

2019 Bill 204

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First Session, 30th Legislature, 68 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 204

## ELECTION RECALL ACT

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MR. SMITH

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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# **BILL 204**

2019

## **ELECTION RECALL ACT**

*(Assented to \_\_\_\_\_, 2019)*

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

### **Part 1** **Interpretation**

#### **Definitions**

**1(1)** In this Act,

- (a) “applicant”, in respect of an application, means the registered elector who submits the application in accordance with section 2;
- (b) “application” means an application submitted to the Chief Electoral Officer in accordance with section 2;
- (c) “authorized participant”, in respect of a recall petition, means any of the following:
  - (i) the applicant for the recall petition;
  - (ii) the member whose electoral division is the subject of the recall petition;
  - (iii) any other prescribed person or entity;
- (d) “authorized recall”, in respect of a member, means the recall of the member in accordance with section 11;

- (e) “business day” means a day other than Saturday or a holiday;
- (f) “canvass”, in respect of a recall petition, means to solicit signatures for the recall petition;
- (g) “Chief Electoral Officer” has the same meaning as in the *Election Act*;
- (h) “contribution” has the same meaning as in the *Election Finances and Contributions Disclosure Act*;
- (i) “Election Commissioner” has the same meaning as in the *Election Act*;
- (j) “elector” has the same meaning as in the *Election Act*;
- (k) “financial institution” has the same meaning as in the *Election Finances and Contributions Disclosure Act*;
- (l) “list of electors” has the same meaning as in the *Election Act*;
- (m) “member” means a member of the Legislative Assembly;
- (n) “personal expense”, of an authorized participant, means any of the following that are reasonably and personally incurred by the authorized participant during the recall canvassing period:
  - (i) travel expenses, including meals and accommodations;
  - (ii) child care expenses;
  - (iii) expenses relating to the care of an individual with a physical or mental incapacity for whom the authorized participant normally provides such care;
  - (iv) if the authorized participant has a disability, expenses related to their disability;
  - (v) audit and professional fees that are necessary for the authorized participant’s compliance with this Act;
  - (vi) incidental expenses incurred in respect of individuals who are volunteering for the authorized participant in respect of the recall process;

- (o) “petition return”, in respect of an authorized participant, means the petition return submitted by the chief financial officer for the authorized participant in accordance with section 16(1);
- (p) “petitioner”, in respect of a recall petition, means an individual who is eligible to sign the recall petition in accordance with section 5(1);
- (q) “post-polling-day list of electors” has the same meaning as in the *Election Act*;
- (r) “prescribed” means prescribed by regulation;
- (s) “recall canvassing period”, in respect of a recall petition, means the period that begins on the day that the Chief Electoral Officer issues the recall petition and ends on
  - (i) the day that the recall petition is submitted to the Chief Electoral Officer in accordance with section 8(1), or
  - (ii) if the recall petition is not submitted to the Chief Electoral Officer in accordance with section 8(1), the day on which the applicable period under that section expires;
- (t) “recall expense”, of an authorized participant, means an expense incurred by the authorized participant during the recall canvassing period that
  - (i) is not a personal expense, and
  - (ii) is an expense of a prescribed type of expense;
- (u) “recall petition” means a recall petition issued under section 3(1)(b)(ii);
- (v) “registered elector”, in respect of an electoral division, means an individual whose name is included on the list of electors that is maintained by the Chief Electoral Officer for that electoral division.

**(2)** Unless otherwise provided in this Act, words and expressions used in this Act have, as the case may be, the same meaning as provided in the *Election Act*, the *Election Finances and Contributions Disclosure Act* or the *Legislative Assembly Act*.

**Part 2**  
**Recall Process**

**Division 1**  
**Application for Issuance of Recall Petition**

**Application for issuance of recall petition**

**2(1)** Subject to subsection (3), an individual who is a registered elector in an electoral division may apply for the issuance of a recall petition in respect of their electoral division by

- (a) submitting an application to the Chief Electoral Officer in accordance with subsection (2), and
- (b) within 30 days of the day on which they submit the application, providing the Chief Electoral Officer with a processing fee in the amount of \$500.

**(2)** An application submitted under subsection (1)(a)

- (a) must contain the following information:
  - (i) the applicant's name and residential address;
  - (ii) the name of the member who is the subject of the application;
  - (iii) the applicant's solemn declaration that, on the day that they submit the application, they are a registered elector for the electoral division that is the subject of the application;
  - (iv) any other prescribed additional information;

and

- (b) must be in the form determined by the Chief Electoral Officer.

**(3)** An applicant may not submit an application

- (a) within the 18-month period immediately following the day on which the member who is named in the application was elected,
- (b) within the 6-month period immediately preceding a general election,

- (c) if, since the day on which the last general election occurred, a recall has been authorized under this Act in respect of the applicant's electoral division, until 18 months immediately following the day on which the next general election occurs, or
  - (d) if a recall petition has been issued in respect of the applicant's electoral division and
    - (i) the Chief Electoral Officer has not yet provided the notice referred to in section 10(a) in respect of the recall petition, or
    - (ii) the period within which the recall petition must be submitted to the Chief Electoral Officer under section 8(1) has not yet expired.
- (4)** If an applicant does not, within the applicable period, provide to the Chief Electoral Officer the processing fee referred to in subsection (1)(b)
- (a) the applicant's application is considered to be abandoned, and
  - (b) the Chief Electoral Officer is not required to take any further action in respect of the application.

**Issuance of recall petition**

**3(1)** Within 7 business days of receiving an application, the Chief Electoral Officer must

- (a) determine whether the application meets the requirements under section 2(1)(a), and
- (b) if the Chief Electoral Officer determines that the application does meet the requirements under section 2(1)(a), approve the application by
  - (i) providing written notice of their determination to
    - (A) the applicant,
    - (B) the member named in the application,
    - (C) if applicable, the individual who is the leader of the registered party to which the member named in the application belongs, and
    - (D) the Speaker of the Legislative Assembly,

- (ii) issuing to the applicant a recall petition in the form determined by the Chief Electoral Officer, and
- (iii) providing to each authorized participant in respect of the recall petition
  - (A) the number, in writing, of the electors whose names appear on the post-polling-day list of electors for the electoral division to which the recall petition relates, and
  - (B) the current list of electors for the electoral division to which the recall petition relates.

**(2)** If the Chief Electoral Officer determines that a recall petition does not meet the requirements under section 2(1)(a), the Chief Electoral Officer

- (a) must provide notice of the determination to the applicant, and
- (b) is not required to take any further action in respect of the application.

### **Public access to approved applications**

#### **4 The Chief Electoral Officer**

- (a) on request, must provide an individual with reasonable access to any application in the custody of the Chief Electoral Officer for which all notices described in section 3(1)(b)(i) have been provided,
- (b) must publish on their official website a copy of each application described in clause (a), and
- (c) may, through the publication of an application, disclose the name of the applicant or an individual acting on the applicant's behalf.



## **Division 2 Collection of Petitioners' Signatures**

### **Eligibility to sign recall petition**

**5(1)** An individual is eligible to sign a recall petition if, at the time of signing it, they qualify under the *Election Act* to be an elector for the electoral division to which the recall petition relates.

**(2)** For greater certainty, a petitioner may not sign a recall petition more than once.

### **Eligibility to canvass for signatures**

**6(1)** An individual may canvass on behalf of an authorized participant in respect of a recall petition only if during their period of canvassing they qualify under the *Election Act* to be an elector in any electoral division.

**(2)** An individual who is authorized under subsection (1) to canvass on behalf of an authorized participant

- (a) may enter any premises other than a private dwelling for the purpose of their canvassing, and
- (b) must, on entering the premises
  - (i) identify themselves to each occupant of the premises as a canvasser in respect of a recall petition, and
  - (ii) provide the following information to each occupant:
    - (A) their name;
    - (B) their role as a canvasser in the recall process;
    - (C) the name of the authorized participant for whom they are canvassing.

**(3)** A individual must not, neither directly nor indirectly

- (a) accept any inducement nor monetary benefit for canvassing on behalf of an authorized participant, or
- (b) provide any inducement nor monetary benefit to an individual who canvasses for the purpose of collecting signatures for a recall petition.

## **Signature and form requirements**

**7(1)** In making a determination under section 9(1)(b), the Chief Electoral Officer must count a signature contained in a recall petition only if

- (a) the recall petition meets the requirements set out in subsection (3),
- (b) each of the following is included in the recall petition in legible print and within reasonable proximity to the signature to which it relates:
  - (i) the petitioner's surname and given names or initials;
  - (ii) the petitioner's residential address or the legal description of the property where they reside;
  - (iii) the petitioner's contact information in the form of a phone number;
  - (iv) the date on which the petitioner signed the recall petition;

and

- (c) the petitioner's signing of the recall petition is witnessed in accordance with subsection (2).

**(2)** A petitioner's signing of a recall petition must be witnessed by another individual who is an adult by the following means:

- (a) the witness must sign the recall petition either
  - (i) directly opposite the signature that they witnessed, or
  - (ii) in the case of having witnessed multiple signatures at the same time, on every page for which they witnessed multiple petitioners sign the recall petition;
- (b) the witness must swear an affidavit that states that to the best of their knowledge the signatures that they witnessed were provided by individuals who are eligible to sign the recall petition.

**(3)** A recall petition

- (a) must consist of one or more pages, each page of which must contain an identical statement of the purpose of the recall petition,

- (b) must not be in digital form,
  - (c) must have attached to it a statement that identifies the individual who is acting as the representative of the petitioners and to whom the Chief Electoral Officer may direct any inquires about the recall petition, and
  - (d) must have attached to it each affidavit of a witness to a petitioner's signing of a recall petition referred to in subsection (2)(b).
- (4)** For greater certainty, the Chief Electoral Officer may not consider any of the following when making their determination under section 9(1)(b):
- (a) a signature that does not meet the requirements under subsection (1);
  - (b) all the signatures shown on a page of a recall petition that does not meet the requirements of subsection (3)(a);
  - (c) a recall petition that does not have the statement referred to in subsection (3)(c) attached to it.

### **Division 3**

#### **Determination Whether Recall Authorized**

##### **Limitation period for submitting recall petition**

- 8(1)** The Chief Electoral Officer may accept a recall petition only if it is submitted to them within the 60-day period immediately following the day on which they issued it under section 3(1)(b)(ii).
- (2)** For greater certainty
- (a) the Chief Electoral Officer may not accept a recall petition submitted on a day after the expiry of the 60-day period referred to in subsection (1),
  - (b) a recall petition submitted after the applicable 60-day period is to be treated as invalid, and
  - (c) a person must not add nor remove a signature from a recall petition after it has been submitted to the Chief Electoral Officer in accordance with subsection (1).
- (3)** As soon as practicable after an applicant's chief financial officer has submitted a petition return to the Chief Electoral Officer in accordance with section 16(1), the Chief Electoral Officer must

refund the application fee referred to in section 2(1)(b) to the applicant.

**Determination whether recall authorized**

**9(1)** Within 42 days after the day on which a recall petition is submitted in accordance with section 8(1), the Chief Electoral Officer must

- (a) subject to subsection (3), identify each signature contained in the recall petition that meets the requirements under section 7(1) up to the number of signatures required to authorize a recall under subsection (2), and
- (b) based on the number of signatures identified, determine whether a recall is authorized under subsection (2).

**(2)** A recall is authorized if the Chief Electoral Officer determines that the number of petitioners' signatures contained in a recall petition is equal to, or greater than, the number determined by the following formula:

$$A \times 0.4$$

where

A is the total number of electors' names included in the post-polling-day list of electors for the electoral division and the election to which the recall petition relates.

**(3)** If the Chief Electoral Officer is satisfied that carrying out the process of identifying each signature in a recall petition up to the number determined under subsection (2) would unreasonably interfere with the operations of the Office of the Chief Electoral Officer, the Chief Electoral Officer may decide to use an alternative method of identifying the number of signatures in a recall petition by applying a random statistical sampling method with a 95% confidence level to the signatures in the recall petition.

**(4)** If the Chief Electoral Officer decides to use a random statistical sampling method described in subsection (3) in respect of the signatures in a recall petition, the number of signatures determined by that method is, for the purpose of this Act, to be considered as the number of signatures in the recall petition.

### **Notice of determination**

**10** Within 2 business days of making a determination under section 9(1)(b), the Chief Electoral Officer must

- (a) provide notice, in writing, of the determination to the Clerk of the Legislative Assembly,
- (b) provide a copy of the notice referred to in clause (a) to each of the following:
  - (i) the member to whom the determination relates;
  - (ii) each authorized participant to whom the determination relates;
  - (iii) if applicable, the individual who is the leader of the registered party to which the member referred to in subclause (i) belongs; and
  - (iv) the Speaker of the Legislative Assembly;

and

- (c) publish on their official website a copy of the notice referred to in clause (a).

### **Effect of authorized recall**

**11** If the Chief Electoral Officer determines under section 9(1)(b) that a recall is authorized, on the 8th day after the day on which the Chief Electoral Officer provides notice of that determination to the Clerk of the Legislative Assembly in accordance with section 10(a)

- (a) the individual who is named as the member in the recall petition is considered to have been recalled,
- (b) the individual is no longer a member of the Legislative Assembly, and
- (c) for the purpose of section 32(1) of the *Legislative Assembly Act*, the seat to which the individual was elected as a member is to be considered as vacant.

**Required return of list of electors and destruction of copies**

**12** Within 2 days of the day on which the Chief Electoral Officer provides a copy of a notice to an authorized participant in accordance with section 10(b)(ii), the authorized participant must

- (a) return to the Chief Electoral Officer the copy of the list of electors provided to them in accordance with section 3(1)(b)(iii)(B), and
- (b) destroy all additional copies of the list of electors that they, or any person acting on their behalf, made.

**Part 3**  
**Recall Financing and Expense Limits**

**No contributions nor recall expenses except through chief financial officer**

- 13(1)** A person must not contribute to an authorized participant in respect of a recall petition except as provided in subsection (2).
- (2)** An individual who is an elector may make contributions to an authorized participant in a recall petition but the total amount of all contributions by that elector to the authorized participant must not exceed \$4000.
- (3)** An authorized participant must not accept any contributions nor incur any recall expenses in respect of their participation in a recall petition except through their chief financial officer who is appointed in accordance with section 14(1).
- (4)** Subsection (1) does not apply with respect to the personal expenses of an authorized participant.

**Appointment of chief financial officer**

- 14(1)** An authorized participant must appoint an individual as their chief financial officer for the purpose of the collection of all contributions and the incurring of all recall expenses in respect of a recall petition for which the authorized participant is participating.
- (2)** An authorized participant may appoint the following as their chief financial officer:
- (a) themselves to act on their own behalf, or
  - (b) another individual.

**(3)** An authorized participant may not appoint another individual to act as their chief financial officer if the individual

- (a) is an election official or employed by, or has a contract of service with, the Chief Electoral Officer or the Election Commissioner,
- (b) does not have the full capacity to enter into contracts, or
- (c) within the previous 7 years, has been convicted of an offence under this Act, the *Election Act* or the *Election Finances and Contributions Disclosure Act*.

**(4)** If an authorized participant decides to appoint another individual as their chief financial officer, they must do so by

- (a) setting out the appointment in writing and including the following information in respect of the individual:
  - (i) their name;
  - (ii) their mailing address and phone number;
  - (iii) the effective date of their appointment;

and

- (b) attaching to the appointment each of the following:
  - (i) a statement signed by the individual that states that they consent to act as the authorized participant's chief financial officer;
  - (ii) a statement signed by the individual that states that the individual is not disqualified from acting as the authorized participant's chief financial officer.

**(5)** An authorized participant must, as soon as practicable, deliver the following to the Chief Electoral Officer:

- (a) a statement as to whether or not the authorized participant is acting as their own chief financial officer;
- (b) if the authorized participant is not acting as their own chief financial officer, a copy of the appointment and statements referred to in subsection (4);

- (c) an address to which notices provided under this Act may be delivered to the chief financial officer or the authorized participant.

**(6)** If the authorized participant makes a change to an appointment that they made under subsection (1), the authorized participant must, as soon as practicable, notify the Chief Electoral Officer of that change.

#### **Duties of chief financial officer**

**15(1)** Without limiting the obligations of a chief financial officer under any other provision of this Act, the chief financial officer must, in accordance with the regulations, if any, carry out each of the following:

- (a) ensure that all recall contributions, recall expenses, personal expenses and other income or expenses relating to the recall petition are properly recorded to allow compliance with the reporting requirements under this Act and its regulations;
- (b) ensure that all money received by or on behalf of the authorized participant in relation to a recall petition is deposited into an account in a financial institution;
- (c) ensure that all recall expenses of the authorized participant are paid from the account referred to in clause (b);
- (d) ensure that all records required to be kept by the authorized participant under this Act are located and maintained in Alberta;
- (e) ensure that all financial records and receipts of the authorized participant in relation to a recall petition are retained for at least 6 years from the day on which the chief financial officer submits a petition return in respect of the recall petition in accordance with section 16(1).

**(2)** A chief financial officer is not personally liable for any liability of the authorized participant for whom they are acting unless the liability is personally guaranteed by the chief financial officer.

#### **Finance reporting through petition return**

**16(1)** Within 60 days after the day on which a recall petition is submitted to the Chief Electoral Officer in accordance with section



8(1), the chief financial officer for an authorized participant must submit a petition return to the Chief Electoral Officer that sets out each of the following:

- (a) the amount of contributions to the authorized participant in respect of the recall petition;
- (b) the amount of recall expenses of the authorized participant in respect of the recall petition;
- (c) the unexpended funds that the chief financial officer holds on behalf of the authorized participant in respect of the recall petition;
- (d) any other prescribed additional information.

**(2)** Despite a recall petition not being submitted to the Chief Electoral Officer within the applicable period referred to in section 8(1), the chief financial officer for an authorized participant must, in accordance with subsection (1), submit to the Chief Electoral Officer a petition return for the recall petition no later than the 120th day after the day on which the recall petition was issued under section 3(1)(b)(ii).

**(3)** On reviewing a petition return submitted under subsection (1), the Chief Electoral Officer may request the chief financial officer who submitted the petition return to provide the Chief Electoral Officer with an audited financial report, prepared by a professional accounting firm registered under the *Chartered Professional Accountants Act*, in respect of the contributions and recall expenses set out in the petition return.

### **Unexpended funds held in trust**

**17(1)** All unexpended funds held by the chief financial officer of an authorized participant in respect of a recall petition are, on the day that the Chief Electoral Officer issues the notice under section 10(a), considered to be funds held in trust by the authorized participant.

**(2)** If unexpended funds have been reported in a petition return submitted in accordance with section 16(1), an authorized participant may, in respect of those funds, provide notice in writing to the Chief Electoral Officer that they intend for those funds to be transferred to one or more registered charities.

**(3)** An authorized participant may transfer unexpended funds described in subsection (2) only to one or more registered charities if the Chief Electoral Officer provides to the authorized participant

written confirmation that their petition return, to which the unexpended funds relate, is acceptable.

(4) If, on the 60th day after the day on which the Chief Electoral Officer provides written confirmation that an authorized participant's petition return is acceptable, the authorized participant has not transferred all unexpended funds referred to in the petition return to one or more registered charities, the authorized participant must immediately transfer all unexpended funds to the Chief Electoral Officer for deposit in the General Revenue Fund.

(5) For greater certainty, an authorized participant must not transfer any unexpended funds to a registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or registered third party.

### **Expense limit**

**18** An authorized participant nor their chief financial officer must not incur a combined total amount of recall expenses and personal expenses in respect of a recall petition that exceeds

- (a) the prescribed amount, or
- (b) if no amount is prescribed, \$50 000.

## **Part 4 Election Commissioner**

### **Duties and powers of the Election Commissioner**

**19(1)** The Election Commissioner may, on their own initiative or at the request of another person or organization, conduct an investigation into any matter that might constitute an offence under this Act.

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

(3) Subject to subsection (4), for the purpose of conducting an investigation under this Act, a representative of the Election Commissioner, on production of the representative's authorization from the Election Commissioner, may at any reasonable time enter any premises referred to in the authorization in which books or documents relevant to the subject matter of the investigation are kept and may examine and make copies of the books or documents or remove them temporarily for the purpose of making copies.

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

- (a) obtain the consent of the occupant, or the legal representative of the occupant, of the private dwelling or the part of the premises used as a private dwelling, or
- (b) obtain an order from the Court.

### **Notice of investigation and conclusion**

**20(1)** At any time before completing an investigation referred to in section 19(1), the Election Commissioner must notify any person or organization who is the subject of the investigation that the person or organization is being investigated and specify the nature of the matter being investigated unless the Election Commissioner believes that doing so would compromise the investigation.

**(2)** The Election Commissioner may refuse to conduct an investigation, or may cease an investigation, if the Election Commissioner believes that

- (a) a person's request for the investigation is frivolous or vexatious, or
- (b) there are no or insufficient grounds to warrant an investigation or to continue the investigation.

**(3)** The Election Commissioner must not make an adverse finding against a person or organization unless that person or organization has had reasonable notice of the substance of the allegations and a reasonable opportunity to present their views.

**(4)** If the Election Commissioner refuses to conduct or ceases an investigation, or determines that no offence has been committed, the Election Commissioner

- (a) must provide notice of that decision to
  - (i) every person or organization who
    - (A) is the subject of the investigation, or
    - (B) would have been the subject of the investigation if the Election Commissioner had not refused to conduct it,

and

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

and

- (b) may, as the Election Commissioner considers necessary, provide notice of that decision to any other person or organization involved in the matter.

## **Part 5 Offence and Penalties**

### **Offence**

**21(1)** A person commits an offence if they

- (a) knowingly make a false or misleading statement concerning the contents or effect of a recall petition,
- (b) refuse to allow another individual to read a recall petition, or
- (c) affix a false or forged signature on a recall petition.

**(2)** A person commits an offence if they contravene any of the following provisions:

- (a) section 6(3);
- (b) section 12;
- (c) sections 13(1) or (3);
- (d) section 15(1);
- (e) sections 16(1) or (2);
- (f) sections 17(3) or (4);
- (g) section 18.

### **Penalties**

**22** A person who commits an offence under section 21 is liable to

- (a) a fine not to exceed \$5000,

- (b) imprisonment for a term of not more than one year, or
- (c) both.

## **Part 6 General**

### **Regulations**

**23** The Lieutenant Governor in Council may make regulations

- (a) for the purpose of section 1(1)(c)(iii), prescribing a person or entity as an authorized participant;
- (b) for the purpose of section 1(1)(t)(ii), prescribing an expense as a recall expense;
- (c) for the purpose of section 2(2)(a)(iv), prescribing additional information that must be included in an application;
- (d) respecting the manner in which the chief financial officer must carry out their duties under section 15(1);
- (e) for the purpose of section 16(1)(d), prescribing additional information that must be included in a petition return;
- (f) prescribing an amount for the purpose of section 18(a);
- (g) applying provisions of the *Election Act* or the *Election Finances and Contributions Disclosure Act* to any matter dealt with under this Act;
- (h) providing for modifications to the provisions referred to in clause (g) that are necessary to ensure that the application of those provisions to a matter under this Act is consistent with the purpose of this Act;
- (i) establishing additional prohibitions or offences in respect of any matter dealt with under this Act;
- (j) prescribing additional powers or duties of the Chief Electoral Officer;
- (k) prescribing additional powers or duties of the Election Commissioner;

- (l) defining words or expressions that are used but not defined in this Act;
- (m) generally, for all matters necessary for the application and operation of this Act.

## **Part 7 Consequential Amendments**

### **Amends RSA 2000 cE-1**

**24(1) The *Election Act* is amended by this section.**

**(2) Section 3.1(1) is amended by striking out** “in this Act, the *Alberta Senate Election Act* or the *Election Finances and Contributions Disclosure Act*” **and substituting** “in this Act, the *Alberta Senate Election Act*, the *Election Finances and Contributions Disclosure Act* or the *Election Recall Act*”.

**(3) Section 4 is amended**

- (a) **in subsection (2)(a) by striking out** “of this Act and the *Election Finances and Contributions Disclosure Act*” **and substituting** “of this Act, the *Election Finances and Contributions Disclosure Act* and the *Election Recall Act*”;
- (b) **in subsection (2.1) by striking out** “under this Act, the *Election Finances and Contributions Disclosure Act*” **and substituting** “under this Act, the *Election Finances and Contributions Disclosure Act*, the *Election Recall Act*”.

**(4) Section 5.1 is amended by striking out** “under this Act, the *Election Finances and Contributions Disclosure Act* or the *Alberta Senate Election Act*” **and substituting** “under this Act, the *Election Finances and Contributions Disclosure Act*, the *Election Recall Act* or the *Alberta Senate Election Act*”.

## Explanatory Notes

**24(1)** Amends chapter E-1 of the Revised Statutes of Alberta 2000.

**(2)** 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, the Alberta Senate Election 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.*

**(3)** Section 4 presently reads in part:

*4(2) The Chief Electoral Officer shall from time to time*

*(a) provide the public with information about the election process, the democratic right to vote, the right to be a candidate and, generally, about the operation of this Act and the Election Finances and Contributions Disclosure Act,*

*4(2.1) The Chief Electoral Officer may from time to time meet with representatives of the registered political parties that are represented in the Legislative Assembly concerning the election process or activities under this Act, the Election Finances and Contributions Disclosure Act or the Alberta Senate Election Act.*

**(4)** 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 Alberta Senate Election Act.*

**(5) Section 153.03 is amended by striking out** “in this Act or the *Election Finances and Contributions Disclosure Act*” **and substituting** “in this Act, the *Election Finances and Contributions Disclosure Act* or the *Election Recall Act*”.

**(6) Section 153.04 is amended by striking out** “under this Act and the *Election Finances and Contributions Disclosure Act*” **and substituting** “under this Act, the *Election Finances and Contributions Disclosure Act* and the *Election Recall Act*”.

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



**(5)** Section 153.03 presently reads:

*153.03(1) Before beginning the duties of office, the Election Commissioner 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 Election Commissioner under this or any other Act.*

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

**(6)** Section 153.04 presently reads:

*153.04(1) There shall be a department of the public service of Alberta called the Office of the Election Commissioner, consisting of the Election Commissioner and those officers and employees appointed pursuant to the Public Service Act who are required to assist the Election Commissioner in carrying out the duties and functions of the Election Commissioner under this Act and the Election Finances and Contributions Disclosure Act.*

*(2) On the recommendation of the Election Commissioner, the Standing Committee may order that*

*(a) any regulation, order or directive made under the Financial Administration Act,*

*(b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the Public Service Act, or*

*(c) any regulation, order, determination, direction or other decision under the Public Sector Compensation Transparency Act*

*be inapplicable to, or be varied in respect of, the Office of the Election Commissioner or any particular employee or class of employees in the Office of the Election Commissioner.*

**(7)** Section 153.05 presently reads:

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

**(8) Section 153.092 is amended**

- (a) **in subsections (1) and (2)(b) by striking out** “and the *Local Authorities Election Act*” **and substituting** “, the *Local Authorities Election Act* and the *Election Recall Act*”;
- (b) **in subsection (3) by striking out** “or the *Local Authorities Election Act*” **and substituting** “, the *Local Authorities Election Act* or the *Election Recall Act*”.

**Amends RSA 2000 cL-9**

**25(1) The *Legislative Assembly Act* is amended by this section.**

**(2) Section 32(2) is amended by adding** “or 3 months if the vacancy is due to an authorized recall under the *Election Recall Act*” **after** “Chief Electoral Officer.”

**(8)** Section 153.092 presently reads in part:

*153.092(1) The Election Commissioner shall after the end of each year prepare a report on the exercise of the Election Commissioner's functions under this Act, the Election Finances and Contributions Disclosure Act and the Local Authorities Election Act, and shall transmit the report to the Standing Committee on Legislative Offices, which shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting of the Assembly.*

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

*(b) the number of investigations commenced pursuant to this Act, the Election Finances and Contributions Disclosure Act and the Local Authorities Election Act and, with respect to each investigation,*

*(3) Where, in the opinion of the Election Commissioner, it is in the public interest to do so, the Election Commissioner shall publish a special report on the Election Commissioner's website relating to any matter within the scope of the Election Commissioner's responsibilities under this Act, the Election Finances and Contributions Disclosure Act or the Local Authorities Election Act, including a report referring to and commenting on any particular matter investigated by the Election Commissioner.*

**25(1)** Amends chapter L-9 of the Revised Statutes of Alberta 2000.

**(2)** Section 32(2) presently reads:

*(2) Within 6 months after the delivery of the warrant to the Chief Electoral Officer, an order shall be made under section 39 of the Election Act authorizing the issue of a writ for an election to fill the vacancy.*

# Record of Debate

STAGE	DATE	MEMBER	FROM	TO	TOTAL	CUMULATIVE TOTAL