substitute returning officer under the *Local Authorities Election Act*, as the case may be.

Submission to Privy Council

3(1) The Government of Alberta shall submit the names of the Senate nominees to the Queen’s Privy Council for Canada as persons who may be summoned to the Senate of Canada for the purpose of filling vacancies relating to Alberta.

(2) A person remains as a Senate nominee until

- (a) the person is appointed to the Senate of Canada,
- (b) the person resigns as a Senate nominee by submitting a resignation in writing to the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act,
- (c) the person is no longer aligned with the registered federal political party referred to in the person’s nomination papers,
- (d) the person’s term as a Senate nominee expires,

- (e) the person files a disclaimer under section 22,
- (f) the person takes an oath or makes a declaration or acknowledgment of allegiance, obedience or adherence to a foreign power, or does an act whereby the person becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a foreign power,
- (g) the person is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter,
- (h) the person is convicted of treason or convicted of a felony or of any infamous crime, or
- (i) the person ceases to be eligible to be nominated as a candidate under section 7,

whichever occurs first.

Application of Election Act

4(1) Subject to sections 23 and 25, for the purposes of this Part, sections 57, 58, 68, 144 to 147, 148(1) to (6), 148.1, 151 and 152, and Parts 7 to 9, except sections 185(2)(c) and 207, of the *Election Act* apply to an election under this Act as if it were a general election under the *Election Act*.

(2) Parts 4.1, 5 and 6 of the *Election Act* apply with respect to this Part and Part 2.

(3) Except as provided in section 1(1)(a), words and phrases used in this Part and Part 2 have the meanings given to them in the *Election Act*.

Authorization to commence election

5(1) An election under this Act may be commenced at any time by the passing of an order of the Lieutenant Governor in Council

- (a) setting out whether the election under this Act is to be held
 - (i) in conjunction with a general election under the *Election Act*,

- (ii) separately on a date provided for in the order, or
- (iii) in conjunction with the general elections under the *Local Authorities Election Act*;

- (b) authorizing the Lieutenant Governor to issue a writ of election in the prescribed form addressed to the Chief Electoral Officer and prescribing the date of the writ;
- (c) setting out the maximum number of persons to be elected at 3, unless another number is prescribed in the order;
- (d) appointing nomination day;
- (e) appointing the day on which voting is to take place if voting is necessary.

(2) Nothing in this Act precludes the holding of an election under this Act in conjunction with a referendum.

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

- (a) in the case of a general election held in accordance with section 38.1(2) of the *Election Act*, the order under subsection (1) shall be made at any time during the period commencing February 1 in the year in which the general election is held and ending on the day the writs are issued for the general election,
- (b) in the case of a general election held other than in accordance with section 38.1(2), the order under subsection (1) shall be made not later than 3 days after the day the writs are issued for the general election,
- (c) nomination day shall be the same day as the day appointed as nomination day for the general election under the *Election Act*, and
- (d) polling day, if voting is necessary, shall be the same day as the day on which voting is to take place for the general election under the *Election Act*.

(4) Where an election under this Act is to be held separately on a date provided for in the order under subsection (1), the order

- (a) shall appoint the 10th day after the date of the writ issued under subsection (1)(b) as nomination day or, if that day is a holiday, the next following day not being a holiday, and
- (b) shall provide that, if voting is necessary, the 28th day after the date of the writ is the day on which voting is to take place or, if the 28th day is a holiday, the next following day not being a holiday.

(5) Where an election under this Act is to be held in conjunction with a general election under the *Local Authorities Election Act*, the order under subsection (1)

- (a) shall be made not later than 14 days before nomination day,
- (b) shall appoint nomination day as the day determined in accordance with section 25 of the *Local Authorities Election Act*, and
- (c) shall appoint election day as the day set out in section 11(1)(a) of the *Local Authorities Election Act*, if voting is necessary.

Issue of writ

6 On receipt of a writ under section 5, the Chief Electoral Officer shall endorse on it the date on which the Chief Electoral Officer received it and shall

- (a) advise each returning officer that a writ has been issued, and
- (b) transmit a copy of the writ to each returning officer.

Eligibility for nomination

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

- (a) on the day the nomination paper is filed, the person
 - (i) meets the qualifications set out in section 23 of the *Constitution Act, 1867*,

- (ii) is not a member of the House of Commons or Senate of Canada, and
- (iii) is not a member of the Legislative Assembly,
- (b) in the case of an election under this Act that is being held in conjunction with a general election under the *Election Act*, the person is not a candidate at the general election under that Act,
- (c) in the case of an election under this Act that is being held in conjunction with the general elections under the *Local Authorities Election Act*, the person is not a candidate at a general election under that Act,
- (d) the person is not prohibited from being nominated as a candidate for an election under the *Election Act* by reason of section 56(c.2), 57, 58, 178 or 181 of that Act,
- (e) the person is not prohibited from being nominated as a candidate for an election under this Act by reason of section 56(c.2), 57, 178 or 181 of the *Election Act*, as those sections apply to this Act, and
- (f) the person has been ordinarily resident in Alberta continuously from the day 6 months immediately preceding polling day.

Nomination of candidates

8(1) At any time during the period referred to in section 59(1.01)(a) or (b) of the *Election Act*, as the case may be, any 500 or more electors may nominate a person eligible to be a candidate as a candidate by signing a nomination paper in the prescribed form and filing it with the Chief Electoral Officer.

(2) The nomination paper referred to in subsection (1) must be filed at any time prior to 2 p.m. on the date appointed as nomination day.

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

Official agents of candidates

9(1) Each person being nominated as a candidate shall appoint an elector to be the person's official agent on the person's nomination and must include the name and contact information of the person so appointed in the appropriate place on the nomination paper.

(2) No candidate shall act as an official agent.

(3) The duties of an official agent are those prescribed by the candidate.

(4) The official agent shall not perform the duties of the chief financial officer unless the official agent is the candidate's chief financial officer.

(5) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the Chief Electoral Officer in writing of the name and contact information of the person so appointed.

Filing nomination papers

10(1) A nomination paper is not valid and shall not be accepted for filing by the Chief Electoral Officer unless the original nomination paper is submitted for filing and

- (a) it contains a properly completed affidavit of the attesting witness or witnesses, as the case may be, to the signatures of the nominating electors,
- (b) it is signed by the candidate,
- (c) it states an address within Alberta at which documents may be served and notices given respecting the candidate,
- (d) it contains the appointment, name, address and telephone number of the official agent immediately followed, subject to clause (e), by the signature of the person being nominated,
- (e) the person being nominated confirms by affidavit
 - (i) that the person is eligible under section 7 for nomination,
 - (ii) that the person consents to the person's nomination,

- (iii) the appointment of the person's official agent,
- (iv) if the candidate is aligned with a registered federal political party, the name of that registered federal political party, and
- (v) that the person is an officially endorsed candidate of a registered political party or is an independent candidate,

and the confirmation is filed with the nomination paper,

- (f) the person being nominated provides the Chief Electoral Officer with identification in a form prescribed by the Chief Electoral Officer,
- (g) it is accompanied with a deposit of \$4000, and
- (h) it is filed with the Chief Electoral Officer prior to 2 p.m. on the date appointed as nomination day.

(2) If the person being nominated is a candidate of a registered political party, the person shall, at the time of filing the person's nomination paper, file a certificate in the prescribed form stating that the person is a candidate for that registered political party.

(3) If the person being nominated is aligned with a registered federal political party, the person shall, at the time of filing the person's nomination paper, file a certificate in the prescribed form stating that the person is aligned with that registered federal political party and the political party affiliation, if any, of the candidate attested to by one of the principal officers of the registered federal political party.

(4) On the filing of a valid nomination paper, the Chief Electoral Officer shall give a receipt in the prescribed form, which is proof of receipt of the deposit and of the filing of the nomination paper.

Deposit of candidate

11(1) The Chief Electoral Officer shall not accept a deposit tendered under section 10(1)(g) unless it consists of

- (a) Bank of Canada notes,
- (b) a certified cheque or certified bill of exchange,

- (c) a bank or postal money order, or
- (d) a combination of any of those forms.

(2) The deposit received under section 10(1)(g) must be refunded to the chief financial officer of the candidate if the required return is filed within the time period referred to in section 43(2) of the *Election Finances and Contributions Disclosure Act*.

(3) If a candidate dies after being nominated and prior to the closing of the polling places on polling day, the deposit must be refunded to the candidate's chief financial officer.

(4) A deposit that is not refunded under this section must be deposited in the General Revenue Fund.

Information to be provided to candidate

12 The Chief Electoral Officer, on filing the nomination paper of a candidate, shall provide to the candidate the name and contact information of each returning officer.

Election by acclamation

13 If the number of candidates nominated by the closing of nominations equals or is less than the number of persons to be elected, the Chief Electoral Officer shall

- (a) immediately declare the candidate or candidates elected, and
- (b) make the Chief Electoral Officer's return in the prescribed form certifying the election of the candidate or candidates.

Necessity of election

14 An election under this Act is necessary if the number of candidates nominated by the closing of nominations exceeds the number of persons to be elected.

Withdrawal of candidate

15(1) At any time after the filing of a candidate's nomination paper but not later than 96 hours before the opening of the polls on polling day, the candidate may withdraw by filing with the Chief

Electoral Officer a declaration to that effect signed by the candidate and having the candidate's signature witnessed.

(2) If after a candidate withdraws the number of candidates equals or is less than the number of persons to be elected, the Chief Electoral Officer shall proceed in accordance with section 13.

(3) If

- (a) a candidate withdraws after the ballots are printed, and
- (b) there remain more candidates than the number of persons to be elected,

the Chief Electoral Officer shall advise each returning officer of the withdrawal and, if there is sufficient time, the returning officer shall prepare a notice of withdrawal and distribute a copy to each deputy returning officer, who shall post it in a conspicuous location in the deputy returning officer's polling place.

(4) When there is insufficient time to prepare and distribute a notice of withdrawal under subsection (3), the Chief Electoral Officer, when advising the returning officers of the withdrawal, shall instruct each of them to cause a notice of the withdrawal to be prepared by hand, and each deputy returning officer shall post the notice in a conspicuous location in the deputy returning officer's polling place.

Death of candidate

16(1) If at any time after the filing of a candidate's nomination paper and prior to the closing of the polls a candidate dies and the number of candidates equals or is less than the number of persons to be elected, the Chief Electoral Officer shall

- (a) immediately declare the candidate or candidates elected, and
- (b) make the Chief Electoral Officer's return in the prescribed form certifying the election of the candidate or candidates.

(2) If

- (a) a candidate dies after the ballots are printed, and
- (b) there remain more candidates than the number of persons to be elected,

the Chief Electoral Officer shall advise each returning officer of the death and, if there is sufficient time, the returning officer shall prepare a notice of the death and distribute a copy to each deputy returning officer, who shall post it in a conspicuous location in the deputy returning officer's polling place.

(3) When there is insufficient time to prepare and distribute a notice of death under subsection (2), the Chief Electoral Officer, when advising the returning officers of the death, shall instruct each of them to cause a notice of the death to be prepared by hand, and each deputy returning officer shall post the notice in a conspicuous location in the deputy returning officer's polling place.

Close of nominations

17(1) At 2 p.m. on the date appointed as nomination day the Chief Electoral Officer shall, at the place fixed for the filing of nominations,

- (a) declare the nominations closed,
- (b) announce the names of all officially nominated candidates,
- (c) announce the name and contact information of each candidate's official agent, and
- (d) announce the polling date and the date and time at which the official results of the election will be announced.

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

- (a) make a list of the candidates available to each candidate or each candidate's official agent, and
- (b) publish the names and contact information of the candidates' official agents in the form and manner determined by the Chief Electoral Officer.

(3) If a new official agent is appointed under section 9(5), the Chief Electoral Officer shall publish, in the same manner as provided for in subsection (2), the name and contact information of the newly appointed official agent.

Contents of ballots

18(1) Every ballot used in an election under this Act must contain a brief explanatory note stating the maximum number of candidates who can be voted for in order not to make the ballot void.

(2) Each ballot must set out, in a type of at least 12 point capital letters, the name of each candidate together with

- (a) the name of the registered federal political party set out in the candidate's nomination paper with which the candidate is aligned, or
- (b) the word "Independent" if the candidate is not aligned with a registered federal political party.

(3) The names of the candidates must be in a type of at least 12 point capital letters and set out on the ballot as follows:

- (a) the candidate's
 - (i) given name,
 - (ii) middle name,
 - (iii) initials, or
 - (iv) nickname, subject to subsection (6),
or any combination of them, must appear;
- (b) the candidate's surname must appear following the given name, initials or nickname, as the case may be;
- (c) the candidates' names must be listed on the basis of the alphabetical order of their surnames and, where 2 or more candidates have identical surnames, those candidates' names must be listed on the basis of the alphabetical order of their given names;
- (d) no titles, degrees, prefixes or suffixes may be included with a name.

(4) For the purpose of subsection (3)(a)(ii), only one middle name is permitted.

(5) Notwithstanding subsections (2) and (3), where the name of the registered federal political party or of a candidate does not fit on

the ballot, the ballots must be printed, in their entirety, in a type that is up to 2 points smaller than that required by subsections (2) and (3).

(6) The Chief Electoral Officer may disallow the use of a name, other than a person's legal name, or nickname having regard to the integrity of the election.

(7) The ballot must be in a form prescribed under this Act.

Printing of ballots

19(1) The Chief Electoral Officer shall have the ballots for use in the election printed.

(2) The person printing the ballots shall deliver to the Chief Electoral Officer with the printed ballots a completed and executed Affidavit of Printer in the prescribed form.

(3) The Chief Electoral Officer shall provide each returning officer with a sufficient quantity of ballots and shall maintain a record of the number provided.

(4) Each returning officer shall maintain a record of the quantity of ballots provided to the deputy returning officers.

(5) Subsections (1) to (4) do not apply to an election under this Act held in conjunction with a general election under the *Local Authorities Election Act* if a bylaw is passed for an alternative voting equipment under section 84 of the *Local Authorities Election Act*, but the ballot must conform with section 18(1) to (6).

Conduct of official tabulation

20(1) Each returning officer shall, within 8 days after the vote has taken place, submit to the Chief Electoral Officer the Statement of Official Results prepared by the returning officer.

(2) The Chief Electoral Officer shall add together the results of the counts set out in the Statements of Official Results prepared by the returning officers in order to determine which candidate or candidates received the most votes.

(3) The Chief Electoral Officer shall give written notice to each candidate or each candidate's official agent of the place, date and

hour of commencement of the addition referred to in subsection (2).

(4) On completing the addition, the Chief Electoral Officer shall provide to each candidate or each candidate's official agent a Certificate and Return in the prescribed form indicating the number of votes for each candidate, the name of the candidate or candidates to be declared elected pursuant to section 21 and, if there is an equality of votes for 2 or more candidates, that the election is subject to a recount under this Act.

(5) On complying with subsection (4), the Chief Electoral Officer shall prepare the Tabulation of Official Results.

Announcement of official results

21(1) The Chief Electoral Officer shall declare which candidate or candidates are elected.

(2) Where only one person is to be elected, the candidate found to have received the largest number of votes shall be declared elected.

(3) Where more than one person is to be elected, the candidate found to have received the largest number of votes shall be declared elected and the candidate found to have received the next largest number of votes shall be declared elected and so on until the number of candidates to be elected at the election under this Act are declared elected.

(4) If a candidate cannot be declared elected because there is an equality of votes for 2 or more candidates, the Chief Electoral officer shall declare that the results of the election are subject to a recount under this Part.

(5) The Chief Electoral Officer shall retain the Statements of Official Results and the Tabulation of Official Results for a period of 21 days after announcing the official results of the election under this Act to allow for possible appeals or applications for a recount of the votes.

Disclaimer

22(1) A candidate who has been declared elected under this Act may, by filing a disclaimer in the prescribed form with the Chief Electoral Officer, request

- (a) that the candidate's name not be submitted to the Queen's Privy Council for Canada, or
- (b) that, if the candidate's name has been submitted, the submission of the candidate's name be withdrawn.

(2) Subject to subsection (3), if a disclaimer is filed under subsection (1), the election of that candidate is void and if there were more candidates than the number of persons declared elected, the Chief Electoral Officer shall declare elected the candidate found to have received the next largest number of votes.

(3) The filing of a disclaimer under subsection (1) does not affect any application for an appeal or recount by another candidate or the right of that other candidate to be declared elected if that application or appeal is successful.

Appeal and recount

23(1) Notwithstanding section 144 of the *Election Act*, for the purposes of this Act,

- (a) an application for a recount must be filed not later than 8 days after the date the Chief Electoral Officer announces the results of the official count and declares one or more candidates elected,
- (b) a recount may be made in relation to the addition of the results contained in the Tabulation of Official Results,
- (c) the Chief Electoral Officer shall be given notice of the time and place appointed for the recount,
- (d) a reference in section 144(3) of the *Election Act* to section 138 shall be read as a reference to section 21 of this Act, and
- (e) the Chief Electoral Officer shall file an application for a recount if a declaration has been made under section 21(4).

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

- (a) where a recount of the votes is required, the Chief Electoral Officer shall attend at the time and place

appointed for the recount but the Court of Queen's Bench shall determine which election officers, if any, are also required to attend,

- (b) where the application is limited to a decision of a returning officer, only the returning officer and the Chief Electoral Officer are required to attend, and
- (c) the Chief Electoral Officer shall bring all the ballot boxes and documents required for the purposes of disposing of the matter.

(3) Notwithstanding section 146 of the *Election Act*, a reference in that section, except in subsection (6), to a returning officer shall be read as a reference to the Chief Electoral Officer.

(4) The judge shall verify and, if necessary, amend the Tabulation of Official Results.

(5) Notwithstanding section 147 of the *Election Act*, for the purposes of this Act, on conclusion of a recount, the judge shall immediately certify the result to the Chief Electoral Officer, who shall, on the 3rd day after that certification, unless the Chief Electoral Officer is served with a notice of appeal within that period, declare elected the candidate or candidates found to have received the largest number of votes pursuant to the recount.

(6) Notwithstanding section 148 of the *Election Act*, for the purposes of this Act,

- (a) a reference in section 148(2) of the *Election Act* to a returning officer shall be read as a reference to the Chief Electoral Officer,
- (b) where a notice of appeal has been filed, on determination of the appeal, the Registrar of the Court of Appeal shall immediately certify the result to the Chief Electoral Officer, who shall then declare elected the candidate or candidates found to have received the largest number of votes pursuant to the appeal,
- (c) no later than 60 days after the determination of the appeal to the Court of Appeal, the Registrar of the Court of Appeal shall return the ballots to the Chief Electoral Officer, and

- (d) if a decision of the Court of Appeal is successfully appealed to the Supreme Court of Canada, then on receipt by the Chief Electoral Officer of a certified copy of the judgment of that Court, the Chief Electoral Officer shall declare elected the candidate or candidates found to have received the largest number of votes pursuant to the appeal.

Publication of elected candidates

24(1) Subject to subsection (2), 8 days after the candidate or candidates are declared elected the Chief Electoral Officer shall submit a notice of the name of the candidate or candidates declared elected under this Act for publication in the next issue of The Alberta Gazette.

(2) If there is an appeal in accordance with sections 144 to 148 of the *Election Act* as those sections apply to this Act, the names of the persons declared elected must be published after the expiration of the appeal period.

Application of Part 7 of Election Act

25 For the purposes of this Act,

- (a) the reference in section 185(1) of the *Election Act* to “a candidate as the member of the Legislative Assembly for an electoral division” shall be read as a reference to “a candidate at an election under this Act”, and
- (b) the reference in section 185(2)(b) of the *Election Act* to “section 150” shall be read as a reference to section 24 of this Act.

Archives

26 The Chief Electoral Officer shall provide a copy of the writ, the Tabulation of Official Results and the Statements of Official Results to the Provincial Archives after each election under this Act.

Regulations

27(1) The Lieutenant Governor in Council may make regulations

- (a) fixing the term of a Senate nominee;

- (b) respecting the duties and functions of a Senate nominee;
- (c) respecting the remuneration and expenses to be paid to a Senate nominee;
- (d) respecting the performance and accountability of a Senate nominee;
- (e) respecting grants and other amounts that are payable to elected authorities and other bodies conducting a vote under Part 3;
- (f) respecting forms, including the form of ballot, notices, declarations and oaths to be used for the purpose of an election under this Act;
- (g) respecting any matter not provided for or not sufficiently provided for in this Act, but any regulation made under this subsection ceases to have effect after the last day of the next session of the Legislature;
- (h) for the purpose of remedying any confusion in the application of or difficulty in applying the following to an election under this Act:
 - (i) the provisions of the *Election Act* referred to in section 4;
 - (ii) the provisions of the *Local Authorities Election Act* referred to in section 37.

(2) Where an election under this Act is held in conjunction with a general election under the *Election Act*, a form, oath or notice prescribed under the *Election Act* may be combined with a form, oath or notice, as the case may be, prescribed under this Act, and the form, oath or notice is valid for both the general election under the *Election Act* and the election under this Act.

(3) Where an election under this Act is held in conjunction with general elections under the *Local Authorities Election Act*, a form, oath, statement or notice prescribed under the *Local Authorities Election Act* may be combined with a form, oath, statement or notice, as the case may be, prescribed under this Act, and the form, oath, statement or notice is valid for both the general elections under the *Local Authorities Election Act* and the election under this Act.

(4) Regulations made under the *Local Authorities Election Act* apply to an election under this Act held in accordance with Part 3 as if it were a general election under the *Local Authorities Election Act*.

Part 2 Election Held in Conjunction with Provincial Election or on Date Fixed by Order

Application of this Part

28 Where an election under this Act is to be held in conjunction with a general election under the *Election Act* or separately on a date provided for in an order under section 5, Part 1 and this Part apply to the election under this Act.

Application of Election Act

29(1) Except as provided in this Part, sections 4.1, 4.11, 4.12, 19.1 and 20, Part 3 and sections 136, 137(1) to (4) and (7), 140 to 143, 151 and 152 of the *Election Act* apply to an election under this Act held in conjunction with a general election under the *Election Act* or held separately on a date fixed in an order under section 5 as if it were a general election under the *Election Act*.

(2) For the purposes of this Part,

- (a) sections 39, 40, 55, 56, 59 to 67, 82, 83, 101, 111(5)(a) and 126 to 131 of the *Election Act* do not apply, and
- (b) sections 134.1 and 134.2 of the *Election Act* do not apply unless the election under this Act is held in conjunction with a general election under the *Election Act*.

List of electors

30 The list of electors compiled and revised under the *Election Act* is to be the list of electors for an election under this Act.

Appointment of returning officers

31 The returning officers appointed under the *Election Act* are to be the returning officers for the purposes of an election under this Act.

Publication of election proclamation

32(1) The Chief Electoral Officer shall, as soon as possible following the making of the order referred to in section 5, publish a proclamation in the prescribed form in respect of each electoral division containing the following:

- (a) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations;
- (b) the place, dates and hours fixed for voting at an advance poll if voting is necessary;
- (c) the date of polling day and the hours at which the polling places will open and close if voting is necessary;
- (d) the place, date and time for announcing the results of the official tabulation, that date being the 10th day after polling day;
- (e) the name of the returning officer and the contact information for the returning officer's office.

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

- (a) the proclamation referred to in subsection (1);
- (b) a map of the electoral division, including the numbered polling subdivisions;
- (c) a list of the locations of polling places;
- (d) a statement of the availability of barrier-free accessibility to the office of the returning officer and to the advance polling places.

(3) The Chief Electoral Officer shall, as soon as possible, publish the information referred to in subsection (1) and the information referred to in subsection (2)(b) and (d) on the Chief Electoral Officer's website and in any other manner determined by the Chief Electoral Officer that provides electors with adequate notice of the election under this Act.

(4) If any of the information published under subsection (3) is or becomes inaccurate, the Chief Electoral Officer shall

- (a) publish details of the correction on the Chief Electoral Officer's website and in any other manner in which the Chief Electoral Officer has published the information under subsection (3), and
- (b) immediately provide to all candidates or their official agents written details of the correction.

Voting procedure

33(1) The deputy returning officer shall, without inquiring or ascertaining for whom a voter intends to vote, instruct the voter to

- (a) proceed to one of the polling booths and there, with the marker provided, mark the voter's ballot by placing an "X" in the space opposite the name of the candidate or candidates of the voter's choice,
- (b) refold the ballot so that the initials, the words "Senatorial Selection" and the year of the election on the back of the ballot can be seen without unfolding it, and
- (c) hand the folded ballot to the deputy returning officer.

(2) An elector may not vote for more than the number of persons to be elected.

(3) The deputy returning officer shall, without unfolding the ballot and in full view of the voter and all present, ascertain by examining the initials that the ballot is the same ballot the deputy returning officer provided to the voter, and return the ballot to the voter so that the voter may place the ballot in the ballot box.

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

Exception to section 111(5)(d) of Election Act

34 Notwithstanding section 111(5)(d) of the *Election Act*, for the purposes of this Part, the deputy returning officer shall reject and place in a rejected ballot envelope any ballot that contains votes for more candidates than the number of persons to be elected.

Exception to section 118(1) of Election Act

35 Notwithstanding section 118(1) of the *Election Act*, for the purposes of this Part, a voter may mark only the name of the candidate or candidates, as the case may be.

**Part 3
Election Held in
Conjunction
with Municipal Elections**

Application of this Part

36 Where an election under this Act is to be held in conjunction with the general elections under the *Local Authorities Election Act*, Part 1 and this Part apply to the election under this Act.

Application of Local Authorities Election Act

37(1) Except as provided in this Part, sections 5, 13 to 20, 35(2) and (4), 36 to 40, 45 to 49, 52 to 61, 64 to 68, 69, 72 to 87, 88(1), 89 to 94, 100 to 102, 148 to 150 and 152 to 158.1 of the *Local Authorities Election Act* apply to an election under this Act held in conjunction with the general elections under the *Local Authorities Election Act* as if it were a general election under the *Local Authorities Election Act*.

(2) Except as provided in section 1(1)(a), words and phrases used in this Part have the meanings given to them in the *Local Authorities Election Act*.

Councils to conduct vote

38(1) Where an election under this Act is to be held in accordance with this Part, every council, except the council of a summer village, and every Metis settlement council shall conduct a vote of the electors residing in the municipality or Metis settlement, as the case may be, for the purposes of the election under this Act.

(2) The council shall conduct the vote notwithstanding that a general election under the *Local Authorities Election Act* is not required in that municipality on that day.

(3) If the council has entered into an agreement with one or more elected authorities in the same area for the conduct of a general election under the *Local Authorities Election Act*, the elected authority that is responsible for the conduct of the general election

under the agreement shall conduct the vote for the purposes of the election under this Act and has all the rights, powers and duties of the council to conduct the vote.

(4) The Minister responsible for the *Local Authorities Election Act* is responsible for conducting the vote of the electors residing in an improvement district, special area, summer village, the portion of the City of Lloydminster located in Alberta or Indian reserve and for the purposes of an election under this Act has all the rights, powers and duties of a council to conduct the vote, including the authority to appoint returning officers and other election officers.

(5) The Minister responsible for the *Local Authorities Election Act* may enter into an agreement

- (a) with any elected authority and band council of an Indian band in the area or in an area adjacent to the improvement district, special area, summer village, the portion of the City of Lloydminster located in Alberta or Indian reserve, or
- (b) with the advisory committee of an improvement district or special area or the council of a summer village

to conduct the vote on the Minister's behalf, and the elected authority, band council of an Indian band, advisory committee and council are authorized to enter into such an agreement.

(6) An elected authority, band council of an Indian band, advisory committee or council that enters into an agreement under subsection (5) has all the rights, powers and duties of the Minister to conduct the vote.

(7) In accordance with the regulations under section 27, payments must be made to elected authorities, band councils of Indian bands and other bodies that conduct a vote for the purposes of an election under this Act.

Electors list

39(1) The list of electors, if any, for a municipality compiled and revised under the *Local Authorities Election Act* shall be the list of electors for conducting a vote for the purposes of an election under this Act in that municipality.

(2) Where an election under this Act is to be held in accordance with this Part in a Metis settlement, a list of electors must be compiled and revised in accordance with the *Local Authorities Election Act* for the purposes of the election.

Electors in summer village

40 In the case of a summer village, only residents of the summer village are entitled to vote at an election under this Act.

Appointment of officers

41(1) The officers and constables appointed under the *Local Authorities Election Act* for the general elections under that Act are officers for the purposes of an election under this Act.

(2) The officers have the duties and the necessary powers under the *Local Authorities Election Act* to conduct an election under this Act, except where inconsistent with this Act.

Voting subdivisions and stations

42 The voting subdivisions and voting stations established for the purposes of the general elections under the *Local Authorities Election Act* are the voting subdivisions and voting stations for the purposes of the election under this Act.

Publication of election proclamation

43(1) The Chief Electoral Officer shall, as soon as possible following the date of the order referred to in section 5, issue a proclamation in the prescribed form in respect of each municipality containing the following:

- (a) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations;
- (b) if voting is necessary, the date of election day and a statement that the voting stations will be open from 10 a.m. until 8 p.m. on election day, or open from an earlier time as allowed by an elected authority;
- (c) the place, date and time for announcing the results of the official tabulation, that date being the 10th day after election day;

- (d) the name of the returning officer and the contact information of the returning officer.

(2) The proclamation referred to in subsection (1) shall be published by

- (a) posting a copy of it in the office of the returning officer, and
- (b) publishing the information referred to in subsection (1)(a) to (d) on the Chief Electoral Officer's website and in any other manner determined by the Chief Electoral Officer that provides electors with adequate notice of the election.

(3) A returning officer may post additional copies of the proclamation at other places in the municipality where the returning officer considers they will be reasonably safe from damage and will serve to provide information to the public.

(4) If any of the information published under subsection (2)(b) is or becomes inaccurate, the Chief Electoral Officer shall

- (a) publish details of the correction on the Chief Electoral Officer's website and in any other manner in which the Chief Electoral Officer has published the information under subsection (2)(b), and
- (b) immediately provide to all candidates or their official agents written details of the correction.

Marking of ballots

44(1) On receiving a ballot from the officer presiding at the voting station, the elector shall forthwith proceed into the voting compartment provided and shall mark the ballot by placing an "X" on the right hand side opposite the name of the candidate of the elector's choice.

(2) After marking the ballot, the elector shall fold the ballot so as

- (a) to conceal the names of the candidates and the marks on the face of the ballot, and
- (b) to expose the initials of the officer issuing the ballot at the voting station,

and immediately after leaving the voting compartment shall, without delay and without showing the front to anyone, deliver the ballot so folded to the officer supervising at the ballot box.

(3) The officer supervising at the ballot box shall, without unfolding the ballot or in any way disclosing the marks made by the elector on the ballot, verify the initials on the ballot and deposit the ballot at once in the ballot box.

(4) After the ballot is deposited in the ballot box, the elector shall forthwith leave the voting station.

(5) If a bylaw is passed in a local jurisdiction for an alternative voting equipment under section 84 of the *Local Authorities Election Act*,

- (a) subsections (1) to (3) do not apply in that local jurisdiction, and
- (b) notwithstanding a direction made under section 84(2.1) of the *Local Authorities Election Act* for the use of ballot boxes, separate ballot boxes must be used with respect to an election under this Act.

Exception to section 45 of Local Authorities Election Act

45 Notwithstanding section 45 of the *Local Authorities Election Act*, for the purposes of this Part, the deputy returning officer shall post a copy of the bulletin referred to in section 90(1) of the *Election Act*.

Entries in elector register

46(1) For the purposes of this Part, a reference to “senatorial candidate” shall be included in the register referred to in section 59 of the *Local Authorities Election Act*.

(2) The officer shall, with respect to each elector who receives a ballot, denote on the register that the elector received a ballot for the purpose of voting under this Act.

Advance vote

47 If an advance vote is being held in a local jurisdiction under section 73 of the *Local Authorities Election Act*, the advance vote provisions apply with respect to an election under this Act.

Official count of returning officer

48(1) The returning officer may publish unofficial results of the counting of ballots after an election under this Act as the results are received from voting stations.

(2) Each returning officer shall add together the ballot accounts as prepared by the deputy returning officers.

(3) On complying with subsection (2), the returning officer shall prepare the prescribed Statement of Official Results.

Retention of ballot boxes

49 For the purposes of this Part, notwithstanding section 101 of the *Local Authorities Election Act*, the sealed ballot boxes used for an election under this Act shall be retained for at least

- (a) 3 months after receiving them from the returning officer, or
- (b) in the case of a judicial recount or an appeal under sections 144 to 148 of the *Election Act*, 3 months after the final determination of the recount or appeal,

after which the retained documents and information contained in the ballot boxes shall be destroyed.

Part 4 Related and Consequential Amendments

Related Amendments

Amends RSA 2000 cE-1

50(1) The *Election Act* is amended by this section.

(2) Section 1(1) is amended by striking out “and” at the end of clause (b.1)(ii) and adding the following after clause (b.1)(ii):

- (iii) in the case of an election under the *Alberta Senate Election Act* held in conjunction with a general election held in accordance with section 38.1(2), the period commencing on February 1 in the year in which the election is held and ending 2 months after polling day,

Explanatory Notes

Related Amendments

50(1) Amends chapter E-1 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1(1) In this Act,

(b.1) “campaign period” means

(i) in the case of a general election held in accordance with section 38.1(2), the period commencing on February 1 in the year in which the election is held and ending 2 months after polling day,

- (iii.1) in the case of an election under the *Alberta Senate Election Act* held in conjunction with a general election held other than in accordance with section 38.1(2), the period commencing with the issue of a writ for the election and ending 2 months after polling day,
- (iii.2) in the case of an election under the *Alberta Senate Election Act* held separately on a date provided for in an order under section 5(1) of that Act, the period commencing on the date that the order under section 5(1) of that Act is passed and ending 2 months after polling day, and

(3) Section 3.1(1) is amended by adding “, the *Alberta Senate Election Act*” after “in this Act”.

(4) Section 4 is amended

(a) in subsection (1)

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

- (a) provide guidance, direction and supervision respecting the conduct of all elections, enumerations and plebiscites under this Act, elections under the *Alberta Senate Election Act* and plebiscites and referendums under any other Act to which this Act applies;

(ii) in clauses (b) and (c) by adding “and the *Alberta Senate Election Act*” after “this Act”;

(b) in subsection (2.1) by striking out “this Act or the *Election Finances and Contributions Disclosure Act*” and substituting “this Act, the *Election Finances and Contributions Disclosure Act* or the *Alberta Senate Election Act*”;

- (ii) *in the case of a general election held other than in accordance with section 38.1(2), the period commencing with the issue of a writ for the election and ending 2 months after polling day, and*
- (iv) *in the case of a by-election, the period commencing with the issue of a writ for the by-election and ending 2 months after polling day;*

(3) Section 3.1(1) presently reads:

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

(4) Section 4 presently reads in part:

4(1) The Chief Electoral Officer shall

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

(2.1) The Chief Electoral Officer may from time to time meet with representatives of the registered political parties that are represented in the Legislative Assembly concerning the election

(c) **in subsection (3) by adding** “, an election under the *Alberta Senate Election Act*” **after** “plebiscite under this Act”;

(d) **in subsection (5)**

(i) **by adding** “election under the *Alberta Senate Election Act*,” **after** “general election,” **wherever it occurs**;

(ii) **in clause (c) by adding** “or the *Alberta Senate Election Act*, as the case may be” **after** “this Act”.

(5) **Section 5.1 is amended by striking out** “*Senatorial Selection Act*” **and substituting** “*Alberta Senate Election Act*”.

(6) **Section 9 is amended**

(a) **in subsection (1) by adding** “and elections under the *Alberta Senate Election Act*” **after** “this Act”;

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

process or activities under this Act or the Election Finances and Contributions Disclosure Act.

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

(a) extend the time for doing anything under this Act, except

(i) the time for the holding of an election, and

(ii) the time by which a nomination paper must be filed,

(5) The Chief Electoral Officer shall, immediately after each enumeration, general election, by-election or plebiscite or a plebiscite or referendum under any other Act, prepare and have printed a report including

(a) a summary of the Chief Electoral Officer's conduct respecting the enumeration, general election, by-election, plebiscite or referendum, as the case may be,

(b) a breakdown of results and a summary of costs, and

(c) any recommendations for amendments to this Act.

(5) Section 5.1 presently reads:

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

(6) Section 9 presently reads in part:

9(1) The Chief Electoral Officer may appoint a returning officer for each electoral division for the purposes of or in connection with elections, enumerations and plebiscites under this Act.

(1.1) If a by-election or plebiscite is to be conducted under this Act before returning officers are appointed under subsection (1),

(1.1) If a by-election, an election under the *Alberta Senate Election Act* or a plebiscite is to be conducted under this Act before returning officers are appointed under subsection (1), returning officers may be appointed for the purpose of the by-election, election under the *Alberta Senate Election Act* or plebiscite.

(7) Section 13(1) is amended by adding “, elections under the *Alberta Senate Election Act*” after “this Act”.

Amends RSA 2000 cE-2

51(1) The *Election Finances and Contributions Disclosure Act* is amended by this section.

(2) Section 1 is amended

(a) in subsection (1)

(i) in clause (b) by adding the following after subclause (ii):

(iii) in the case of an election under the *Alberta Senate Election Act* held in conjunction with a general election held in accordance with section 38.1(2) of the *Election Act*, the period commencing on February 1 in the year in which the election is held and ending 2 months after polling day,

(iii.1) in the case of an election under the *Alberta Senate Election Act* held in conjunction with a general election held other than in accordance with section 38.1(2) of the *Election Act*, the period commencing with the issue of a writ for the election and ending 2 months after polling day,

(iii.2) in the case of an election under the *Alberta Senate Election Act* held in conjunction with the general elections under the *Local Authorities Election Act*, the period from January 1 to

returning officers may be appointed for the purpose of the by-election or plebiscite.

(7) Section 13(1) presently reads:

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

51(1) Amends chapter E-2 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1(1) In this Act,

(b) “campaign period” means

- (i) *in the case of a general election held in accordance with section 38.1(2) of the Election Act, the period commencing on February 1 in the year in which the election is held and ending 2 months after polling day,*
- (ii) *in the case of a general election held other than in accordance with section 38.1(2) of the Election Act, the period commencing with the issue of a writ for the election and ending 2 months after polling day,*
- (iv) *in the case of a by-election, the period commencing with the issue of a writ for the by-election and ending 2 months after polling day, and*
- (v) *in the case of a nomination contest, the period beginning on the date the nomination contestant is required to register under section 9.3 and ending 2 months after the day on which a nomination contestant is selected for endorsement as the official candidate of the registered party for an electoral division;*

December 31 in the year in which the election is held,

(iii.3) in the case of an election under the *Alberta Senate Election Act* held separately on a date provided for in an order under section 5(1) of that Act, the period commencing on the date that the order under section 5(1) of that Act is passed and ending 2 months after polling day,

(ii) in clause (c) by adding the following after subclause (i):

(ii) with respect to an election under the *Alberta Senate Election Act*, a person

(A) who is endorsed as an official candidate of a registered political party for the purposes of that election, or

(B) who, after the commencement of the campaign period, declares the person's candidacy as an independent candidate at the election;

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

(f) "election" means

(i) an election of a person as a member of the Legislative Assembly conducted under the *Election Act*, and

(ii) an election of a person under the *Alberta Senate Election Act*;

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

(i) "general election" means a general election as defined in the *Election Act* and includes an election under the *Alberta Senate Election Act*;

(v) by repealing clause (k) and substituting the following:

- (vi) *in the case of a leadership contest, the period beginning on the date the leadership contestant is required to register under section 9.2 and ending 2 months after the day on which a leadership contestant is selected to be the leader of the registered party;*
- (c) *“candidate” means*
 - (i) *with respect to an election under the Election Act, a person*
 - (A) *who is selected for endorsement as the official candidate of a registered political party for the electoral division, or*
 - (B) *who, after the commencement of the campaign period, declares the person’s candidacy as an independent candidate at the election in the electoral division;*
 - (f) *“election” means an election of a person as a Member of the Legislative Assembly conducted under the Election Act;*
 - (i) *“general election” means a general election as defined in the Election Act;*
 - (k) *“polling day” means the day fixed pursuant to the Election Act for voting at an election;*
- (1.1) *Terms defined in Part 6.1 relating to third parties apply to the use of those terms with respect to third parties in the rest of this Act.*

(k) “polling day” means the day fixed pursuant to the *Election Act* or the *Alberta Senate Election Act* for voting at an election, as the case may be;

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

(1.1) Definitions of terms in Part 6.1 or 6.11 apply, as the case may be, to those terms where used in the rest of this Act.

(3) Section 1.1 is amended by renumbering the second subsection (3) as subsection (4).

(3) Section 1.1 presently reads:

1.1(1) For the purposes of this Act, a campaign expense is any expense incurred, or non-monetary contribution received,

(a) by a registered party, registered constituency association or registered 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 registered party, a registered constituency association or a registered candidate during a campaign period, and

(b) by a nomination contestant or leadership contestant, 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 nomination contestant or leadership contestant during a campaign period of the nomination contestant or leadership contestant, as the case may be.

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

(3) A campaign expense referred to in subsection (1) includes an expense incurred for, or a non-monetary contribution in relation to,

(a) the production of advertising or promotional material,

(b) 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,

(4) Section 4(1) is amended

(a) by striking out “this Act and the *Election Act*” and substituting “this Act, the *Election Act* and the *Alberta Senate Election Act*”;

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

(iii) registered third parties in relation to election advertising or political advertising under Part 6.1 and in relation to senatorial selection advertising under Part 6.11;

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

(i.1) with respect to a third party that engages in senatorial selection advertising, shall publish a statement on the Chief Electoral Officer’s website

(i) within 30 days after the date on which an election advertising return referred to in section 44.9498(1) or a report referred to in section 44.9498(3) is required to be filed, which statement must include the name of any contributor referred to in the return or report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed, and

(ii) as soon as reasonably possible after the date on which a report referred to in section 44.9497 is required to be filed with the Chief Electoral Officer, which statement must include the name

(c) *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,*

(d) *securing a meeting place, or*

(e) *the conduct of election surveys or other surveys or research during a campaign period.*

(3) *In subsection (1), "expense incurred" means an expense that is incurred, whether it is paid or unpaid.*

(4) Section 4 presently reads in part:

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

(b) *may inquire into the financial affairs and records of*

(iii) *registered third parties in relation to election advertising or political advertising under Part 6.1;*

(i) *with respect to a third party that engages in election advertising, shall publish a statement on the Chief Electoral Officer's website*

(i) *within 30 days after the date on which an election advertising return referred to in section 44.9(1) or a report referred to in section 44.9(3) is required to be filed, which statement must include the name of any contributor referred to in the return or report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed, and*

(ii) *as soon as reasonably possible after the date on which a report referred to in section 44.81 is required to be filed with the Chief Electoral Officer, which statement must include the name of any contributor referred to in the report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed;*

of any contributor referred to in the report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed;

(5) Section 9(2) is amended by adding the following after clause (a):

- (b) that, in the case of a candidate under the *Alberta Senate Election Act*, the candidate
 - (i) has been endorsed as an official candidate of a named registered party and has enclosed with the candidate's application a statement to that effect attested to by one of the principal officers of the registered party, or
 - (ii) has, after the commencement of the campaign period, declared the candidate's candidacy as an independent candidate at the election;

(6) Section 9.1 is amended

(a) in subsection (1)(a) by striking out “for election advertising or political advertising” **and substituting** “for election advertising or political advertising referred to in Part 6.1 or senatorial selection advertising referred to in Part 6.11”;

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

(2) The Chief Electoral Officer 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, and

(5) Section 9(2) presently reads in part:

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

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

(i) has been endorsed as the official candidate of a named registered party in a named electoral division and has enclosed with the candidate's application a statement to that effect attested to by one of the principal officers of the registered party or the applicable constituency association, or

(ii) has, after the commencement of the campaign period, declared the candidate's candidacy as an independent candidate at the election in a named electoral division;

(6) Section 9.1(2) presently reads:

(2) The Chief Electoral Officer shall maintain separate registers as follows:

(a) a register of third parties who engage in election advertising, and

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

- (c) a register of third parties who engage in senatorial selection advertising.

(7) Section 10 is amended

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

(1.1) If a registered party does not endorse a candidate in a general election, the Chief Electoral Officer shall cancel the registration of that party unless that registered party had endorsed a candidate at the most recent election under the *Alberta Senate Election Act*.

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

(2) If a registered candidate who was nominated in accordance with the *Election Act* or the *Alberta Senate Election Act* withdraws the candidate's candidacy in accordance with that Act that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person.

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

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

(d) by adding the following after subsection (4.1):

(4.2) If the chief financial officer of a third party fails to file a weekly report under section 44.9497, a senatorial selection advertising return or report under section 44.9498 or an audited financial statement under section 44.9499, the Chief Electoral Officer may cancel the registration of the third party.

(e) by repealing subsection (13) and substituting the following:

(13) When the registration of a third party is cancelled, all funds in the advertising account or senatorial selection

(7) Section 10 presently reads in part:

(1.1) If after this subsection comes into force a registered party does not endorse a candidate in a general election, the Chief Electoral Officer shall cancel the registration of that party.

(2) If a registered candidate who was nominated in accordance with the Election Act withdraws the candidate's candidacy in accordance with that Act, that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person.

(3) If the chief financial officer of a registered party or registered constituency association fails to comply with section 32, 42 or 43, the Chief Electoral Officer may cancel the registration of the registered party or constituency association, as the case may be.

(4.1) If the chief financial officer of a third party fails to file a report under section 44.81 or 44.82, an election advertising return or report under section 44.9 or an audited financial statement under section 44.91, the Chief Electoral Officer may cancel the registration of the third party.

(13) When the registration of a third party is cancelled, all funds in the advertising account must be dealt with in accordance with section 44.92.

advertising account must be dealt with in accordance with section 44.92 or section 44.94991, as the case may be.

(8) Section 12 is amended by adding the following after subsection (4):

(5) Notwithstanding subsections (3) and (4), funds held in trust under subsection (1) in respect of a candidate under the *Alberta Senate Election Act* may not be transferred or paid to a registered constituency association.

(9) Section 17 is amended by adding the following before subsection (1):

(8) Section 12 presently reads in part:

(3) Funds held in trust under subsection (1) may, at the option of the candidate, be transferred or paid from time to time to

- (a) the registered party that proposed or supported the candidate's registration at the previous election,*
- (b) the registered constituency associations of the registered party that proposed or supported the candidate's registration at the previous election,*
- (c) the registered candidates of the registered party that proposed or supported the candidate's registration at the previous election, or*
- (d) the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b) or (c).*

(4) If a candidate is not nominated or does not declare the candidate's candidacy as an independent candidate for the next election, the candidate shall, not later than 7 days after the day fixed for nominations, transfer or pay the amount held by the candidate in trust pursuant to subsection (1) to

- (a) the registered party that proposed or supported the candidate's registration at the previous election,*
- (b) the registered constituency associations of the registered party that proposed or supported the candidate's registration at the previous election, or*
- (c) the registered candidates of the registered party that proposed or supported the candidate's registration at the previous election,*

at the option of the candidate, or to the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b) or (c).

(9) Section 17 presently reads:

Limitation on contributions

17(0.1) This section does not apply to an election under the *Alberta Senate Election Act*.

17(1) Contributions by a person ordinarily resident in Alberta shall not exceed in any year \$4000, as adjusted in accordance with section 41.5, in the aggregate to any of the following or to any combination of them:

- (a) a registered party;*
- (b) a registered constituency association;*
- (c) a registered candidate;*
- (d) a registered nomination contestant;*
- (e) a registered leadership contestant.*

(2) Contributions may be made to a registered constituency association at any time except during a campaign period for an election in that electoral division.

(3) No contributions may be made to a registered candidate except during a campaign period for an election.

(4) No contributions may be made to a registered nomination contestant except during the campaign period for the nomination contest.

(5) No contributions may be made to a registered leadership contestant except during the campaign period for the leadership contest.

(6) Any money paid during a campaign period out of the registered candidate's, registered nomination contestant's or registered leadership contestant's own funds for the purposes of the campaign for which the person is not reimbursed from the person's campaign account

- (a) is a contribution for the purposes of this Act, and*
- (b) must be paid into the account of the registered candidate, registered nomination contestant or registered leadership contestant on record with the Chief Electoral Officer.*

(7) Subject to this section, a registered candidate, registered nomination contestant or registered leadership contestant may lawfully contribute to the registered candidate's, registered nomination contestant's or registered leadership contestant's

(10) The following is added after section 17:

Limitation re Alberta Senate Election Act

18(1) For the purposes of an election under the *Alberta Senate Election Act*, contributions to a registered candidate by a person ordinarily resident in Alberta shall not exceed in any year \$4000, as adjusted in accordance with section 41.5, in the aggregate.

(2) No contributions may be made to a registered candidate except during a campaign period.

(3) Any money paid during a campaign period out of the registered candidate's own funds for the purposes of the campaign for which the person is not reimbursed from the person's campaign account

- (a) is a contribution for the purposes of this Act, and
- (b) must be paid into the account of the registered candidate on record with the Chief Electoral Officer.

(4) Subject to this section, a registered candidate may lawfully contribute to the registered candidate's campaign an amount from the registered candidate's own funds.

(5) If the registered candidate's campaign expenses paid from the registered candidate's own funds exceed the maximum limit allowed for a contributor, the excess amount must be

campaign an amount from the registered candidate's, registered nomination contestant's or registered leadership contestant's own funds.

(8) If the registered candidate's, registered nomination contestant's or registered leadership contestant's campaign expenses paid from the registered candidate's, registered nomination contestant's or registered leadership contestant's own funds exceed the maximum limit allowed for a contributor, the excess amount must be reimbursed to the registered candidate, registered nomination contestant or registered leadership contestant from the registered candidate's, registered nomination contestant's or registered leadership contestant's campaign account, as the case may be.

(9) Subsection (1) does not apply with respect to contributions made to and accepted by a leadership contestant while participating in any leadership contest occurring when this section comes into force.

(10) Limitation re Alberta Senate Election Act.

reimbursed to the registered candidate from the registered candidate's campaign account.

(11) The following is added after section 19:

Excessive contributions re Alberta Senate Election Act

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

(2) If the chief financial officer learns that a contribution in excess of the limits imposed by section 18 was accepted by or on behalf of the registered party or registered candidate for whom the chief financial officer acts, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

Prohibition re Alberta Senate Election Act

21(1) No registered constituency association or person acting for a constituency association may, in respect of an election under the *Alberta Senate Election Act*, accept contributions for the registered party or for the candidate.

(2) If the chief financial officer of a registered constituency association learns that a contribution was accepted by the constituency association or by a person acting for the constituency association, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

(12) Section 32(5) is amended by adding “or under the *Alberta Senate Election Act*” after “*Election Act*”.

(13) Section 33(a) is repealed and the following is substituted:

- (a) whether it has been issued in respect of an election under the *Election Act*, an election under the *Alberta Senate Election Act* or a nomination contest or leadership contest,

(11) Excessive contributions re Alberta Senate Election Act,
Prohibition re Alberta Senate Election Act.

(12) Section 32(5) presently reads:

(5) Separate reports must be filed for contributions made in respect of an election under the Election Act.

(13) Section 33 presently reads:

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

(14) Section 35 is amended by adding the following after subsection (1):

(1.1) For greater certainty, a registered party may not contribute or transfer to a federal political party any funds that were contributed in respect of an election under the *Alberta Senate Election Act*.

(15) The following is added after section 36:

Prohibition re federal parties

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

(16) Section 38 is amended by adding the following after subsection (2):

(2.1) Notwithstanding subsections (1) and (2),

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

(14) Section 35 presently reads:

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

- (a) *solicit or accept a contribution if the registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant knows or ought to know that the prospective contributor is a prohibited person or entity, or*
- (b) *contribute or transfer funds to any political party, constituency association or candidate not registered under this Act.*

(2) If the chief financial officer learns that a contribution from a prohibited person or entity was accepted by or on behalf of the political party, constituency association, candidate, nomination contestant or leadership contestant for whom the chief financial officer acts, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

(15) Prohibition re federal parties.

(16) Section 38 presently reads in part:

38(1) A registered party and any of its registered constituency associations and registered candidates may transfer to or accept from each other

- (a) funds or real property or the use of real property acquired in relation to a general election or by-election under the *Election Act* shall not be transferred or used in relation to an election under the *Alberta Senate Election Act*, and
- (b) funds or real property or the use of real property acquired in relation to an election under the *Alberta Senate Election Act* shall not be transferred or used in relation to a general election or by-election under the *Election Act*.

(2.2) Notwithstanding subsections (1), (2) and (2.1), no registered constituency association may transfer funds, real property or goods or the use of real property or goods to or accept funds, real property or goods or the use of real property or goods from a registered political party or registered candidate in respect of an election under the *Alberta Senate Election Act*.

(17) Section 41.2 is amended

(a) in subsection (1) by adding “under the *Election Act*” after “general election”;

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

(1.1) With respect to an election under the *Alberta Senate Election Act*, no registered party and no chief financial officer of a registered party shall, with respect to each registered candidate that it has officially endorsed, incur election expenses that exceed in the aggregate 20% of the amount of the registered candidate’s expense limit.

(c) in subsection (3) by striking out “(1) and (2)” and substituting “(1), (1.1) and (2)”;

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

(4.1) Where an election under the *Alberta Senate Election Act* is held in conjunction with a general election, a separate expense limit report shall be filed under section 43 relating to the election expenses incurred by the registered party in relation to the election under the *Alberta Senate Election Act* for the election period.

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

and the debts or the funds or real property, or the use of real property, so accepted shall not be considered as contributions for the purposes of this Act but shall be recorded as to source and amount, and any funds accepted shall be deposited in an appropriate account on record with the Chief Electoral Officer.

(2) A registered party and any of its registered constituency associations, registered candidates, registered nomination contestants and registered leadership contestants may transfer to and accept from each other goods or services or the use of goods or services, and the goods or services or the use of goods or services so accepted shall not be considered as contributions for the purposes of this Act but shall be recorded as to source and amount.

(17) Section 41.2 presently reads in part:

41.2(1) No registered party and no chief financial officer of a registered party shall incur election expenses in respect of a general election that exceed in the aggregate \$2 000 000 as adjusted under section 41.5.

(3) The following expenses are not election expenses for the purposes of subsections (1) and (2):

- (a) *audit and professional fees necessary for compliance with this Act by the registered party;*
- (b) *expenses incurred to hold a conference or convention of a registered party;*
- (c) *expenses incurred by a registered party to operate a permanent office, including the salaries and wages paid to permanent staff members working in the office during the election period;*
- (d) *reasonable incidental expenses incurred by or on behalf of volunteers.*

(5) For the purposes of subsections (1) and (2),

(e) in subsections (5) and (6) by striking out “(1) and (2)” and substituting “(1), (1.1) and (2)”.

(18) Section 41.3(1) is repealed and the following is substituted:

Election expense limits — registered candidates

41.3(1) No registered candidate and no chief financial officer of a registered candidate,

- (a) with respect to an election under the *Election Act*, shall incur election expenses in respect of an election in an electoral division that exceed in the aggregate \$50 000 as adjusted in accordance with section 41.5, and
- (b) with respect to an election under the *Alberta Senate Election Act*, shall incur election expenses in respect of the election that exceed in the aggregate \$500 000 as adjusted in accordance with section 41.5.

(19) Section 41.5(2) and (3) are amended by striking out “sections 17, 41(6), 41.2, 41.3 and 44.11” and substituting “sections 17, 18, 41(6), 41.2, 41.3, 44.11 and 44.942”.

(a) *an election expense incurred by a registered party on behalf of 2 or more registered candidates is an election expense incurred by the registered party, and*

(b) *an election expense incurred by a registered constituency association on behalf of its registered party is an election expense incurred by the registered party.*

(6) *If, after completing an investigation referred to in section 44.95(a.1), the Election Commissioner decides that registered parties are associated registered parties, those registered parties shall be considered a single registered party for the purposes of subsections (1) and (2).*

(18) Section 41.3(1) presently reads:

41.3(1) No registered candidate and no chief financial officer of a registered candidate shall incur election expenses in respect of an election in an electoral division that exceed in the aggregate \$50 000 as adjusted in accordance with section 41.5.

(19) Section 41.5 presently reads in part:

(2) Effective January 1 after polling day of the first general election following the coming into force of this section, the Chief Electoral Officer shall adjust each of the amounts referred to in sections 17, 41(6), 41.2, 41.3 and 44.11 by the percentage increase, if any, to the consumer price index for the period beginning January 1, 2017 and ending on December 31 of the year in which the general election was held.

(3) After each subsequent general election, the Chief Electoral Officer shall further adjust each of the amounts referred to in sections 17, 41(6), 41.2, 41.3 and 44.11 by the percentage increase,

(20) Section 42(3) is amended by striking out “*Senatorial Selection Act*” and substituting “*Alberta Senate Election Act*”.

(21) Section 43 is amended

(a) in subsection (1)(d) by adding “and (4.1)” after “41.2(4)”;

(b) by adding the following after subsection (9):

(10) If an election is held under the *Alberta Senate Election Act* and the polling day for that election occurs within 4 months after the polling day for the previous election under the *Alberta Senate Election Act*, the time for compliance with subsection (2) in respect of the previous election is extended to the expiration of the 4-month period after the 2nd election.

(11) The chief financial officer referred to in subsection (1) shall file separate financial statements relating to an election under the *Election Act* and an election under the *Alberta Senate Election Act*.

if any, to the consumer price index for the period beginning on the effective date of the prior adjustment and ending on December 31st of the year the general election was held.

(20) Section 42(3) presently reads:

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

(21) Section 43 presently reads in part:

43(1) Subject to subsection (8), within 6 months after polling day the chief financial officer of a registered party shall file with the Chief Electoral Officer a campaign return with respect to the campaign period, which must include

- (a) a financial statement,*
- (b) the contribution report referred to in section 32(4),*
- (c) a campaign expense report setting out the campaign expenses incurred by the registered party,*
- (d) an expense limit report referred to in section 41.2(4), and*
- (e) any supporting information and documents relating to the campaign return.*

(2) Subject to subsection (9), within 4 months after polling day the chief financial officer of a registered candidate shall file with the Chief Electoral Officer a campaign return, which must include

- (a) a financial statement,*
- (b) the contribution report referred to in section 32(4),*
- (c) a campaign expense report setting out the campaign expenses incurred by the registered candidate,*
- (d) an expense limit report referred to in section 41.3(4), and*
- (e) any supporting information and documents relating to the campaign return.*

(22) The following is added after section 44.94:

**Part 6.11
Third Party Advertising —
Alberta Senate Election Act**

Definitions

44.941(1) In this Part,

- (a) “advertising expense” means an expense incurred in relation to
 - (i) the production of a senatorial selection 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 a senatorial selection advertising message;
- (b) “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;
- (c) “group” means an unincorporated group of persons or corporations acting in consort for a common purpose and includes a trade union and an employee organization or

(9) If a by-election is held for an electoral division and the polling day for that by-election occurs within 4 months after the polling day for the previous election in the same electoral division, the time for compliance with subsection (2) in respect of the previous election is extended to the expiration of the 4-month period after the by-election.

(22) Part 6.11 Third Party Advertising — Alberta Senate Election Act.

any combination of persons, corporations, trade unions or employee organizations;

- (d) “registered third party” means a third party registered under section 9.1;
- (e) “senatorial selection advertising” means, subject to subsection (3), the transmission to the public by any means during the senatorial selection advertising period of an advertising message that promotes or opposes the election of a registered candidate for senatorial selection, 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 a person, corporation or group, on a non-commercial basis on the Internet, of the political views of that person, corporation or group,
 - (v) the making of telephone calls to electors only to encourage them to vote, or
 - (vi) advertising by the Government in any form;
- (f) “senatorial selection advertising account” means the account on record with the Chief Electoral Officer for the purpose of accepting advertising contributions for senatorial selection advertising and for the payment of advertising expenses for senatorial selection;
- (g) “senatorial selection 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 senatorial selection advertising, whether provided before or after the third party becomes registered under section 9.1;

- (h) “senatorial selection advertising period” means
 - (i) in the case of an election under this Act to be held in conjunction with a general election under the *Election Act* or a stand-alone order, the period commencing at the beginning of the campaign period for that election and ending on polling day, and
 - (ii) in the case of an election under this Act to be held in conjunction with a general election under the *Local Authorities Election Act*, the period commencing May 1 in the year in which the general election is held and ending at the end of the election day;
- (i) “third party” means a person, corporation or group, but does not include the following:
 - (i) a registered party;
 - (ii) a registered constituency association;
 - (iii) a registered candidate or member of the Legislative Assembly;
 - (iv) a registered nomination contestant;
 - (v) a registered leadership contestant.

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

- (a) volunteer labour provided by a person, so long as that person does not receive from his or her employer, or any person, compensation or paid time off to volunteer,

- (b) audit and professional services provided free of charge for work relating to compliance with this Act,
- (c) services provided free of charge by a person 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” include services provided by a person who is self-employed if the services are normally charged for by that person.

(3) For the purposes of subsection (1)(e), “senatorial selection advertising” includes

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

(4) The Chief Electoral Officer may issue guidelines respecting the application of this Part and shall publish any guidelines on the Chief Electoral Officer’s website.

Election advertising spending limit

44.942(1) A registered third party shall not incur advertising expenses in an amount of more than \$30 000 in the aggregate, as adjusted in accordance with section 41.5, in relation to a senatorial selection advertising period.

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

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

(5) For greater certainty, for the purposes of this section, if senatorial selection advertising is transmitted during a senatorial selection advertising period, the expense incurred for that advertising is considered to be an advertising expense under this Part, regardless of when it was incurred.

(6) The chief financial officer of a registered third party shall prepare a senatorial selection advertising expense limit report for the purposes of a return required to be filed under section 44.9498.

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

Restrictions on advertising contributions and expenses

44.943(1) Subject to subsections (3) and (4), no advertising contribution shall be made by a person, corporation, trade union or employee organization to a third party or used to incur senatorial selection advertising expenses unless

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

(2) No third party required to be registered under section 9.1 and no person acting for a third party required to be registered under that section shall accept advertising contributions or incur senatorial selection advertising expenses unless the third party is so registered.

(3) The following shall not make a senatorial selection advertising contribution:

- (a) a person 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 senatorial selection advertising expenses in a total amount of \$1000 or more if the third party is not eligible to be registered under section 9.1.

(5) No third party shall, directly or indirectly, accept a senatorial selection advertising contribution if the third party knows or ought to know that the contribution is made by a person, organization or group referred to in subsection (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 Chief Electoral Officer in writing of the fact and circumstances and return the contribution in accordance with the directions of the Chief Electoral Officer.

Payments made by third party

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

Deposit of advertising contributions

44.945(1) Advertising contributions for senatorial selection advertising accepted by or on behalf of a registered third party shall be paid into the senatorial selection 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 senatorial selection advertising account.

Additional rules for groups

44.946 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 whether the amounts being collected were for election advertising, and

- (iii) the names of the members who made the payments, and the amounts they each paid, are recorded by the group and, if applicable, provided to the third party;
- (b) a group other than a trade union or employee organization may make 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

44.947(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

44.948(1) In this section, “fund-raising function” includes any social function held for the purpose of raising funds for a third party required to be registered under section 9.1 by whom or on whose behalf the function is held.

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

(3) If 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 person who pays the charge specifically requests that it be so considered, in which case 1/2 of the amount is allowed for expenses and 1/2 is considered to be 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 a person at a fund-raising function in excess of the market value at that time for goods or services received is considered to be an advertising contribution to the third party.

(5) This section does not apply to a fund-raising function for purposes unrelated to senatorial selection advertising.

Advertising contributions less than \$50

44.949(1) When, at a meeting held on behalf of or in relation to the affairs of a third party, money is given in response to a general collection of money solicited from the persons in attendance at the meeting, individual amounts given of \$50 or less will not be considered to be advertising contributions, but the chief financial officer of the third party must 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 senatorial selection advertising.

Loans

44.9491(1) A third party

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

(2) Any payment in respect of a loan to which subsection (1) applies is considered an advertising contribution by the person, corporation or group that made the payment unless that person, corporation or group is reimbursed by the borrower prior to the filing by the borrower of the applicable advertising report or return next required to be filed pursuant to section 44.9498.

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

Anonymous contributions and unauthorized contributions

44.9492(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 Chief Electoral Officer.

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

Contributions not belonging to contributor

44.9493(1) No person, corporation, group, trade union or employee organization shall contribute to any third party that is registered or is required to be registered under section 9.1 funds not actually belonging to that person, corporation, group, trade union or employee organization, or any funds that have been given or furnished to the person, 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 9.1.

(2) No third party that is registered or is required to be registered under section 9.1 and no person on its behalf shall solicit or accept any advertising contribution if the third party or person 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 Chief Electoral Officer in writing of the fact and circumstances and return the advertising contribution in accordance with the directions of the Chief Electoral Officer.

Receipts

44.9494 A third party shall issue receipts in the form and manner approved by the Chief Electoral Officer for every advertising contribution accepted by the third party under this Part.

Third party advertising expenses

44.9495(1) All election advertising expenses must be paid from the third party's senatorial selection advertising account.

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

(3) Every 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 person, but the delegation does not limit the chief financial officer's responsibility.

(6) All election advertising expenses paid for by a third party from its senatorial selection advertising account must be recorded in its applicable advertising report.

Identification of third parties

44.9496(1) A third party, or a person acting on a third party's behalf, must ensure that the senatorial selection advertising sponsored by the third party complies with the following in accordance with the guidelines of the Chief Electoral Officer:

- (a) the advertising must include the third party's name and contact information and must indicate whether the third party authorizes the advertising;

- (b) subject to clause (c), in the case of 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 advertising;
- (c) in the case of 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 advertising,
 - (iii) the advertising must state whether the third party authorizes the 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 advertising.

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

(3) The guidelines established under subsection (2) must be published on the Chief Electoral Officer's website.

(4) If the senatorial selection advertising is not in compliance with this section, the Chief Electoral Officer may cause it to be removed or discontinued, and in the case of the advertising displayed on a sign, poster or other similar format, neither the Chief Electoral Officer nor any person acting under the Chief Electoral Officer's instructions is liable for trespass or damage resulting from or occasioned by the removal.

Disclosure of advertising contributions

44.9497(1) In addition to the return referred to in section 44.9498, every registered third party who engages in senatorial selection advertising shall file with the Chief Electoral Officer, in the form and manner and within the time determined by the Chief Electoral Officer, weekly reports about advertising contributions received during the senatorial selection advertising period, setting out

- (a) the total amount of all advertising contributions received during each week of the advertising period that did not exceed \$250 in the aggregate from any single contributor, and
- (b) for each contributor who made advertising contributions during that week 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.

(2) The reports under subsection (1) for the weeks following the first week must also include the total amounts contributed by a contributor when the advertising contributions of that contributor exceeded \$250 in the aggregate from the beginning of the senatorial selection advertising period to the end of the particular week for which the report is being prepared, together with the contributor's name and address.

Third party advertising return

44.9498(1) Subject to subsection (2), within 6 months after polling day in relation to an election under the *Alberta Senate Election Act* the chief financial officer of a third party who is registered under section 9.1(2)(a) shall file with the Chief Electoral Officer a third party senatorial selection advertising return, which must include

- (a) a financial statement,
- (b) a list of all advertising contributions received during the senatorial selection advertising period,
- (c) an advertising expense limit report referred to in section 44.942(6),
- (d) the time and place of broadcast or publication of the advertisements to which the advertising expenses relate, and
- (e) any supporting information and documents relating to the advertising return.

(2) If the polling day for an election under the *Alberta Senate Election Act* occurs within 6 months after the polling day for a previous election under that Act, the time for compliance with

subsection (1) in respect of that previous election is extended to the expiration of the 4-month period after the 2nd election.

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

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

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

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

(7) The Chief Electoral Officer 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 Chief Electoral Officer's website.

Audited financial statements

44.9499(1) The chief financial officer of a third party whose election advertising expenses are \$100 000 or more shall file an audited financial statement with the Chief Electoral Officer within 6 months after polling day.

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

Disposition of advertising account funds

44.9499(1) Subject to subsection (2), any funds held by a registered third party in its senatorial selection advertising account with respect to a senatorial selection advertising period shall continue to be held in the account to be expended for advertising during a subsequent senatorial selection advertising period.

(2) If a registered third party decides not to expend funds for advertising during the next senatorial selection advertising period for an election under the *Alberta Senate Election Act*, or does not

engage in advertising during the next senatorial selection advertising period, the registered third party shall, within 6 months after that period, deal with the funds remaining in the advertising account in accordance with subsection (3).

(3) Funds remaining in the advertising account referred to in subsection (2) must be dealt with in one or more of the following ways:

- (a) by donating the funds to a registered charity;
- (b) by returning the funds to the third party's contributors if they can be identified;
- (c) if the funds or any portion of the funds cannot be dealt with in accordance with clauses (a) and (b), by paying the funds or that portion of the funds, as the case may be, to the Chief Electoral Officer for deposit into the General Revenue Fund.

(4) A registered third party to which subsection (2) applies must notify the Chief Electoral Officer of its decisions under this section and must apply to the Chief Electoral Officer under section 10 to cancel its registration.

(5) The chief financial officer of a registered third party that has not dealt with the funds remaining in the advertising account referred to in subsection (2) must file an election advertising return with the Chief Electoral Officer on or before March 31 of each year until such time as the funds have been disposed of completely.

Late filing fee

44.94992(1) In this section, "filing deadline" means the day by which a report and return under this Part are required to be filed with the Chief Electoral Officer.

(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 Chief Electoral Officer.

(3) The Chief Electoral Officer shall not cancel the registration of the third party under section 10(4.2) 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, the Chief Electoral Officer 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 the Chief Electoral Officer under subsection (5) fail to pay the late filing fee set out in the notice, the Chief Electoral Officer 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.

(23) Section 44.95(a)(v) is repealed and the following is substituted:

- (v) registered third parties in relation to election advertising or political advertising under Part 6.1 and in relation to senatorial selection advertising under Part 6.11,

(24) Section 51.01 is amended

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

- (c) a prohibited corporation, a person 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 44.2(3), or a senatorial selection advertising contribution in contravention of section 44.943(3), or

(b) in subsection (5)(b) by striking out “or 44.2(3)” and substituting “, 44.2(3) or 44.943(3)”.

(23) Section 44.95 presently reads in part:

44.95 The Election Commissioner, in addition to the Election Commissioner's powers and duties under the Election Act,

(a) may conduct periodic investigations of the financial affairs and records of

(v) registered third parties in relation to election advertising or political advertising under Part 6.1,

(24) Section 51.01 presently reads in part:

(2) If the Election Commissioner is of the opinion that

(c) a prohibited corporation, a person 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 44.2(3), or

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

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

(c) in the case of a contravention referred to in section 48(1), (2)(b) or (3), \$1000;

Consequential Amendment

Amends SA 2012 cE-0.3

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

(2) The following is added after section 286:

Amends the Alberta Senate Election Act

286.1(1) The *Alberta Senate Election Act* is amended by this section.

(2) Section 1(1)(c)(iii) is amended by striking out “*School Act*” and substituting “*Education Act*”.

Consequential Amendment

52(1) Amends chapter E-0.3 of the Statutes of Alberta, 2012.

(2) Adds section 286.1.

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