

2020 Bill 27

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Second Session, 30th Legislature, 69 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 27**

## **ALBERTA SENATE ELECTION AMENDMENT ACT, 2020**

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THE MINISTER OF JUSTICE AND SOLICITOR GENERAL

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 27*

## **BILL 27**

2020

### **ALBERTA SENATE ELECTION AMENDMENT ACT, 2020**

*(Assented to , 2020)*

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

**Amends SA 2019 cA-33.5**

**1 The *Alberta Senate Election Act* is amended by this Act.**

**2 Section 10(1) is amended**

- (a) in clause (d) by striking out “name, address and telephone number” and substituting “name and contact information”;**
- (b) in clause (e) by striking out “confirmation” and substituting “affidavit”.**

## Explanatory Notes

**1** Amends chapter A-33.5 of the Statutes of Alberta, 2019.

**2** Section 10(1) presently reads in part:

*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*

- (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,*

**3 Section 11(1)(b) is amended by striking out** “or certified bill of exchange”.

**4 Section 18(7) is repealed and the following is substituted:**

(7) Subject to the regulations, the ballot must be in a form established by the Chief Electoral Officer.

**5 Section 23(1) is amended**

(a) **in clause (a) by adding** “and served on the Chief Electoral Officer” **after** “must be filed”;

(b) **in clause (b) by adding** “referred to in section 20(5)” **after** “Tabulation of Official Results”;

(c) **by adding the following after clause (b):**

(b.1) the recount with respect to any ballots counted by tabulator shall be a review of the tabulation results,

**6 Section 27(1) is amended by adding the following after clause (f):**

(f.1) in the case of an election under this Act to which Part 2 applies, providing that section 111 of the *Election Act* applies with the modifications set out in the regulations or specifying or setting out provisions that apply in respect of such an election in addition to, or instead of, section 111 of the *Election Act*;

- (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,*

**3** Section 11(1)(b) presently reads:

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

- (b) *a certified cheque or certified bill of exchange,*

**4** Section 18(7) presently reads:

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

**5** Section 23(1) presently reads in part:

*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,*

**6** Section 27(1) presently reads in part:

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

- (f) *respecting forms, including the form of ballot, notices, declarations and oaths to be used for the purpose of an election under this Act;*

- (f.2) in the case of an election under this Act to which Part 3 applies, providing that section 85 of the *Local Authorities Election Act* applies with the modifications set out in the regulations or specifying or setting out provisions that apply in respect of such an election in addition to, or instead of, section 85 of the *Local Authorities Election Act*;

**7 Section 29(1) is amended**

- (a) **by adding** “and the regulations” **after** “in this Part”;
- (b) **by striking out** “sections 136,” **and substituting** “sections 133, 134, 136,”.

**8 Section 33(1)(b) is amended by striking out** “Senatorial Selection” **and substituting** “Senate Election”.

**9 Section 42 is amended by renumbering it as section 42(1) and adding the following after subsection (1):**

(2) Where an elected authority, band council of an Indian band, advisory committee or council has entered into an agreement with the Minister under section 38(5) to conduct a vote on the Minister’s behalf in one or more local areas, the elected authority, band council, advisory committee or council, as the case may be, may combine those local areas and divide them into one or more subdivisions.

(3) For the purpose of subsection (2), “local area” means a municipality, improvement district, special area or Indian reserve or a park as defined in the *Canada National Parks Act* (Canada).

**10 Section 44 is amended**

- (a) **in subsection (1) by striking out** “name of the candidate” **and substituting** “name of the candidate or candidates”;

**7** Section 29(1) presently reads:

*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.*

**8** Section 33(1) presently reads in part:

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

*(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*

**9** Section 42 presently reads:

*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.*

**10** Section 44 presently reads in part:

*44(1) On receiving a ballot from the officer presiding at the voting station, the elector shall forthwith proceed into the voting*

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

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

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

**(5)** If a bylaw is passed in a local jurisdiction for the use of alternative voting equipment under section 84 of the *Local Authorities Election Act*, subsections (1), (2) and (3) do not apply in that local jurisdiction.

**11 Section 46(1) is amended by striking out “senatorial candidate” and substituting “Senate candidate”.**

**12 Section 48 is amended by adding the following after subsection (3):**

**(4)** The returning officer shall reject any ballot that contains votes for more candidates than the number of persons to be elected.

**13 The following is added after section 48:**

**Ballot boxes for recount**

**48.1** Where an election under this Act is to be held in accordance with this Part, every council, Metis settlement council, elected authority, band council of an Indian band, advisory committee of an improvement district or special area or the council of a summer village that has conducted a vote under section 38 must provide the ballot boxes to the Chief Electoral Officer to allow for a judicial recount under section 23.

*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.*

*(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.*

**11** Section 46(1) presently reads:

*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.*

**12** Section 48 presently reads:

*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.*

**13** Ballot boxes for recount.

**14 The following is added after section 49:**

**Ministerial powers**

**49.1** The Minister responsible for the *Local Authorities Election Act* may give directions in order to remove any difficulty or impossibility of applying the provisions of the *Local Authorities Election Act* referred to in section 37 to an election under this Act.

**Related Amendments**

**Amends RSA 2000 cE-2**

**15(1) The *Election Finances and Contributions Disclosure Act* is amended by this section.**

**(2) Section 12(5) is repealed and the following is substituted:**

(5) Subsections (1), (3) and (4) do not apply to a candidate in relation to an election under the *Alberta Senate Election Act*.

(6) Any campaign funds held by a candidate in relation to an election under the *Alberta Senate Election Act* at the end of a campaign period that include contributions received by the candidate for the purpose of the candidate's campaign shall, within the period during which a campaign return with respect to a campaign period must be filed under section 43,

- (a) be returned to the contributors who contributed to the candidate's campaign in accordance with the directions of the Chief Electoral Officer,
- (b) be donated to a registered charity, or
- (c) if the campaign funds or any portion of the campaign funds cannot be dealt with in accordance with clause (a) or (b), be paid to the Chief Electoral Officer for deposit into the General Revenue Fund.

**(3) Section 20 is amended**

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

**14** Ministerial powers.

### **Related Amendments**

**15(1)** Amends chapter E-2 of the Revised Statutes of Alberta 2000.

(2) Section 12 presently reads in part:

*(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.*

(3) Section 20 presently reads:

*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.*

**Excessive contributions re Senate election**

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

- (b)** in subsection (2) by striking out “registered party or registered candidate” and substituting “registered candidate”.

**(4) Section 21 is repealed and the following is substituted:**

**Prohibition re Senate election**

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

**(2)** If the chief financial officer of a registered party or registered constituency association learns that a contribution was accepted by the registered party or registered constituency association or by a person acting for the registered party or registered 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.

**(3)** Subject to section 41.2(1.1), nothing in this section or section 38 prohibits a registered party from using funds received from contributors under section 17 or the registered party’s real property, goods or services to support a registered candidate in relation to an election under the *Alberta Senate Election Act* during the campaign period for that election, but any such use must be recorded in the form and manner prescribed by the Chief Electoral Officer.

**(5) Section 38 is amended**

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

**(2.1)** Notwithstanding subsections (1) and (2), funds or real property or the use of real property acquired by a registered candidate 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) 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.*

(4) Section 21 presently reads:

*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.*

(5) Section 38 presently reads in part:

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

*(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) in subsection (2.2) by striking out “registered political party” and substituting “registered party”.

**(6) The heading before section 44.941 is repealed and the following is substituted:**

**Part 6.11  
Third Party Advertising —  
Senate Elections**

**(7) Section 44.941 is amended**

- (a) in subsection (1)
  - (i) by repealing clause (a);
  - (ii) in clause (b) by striking out “subsection (2)(a)” wherever it occurs and substituting “subsection (1.1)”;
  - (iii) in clause (e)(ii) by striking out “an election” and substituting “a Senate election”;
  - (iv) in clause (f) by striking out “advertising contributions for senatorial selection advertising and for the payment of advertising expenses for senatorial selection” and substituting “Senate election advertising contributions and for the payment of Senate election advertising expenses”;
  - (v) by adding the following after clause (g):
    - (g.1) “Senate election advertising expense” means an expense incurred in relation to

*(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.*

(6) The heading before section 44.941 presently reads:

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

(7) Section 44.941 presently reads in part:

*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*

- (i) the production of a Senate election 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 Senate election advertising message;

**(vi) by repealing clause (h) and substituting the following:**

- (h) “Senate election advertising period” means
  - (i) in the case of an election under the *Alberta Senate Election 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 the *Alberta Senate Election 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;

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

**(1.1)** For the purposes of subsection (1)(b)(iii) and (iv), “services” does not include 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 but, for greater certainty, does include services provided by a person who is self-employed if the services are normally charged for by that person.

*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;*

(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*

(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,*

(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*

**(8) Section 44.942 is amended**

- (a) in subsection (1) by striking out** “advertising expenses” **and substituting** “Senate election advertising expenses”;
- (b) in subsection (2) by striking out** “combined election advertising expenses” **and substituting** “combined Senate election advertising expenses”;
- (c) in subsection (5) by striking out** “advertising expense” **and substituting** “Senate election advertising expense”.

**(9) Section 44.943 is amended**

- (a) in subsection (1) by striking out** “advertising contribution” **wherever it occurs and substituting** “Senate election advertising contribution”;
- (b) in subsection (2) by striking out** “advertising contributions” **and substituting** “Senate election advertising contributions”;
- (c) in subsection (6) by striking out** “an advertising contribution” **and substituting** “a Senate election advertising contribution”.

*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;*

(8) Section 44.942 presently reads in part:

*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.*

*(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.*

(9) Section 44.943 presently reads in part:

*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.*

*(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*

**(10) Section 44.944 is amended by striking out “an advertising contribution” and substituting “a Senate election advertising contribution”.**

**(11) Section 44.945(2) is amended by adding “for a Senate election” after “advertising contribution”.**

**(12) Section 44.946 is amended**

**(a) in the portion preceding clause (a)**

**(i) by striking out “an advertising contribution” and substituting “a Senate election advertising contribution”;**

**(ii) by striking out “pay for advertising expenses” and substituting “pay for Senate election advertising expenses”;**

**(b) in clause (a)**

**(i) by striking out “an advertising contribution” and substituting “a Senate election advertising contribution”;**

**(ii) in subclause (ii) by striking out “election advertising” and substituting “Senate election advertising”;**

**(c) in clauses (b), (c) and (d) by striking out “advertising contributions” wherever it occurs and substituting “Senate election advertising contributions”.**

*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.*

(10) Section 44.944 presently reads:

*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.*

(11) Section 44.945(2) presently reads:

*(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.*

(12) Section 44.946 presently reads in part:

*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*
  - (ii) it was made explicit whether the amounts being collected were for election advertising, and*
- (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.*

**(13) Section 44.947 is amended**

- (a) in subsection (1) by striking out** “advertising contributions” **wherever it occurs and substituting** “Senate election advertising contributions”;
- (b) in subsection (2) by striking out** “an advertising contribution” **and substituting** “a Senate election advertising contribution”.

**(14) Section 44.948 is amended**

- (a) in subsection (3)**
  - (i) in the portion preceding clause (a) by striking out** “advertising contribution” **and substituting** “Senate election advertising contribution”;
  - (ii) in clause (a)(i), (ii) and (iii) by striking out** “an advertising contribution” **wherever it occurs and substituting** “a Senate election advertising contribution”;
  - (iii) in clause (b) by striking out** “advertising contribution” **and substituting** “Senate election advertising contribution”;
- (b) in subsection (4) by striking out** “an advertising contribution” **and substituting** “a Senate election advertising contribution”.

**(15) Section 44.949(1) is amended by striking out** “advertising contributions” **and substituting** “Senate election advertising contributions”.

(13) Section 44.947 presently reads:

*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.*

(14) Section 44.948 presently reads in part:

*(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.*

(15) Section 44.949(1) presently reads:

*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*

**(16) Section 44.9491(2) is amended by striking out “an advertising contribution” and substituting “a Senate election advertising contribution”.**

**(17) Section 44.9492 is amended by striking out “advertising contribution” wherever it occurs and substituting “Senate election advertising contribution”.**

**(18) Section 44.9493 is amended**

- (a) in subsection (1) by striking out “an advertising contribution” and substituting “a Senate election advertising contribution”;**
- (b) in subsection (2) by striking out “advertising contribution” and substituting “Senate election advertising contribution”;**
- (c) in subsection (3) by striking out “an advertising contribution” wherever it occurs and substituting “a Senate election advertising contribution”.**

*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.*

(16) Section 44.9491(2) presently reads:

*(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.*

(17) Section 44.9492 presently reads:

*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.*

(18) Section 44.9493 presently reads:

*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.*

**(19) Section 44.9494 is amended by striking out** “advertising contribution” **and substituting** “Senate election advertising contribution”.

**(20) Section 44.9495 is amended**

- (a) in subsection (1) by striking out** “All election advertising expenses” **and substituting** “All Senate election advertising expenses”;
- (b) in subsection (3) by striking out** “advertising expense” **and substituting** “Senate election advertising expense”;
- (c) in subsection (4) by striking out** “advertising contribution” **and substituting** “Senate election advertising contribution”;
- (d) in subsection (6) by striking out** “All election advertising expenses” **and substituting** “All Senate election advertising expenses”.

**(21) Section 44.9497 is amended**

- (a) by striking out** “advertising contributions” **wherever it occurs and substituting** “Senate election advertising contributions”;
- (b) in subsection (1)(b) by striking out** “advertising contribution” **and substituting** “Senate election advertising contribution”.

*(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.*

(19) Section 44.9494 presently reads:

*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.*

(20) Section 44.9495 presently reads in part:

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

*(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.*

*(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.*

(21) Section 44.9497 presently reads:

*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*

**(22) Section 44.9498 is amended**

**(a) in subsection (1)**

- (i) in clause (b) by striking out** “advertising contributions” **and substituting** “Senate election advertising contributions”;
- (ii) in clause (c) by striking out** “advertising expense” **and substituting** “Senate election advertising expense”;
- (iii) in clause (d) by striking out** “advertising expenses” **and substituting** “Senate election advertising expenses”;

**(b) in subsection (3) by striking out** “advertising contributions” **and substituting** “Senate election advertising contributions”;

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

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

- (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.*

(22) Section 44.9498 presently reads in part:

*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*

- (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*

*(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.*

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

- (i) by striking out “contributions” and substituting “Senate election advertising contributions”;**
- (ii) by striking out “advertising contributions” and substituting “Senate election advertising contributions”;**
- (iii) by striking out “advertising contribution” and substituting “Senate election advertising contribution”;**

**(e) in subsection (6) by striking out “election advertising expense” and substituting “Senate election advertising expense”;**

**(f) in subsection (7) by striking out “election advertising return” and substituting “Senate election advertising return”.**

**(23) Section 44.9499(1) is amended by striking out “election advertising expenses” and substituting “Senate election advertising expenses”.**

**(24) Section 44.94991(5) is amended by striking out “an election advertising return” and substituting “a Senate election advertising return”.**

**(25) The following sections are amended by striking out “senatorial selection” wherever it occurs and substituting “Senate election”:**

section 4(1)(b)(iii) and (i.1);  
section 9.1(1)(a) and (2)(c);  
section 10(4.2) and (13);  
section 44.941(1)(e), (f), (g) and (3);  
section 44.942(1), (5), (6) and (7);  
section 44.943(1), (2), (3), (4) and (5);  
section 44.944;  
section 44.945(1) and (2);

*(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.*

(23) Section 44.9499(1) presently reads:

*44.9499(1) The chief financial officer of a third party whose election advertising expenses are \$20 000 or more shall file an audited financial statement with the Chief Electoral Officer within 6 months after polling day.*

(24) Section 44.9499(5) presently reads:

*(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.*

(25) Update terminology.

section 44.948(5);  
section 44.949(2);  
section 44.9491(3);  
section 44.9495(1) and (6);  
section 44.9496(1) and (4);  
section 44.9497(1) and (2);  
section 44.9498(1) and (3);  
section 44.94991(1) and (2);  
section 44.95(a)(v);  
section 51.01(2)(c).







