

2020 Bill 29

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Second Session, 30th Legislature, 69 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 29**

## **LOCAL AUTHORITIES ELECTION AMENDMENT ACT, 2020**

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THE MINISTER OF MUNICIPAL AFFAIRS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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Bill 29

## BILL 29

2020

### LOCAL AUTHORITIES 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 RSA 2000 cL-21**

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

**2 Section 1 is amended by adding the following after clause (s.1):**

(s.2) “nomination period” means the relevant period referred to in section 25(2);

**3 Section 12 is amended**

(a) in clause (a)(i) by striking out “6 weeks” and substituting “4 weeks”;

(b) in clause (d) by adding “, (1.1) and (1.2)” after “28(1)”.

**4 Section 13(2.1) is amended by adding “or vote on a question or bylaw” after “by-election” wherever it occurs.**

## Explanatory Notes

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

**2** Section 1 presently reads in part:

*1 In this Act,*

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

**3** Section 12 presently reads in part:

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

*(d) in the case of a general election, nominations for councillors shall be received by the returning officer in June or July or both June and July in the year in which an election is to be held at a date and place and between the hours established by council, and sections 25 and 28(1) do not apply,*

**4** Section 13(2.1) presently reads:

*(2.1) An elected authority must, by resolution, appoint a substitute returning officer by June 30 of the year in which the election occurs*

**5 Section 25(1) is amended by striking out “6 weeks” and substituting “4 weeks”.**

**6 Section 27(1.1)(c) is amended by striking out “its” and substituting “the candidate’s”.**

**7 Section 28 is amended**

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

**Nominations**

**28(1)** Subject to subsection (1.2), nominations shall be submitted at the local jurisdiction office at any time during the nomination period.

**(1.1)** An elected authority may, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, provide that a returning officer may establish one or more locations, in addition to the local jurisdiction office, where a deputy may receive nominations.

**(1.2)** If an elected authority passes a bylaw referred to in subsection (1.1), nominations shall be submitted to the local jurisdiction office or any location established by the returning officer at any time during the nomination period.

**(b) in subsections (2) and (3) by striking out “subsection (1)” and substituting “this section”;**

**(c) in subsection (6) by striking out “relevant period referred to in section 25(2)” and substituting “nomination period”.**

*or, for a by-election, in the resolution or bylaw that fixes the day for the by-election.*

**5** Section 25(1) presently reads:

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

**6** Section 27(1.1) presently reads in part:

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

- (c) the name and address of the financial institutions to be used by or on behalf of the candidate for its campaign account, if applicable;*

**7** Section 28 presently reads in part:

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

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

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

*(6) At any time after the commencement of the relevant period referred to in section 25(2) until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy or secretary.*

**8 Section 32 is repealed and the following is substituted:**

**Withdrawal of nomination**

**32(1)** A person nominated as a candidate may withdraw as a candidate at any time during the nomination period.

**(2)** Subject to subsection (3), at any time within 24 hours after the close of the nomination period, if more than the required number of candidates for any particular office are nominated, any person so nominated may withdraw as a candidate for the office for which the candidate was nominated by filing with the returning officer a withdrawal in writing.

**(3)** If, after one or more candidates have withdrawn in accordance with subsection (2), the number of remaining candidates does not exceed the number of vacancies to be filled, the returning officer shall refuse to accept further withdrawals.

**9 Section 53 is amended**

**(a) in subsection (3)(b)**

**(i) by adding** “one of the following:” **after** “by producing”;

**(ii) in subclause (ii) by striking out** “or”;

**(b) by repealing subsection (6) and substituting the following:**

**(6)** An elector shall not vouch for a person if any of the following circumstances apply:

**(a)** the elector has relied on the process described in subsection (4) to validate the elector’s identity, address and, if applicable, age;

**(b)** subject to subsection (6.1), the elector has already vouched for another person.

**(6.1)** An elector may vouch for more than one person if every person the elector vouches for shares the same place of residence.

**8** Section 32 presently reads:

*32(1) Subject to subsection (2), if more than the required number of candidates for any particular office are nominated, any person so nominated may, at any time within 24 hours after the close of the nomination period, withdraw as a candidate for the office for which the candidate was nominated by filing with the returning officer a withdrawal in writing.*

*(2) If, after one or more candidates have withdrawn, the number of remaining candidates does not exceed the number of vacancies to be filled, the returning officer shall refuse to accept further withdrawals.*

**9** Section 53 presently reads in part:

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

*(b) by producing*

*(i) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the person, the person's name and the address of the person's residence,*

*(ii) one piece of identification authorized by the Chief Electoral Officer under the Election Act for the purposes of section 95(1)(a)(ii) of that Act that establishes the person's name and current address, or*

*(iii) one piece of other acceptable identification referred to in section 53.02.*

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

**10 Sections 68.1(2), 69(1.1) and 70(2.1) are amended by adding “, the *Election Finances and Contributions Disclosure Act*” after “the *Election Act*”.**

**11 Section 73 is amended**

- (a) by repealing subsection (1);**
- (b) in subsection (3) by striking out “local jurisdiction” and substituting “municipality”.**

**12 Section 94(1) is amended by striking out “section 90” and substituting “section 93.1”.**

**13 Section 101 is repealed and the following is substituted:**



**10** Sections 68.1(2), 69(1.1) and 70(2.1) presently read:

*68.1(2) A person who has, within the previous 10 years, been convicted of an offence under this Act, the Election Act or the Canada Elections Act (Canada) is not eligible to be appointed as an official agent.*

*69(1.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the Election Act or the Canada Elections Act (Canada) is not eligible to be recognized as a scrutineer.*

*70(2.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the Election Act or the Canada Elections Act (Canada) is not eligible to be appointed under subsection (1).*

**11** Section 73 presently reads in part:

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

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

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

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

**12** Section 94(1) presently reads:

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

**13** Section 101 presently reads:

**Disposition of election material**

**101(1)** The secretary shall retain the following for a period of at least 6 weeks from the date of voting:

- (a) the ballot boxes with their seals unbroken;
- (b) copies of elector registers, if any, made under section 93.1.

**(2)** The secretary shall, in the presence of 2 witnesses, cause the ballot boxes to be opened and their contents destroyed, and cause the copies of elector registers, if any, to be destroyed

- (a) no later than 12 weeks after voting day, or
- (b) if a judge has ordered that the ballot boxes and any copies of the elector register must be kept until a date that is more than 12 weeks after voting day, as soon as practicable after that date.

**(3)** Each of the 2 witnesses referred to in subsection (2) shall make an affidavit that the witness has witnessed the destruction of the contents of the ballot boxes.

**14 Section 147.1(1) is amended**

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

- (i) in subclause (iv) by striking out “or”;
- (ii) in subclause (v) by adding “or” after “campaign period”;

**(iii) by adding the following after subclause (v):**

- (vi) the production of a review engagement required by this Act;

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

- (f.1) “review engagement” means a review engagement as defined in the *Chartered Professional Accountants Act*;

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

**14** Section 147.1(1) presently reads in part:

*147.1(1) In this Part,*

- (a) “campaign expense” means any expense incurred, or non-monetary contribution received, by a candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a candidate during a campaign period, and includes an expense incurred for, or a non-monetary contribution in relation to,*
- (iv) securing a meeting place, or*
- (v) the conduct of election surveys or other surveys or research during a campaign period;*
- (f) “prohibited organization” means a corporation and an unincorporated organization, including a trade union and an employee organization;*

**15 Section 147.2 is amended:**

**(a) in subsection (3)**

- (i) by striking out “No individual” and substituting “Subject to subsection (4), no individual”;**
- (ii) by repealing clauses (a) and (b) and substituting the following:**
  - (a) \$5000 to any candidate for election as a councillor, and
  - (b) \$5000 to any candidate for election as a school board trustee.

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

**(4)** A candidate may contribute an amount of up to \$10 000 that is not reimbursed to the candidate from the candidate’s campaign account by the end of the campaign period to the candidate’s own campaign expenses.

**(4.1)** Any amount paid by a candidate for campaign expenses from the candidate’s own funds that is not reimbursed to the candidate from the candidate’s campaign account by the end of the campaign period, including an amount referred to in subsection (4), is a contribution to the candidate’s own campaign for the purposes of this Act.

**16 Section 147.22 is amended**

**(a) in subsection (2) by striking out “or incur a campaign expense”;**

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

**(3)** Subsections (1) and (2) do not apply to the following:

- (a) a person who accepts not more than \$5000 in the aggregate per year in contributions outside the campaign period;

**15** Section 147.2 presently reads in part:

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

*(a) \$4000 in the aggregate to candidates for election as councillors, and*

*(b) \$4000 in the aggregate to candidates for election as school board trustees.*

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

**16** Section 147.22 presently reads in part:

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

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

- (b) a candidate who makes a contribution of not more than \$10 000 in the aggregate per year to the candidate's own campaign from the candidate's own funds.

**17 Section 147.4 is amended**

- (a) by repealing subsections (2), (3) and (4) and substituting the following:**

**(2)** A candidate who has incurred campaign expenses or received contributions of \$50 000 or more shall file a review engagement with the disclosure statement referred to in subsection (1).

- (b) in subsection (6) by adding “or the review engagement required under subsection (2)” after “subsection (1)”;**

- (c) by repealing subsections (8), (9) and (10).**

**17** Section 147.4 presently reads in part:

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

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

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

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

*(8) An elected authority may pass a bylaw requiring candidates running for election in that local jurisdiction to file a pre-election disclosure statement with the secretary of the local jurisdiction*

*(a) with respect to a general election, prior to December 31 of the year before the general election is held, and*

*(b) with respect to a by-election, at least 180 days before the by-election at which the bylaw is to take effect.*

*(9) A bylaw passed under subsection (8) must*

*(a) set out the information that a candidate must disclose in a pre-election disclosure statement, which may include, without limitation, any of the information required in subsection (1)(a) to (j), with necessary modifications,*

*(b) prescribe the form in which a candidate must make the pre-election disclosure statement,*

**18 Section 147.5 is repealed and the following is substituted:**

**Campaign surplus**

**147.5(1)** If a candidate's disclosure statement shows a surplus, the candidate, within 60 days after filing the disclosure statement with the local jurisdiction,

- (a) shall, with respect to any amount that is \$1000 or more, donate an amount to a registered charity that results in the surplus being less than \$1000, and
- (b) may, with respect to any amount that is less than \$1000,
  - (i) retain all or any portion of that amount, and
  - (ii) donate all or any portion of that amount to a registered charity.



- (c) *set the date by which the pre-election disclosure statement must be submitted for filing, which must be prior to the date of the election to which the pre-election disclosure statement relates,*
- (d) *set out the manner in which the local authority will make the information referred to in subsection (10) publicly available,*
- (e) *set out the period of time within which the local authority will make the information referred to in subsection (10) publicly available, and*
- (f) *include any other provisions that the elected authority considers necessary or advisable with respect to pre-election disclosure statements.*

*(10) An elected authority that passes a bylaw under subsection (8) must make the following information publicly available in the manner and during the period of time set out in the bylaw:*

- (a) *the information provided by each candidate on the pre-election disclosure statement;*
- (b) *if a candidate fails to submit a pre-election disclosure statement in accordance with the bylaw, the fact that the candidate has failed to submit a pre-election disclosure statement.*

**18** Section 147.5 presently reads:

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

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

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

(2) A candidate who donates an amount to a registered charity in accordance with subsection (1)(a) or (b)(ii) shall, within 30 days after the expiration of the 60-day period referred to in subsection (1), file an amended disclosure statement showing that the surplus has been dealt with in accordance with this section.

(3) This section applies to a candidate whether or not the candidate is elected.

**Transitional — campaign surplus**

**147.51(1)** Where, on September 1, 2020, an amount is held in trust under section 147.5(2) as it read on August 31, 2020, the candidate in respect of whom the amount is held in trust, no later than January 1, 2022,

- (a) shall, with respect to any amount that is \$1000 or more, donate an amount to a registered charity that results in the surplus being less than \$1000, and
- (b) may, with respect to any amount that is less than \$1000,
  - (i) retain all or any portion of that amount, and
  - (ii) donate all or any portion of that amount to a registered charity.

(2) If a local jurisdiction does not receive a direction under subsection (1) on or before January 1, 2022, the money becomes the property of the local jurisdiction.

(3) This section applies to money paid to a local jurisdiction pursuant to a court order under section 147.84(2).

**Campaign deficit**

**147.52(1)** If a candidate's disclosure statement shows a deficit, the candidate shall eliminate the deficit within 60 days after filing the disclosure statement with the local jurisdiction.

(2) For the purpose of eliminating a deficit referred to in subsection (1), a candidate may, notwithstanding section 147.22(2), accept contributions in accordance with this Act during the period referred to in subsection (1).

*(4) If the candidate in respect of whom an amount is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the local jurisdiction to donate the amount to a registered charity.*

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

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

**(3)** Subject to subsection (4), a candidate shall not accept a contribution of an amount that exceeds \$5000 from any individual for the purpose of this section.

**(4)** A candidate may make a contribution from the candidate's own funds that does not exceed \$10 000 to reduce a deficit shown on the candidate's disclosure statement for the purpose of this section.

**(5)** A candidate referred to in subsection (1) shall, within 30 days after the expiration of the 60-day period referred to in subsection (1), file an amended disclosure statement showing that the deficit has been eliminated.

**19 Section 147.84 is amended**

**(a) in subsection (1) by striking out “section 147.4” and substituting “section 147.4(1) or (2)”;**

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

**(1.1)** A candidate who fails to comply with the following sections within 30 days after the expiration of the period referred to in that section is guilty of an offence and liable to a fine of not more than \$5000:

- (a) section 147.4(6);
- (b) section 147.5(1) and (2);
- (c) section 147.52(1) and (5).

**(c) by repealing subsection (3).**

**20 Section 152(1) is amended by striking out “on the property” wherever it occurs and substituting “within the boundaries of the land”.**

**19** Section 147.84 presently reads in part:

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

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

**20** Section 152(1) presently reads:

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

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

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

**21 Section 152.1(1) is amended by striking out** “on the property” **and substituting** “within the boundaries of the land”.

**22 Section 158.2 is repealed and the following is substituted:**

**Transitional**

**158.2(1)** In this section, “former Act” means the *Local Authorities Election Act* as it read on August 31, 2020.

**(2)** The former Act applies to the following:

- (a) a by-election, where the vacancy to which the by-election relates occurs before September 1, 2020 and the election day for that by-election occurs on or after September 1, 2020;
- (b) a vote on a question or bylaw, where the resolution or bylaw that fixes the day for the vote on the question or bylaw is passed before September 1, 2020 and the election day for that vote on a question or bylaw occurs on or after September 1, 2020.

**23 Section 160(3) is amended by striking out** “under subsections (1) and” **and substituting** “made under subsection (1) and adopted by a bylaw authorized by an order made under subsection”.

**24 Section 162 is amended**

- (a) in subsection (1)**

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

**21** Section 152.1(1) presently reads:

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

**22** Section 158.2 presently reads:

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

*(2) The former Act applies to the following:*

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

**23** Section 160(3) presently reads:

*(3) Subject to regulations under subsections (1) and (2), the provisions of this Act apply to an election held under this section.*

**24** Section 162 presently reads in part:

*162(1) In this Part,*

- (a) "advertising account" means, as applicable,*

- (i) by repealing clause (a) and substituting the following:**
  - (a) “advertising account” means the account on record with the local jurisdiction or the Registrar for the purpose of accepting advertising contributions for election advertising and for the payment of advertising expenses for election advertising;
- (ii) in clause (b) by striking out “or political advertising”;**
- (iii) in clause (c)**
  - (A) in subclause (i) by striking out “or political advertising message”;**
  - (B) in subclause (ii) by striking out “or a political advertising message”;**
- (iv) in clause (d) by striking out “, including an advertising message that takes a position on an issue with which a candidate or a council is associated,”;**
- (v) by repealing clause (i);**
- (vi) by adding the following after clause (k):**
  - (k.1) “Registrar” means the Registrar for Third Party Advertising appointed under section 162.1;
- (b) in subsection (3)(b) by striking out “a significant” and substituting “the primary”;**
- (c) in subsection (4) by striking out “a significant” and substituting “the primary”;**
- (d) by repealing subsections (5) and (6).**



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



- (ii) *the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,*
  - (iii) *the transmission of a document or the communication directly by a corporation or a group to its members, employees or shareholders, as the case may be,*
  - (iv) *the transmission by an individual, corporation or group, on a non-commercial basis on the Internet, of the political views of that individual, corporation or group,*
  - (v) *the making of telephone calls to electors only to encourage them to vote,*
  - (vi) *advertising by the local jurisdiction in any form, or*
  - (vii) *the transmission to the public in a local jurisdiction that is not a local jurisdiction for which the advertising message was intended and in which there is no candidate and no vote on a question or bylaw to which the transmission relates;*
- (i) *“political advertising” means, subject to subsection (5), the transmission to the public by any means, at any time other than during an election advertising period, of an advertising message that promotes or opposes the election of a candidate, including an advertising message that takes a position on an issue with which a candidate is associated, and for greater certainty does not include*
- (i) *the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,*
  - (ii) *the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value,*
  - (iii) *the transmission of a document or the communication directly by a corporation or a group to its members, employees or shareholders, as the case may be,*
  - (iv) *the transmission by an individual, corporation or group, on a non-commercial basis on the Internet, of the political views of that individual, corporation or group,*



- (v) *the making of telephone calls to electors only to encourage them to vote,*
  - (vi) *advertising by the local jurisdiction in any form, or*
  - (vii) *the transmission to the public in a local jurisdiction that is not a local jurisdiction for which the advertising message was intended and in which there is no candidate and no vote on a question or bylaw to which the transmission relates;*
  - (k) *“registered third party” means a third party registered under this Part;*
- (3) *For the purposes of subsection (1)(d), “election advertising” includes*
- (b) *organizing events where a significant purpose of the event is to promote or oppose a candidate.*
- (4) *In determining a significant purpose of an event under subsection (3)(b), the following factors, in addition to any other relevant information, shall be used:*
- (a) *whether it is reasonable to conclude that the event was specifically planned to coincide with an election;*
  - (b) *whether the formatting or branding of promotional materials for the event is similar to the formatting, branding or election material used by a candidate;*
  - (c) *the extent to which an election or any candidate is referred to, either directly or indirectly, in promotional materials for the event or at the event;*
  - (d) *whether the event is consistent with previous events held by that third party;*
  - (e) *whether messages conveyed at the event are political messages associated with a candidate.*
- (5) *For the purposes of subsection (1)(i), “political advertising” includes*
- (a) *canvassing for the benefit of a candidate, and*

**25 The following is added after section 162:**

**Appointment of Registrar**

**162.1** The Minister may appoint a Registrar for Third Party Advertising for the purposes of this Part.

**26 Section 163 is amended**

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

**(i) by striking out “A third party” and substituting**  
“Subject to subsection (1.3), a third party”;

**(ii) in clause (a) by striking out “or political advertising”;**

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

**(1.1)** A third party may apply to the Registrar for registration under this section when it is registered in a register referred to in subsection (2) in more than 10 local jurisdictions.

*(b) organizing events where a significant purpose of the event is to promote or oppose a candidate.*

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

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

**25** Appointment of Registrar.

**26** Section 163 presently reads in part:

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

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

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

**(1.2)** When a third party is registered with the Registrar under this section, the registration of that third party with any local jurisdiction is deemed to be cancelled.

**(1.3)** If a third party is registered with the Registrar, the third party is not required to apply for registration with a local jurisdiction for the purpose of subsection (1).

**(c) by repealing subsection (2) and substituting the following:**

**(2)** A local jurisdiction and the Registrar shall maintain a register of third parties who engage in election advertising.

**(d) in subsection (3)**

**(i) by adding** “or the Registrar, as applicable,” **after** “section, the local jurisdiction”;

**(ii) by adding** “or the Registrar” **after** “with the local jurisdiction”;

**(iii) by repealing clauses (b) and (d);**

**(e) in subsection (4) by striking out** “or political advertising expenses, as the case may be”;

**(f) in subsection (5)**

**(i) by striking out** “, in the local jurisdiction’s opinion,”;

**(ii) in clause (a) by adding** “, in the local jurisdiction’s opinion,” **after** “in that local jurisdiction”;

**(iii) in clause (b) by adding** “with the local jurisdiction” **after** “whose registration”;

**(g) by adding the following after subsection (5):**

**(5.1)** No third party shall apply to the Registrar for registration under a name or the abbreviation of the name that so nearly resembles the name or abbreviation of the name or a nickname of a candidate that is active anywhere in the Province that confusion is likely.



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

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

- (a) *the name and contact information*
  - (i) *if the third party is an individual, of the individual,*
  - (ii) *if the third party is a corporation, of the corporation and of the officer who has signing authority for it, and*
  - (iii) *if the third party is a group, of the group and of the principal officers of the group or, if there are no principal officers, the principal members;*
- (b) *whether the third party will be engaging in election advertising or political advertising or both;*
- (c) *in the case of a third party who engages or will be engaging in election advertising, the address and telephone number of the place or places in Alberta where records of the third party are maintained and of the place in Alberta to which communications may be addressed;*
- (d) *in the case of a third party who engages or will be engaging in political advertising, the address and telephone number of the place or places in Canada where records of the third party are maintained and of the place in Canada to which communications may be addressed;*
- (e) *the name and contact information of the chief financial officer responsible for the advertising account of the third party;*
- (f) *the name and address of the financial institution to be used by the third party for its advertising account;*
- (g) *the names of the signing authorities for the advertising account;*
- (h) *any additional information required by the local jurisdiction concerning an advertising account.*

**(5.2)** The Registrar shall not register a third party if the proposed name was the name of a registered third party whose registration with the Registrar was cancelled or whose name was changed since the last election.

**(h) in subsection (7) by adding “or the Registrar” after “local jurisdiction”;**

**(i) in subsection (8)**

**(i) by adding “or, if the third party is registered with the Registrar, the Registrar,” after “which it is registered”;**

**(ii) by adding “or the Registrar” after “notice a local jurisdiction”.**

**27 Section 164 is amended**

**(a) in subsection (1) by adding “or the Registrar, as applicable,” after “local jurisdiction”;**

**(b) in subsection (2)**

**(i) by striking out “or 181”;**

*(4) If the third party has a governing body, the application must include a copy of the resolution passed by the governing body authorizing the third party to incur election advertising expenses or political advertising expenses, as the case may be.*

*(5) A local jurisdiction shall not register a third party if, in the local jurisdiction's opinion,*

*(a) the name or the abbreviation of the name of the applicant so nearly resembles the name or abbreviation of the name or a nickname of a candidate that is active anywhere in that local jurisdiction that confusion is likely, or*

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

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

*(a) determine whether the requirements set out in this section are met,*

*(b) notify the individuals who signed the application whether the applicant is accepted for registration, and*

*(c) in the case of a refusal to register, give reasons for the refusal.*

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

**27** Section 164 presently reads in part:

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

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

(ii) **by adding** “or the Registrar, as applicable,” **after** “local jurisdiction”;

(c) **in subsection (4) by repealing clause (a).**

**28 Section 167 is amended**

(a) **in subsection (1) by striking out** “or political advertising”;

(b) **by repealing subsection (6) and substituting the following:**

(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,

- (a) if the third party is registered with a local jurisdiction, advise the local jurisdiction in writing of the fact and circumstances and return the contribution in accordance with the directions of the local jurisdiction, or
- (b) if the third party is registered with the Registrar, advise the Registrar in writing of the fact and circumstances and return the contribution in accordance with the directions of the Registrar.

**29 Section 168 is repealed and the following is substituted:**

**Payments made by third party**

**168** Any money paid by a third party from its own funds for election advertising is an advertising contribution of the third party for the purposes of this Part.

**30 Section 169(1) is amended by striking out** “or political advertising”.

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

- (a) if the third party received advertising contributions for the purpose of political advertising prior to the cancellation, file a report in accordance with section 181 for the year in which the advertising contributions were received, and,*

**28** Section 167 presently reads in part:

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

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

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

**29** Section 168 presently reads:

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

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

**30** Section 169(1) presently reads:

**31 Section 170(a)(ii) is amended by striking out “or for political advertising”.**

**32 Section 172(5) is amended by striking out “or political advertising”.**

**33 Section 173(2) is amended by striking out “or political advertising”.**

**34 Section 174 is amended**

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

(b) shall record all loans and their terms and shall report accordingly to,

(i) if the third party is registered with a local jurisdiction, the local jurisdiction, or

(ii) if the third party is registered with the Registrar, the Registrar.

**(b) in subsection (2) by striking out “181 or”;**

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

**31** Section 170(a) presently reads in part:

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

- (a) an advertising contribution from funds collected from a group's members may be attributed to its members only if*
- (ii) it was made explicit that the amounts being collected were for election advertising or for political advertising, and*

**32** Section 172(5) presently reads:

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

**33** Section 173(2) presently reads:

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

**34** Section 174 presently reads in part:

*174(1) A third party*

- (b) shall record all loans and their terms and shall report accordingly to the relevant local jurisdiction.*

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

(c) in subsection (3) by striking out “or political advertising”.

**35 Section 175 is amended**

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

- (b) if the contributor’s identity cannot be established, shall pay an amount equivalent to the advertising contribution to,
  - (i) if the third party is registered with a local jurisdiction, the local jurisdiction, or
  - (ii) if the third party is registered with the Registrar, the Registrar.

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

- (2) Any amounts received by a local jurisdiction under subsection (1)(b)(i) must be paid into the local jurisdiction’s general revenue.
- (3) Any amounts received by the Registrar under subsection (1)(b)(ii) must be paid into the General Revenue Fund.

**36 Section 176(3) is repealed and the following is substituted:**

(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,

- (a) if the third party is registered with a local jurisdiction, advise the local jurisdiction in writing of the fact and circumstances and return the advertising contribution in accordance with the directions of the local jurisdiction, or



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

**35** Section 175 presently reads in part:

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

*(b) if the contributor's identity cannot be established, shall pay an amount equivalent to the advertising contribution to the relevant local jurisdiction.*

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

**36** Section 176(3) presently reads:

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

- (b) if the third party is registered with the Registrar, advise the Registrar in writing of the fact and circumstances and return the advertising contribution in accordance with the directions of the Registrar.

**37 Section 177 is repealed and the following is substituted:**

**Receipts**

**177** A third party shall issue receipts for every advertising contribution accepted by the third party in the form and manner approved by,

- (a) if the third party is registered with a local jurisdiction, the local jurisdiction, or
- (b) if the third party is registered with the Registrar, the Registrar.

**38 Section 178 is amended**

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

- (i) **by striking out** “or political advertising expenses, as the case may be,”;
- (ii) **by striking out** “applicable”;

**(b) in subsection (3) by striking out** “or political advertising expense”;

**(c) by repealing subsection (6) and substituting the following:**

**(6)** Subject to the requirements of this Part, a registered third party that operates an advertising account may transfer amounts from its election advertising account to the election advertising accounts of other registered third parties and any amounts transferred shall not be considered as advertising contributions for the purposes of this Part, but must be recorded as to source and amount.

**(d) by repealing subsection (7);**

**(e) in subsection (8) by striking out** “or political advertising expenses”.

**37** Section 177 presently reads:

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

**38** Section 178 presently reads in part:

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

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

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

*(a) from its election advertising account to the election advertising accounts of other registered third parties,*

*(b) from its political advertising account to the political advertising accounts of other registered third parties,*

*(c) from its election advertising account to its political advertising account, or*

*(d) from its election advertising account to the political advertising accounts of other registered third parties,*

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

**39 Section 179 is amended**

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

**(i) by striking out** “or political advertising”;

**(ii) in clause (a)**

**(A) by striking out** “and political advertising”;

**(B) by striking out** “or political advertising”;

**(iii) in clause (b) by striking out** “or political advertising”  
**wherever it occurs;**

**(iv) in clause (c) by striking out** “or political advertising”  
**wherever it occurs;**

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

**(4)** If election advertising is not in compliance with this section,

(a) if the third party is registered with a local jurisdiction, the local jurisdiction may cause it to be removed or discontinued, or

(b) if the third party is registered with the Registrar, the Registrar may cause it to be removed or discontinued.

**(5)** In the case of election advertising displayed on a sign, poster or other similar format, no person acting on behalf of the local jurisdiction or the Registrar in accordance with this

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

*(a) be transferred to the third party's election advertising account, if the third party has such an account, or*

*(b) to the election advertising account of another third party.*

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

**39** Section 179 presently reads in part:

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

*(a) the election advertising and political advertising must include the third party's name and contact information and must indicate whether the third party authorizes the election advertising or political advertising;*

*(b) subject to clause (c), in the case of election advertising or political advertising that is broadcast or is made through electronic media, the information referred to in clause (a) must be stated at the beginning of the election advertising or political advertising;*

*(c) in the case of election advertising or political advertising transmitted to a telephone, whether in the form of a live call or an automated pre-recorded call,*

*(i) the telephone number of the third party must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed,*

*(ii) the name of the third party must be stated at the beginning of the election advertising or political advertising,*

*(iii) the election advertising or political advertising must state whether the third party authorizes the election advertising or political advertising, and*

section is liable for trespass or damage resulting from or occasioned by the removal of that election advertising.

**40 Section 180(2) is repealed and the following is substituted:**

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

- (a) if the third party is registered with a local jurisdiction, the local jurisdiction, or
- (b) if the third party is registered with the Registrar, the Registrar.

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

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

**41 Section 181 is repealed.**

(iv) *the telephone number of the third party at which the third party can be contacted must be stated at the end of the election advertising or political advertising.*

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

**40** Section 180(2) presently reads:

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

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

**41** Section 181 presently reads:

**42 Section 182 is amended**

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

**Third party election advertising return**

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

- (a) if the third party is registered with a local jurisdiction, the local jurisdiction, or
- (b) if the third party is registered with the Registrar, the Registrar.

**(1.1)** A third party election advertising return must include

- (a) a financial statement,



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

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

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

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

**42** Section 182 presently reads in part:

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

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

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

**(b) in subsection (3) by striking out “subsection (1)(b)” and substituting “subsection (1.1)(b)”;**

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

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

- (a) if the third party is registered with a local jurisdiction, the local jurisdiction, or
- (b) if the third party is registered with the Registrar, the Registrar.

**43 Section 183 is amended**

**(a) by repealing subsection (3);**

**(b) in subsection (4)**

**(i) by striking out “accounts referred to in subsections (2) and (3)” and substituting “account referred to in subsection (2)”;**

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

- (d) if the funds or any portion of the funds cannot be dealt with in accordance with clauses (a) to (c), by paying the funds or that portion of the funds, as the case may be,

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

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

**43** Section 183 presently reads in part:

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

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

- (a) by transferring the funds in accordance with section 178;*
- (b) by donating the funds to a registered charity;*

- (i) if the third party is registered with a local jurisdiction, to the local jurisdiction to become the property of the local jurisdiction, or
- (ii) if the third party is registered with the Registrar, to the Registrar to be transferred to the General Revenue Fund.

**(c) by repealing subsections (5) and (6) and substituting the following:**

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

**(6)** The chief financial officer of a registered third party that has not dealt with the funds remaining in the advertising account referred to in subsection (2) shall, until such time as the funds have been disposed of completely, file an election advertising return on or before March 1 of each year with,

- (a) if the third party is registered with a local jurisdiction, the local jurisdiction, or
- (b) if the third party is registered with the Registrar, the Registrar.

**44 Section 184 is amended**

**(a) in subsection (1) by adding “or the Registrar” after “local jurisdiction”;**

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

**(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,

- (a) if the third party is required to file a report and return with a local jurisdiction, the local jurisdiction, or

- (c) by returning the funds to the third party's contributors if they can be identified;*
  - (d) if the funds or any portion of the funds cannot be dealt with in accordance with clauses (a) to (c), by paying the funds or that portion of the funds, as the case may be, to the local jurisdiction to become the property of the local jurisdiction.*
- (5) A registered third party to which subsection (2) or (3) applies shall notify the local jurisdiction of its decisions under this section and shall apply to the local jurisdiction under section 164 to cancel its registration.*
- (6) The chief financial officer of a registered third party that has not dealt with the funds remaining in the respective advertising accounts referred to in subsection (2) or (3) shall file an election advertising return with the local jurisdiction on or before March 1 of each year until such time as the funds have been disposed of completely.*

**44** Section 184 presently reads in part:

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

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

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

*(5) If the late filing fee is not paid within 30 days after the date the fee was payable, a local jurisdiction shall send a notice to the third*

- (b) if the third party is required to file a report and return with the Registrar, the Registrar.
- (c) **in subsections (3) and (5) by adding** “or the Registrar, as applicable,” **after** “local jurisdiction”;
- (d) **in subsection (6)**
  - (i) **by adding** “or the Registrar” **after** “by a local jurisdiction”;
  - (ii) **by adding** “or the Registrar, as applicable,” **after** “the local jurisdiction”.

**45 The following is added after section 188:**

**Transitional — political advertising**

**188.1(1)** In this section,

- (a) “political advertising” means political advertising as defined in section 162 of the *Local Authorities Election Act* as it read on August 31, 2020;
- (b) “political advertising account” means the account on record with the local jurisdiction for the purpose of accepting advertising contributions for political advertising and for the payment of advertising expenses for political advertising on September 1, 2020.

**(2)** Subject to the requirements of this Part, a registered third party that operates a political advertising account shall, no later than May 1, 2021, deal with any funds remaining in that account 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 clause (a) or (b), by paying the funds or that portion of the funds, as the case may be, to the local jurisdiction with which the registered party is registered to become the property of the local jurisdiction.

*party and the chief financial officer referred to in subsection (4) indicating the amount of the late filing fee that is required to be paid.*

*(6) If the third party and the chief financial officer who are sent notices by a local jurisdiction under subsection (5) fail to pay the late filing fee set out in the notice, the local jurisdiction may file a copy of the notice with the clerk of the Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.*

**45** Transitional — political advertising.

**46 Section 189 is repealed.**



**46** Section 189 presently reads:

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

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

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

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

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

*(4) If a third party or a person acting on behalf of a third party accepts advertising contributions for election advertising or political advertising or converts an advertising contribution for election advertising or political advertising into money on or after the date the Bill receives first reading but before the date it receives Royal Assent, the contributions shall be paid into the appropriate advertising account within 30 days of the coming into force of section 163.*

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

**47 Section 201(2) is amended by adding** “or, if the contribution was made to or accepted by a third party that is registered with the Registrar, to the Registrar” **after** “the local jurisdiction”.

**48 Section 203 is amended**

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

- (i) by adding** “the Registrar,” **after** “secretary of a local jurisdiction, a returning officer.”;
- (ii) by adding** “any former Registrar,” **after** “former returning officer.”;
- (iii) by striking out** “by a local jurisdiction or a returning officer” **and substituting** “by a local jurisdiction, a returning officer or the Registrar”;
- (iv) by striking out** “duties of the local jurisdiction or returning officer” **and substituting** “duties of the local jurisdiction, returning officer or Registrar”;

**(b) in subsection (2)**

- (i) in clause (a) by striking out** “by a local jurisdiction or a returning officer” **and substituting** “by a local jurisdiction, a returning officer or the Registrar”;
- (ii) in clause (b)**
  - (A) by striking out** “a local jurisdiction or returning officer” **and substituting** “a local jurisdiction, a returning officer or the Registrar”;
  - (B) by striking out** “the local jurisdiction or returning officer’s” **and substituting** “the local jurisdiction’s, returning officer’s or Registrar’s”.

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

**47** Section 201(2) presently reads:

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

**48** Section 203 presently reads in part:

*203(1) Except as provided in subsection (2), a secretary of a local jurisdiction, a returning officer, the Election Commissioner, any former secretary of a local jurisdiction, any former returning officer, any former Election Commissioner, every person who is or was employed or engaged by a local jurisdiction or a returning officer to carry out the duties of the local jurisdiction or returning officer and every person who was employed or engaged by the Office of the Election Commissioner to carry out the duties of the Election Commissioner shall maintain the confidentiality of all information, complaints and allegations that come to their knowledge.*

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

- (a) disclosed by a local jurisdiction or a returning officer to the Election Commissioner for the purpose of carrying out the Election Commissioner's powers, duties and functions under this Act,*
- (b) disclosed by the Election Commissioner to a local jurisdiction or returning officer for the purposes of carrying out the local jurisdiction or returning officer's powers, duties and functions under this Act,*

**49 Section 204 is amended**

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

- (i) by striking out** “a local jurisdiction or returning officer” **and substituting** “a local jurisdiction, a returning officer or the Registrar”;
- (ii) by striking out** “the local jurisdiction or returning officer” **and substituting** “the local jurisdiction, returning officer or Registrar”;

**(b) in subsection (2)**

- (i) by striking out** “a local jurisdiction or a returning officer” **and substituting** “a local jurisdiction, a returning officer or the Registrar”;
- (ii) by striking out** “the local jurisdiction or returning officer” **wherever it occurs and substituting** “the local jurisdiction, returning officer or Registrar”.

**50 Section 205 is amended**

- (a) by striking out** “A local jurisdiction or returning officer” **and substituting** “A local jurisdiction, a returning officer or the Registrar”;
- (b) in clause (a) by striking out** “the local jurisdiction or returning officer” **and substituting** “the local jurisdiction, returning officer or Registrar”;
- (c) by repealing clause (b) and substituting the following:**
  - (b)** report any act or omission that in the local jurisdiction’s, returning officer’s or Registrar’s opinion likely constitutes an offence under Part 5.1 or 8 to the Election Commissioner.

**51 This Act has effect on September 1, 2020.**

**49** Section 204 presently reads:

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

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

**50** Section 205 presently reads:

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

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

**51** Coming into force.





