

2021 Bill 51

Second Session, 30th Legislature, 70 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 51

CITIZEN INITIATIVE ACT

THE MINISTER OF JUSTICE AND SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 51

2021

CITIZEN INITIATIVE ACT

(Assented to , 2021)

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

Interpretation

1(1) In this Act,

- (a) “Chief Electoral Officer” means the Chief Electoral Officer appointed under section 2 of the *Election Act*;
- (b) “chief financial officer” means an individual so appointed by a proponent pursuant to section 21 or by a third party pursuant to section 38(2), as applicable;
- (c) “Court” means the Court of Queen’s Bench;
- (d) “elector” means an individual who
 - (i) is a Canadian citizen,
 - (ii) is 18 years of age or older, and
 - (iii) is ordinarily resident in the electoral division named in an initiative petition;
- (e) “general election” means an election of members of the Legislative Assembly conducted under the *Election Act* where election writs are issued in all electoral divisions;
- (f) “initiative petition” means an initiative petition within the meaning of section 2;
- (g) “initiative petition period” means the period starting on the day on which a notice of initiative petition to be

published referred to in section 3(2)(b) is published and ending

- (i) on the last day for signing under section 4(4) or 9(7), as applicable, or
 - (ii) on the day on which the signature sheets are submitted to the Chief Electoral Officer in accordance with section 6, if earlier;
- (h) “initiative petition signing period” means the period starting on the day on which the initiative petition is issued under section 3(3) and ending
- (i) on the last day for signing under section 4(4) or 9(7), as applicable, or
 - (ii) on the day on which the signature sheets are submitted to the Chief Electoral Officer in accordance with section 6, if earlier;
- (i) “initiative vote” means an initiative vote referred to in Part 2;
- (j) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (k) “organization” includes, unless otherwise provided by regulation, an association, partnership, limited partnership or other unincorporated organization;
- (l) “person” includes a corporation;
- (m) “post-polling-day list of electors” means the post-polling-day list of electors referred to in section 19 of the *Election Act*;
- (n) “proponent” means the elector who applied for the issuance of an initiative petition, or is referred to in a notice published under section 9(6) and, in relation to Part 3, includes an individual who applies to become a proponent or who was a proponent;
- (o) “registered third party” means a third party registered under section 25;

- (p) “signature sheet” means a signature sheet referred to in section 3 or 9, as applicable, for use
 - (i) in the case of a legislative proposal or a policy proposal, for obtaining the signatures of electors, and
 - (ii) in the case of a constitutional referendum proposal, for obtaining the signatures of electors for a specific electoral division;
- (q) “signature sheet submission date” means the day on which the signature sheets for an initiative petition must be submitted to the Chief Electoral Officer under section 6.

(2) Unless otherwise provided in this Act or the regulations, or unless the context otherwise requires,

- (a) definitions of terms in Part 4 apply to those terms where used in the rest of this Act, and
- (b) words and expressions used in this Act or the regulations have the same meanings as in the *Election Act* and the *Election Finances and Contributions Disclosure Act*.

(3) For the purposes of this Act, a document that is required to be filed with or submitted to the Chief Electoral Officer is filed or submitted when it is actually received by the Chief Electoral Officer.

(4) Nothing in Part 1 shall be interpreted to deprive the Crown, the Legislature, the Legislative Assembly or a committee or member of the Legislative Assembly of the full exercise of any prerogative, right, immunity, privilege or power of the Crown, Legislature, Legislative Assembly, committee or member.

Part 1 Citizen Initiatives

Division 1 Application for Issuance of Initiative Petition

Application for issuance of initiative petition

2(1) An elector may apply to the Chief Electoral Officer in accordance with this section for the issuance of an initiative petition concerning

- (a) a legislative proposal,
- (b) a policy proposal, or
- (c) a constitutional referendum proposal.

(2) The application must include the following:

- (a) the name of the applicant;
- (b) the contact information of the applicant, including the residential address and postal code of the applicant's ordinary residence, the applicant's mailing address, if different, and the applicant's telephone number;
- (c) a signed statement of the applicant that the applicant is not disqualified under this Act from making the application;
- (d) a statement of the subject-matter of the application that, in the opinion of the Chief Electoral Officer, is
 - (i) clear and unambiguous, and
 - (ii) shows that the subject-matter conforms to subsection (3) and otherwise meets the applicable requirements of this section;
- (e) in the case of a legislative proposal, a statement setting out the subject-matter of the proposed legislation;
- (f) in the case of a constitutional referendum proposal, a proposed question relating to the Constitution of Canada or relating to or arising out of a possible change to the Constitution of Canada that, in the opinion of the Chief

Electoral Officer, is factually accurate, states the question in such a way as to require a “yes” or “no” answer and is otherwise suitable to be put to the electors at a constitutional referendum;

(g) any other information that may be prescribed;

(h) the prescribed application fee.

(3) An application with respect to a legislative proposal must not exceed the jurisdiction of the Legislature.

(4) An initiative petition proposal must not contravene sections 1 to 35.1 of the *Constitution Act, 1982* or otherwise limit or adversely impact the rights protected under sections 1 to 35.1 of the *Constitution Act, 1982* in a manner that is not demonstrably justified in a free and democratic society.

(5) An application must not relate to a proposal that in the opinion of the Chief Electoral Officer is the same as or substantially similar to

(a) a proposal that, within the last 5 years, the Chief Electoral Officer has determined to be unsuccessful under section 11, or

(b) subject to subsection (4), a proposal that is the subject of another initiative petition, or would result in a conflict with the outcome of another initiative petition, if

(i) the initiative petition signing period for that other initiative petition has not ended, or

(ii) the signature sheets for that other initiative petition have been submitted to the Chief Electoral Officer in accordance with section 6 but that other initiative petition has not been completed by way of an initiative vote, constitutional referendum or otherwise resolved under that section and Division 4 or Part 2, as applicable.

(6) Subsection (5) does not apply if, in the opinion of the Chief Electoral Officer,

(a) the proponent of the other initiative petition has delayed unduly in advancing the other initiative petition, or

- (b) the other initiative petition is otherwise an abuse of the process under this Act.

(7) An applicant shall, on the request of the Chief Electoral Officer, produce proof of his or her identity and status as an elector consisting of

- (a) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and current address, or
- (b) 2 pieces of identification authorized by the Chief Electoral Officer for the purposes of this section, each of which establishes the applicant's name and at least one of which establishes the elector's current address.

(8) The following are disqualified from submitting an application:

- (a) a sitting member of the Legislature;
- (b) the Chief Electoral Officer, an election officer or an individual who is otherwise a member of the Chief Electoral Officer's office staff;
- (c) an individual who is prohibited from being a chief financial officer under section 29(4) of the *Election Finances and Contributions Disclosure Act*;
- (d) an individual who, at any time within the previous 8 years, has been convicted of an offence under this Act, the *Election Act* or the *Election Finances and Contributions Disclosure Act*.

(9) The Chief Electoral Officer may, as the Chief Electoral Officer considers appropriate with respect to an application, information and materials referred to in subsection (2),

- (a) consult with the applicant and any other person, and
- (b) provide advice and assistance and make recommendations to an applicant as to the form and substance of proposals and proposed constitutional questions.

(10) The Chief Electoral Officer may, with respect to a legislative proposal, a policy proposal or a constitutional referendum proposal, state a question in the form of a special case to the Court seeking

the opinion of the Court as to whether the proposal conforms to the requirements of subsections (3) and (4), as applicable.

(11) If the Chief Electoral Officer refers a proposal to the Court under subsection (10),

- (a) the *Administrative Procedures and Jurisdiction Act* applies, as if the proposal were a referral under section 13(1)(b) of that Act, and
- (b) the Chief Electoral Officer shall provide written notice of the referral at least 14 days before the date of the proceeding
 - (i) to the applicant,
 - (ii) to the Minister of Justice and Solicitor General of Alberta, and
 - (iii) to the Attorney General of Canada.

Issuance of initiative petition

3(1) If the Chief Electoral Officer is not satisfied that the requirements of section 2 have been met, the Chief Electoral Officer shall reject the application and notify the applicant of the rejection and the reasons therefore.

(2) If the Chief Electoral Officer is satisfied that the requirements of section 2 have been met, the Chief Electoral Officer shall

- (a) notify the proponent that the application has met the requirements for issuance, and
- (b) publish on the Chief Electoral Officer's website a notice of initiative petition to be issued that includes
 - (i) a copy of the application, and
 - (ii) a copy of the statements referred to in section 2(2)(d) and (e) and, if applicable, the constitutional question accompanying the application.

(3) If satisfied that the requirements under section 21(1) with respect to the appointment of a chief financial officer have been complied with, the Chief Electoral Officer shall, 30 days after the

date on which the notice of initiative petition to be issued is published,

- (a) issue the initiative petition, and
- (b) publish the following on the Chief Electoral Officer's website:
 - (i) a notice that the petition has been issued;
 - (ii) the dates of the initiative petition signing period;
 - (iii) a copy of other information related to the application, if any, that the Chief Electoral Officer considers appropriate.

(4) The Chief Electoral Officer shall issue an initiative petition in a form that the Chief Electoral Officer considers appropriate for the purposes of this Act and shall provide

- (a) in the case of a legislative proposal or a policy proposal, signature sheets for use in obtaining the signatures of electors, and
- (b) in the case of a constitutional referendum proposal, separate signature sheets for use in obtaining the signatures of electors in each electoral division.

(5) In addition to the information referred to in subsection (3)(b), the Chief Electoral Officer may, as the Chief Electoral Officer considers appropriate, publish the following on the Chief Electoral Officer's website:

- (a) the total number of electors in the Province on the post-polling-day list of electors for the previous general election;
- (b) the total number of signatures that are required for an initiative petition to succeed;
- (c) in the case of a constitutional referendum proposal,
 - (i) the total number of electoral divisions as of the most recent post-polling-day list of electors,

- (ii) the total numbers of electors in each electoral division on the most recent post-polling-day list of electors,
 - (iii) the total number of signatures that are required from electors in each electoral division for the initiative petition to succeed, and
 - (iv) the total number of signatures that are required from electors in the Province for the initiative petition to succeed;
- (d) any other information that the Chief Electoral Officer considers appropriate for the purposes of this Act.

Division 2 Collection of Signatures

Eligibility to sign an initiative petition

4(1) To be eligible to sign an initiative petition, an individual must be an elector on the date when the individual signs a signature sheet for the initiative petition.

(2) An individual shall sign any one initiative petition only once.

(3) An individual who signs an initiative petition shall indicate the following on the signature sheet:

- (a) the individual's surname and given names;
- (b) the contact information of the individual on the date of the application, including the residential address of the individual's ordinary residence and the individual's telephone number or email address;
- (c) the date on which the individual signed the initiative petition;
- (d) a confirmation in writing that the individual is an elector within the meaning of section 1(1)(d);
- (e) any other information that may be prescribed.

(4) Except as provided under section 9(4), an individual shall sign a signature sheet only within the 90 days following the date on which the initiative petition is issued by the Chief Electoral Officer.

Eligibility to canvass for signatures

- 5(1)** An individual may canvass on behalf of a proponent in respect of an initiative petition only if the individual is an elector during the initiative petition period and meets the requirements, if any, that are prescribed by regulation.
- (2)** A person or organization shall not, directly or indirectly,
- (a) accept any inducement or monetary benefit for canvassing on behalf of a proponent, or
 - (b) provide any inducement or monetary benefit to an individual who canvasses for the purpose of collecting signatures for an initiative petition.

Submitting signature sheets, threshold requirements

- 6(1)** On or before the last day of the initiative petition signing period, a proponent shall submit to the Chief Electoral Officer
- (a) the initiative petition,
 - (b) all of the signature sheets containing original signatures, and
 - (c) an affidavit confirming that all signature sheets containing original signatures have been returned and all copies will be destroyed in accordance with section 13.
- (2)** The signature sheets for the initiative petition must
- (a) in the case of a legislative proposal, be signed by at least 10% of the total number of electors entitled to sign those signature sheets,
 - (b) in the case of a policy proposal, be signed by at least 10% of the total number of electors entitled to sign those signature sheets, and
 - (c) in the case of a constitutional referendum proposal, be signed by at least 20% of the total number of electors in the Province entitled to sign those signature sheets.
- (3)** In the case of a constitutional referendum proposal, a threshold of 20% of the total number of electors entitled to sign the signature

sheets for the initiative petition shall be reached in at least 2/3 of all electoral divisions.

(4) To be counted for the purpose of subsections (2) and (3), a signature on the initiative petition shall be witnessed by the individual who canvassed the signature and be accompanied by

- (a) the information required under section 4(3) for the individual who signed the initiative petition,
- (b) the name and contact information of the individual who canvassed the signature, and
- (c) any other information that may be prescribed.

(5) If an initiative petition meets the applicable signature threshold referred to in this section, the Chief Electoral Officer shall apply a random statistical sampling method with a 95% confidence level to the verification of signatures in the initiative petition.

Effect of general election

7(1) If the writs for a general election are issued during an initiative petition signing period,

- (a) the initiative petition is terminated, except as provided in this section,
- (b) the initiative petition and signature sheets originally issued under section 3(4) may not be used for further signatures, and
- (c) no person shall canvass for further signatures for the initiative petition, except as provided in this section.

(2) In order to continue the initiative petition, the proponent shall

- (a) within 72 hours after the day on which the writs for a general election are issued, submit to the Chief Electoral Officer
 - (i) the initiative petition and all of the signature sheets containing original signatures, and
 - (ii) an affidavit confirming that all signature sheets containing original signatures have been returned and

all copies will be destroyed in accordance with section 13,

and

- (b) as soon as practicable and not later than 30 days after polling day, notify the Chief Electoral Officer in the form and manner determined by the Chief Electoral Officer that the proponent seeks to continue the initiative petition.

(3) If satisfied that the proponent has met the requirements to continue the initiative, the Chief Electoral Officer shall, as soon as practicable, and not later than 60 days after polling day, continue the petition by

- (a) publishing on the Chief Electoral Officer's website
 - (i) a notice that the petition has been continued, and
 - (ii) the dates of the extended initiative petition signing period,

and

- (b) issuing new signature sheets that are marked as being provided under this section.

(4) Despite any other provision of this Act,

- (a) the extended initiative petition signing period referred to in subsection (3)(a)(ii) begins on the day when the signature sheets are issued under subsection (3)(b) and ends the number of days later that is equal to the remaining number of days in the original initiative petition signing period plus one day, and
- (b) the following shall be submitted to the Chief Electoral Officer no later than the last day of the extended initiative petition signing period:
 - (i) all of the signature sheets containing original signatures;
 - (ii) an affidavit confirming that all signature sheets containing original signatures have been returned and all copies will be destroyed in accordance with section 13.

(5) For the purposes of the Chief Electoral Officer's determination under section 10, the Chief Electoral Officer shall consider the signature sheets referred to in subsections (2)(a) and (4)(b).

(6) If the writs for a general election are issued after the signature sheet submission date and before the Chief Electoral Officer's determination under section 10, the period under section 10 does not apply and the Chief Electoral Officer shall complete the required determinations as soon as practicable after the Chief Electoral Officer announces the results of the general election.

Continuation if an electoral division is disestablished or changed

8 If an electoral division is disestablished or changed during an initiative petition signing period, a reference in this Part to an electoral division is deemed to be a reference to the electoral division as it was on the day on which the initiative petition was issued.

Withdrawal of initiative petition or change of proponent

9(1) An initiative petition may be withdrawn by the applicant or the proponent, as the case may be, by giving written notice to the Chief Electoral Officer in the form and manner determined by the Chief Electoral Officer at any time after making an application under section 2 and before the Chief Electoral Officer's determination under section 10.

(2) If an initiative petition was issued under section 3, the proponent shall submit the following with the notice referred to in subsection (1) and confirm in the notice that the following are being submitted with the notice:

- (a) the initiative petition and all of the signature sheets containing original signatures;
- (b) any copies of the signature sheets, including any additional copies made by the proponent or any person canvassing or acting on behalf of the proponent;
- (c) an affidavit confirming that all signature sheets containing original signatures have been returned and all copies have been returned or destroyed.

(3) On receipt of the notice referred to in subsection (1), the Chief Electoral Officer shall, as the Chief Electoral Officer considers

necessary for the purposes of this Act, publish on the Chief Electoral Officer's website a notice that the initiative petition has been withdrawn.

(4) If the proponent of an initiative petition dies, resigns or in the opinion of the Chief Electoral Officer becomes ineligible or incapacitated,

- (a) the chief financial officer shall, as soon as practicable, deliver a notice in writing
 - (i) confirming the information referred to in section 2(2)(a) and (b) with respect to the replacement proponent, and
 - (ii) providing the appointment, information, consent, statement and prescribed information referred to in section 21(2) with respect to the replacement proponent's chief financial officer

and

- (b) if the Chief Electoral Officer has not received the notice referred to in clause (a) after the expiry of 14 days from the date on which the Chief Electoral Officer becomes aware of a vacancy in the role of proponent, within the meaning of this subsection the Chief Electoral Officer shall publish a notice that the initiative petition has been withdrawn.

(5) Subsection (4) does not apply in the event that a proponent becomes ineligible as the result of a contravention of this Act.

(6) On receipt of a notice referred to in subsection (4)(a), the Chief Electoral Officer shall publish the notice on the Chief Electoral Officer's website.

(7) The publication of a notice referred to in subsection (3) or (4)(b) has the following consequences:

- (a) the initiative petition signing period ends at the end of the day on which the notice is published;
- (b) the initiative petition is unsuccessful.

(8) The chief financial officer for an initiative petition referred to in subsection (3) or (4)(b) shall, as soon as practicable and not later

than 14 days from the date of a notice published under subsection (3) or (4)(b), submit to the Chief Electoral Officer

- (a) all of the signature sheets containing original signatures,
- (b) any copies of the signature sheets, including any additional copies made by the proponent or any person canvassing or acting on behalf of the proponent, and
- (c) an affidavit confirming that all signature sheets containing original signatures have been returned and all copies will be destroyed in accordance with section 13.

(9) All funds received by a proponent or third party in relation to an initiative petition referred to in subsection (3) or (4) and not expended shall be dealt with in accordance with section 43.

Division 3 Determination Whether Initiative Petition Successful

Determination, time limit

10 Except as provided in Division 2, the Chief Electoral Officer shall, within 60 days after the signature sheet submission date, determine whether the initiative petition meets the requirements of section 6.

Unsuccessful initiative petition

11(1) The Chief Electoral Officer shall publish a notice on the Chief Electoral Officer's website indicating that the petition was unsuccessful

- (a) if the Chief Electoral Officer publishes a notice referred to in section 9(7), or
- (b) if the Chief Electoral Officer determines under section 10 that the requirements under section 6 have not been met.

(2) If, for the purposes of Part 3, the Chief Electoral Officer has not received the prescribed reports with respect to an initiative petition or is not satisfied that the reports provided are complete with respect to an initiative petition, the Chief Electoral Officer may do one or more of the following:

- (a) delay the publication of a notice under this section or section 12 as the Chief Electoral Officer considers appropriate;
- (b) determine in accordance with Part 3 that the petition was unsuccessful and publish a notice to that effect on the Chief Electoral Officer's website.

(3) With respect to an unsuccessful initiative petition, the Chief Electoral Officer may on request or on the Chief Electoral Officer's own initiative, disclose or publish on the Chief Electoral Officer's website, as the Chief Electoral Officer considers appropriate,

- (a) the actual or estimated percentage of the total number of electors in the Province who signed the signature sheets and whether the percentage is actual or estimated,
- (b) the actual or estimated percentage of the total number of electors, by electoral division, who signed the signature sheets with respect to a constitutional referendum proposal and whether the percentage is actual or estimated, and
- (c) any other information that the Chief Electoral Officer considers appropriate.

Successful initiative petition

12(1) If the Chief Electoral Officer determines under section 10 that the requirements of section 6 have been met and that the prescribed reports under Part 3 are complete with respect to an initiative petition, the Chief Electoral Officer shall

- (a) in the case of a legislative proposal or policy proposal, submit a copy of the proposal to the Speaker of the Legislative Assembly,
- (b) in the case of a constitutional referendum proposal, submit a copy of the proposal to the Minister, and
- (c) in either case, publish a notice on the Chief Electoral Officer's website indicating that the petition was successful.

(2) With respect to a successful initiative petition, the Chief Electoral Officer shall disclose or publish on the Chief Electoral

Officer's website, as the Chief Electoral Officer considers appropriate,

- (a) the actual or estimated percentage of the total number of electors in the Province who signed the signature sheets and whether the percentage is actual or estimated,
- (b) the actual or estimated percentage of the total number of electors, by electoral division, who signed the signature sheets with respect to a constitutional referendum proposal and whether the percentage is actual or estimated, and
- (c) any information, not constituting personal information, that in the opinion of the Chief Electoral Officer should be made available to the public.

Required return of signature sheets and destruction of copies

13(1) Within 2 days of the day on which the Chief Electoral Officer publishes a notice under section 11 or 12, the proponent shall, except as provided in this section,

- (a) return to the Chief Electoral Officer all signature sheets containing original signatures,
- (b) destroy all additional copies of the signature sheets, including any additional copies made by the proponent, or any person canvassing or acting on behalf of the proponent, and
- (c) submit to the Chief Electoral Officer an affidavit confirming that all signature sheets have been returned and all copies have been destroyed in accordance with this section.

(2) In the case of a judicial review, the proponent shall as soon as practicable following the conclusion of proceedings relating to the judicial review

- (a) destroy all originals and copies of all signature sheets, including any additional copies made by the proponent, or any person canvassing or acting on behalf of the proponent, and

- (b) submit to the Chief Electoral Officer an affidavit confirming that all signature sheets have been returned and all copies have been destroyed in accordance with this section.

Division 4

Duties re Successful Initiative Petition

Duties re legislative proposal

14(1) On receiving a copy of a legislative proposal in accordance with section 12(1)(a),

- (a) the Speaker of the Legislative Assembly shall lay the proposal before the Legislative Assembly if it is then sitting, or if it is not then sitting, within 15 days after the commencement of the next sitting, and
- (b) within 10 sitting days after the proposal is tabled under clause (a), the Government shall bring forward a motion to have the proposal referred to a committee of the Legislative Assembly.

(2) The committee to which a legislative proposal is referred shall within 90 days of the proposal being referred to it if the Legislative Assembly is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting, either

- (a) table a report recommending that a bill be introduced at the earliest practicable opportunity, or
- (b) table a report recommending that the initiative petition and report be referred to the Chief Electoral Officer for the holding of an initiative vote.

(3) If the Legislative Assembly concurs with a committee report recommending that a bill be introduced at the earliest practicable opportunity, the Government shall introduce the bill at the earliest practicable opportunity.

(4) Only a Minister of the Government may introduce a bill referred to in a committee report under subsection (2)(a) or (b).

(5) If a draft bill is to be introduced based on a committee report under subsection (2)(a) or (b) and is for the appropriation of

- (a) any part of the public revenue, or

- (b) any tax or impost, to any purpose,

the bill shall first be recommended to the Legislative Assembly by message of the Lieutenant Governor in the session in which the Minister will introduce the bill.

Duties re policy proposal

15(1) On receiving a copy of a policy proposal in accordance with section 12(1)(a),

- (a) the Speaker of the Legislative Assembly shall lay the proposal before the Legislative Assembly if it is then sitting, or if it is not then sitting, within 15 days after the commencement of the next sitting, and
- (b) within 10 sitting days after the proposal is tabled under clause (a), the Government shall bring forward a motion to have the proposal referred to a committee of the Legislative Assembly.

(2) The committee to which a policy proposal is tabled shall within 90 days of the proposal being referred to it if the Legislative Assembly is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting, either

- (a) table a report with respect to the policy proposal at the earliest practicable opportunity, or
- (b) table a report recommending that the policy proposal and report be referred to the Lieutenant Governor in Council for the purpose of a referendum in accordance with the *Referendum Act*.

(3) Except as provided in this section, the *Referendum Act* applies to a referendum held in accordance with this section.

Duties re constitutional referendum proposal

16(1) On receiving a copy of a constitutional referendum proposal from the Chief Electoral Officer, the Minister shall refer the constitutional referendum proposal to the Lieutenant Governor in Council for the purpose of a constitutional referendum in accordance with the *Referendum Act*.

(2) Except as provided in this section, the *Referendum Act* applies to a constitutional referendum held in accordance with this section.

Division 5 Initiative Petition Regulations

Initiative petition regulations

17 The Lieutenant Governor in Council may make regulations for the purposes of this Part

- (a) respecting the proof of ordinary residence in an electoral division for the purposes of section 1(1)(d)(iii) and sections 2, 4 and 5;
- (b) prescribing information for the purposes of sections 2(2)(g), 4(3)(e) and 6(4)(c);
- (c) prescribing the fee referred to in section 2(2)(h);
- (d) governing individuals who canvass for signatures, including their duties in respect of canvassing, signature sheets, contributions and
 - (i) the proof of an individual's eligibility to canvass, and
 - (ii) the proof of an individual's status as a canvasser in respect of an initiative petition to be presented when canvassing;
- (e) respecting information that must be provided with respect to contributions or expenses for individuals who canvass for signatures;
- (f) respecting the verification of signature sheets and of signatures by the Chief Electoral Officer for the purposes of sections 6(2) and (3) and 9;
- (g) respecting investigations, offences, penalties, administrative penalties and other administrative action in respect of finances and contributions relating to an initiative petition;
- (h) generally respecting any other matters and things relating to the holding and conduct of an initiative petition that the Lieutenant Governor in Council considers appropriate.

Part 2 Initiative Vote

Initiative vote

18(1) This Part applies if the Legislative Assembly refers an initiative petition to the Chief Electoral Officer.

(2) The Lieutenant Governor in Council shall by order authorized under sections 128 and 130 of the *Election Act* give directions for the conduct of an initiative vote for the purposes of this Part.

(3) An initiative vote held on a date provided in the order under subsection (2) may be conducted by mail-in ballot in accordance with the regulations.

(4) Without limiting subsection (2), the provisions of the *Election Act* governing plebiscites, general elections and mail-in balloting apply with all necessary modifications to an initiative vote, and the order under subsection (2) may adapt any provisions of the *Election Act* or the *Election Finances and Contributions Disclosure Act* as the Lieutenant Governor in Council considers appropriate for the purposes of the initiative vote.

Result of initiative vote

19 An initiative vote is successful if more than 50% of the electors who voted vote in favour of the initiative.

Part 3 Initiative Petition Finances and Contributions

Contributions and expenses

20(1) No person or organization shall contribute in respect of an initiative petition except in accordance with this Part and the regulations.

(2) Only an individual who is ordinarily resident in Alberta may make contributions to a proponent in respect of an initiative petition.

(3) The total amount of all contributions by an individual to a proponent, or that may otherwise occur as prescribed in respect of an initiative petition, shall not exceed the prescribed amount.

(4) A proponent shall not accept any contributions or incur any initiative petition expenses except through the chief financial officer who is appointed in accordance with section 21 in respect of the initiative petition.

Application of Election Act and Election Finances and Contributions Disclosure Act

21(1) The *Election Act* and *Election Finances and Contributions Disclosure Act* apply with all necessary modifications, subject to this Part and the regulations, with respect to

- (a) an initiative petition,
- (b) the proponent in respect of an initiative petition,
- (c) the duties of a chief financial officer appointed under this section in respect of an initiative petition,
- (d) the proponent or a chief financial officer appointed under this section in respect of initiative advertising and opinion surveys within the meaning of sections 134 to 135.4 of the *Election Act*, and
- (e) any investigation, offences, penalties, administrative penalties and other administrative action in respect of finances and contributions relating to an initiative petition.

(2) A proponent shall provide the following to the Chief Electoral Officer with respect to the proponent's chief financial officer:

- (a) a copy of the appointment and the consent and statement referred to in subsection (3)(b);
- (b) the contact information to be used for the purposes of section 20(4) and to which notices under this Act may be delivered to the chief financial officer or the proponent for the purposes of section 46.

(3) The appointment of a chief financial officer for a proponent shall be made in writing and shall

- (a) include
 - (i) the name of the individual appointed and the effective date of the appointment,

(ii) the individual's contact information for the purposes of subsection (2)(b), and

(iii) any other information that may be prescribed,

and

(b) be accompanied by

(i) a signed consent of the individual appointed to act as chief financial officer with an affidavit of an attesting witness to the signature,

(ii) a signed statement of the individual appointed that the individual is not disqualified from acting as a chief financial officer, and an affidavit of an attesting witness to the signature, and

(iii) any other information that may be prescribed.

(4) The following are disqualified from acting as a chief financial officer:

(a) the proponent who appoints the chief financial officer;

(b) the Chief Electoral Officer, an election officer or an individual who is otherwise a member of the staff of the Chief Electoral Officer;

(c) an individual who is prohibited from being a chief financial officer under section 29(4) of the *Election Finances and Contributions Disclosure Act*;

(d) an individual who, at any time within the previous 8 years, has been convicted of an offence under this Act, the *Election Act* or the *Election Finances and Contributions Disclosure Act*;

(e) an individual identified by the regulations as being disqualified.

Expense limits

22 A proponent shall not incur initiative petition expenses exceeding the prescribed initiative petition expense limits.

Regulations — initiative petition contributions and finances

23(1) The Lieutenant Governor in Council may make regulations for the purposes of this Part

- (a) modifying provisions of the *Election Act* and the regulations under that Act to make them applicable in respect of an initiative petition or any other matter described in section 21(1)(a) to (e), including specifying or setting out provisions applicable to an initiative petition in addition to, or instead of, any provision of that Act and regulations;
- (b) modifying the provisions of the *Election Finances and Contributions Disclosure Act* and the regulations under that Act to make them applicable to an initiative petition or any other matter described in section 21(1)(a) to (e), including specifying or setting out provisions applicable to an initiative petition in addition to, or instead of, any provision of that Act and regulations.

(2) Without limiting the general powers conferred by this section, the Lieutenant Governor may make regulations for the purposes of this Part

- (a) defining words or expressions, including a word or expression used in this Part;
- (b) respecting the duties and powers of the Chief Electoral Officer concerning a proponent, chief financial officer, contribution, expense, report, return or disclosure required with respect to an initiative petition;
- (c) respecting the duties of a proponent or a chief financial officer, including with respect to contributions, expenses and the reports, returns or disclosure required with respect to an initiative petition;
- (d) respecting the duties of a proponent, a chief financial officer or any other person or organization with respect to advertising and opinion surveys within the meaning of sections 134 to 135.4 of the *Election Act*;
- (e) prescribing the total amount of all contributions by an individual to a proponent or that may otherwise occur in respect of an initiative petition for the purposes of section 20(3);

- (f) prescribing the information referred to in section 21(3)(a)(iii) and (b)(iii);
- (g) respecting individuals who are disqualified for the purposes of section 21(4)(e);
- (h) respecting the initiative petition expense limits that apply in respect of a proponent or other person or organization;
- (i) generally respecting any other matters and things relating to the regulation of contributions, expenses, reporting, returns and disclosure in relation to an initiative petition that the Lieutenant Governor in Council considers appropriate.

Part 4 Third Party Initiative Advertising

Interpretation

24(1) In this Part,

- (a) “expense” means
 - (i) amounts paid,
 - (ii) liabilities incurred,
 - (iii) subject to subsection (2), the market value of real property, goods and services that are donated or provided, and
 - (iv) subject to subsection (2), amounts that represent the difference between an amount paid or a liability incurred for real property, goods or services and the market value of the real property, goods or services, when they are provided at less than their market value;
- (b) “group” means an unincorporated group of persons or organizations acting in concert for a common purpose and includes a trade union and an employee organization or any combination of persons, organizations, trade unions or employee organizations;

- (c) “initiative advertising” means, subject to subsection (3), the transmission to the public by any means during an initiative petition period of advertising that promotes or opposes an initiative petition, the legislation, policy or constitutional question proposed by the initiative petition or the subject-matter of the legislation, policy or constitutional question, 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 initiative petition,
 - (iii) the transmission of a document or 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 opinion of that individual, corporation or group, or
 - (v) communication by the Government in any form;
- (d) “initiative advertising account” means the account on record with the Chief Electoral Officer for the purpose of accepting initiative advertising contributions for initiative advertising and for the payment of initiative advertising expenses for initiative advertising during the initiative petition period;
- (e) “initiative advertising contribution” means, subject to subsection (4),
 - (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 initiative advertising, whether provided before or after the third party becomes registered under section 25;

- (f) “initiative advertising expense” means an expense incurred in relation to
 - (i) the production of an initiative 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 initiative advertising message;
- (g) “third party” means an individual, corporation, organization or group, but does not include the following:
 - (i) the Government of Canada or a Minister, agency or official of the Crown in right of Canada;
 - (ii) a federal political party, electoral district association or candidate registered under the *Canada Elections Act* (Canada);
 - (iii) the Government of Alberta or a Minister, agency or official of the Crown in right of Alberta;
 - (iv) a registered party;
 - (v) a registered constituency association;
 - (vi) a registered candidate or member of the Legislative Assembly;
 - (vii) a registered nomination contestant;
 - (viii) a registered leadership contestant.

(2) For the purposes of subsection (1)(a)(iii) and (iv), “services” does not include volunteer labour provided by an individual, so long as that individual does not receive from his or her employer, or any person or organization, compensation or paid time off to volunteer, but for greater certainty, does include services provided by an individual who is self-employed if the services are normally charged for by that individual.

(3) For the purposes of subsection (1)(c), “initiative advertising” includes

- (a) solicitation, whether direct or indirect, that promotes or opposes an initiative petition, and
- (b) organizing events where a significant purpose of the event is to promote or oppose an initiative petition, the legislation, policy or constitutional question proposed by the initiative petition or the subject-matter of the legislation, policy or constitutional question.

(4) For the purposes of subsection (1)(e), “services” does not include

- (a) volunteer labour provided by an individual, so long as that individual does not receive from his or her employer, or any person or organization, compensation or paid time off to volunteer,
- (b) audit and professional services provided free of charge for work relating to compliance with this Act, or
- (c) services provided free of charge by an individual acting as the chief financial officer of the proponent for work relating to compliance with this Act,

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

(5) 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 initiative petition;
- (b) whether the formatting or branding of promotional materials for the event is similar to the formatting, branding or material used in an initiative petition or by a proponent;
- (c) the extent to which an initiative petition 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.

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

Registration of third parties

25(1) A third party shall apply to the Chief Electoral Officer for registration under this section, in the form and manner determined by the Chief Electoral Officer,

- (a) when it has incurred initiative advertising expenses of the prescribed amount or plans to incur initiative advertising expenses of at least the prescribed amount, or
- (b) when it has accepted initiative advertising contributions of the prescribed amount or plans to accept initiative advertising contributions of at least the prescribed amount.

(2) The Chief Electoral Officer shall maintain a register of third parties who engage or plan to engage in initiative advertising with respect to an initiative petition.

(3) Subject to this section, the Chief Electoral Officer shall register any third party who is eligible to be registered and who files with the Chief Electoral Officer an application for registration 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) the address and telephone number of the place or places where records of the third party are maintained and of the

place to which communications may be addressed for the purposes of section 46;

- (c) identification of the initiative petition in relation to which the applicant wishes to be registered as a third party;
- (d) the name and contact information of the chief financial officer appointed by the third party in accordance with section 38(2), and any other prescribed information with respect to the chief financial officer;
- (e) the name and address of the financial institution to be used by the third party for its initiative advertising account;
- (f) the names of the signing authorities for the initiative advertising account;
- (g) any other information that is prescribed or required by the Chief Electoral Officer.

(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 initiative advertising expenses.

(5) The Chief Electoral Officer shall not register a third party if, in the Chief Electoral Officer's opinion,

- (a) a name or the abbreviation to be used by the applicant is likely to cause confusion or offense, or
- (b) a proposed name or abbreviation, if any, is the name or abbreviation used by a proponent or registered third party that is disqualified from registration under this Act.

(6) The following are not eligible to be registered:

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

- (e) a registered charity;
- (f) a prohibited corporation;
- (g) an individual, corporation or entity exempted under section 24(1)(g).

(7) A third party that is, in connection with any initiative petition, subject to a penalty under this Part or in respect of which a report required under this Part is not filed is not eligible to be registered as a third party until all such outstanding reports are filed and all such outstanding penalties are paid.

(8) The Chief Electoral Officer 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 as a third party, and
- (c) if the application is refused, give reasons for the refusal.

(9) When there is any change in the information required to be provided under this section, the registered third party shall notify the Chief Electoral Officer in writing within 7 days after the change and, subject to subsection (5), on receipt of the notice, the Chief Electoral Officer shall vary the registration accordingly.

(10) A notice under subsection (9) may be sent by fax or email.

(11) As soon as practicable after receiving an application, if satisfied that the requirements of this section are met, the Chief Electoral Officer shall register the third party in relation to the initiative petition identified by the application.

(12) For greater certainty, except as provided in this Part or the regulations, the *Election Act* and the *Election Finances and Contributions Disclosure Act* apply with all necessary modifications in respect of third party initiative advertising and any investigation, offences or penalties in respect of third party initiative advertising.

Initiative advertising spending limit

26(1) A registered third party shall not incur initiative advertising expenses exceeding the prescribed amount that applies to the initiative petition period.

(2) A third party shall not circumvent, or attempt to circumvent, a limit set out under 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 initiative advertising expenses exceed a limit.

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

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

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

(6) The chief financial officer of a registered third party shall prepare an initiative advertising expense limit report for the purposes of a third party advertising return required to be filed under section 41.

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

Restrictions on initiative advertising contributions and expenses

27(1) Subject to subsection (3) and the regulations, no initiative advertising contribution shall be made to a third party or used to incur initiative advertising expenses unless

- (a) the third party to whom the initiative advertising contribution is made is registered under section 25, or
- (b) the third party is not required to be registered.

(2) No third party required to be registered under section 25 and no person acting for a third party required to be registered under that section shall accept initiative advertising contributions or incur initiative advertising expenses unless the third party is so registered.

(3) A third party shall not incur initiative advertising expenses exceeding the prescribed amount in respect of any one initiative petition if the third party is not eligible to be registered.

(4) No third party shall, directly or indirectly, accept an initiative advertising contribution if the third party knows or ought to know that the contribution is made by a person, organization or group that is prohibited by regulation from contributing.

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

Payments made by third party

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

Deposit of initiative advertising contributions

29(1) Initiative advertising contributions for initiative advertising accepted by or on behalf of a registered third party shall be paid into the initiative advertising account.

(2) When any initiative 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 initiative advertising account.

Additional rules for groups

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

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

Valuing contributions other than money

31(1) The value of initiative advertising contributions, other than money, provided to a third party is the market value of the initiative 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 initiative advertising contribution for the purposes of this Part.

Fund-raising functions

32(1) In this section, “fund-raising function” includes any social function held for the purpose of raising funds for a third party required to be registered under section 25 by whom or on whose behalf the function is held.

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

(3) If a fund-raising function is held by the sale of tickets by or on behalf of a third party, the amount of the initiative 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 initiative advertising contribution unless the person who pays the charge specifically requests that it be so considered, in which case 50% of the amount is allowed for expenses and 50% is considered to be an initiative 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 initiative advertising contribution, and

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

(b) the amount of the initiative 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 initiative advertising contribution to the third party.

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

Initiative advertising contributions less than \$50

33(1) When, at a meeting held on behalf of or in relation to the affairs of a third party, money is given in response to a general collection of money solicited from the persons in attendance at the meeting, individual amounts given of \$50 or less will not be considered to be initiative advertising contributions, but the chief financial officer of the third party shall record the aggregate amount received.

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

Loans

34(1) A third party

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

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

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

Anonymous contributions and unauthorized contributions

35(1) Any anonymous contribution in excess of \$50 and any 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 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 contribution to the Chief Electoral Officer.

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

(3) If the account maintained by a chief financial officer for the third party contains insufficient funds to make a payment required under subsection (1), the third party is liable to provide the necessary funds to meet the deficiency.

Contributions not belonging to contributor

36(1) No person, organization or group prescribed for the purposes of section 27(4) shall contribute to any third party that is registered or is required to be registered under section 25 funds not actually belonging to that person, organization or group, or any funds that have been given or furnished by a prescribed person, organization or group for the purpose of making an initiative advertising contribution of those funds to the third party that is registered or is required to be registered under section 25.

(2) No third party that is registered or is required to be registered under section 25 and no person on its behalf shall solicit or accept any initiative advertising contribution contrary to subsection (1).

(3) If the chief financial officer learns that an initiative advertising contribution received by or on behalf of the third party that is registered or is required to be registered under section 25 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 initiative advertising contribution in accordance with the directions of the Chief Electoral Officer.

Receipts

37 The chief financial officer for a third party shall issue receipts in the form and manner approved by the Chief Electoral Officer for every initiative advertising contribution accepted by the third party under this Part.

Third party initiative advertising expenses

38(1) All initiative advertising expenses shall be paid from the third party's initiative advertising account.

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

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

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

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

(6) All initiative advertising expenses paid by a third party from the initiative advertising account shall be recorded in its applicable disclosure report.

Identification of third parties

39(1) A third party, or a person acting on a third party's behalf, shall ensure that the initiative advertising sponsored by the third party complies with the following in accordance with the guidelines of the Chief Electoral Officer:

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

(iv) the telephone number of the third party at which the third party can be contacted must be stated at the end of the initiative advertising.

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

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

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

Disclosure of initiative advertising contributions

40(1) In addition to the return referred to in section 41, every registered third party who engages in initiative 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 initiative advertising contributions received during the initiative petition period, setting out

- (a) the total amount of all initiative advertising contributions received during each week of the initiative petition period that did not exceed the prescribed amount from any single contributor, and
- (b) for each contributor who made initiative advertising contributions during that week totalling more than the prescribed amount, the total amount contributed, together with the contributor's name and address and the amount and date of each initiative 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 initiative advertising contributions of that contributor exceeded the prescribed amount, from the beginning of the relevant period referred to in section 41(1) to the end of the particular week for which the report is being prepared, together with the contributor's name and address.

Third party initiative advertising return

41(1) The chief financial officer of a third party who is registered under section 25 shall file a third party initiative advertising return with the Chief Electoral Officer within 3 months after the date on which the initiative petition period ends.

(2) A third party initiative advertising return must include

- (a) a financial statement,
- (b) a list of all initiative advertising contributions received during the initiative petition period,
- (c) an initiative advertising expense limit report referred to in section 26(6),
- (d) the time and place of broadcast or publication of the initiative advertisements to which the initiative advertising expenses relate, and
- (e) any supporting information relating to the initiative advertising return submitted by the third party or requested by the Chief Electoral Officer.

(3) If a registered third party has not incurred initiative advertising expenses, that fact must be indicated in its initiative advertising return.

(4) For the purposes of subsection (2)(b), the list of initiative advertising contributions received must set out, for each contributor who made initiative advertising contributions exceeding the prescribed amount, the contributor's name and address and the amount and date of each initiative advertising contribution.

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

(6) The Chief Electoral Officer may issue guidelines relating to the preparation and contents of the initiative advertising return referred to in this section and shall publish any guidelines on the Chief Electoral Officer's website.

Audited financial statements

42(1) The chief financial officer of a third party whose initiative advertising expenses exceed the prescribed amount shall file an audited financial statement with the Chief Electoral Officer within 6 months after the day on which the initiative petition period ends.

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

Disposition of surplus funds

43(1) If a registered third party does not expend all initiative advertising contribution funds during the initiative petition period, the chief financial officer shall, within 6 months after the end of that period, deal with those surplus funds in accordance with this section.

(2) Funds remaining in the initiative advertising account after the polling day established for the purposes of an initiative vote, or following the earlier withdrawal, conclusion or termination of an initiative petition or an initiative vote, shall, subject to the regulations, be dealt with in one or more of the following ways:

- (a) by donating the funds to a registered charity;
- (b) by returning the funds to the contributor if the contributor can be identified;
- (c) if the funds or any portion of the funds cannot be dealt with in accordance with clauses (a) and (b), by paying the funds, or that portion of the funds, as the case may be, to the Chief Electoral Officer.

(3) A registered third party to which subsection (1) applies shall notify the Chief Electoral Officer of its decisions under this section and shall apply to the Chief Electoral Officer in accordance with the regulations to cancel its registration.

(4) The chief financial officer of a registered third party that has not dealt with the funds remaining in the initiative advertising account shall file an initiative 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 to the satisfaction of the Chief Electoral Officer.

(5) The Chief Electoral Officer shall pay any amounts received under subsection (2)(c) into the General Revenue Fund.

Late filing fee

44(1) In this section, “filing deadline” means the day by which a report and return under this Part are required to be filed with the Chief Electoral Officer.

(2) A third party that is required to file a report and return under this Part and fails to file that report or return by the filing deadline shall pay a late filing fee in the prescribed amount to the Chief Electoral Officer.

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

(4) If the late filing fee is not paid within 30 days after the date the fee was payable, the Chief Electoral Officer shall send a notice to the third party and the chief financial officer referred to in subsection (3) indicating the amount of the late filing fee that is required to be paid.

(5) If the third party and the chief financial officer who are sent notices by the Chief Electoral Officer under subsection (4) fail to pay the late filing fee set out in the notice, the Chief Electoral Officer may file a copy of the notice with the clerk of the Court, 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.

Regulations — third party initiative advertising

45(1) Except as provided in this Part or the regulations, the *Election Act* and the *Election Finances and Contributions Disclosure Act* apply with all necessary modifications in respect of third party initiative advertising.

(2) The Lieutenant Governor in Council may make regulations for the purposes of this Part

(a) modifying provisions of the *Election Act* and the regulations under that Act to make them applicable in respect of third party initiative advertising, including specifying or setting out provisions applicable in the

context of an initiative petition in addition to, or instead of, any provision of that Act and regulations;

- (b) modifying the provisions of the *Election Finances and Contributions Disclosure Act* and the regulations under that Act to make them applicable to third party initiative advertising in respect of an initiative petition, including specifying or setting out provisions applicable to third party initiative advertising in addition to, or instead of, any provision of that Act and regulations.

(3) Without limiting the general powers conferred by this section, the Lieutenant Governor in Council may make regulations for the purposes of this Part

- (a) defining or further defining words or expressions, including a word or expression used in this Part;
- (b) respecting the duties of a third party, a chief financial officer appointed for the purposes of this Part or any other person or organization with respect to initiative advertising;
- (c) respecting the duties and powers of the Chief Electoral Officer concerning a third party, a chief financial officer referred to in this Part or a contribution, expense, report or return for the purposes of this Part;
- (d) prescribing information that shall be included in or accompany the appointment of a chief financial officer for the purposes of section 25(3)(d) and 38(2);
- (e) prescribing any additional information that shall be included in or accompany the registration of a third party for the purposes of section 25(3)(g);
- (f) prescribing an initiative advertising expense limit or classes of initiative advertising expense limits for the purposes of section 26(1);
- (g) prescribing the amount referred to in section 27(3);
- (h) prohibiting a person, organization or group, or a class of persons, organizations or groups, from making contributions for the purposes of section 27(4);

- (i) respecting a person, organization or group, or a class of persons, organizations or groups, for the purposes of section 36(1);
- (j) prescribing the amounts referred to in sections 40(1)(a) and (b) and (2), 41(4), 42(1) and 44(2);
- (k) respecting the disposition of surplus funds for the purposes of section 43(2);
- (l) generally respecting any other matters and things relating to third party initiative advertising in respect of an initiative petition that the Lieutenant Governor in Council considers appropriate.

Part 5 General

Giving notice

46 A notice or document that is required or authorized under this Act to be given to a person or organization is given if it is delivered in accordance with the contact information, including fax or email, provided for this purpose under this Act or the regulations.

Access to and use of information

47(1) A record that is required or authorized under this Act to be filed with or submitted to the Chief Electoral Officer shall, subject to this section, be available for public inspection in the office of the Chief Electoral Officer during its regular office hours for one year from the time the record is filed or submitted.

- (2)** Unless the Chief Electoral Officer permits earlier inspection,
- (a) an application for the issuance of an initiative petition and the legislation, policy or constitutional question proposed by the initiative petition, as the case may be, are not available for public inspection until after the Chief Electoral Officer has published a notice of initiative petition to be issued under section 3(2)(b), and
 - (b) an initiative petition that has been submitted to the Chief Electoral Officer is not available for public inspection until the Chief Electoral Officer has determined whether the requirements of section 6 have been met.

(3) Neither signature sheets nor a copy of a signature sheet shall be made available for public inspection, published on the Chief Electoral Officer's website or otherwise accessed, used or disclosed, except as the Chief Electoral Officer considers necessary for the purposes of this Act.

(4) Except as expressly provided in this Act, the residence information or other personal information of an individual

- (a) shall not be made available for public inspection, published on the Chief Electoral Officer's website or otherwise accessed, used or disclosed, except as the Chief Electoral Officer considers necessary for the purposes of this Act, and
- (b) may in any document that is required to be made available for public inspection, published or otherwise accessed, used or disclosed be removed or obscured by the Chief Electoral Officer.

(5) If a record is available for public inspection in the office of the Chief Electoral Officer, subject to this section, a member of the public may obtain a copy of the record on payment for the preparation of the copies at the rates that the Chief Electoral Officer determines.

(6) The Chief Electoral Officer or a member of the staff of the Chief Electoral Officer may require an individual who wishes to inspect or obtain a copy of a record referred to in subsection (4) to

- (a) satisfy the official that any purpose for which personal information is to be used is permitted by that subsection, and
- (b) provide a signed statement that the individual, and any person or organization on whose behalf the first individual is inspecting or obtaining the record, will not use personal information included in the record except for a purpose permitted under this Act.

Information protection and confidentiality

48(1) Except as provided in subsection (2), the Chief Electoral Officer, any former Chief Electoral Officer and every individual who is or was employed or engaged by the Office of the Chief Electoral Officer to carry out the duties of the Chief Electoral

Officer 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 disclosed

- (a) by the Chief Electoral Officer to a delegate referred to in section 52 for the purpose of carrying out delegated powers, duties and functions under this Act,
- (b) to the person or organization whose conduct is the subject of proceedings under this Act,
- (c) to the Minister responsible for the *Alberta Personal Income Tax Act* where a contribution has been made or accepted in contravention of this Act for which a receipt has been issued under section 37,
- (d) by an individual conducting an investigation to the extent necessary to enable that individual to obtain information from a person or organization,
- (e) in a summary report made by the Chief Electoral Officer under section 55(8),
- (f) in the course of a judicial review or other proceeding relating to this Act, or
- (g) where the Chief Electoral Officer believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Solicitor General or a law enforcement agency of an alleged offence under this Act or any other enactment of Alberta or an Act or regulation of Canada.

Emergencies and other extraordinary circumstances

49(1) The Chief Electoral Officer may, by specific or general order, make exceptions to this Act and the regulations in accordance with the purposes of this Act as the Chief Electoral Officer considers to be necessary because of an emergency, a legal proceeding or any other extraordinary circumstances in relation to proceedings under this Act.

(2) Without limiting subsection (1), the Chief Electoral Officer may make orders extending a period or establishing a new date in

place of a date set under this Act and giving any other direction the Chief Electoral Officer considers appropriate in relation to this Act.

Guidelines

50(1) The Chief Electoral Officer may issue guidelines respecting all or any Part or provision of this Act and the regulations, and shall publish any guidelines issued on the Chief Electoral Officer's website.

(2) A proponent or registered third party shall comply with this Act and the regulations in accordance with the guidelines published on the Chief Electoral Officer's website.

Forms

51 The Chief Electoral Officer shall provide or approve forms for the purposes of this Act.

Delegation etc.

52(1) The Chief Electoral Officer may delegate to the Election Commissioner or to a person employed or engaged by the Office of the Chief Electoral Officer any power or duty conferred on the Chief Electoral Officer by or in relation to this Act on any conditions that the Chief Electoral Officer considers appropriate.

(2) The Chief Electoral Officer shall not delegate

- (a) the duty to determine whether an initiative petition is successful in accordance with section 10,
- (b) the duty to report the results of an initiative petition under section 11 or 12 or of an initiative vote under section 19, or
- (c) the determination under section 70, whether to consent to a prosecution.

(3) The Election Commissioner shall not delegate the powers and duties associated with an administrative penalty referred to in section 66 or a compliance agreement under the regulations.

(4) Whether or not there is an appointed Election Commissioner, the Chief Electoral Officer has all the powers, duties and functions of the Election Commissioner for the purposes of this Act, and the

Election Commissioner exercises or performs those powers, duties and functions subject to any restrictions, limitations or directions that the Chief Electoral Officer may specify.

Judicial review

53 An application for judicial review of a decision or order under this Act shall be filed with the Court and served on the applicable decision maker no later than 30 days from the date of the decision or order.

Administration expense

54 The Chief Electoral Officer's and Election Commissioner's costs of administering this Act and the regulations shall be submitted to the Standing Committee on Legislative Offices and defrayed in accordance with section 7 of the *Election Act*.

**Part 6
Enforcement, Offences,
Penalties and Prosecutions**

Audit or investigation by Chief Electoral Officer

55(1) The Chief Electoral Officer may

- (a) conduct audits of the accounts of chief financial officers, and
- (b) examine and make inquiries with regard to any matter that might constitute a contravention of this Act or a regulation under this Act.

(2) For the purposes of subsection (1), the Chief Electoral Officer or a representative of the Chief Electoral Officer may inspect and make copies of the records of a person or organization that

- (a) is or was at any time during the previous 5 years a chief financial officer,
- (b) is or was at any time during the previous 5 years a proponent, or
- (c) is or was at any time during the previous 5 years required to file an initiative advertising disclosure report.

(3) Section 5(1) to (2.1) of the *Election Finances and Contributions Disclosure Act* apply to an investigation under this section.

(4) A proponent, chief financial officer, registered third party or other person or organization shall, within 30 days after receiving a written request from the Chief Electoral Officer or within an extended period that the Chief Electoral Officer may determine, provide any information with respect to the financial affairs of the proponent, registered third party or other person or organization that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act.

(5) The Chief Electoral Officer may refuse to conduct or may cease an investigation if the Chief Electoral Officer is of the opinion that

- (a) the matter is frivolous or vexatious, or
- (b) there are no grounds or insufficient grounds to warrant an investigation or the continuation of an investigation.

(6) The Chief Electoral Officer shall not make any adverse finding against a person or organization unless that person or organization has had reasonable notice of the substance of the matter under investigation and a reasonable opportunity to present the views of the person or organization.

(7) The Chief Electoral Officer shall within a reasonable time report any act or omission that in the Chief Electoral Officer's opinion likely constitutes an offence under this Act to the Election Commissioner.

(8) Where, in the opinion of the Chief Electoral Officer, it is in the public interest to do so, the Chief Electoral Officer shall publish a summary report on the Chief Electoral Officer's website relating to any matter within the scope of this Act, including a summary referring to and commenting on any particular matter audited or investigated by the Chief Electoral Officer or the Election Commissioner.

Enforcement by Election Commissioner

56(1) The Election Commissioner may, on the Election Commissioner's own initiative or at the request of the Chief Electoral Officer or another person or organization, conduct an

investigation into any matter that might constitute a contravention of this Act.

(2) For the purpose of conducting an investigation under this Act,

- (a) the Election Commissioner has all the powers and duties referred to in sections 153.09 and 153.091 of the *Election Act* and sections 44.95, 44.96 and 44.97 of the *Election Finances and Contributions Disclosure Act*, and
- (b) other persons or organizations, including persons or organizations under investigation, have the rights and duties referred to in the *Election Act* and the *Election Finances and Contributions Disclosure Act* in respect of an investigation.

(3) For greater certainty, on the request of the Election Commissioner, the Chief Electoral Officer shall disclose to the Election Commissioner any document or information that the Chief Electoral 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.

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

(5) The Election Commissioner may refuse to conduct or may cease an investigation if the Election Commissioner is of the opinion that

- (a) the matter is frivolous or vexatious, or
- (b) there are no grounds or insufficient grounds to warrant an investigation or the continuation of an investigation.

Offences re initiative petition

57(1) A person commits an offence if the person

- (a) knowingly makes a false or misleading statement concerning the contents or effect of an initiative petition,
- (b) refuses to allow an individual to read an initiative petition,
- (c) subject to the regulations, in any manner exerts undue influence on an individual, within the meaning of section 175 of the *Election Act*, in respect of the signing of an initiative petition,
- (d) commits an offence or contravention prescribed by the regulations for the purposes of this section, or
- (e) affixes a false or forged signature on an initiative petition.

(2) A person commits an offence if the person contravenes any of the following provisions or a provision that is specified for the purposes of this section and the regulations:

- (a) section 4(2) or (4);
- (b) section 5(1) or (2);
- (c) section 13;
- (d) section 20.

(3) A person that collects, uses or discloses personal information, except as authorized under this Act or the regulations, commits an offence.

(4) A person who contravenes this section is guilty of an offence and liable to a fine of not more than the amount prescribed in respect of that offence.

Obstruction

58(1) No person shall obstruct any person carrying out an inquiry, investigation or examination under this Act or withhold from that person or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination.

(2) A person who contravenes this section is guilty of an offence and liable to a fine of not more than the prescribed amount.

False documents

59(1) No person shall knowingly make a false statement in any application, return, financial statement, report or other document filed with the Chief Electoral Officer under this Act.

(2) A person who contravenes this section is guilty of an offence and liable to a fine of not more than the prescribed amount.

False statements

60(1) No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions.

(2) A person who contravenes this section is guilty of an offence and liable to a fine of not more than the prescribed amount.

Expenses more than maximum

61 A person who contravenes section 22 is guilty of an offence and liable to a fine of not more than the prescribed amount.

Failure to provide financial statement or return

62 A proponent or the chief financial officer of a proponent who contravenes the regulations under Part 3 by failing to provide a financial statement or return is guilty of an offence and liable to a fine of not more than the amount prescribed in respect of that offence.

Failure to comply with directions

63 A person who fails to comply with a direction of the Chief Electoral Officer or the Election Commissioner is guilty of an offence and liable to a fine of not more than the prescribed amount.

Third party offences

64 A third party that contravenes a provision of this Act is guilty of an offence and liable to a fine not exceeding the amount prescribed in respect of that offence.

General offences

65(1) Subject to the regulations, a person who contravenes any of the provisions of this Act, for which contravention no fine is

otherwise provided, is guilty of an offence and liable to a fine not to exceed the prescribed amount.

(2) If a corporation commits an offence under this Act or the regulations, an officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable to the penalties set out in respect of the offence whether or not the corporation has been prosecuted or convicted.

Administrative penalties

66(1) If the Election Commissioner is of the opinion that a person has contravened a provision of this Act or a provision that is specified for the purposes of this section in the regulations, the Election Commissioner may, in accordance with the regulations, by notice in writing given to that person, require that person to pay an administrative penalty in the amount set out in the notice for each contravention.

(2) All penalties collected under this section shall be paid into the General Revenue Fund.

(3) A person who pays an administrative penalty in respect of a contravention may not be charged under this Act with an offence in respect of that contravention.

Application for injunction

67(1) If the Chief Electoral Officer or the Election Commissioner has reasonable grounds to believe that a person has committed or is likely to commit an act or omission that is contrary to this Act, the Chief Electoral Officer or the Election Commissioner may, during an initiative petition period, after taking into account the nature and seriousness of the act or omission, the need to ensure the integrity of processes under this Act and the public interest, apply by originating application to the Court for an injunction described in subsection (2).

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

injunction ordering any person named in the application to do one or both of the following:

- (a) refrain from committing any act or omission that appears to the Court to be contrary to this Act;
- (b) do any act that appears to the Court to be required by this Act.

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

Orders

68(1) Where a contribution has been made or accepted in contravention of this Act, the Chief Electoral Officer or the Election Commissioner may order that the amount of the contribution that was made or accepted in contravention of this Act be returned to the contributor.

(2) If it cannot be determined who made the contribution that was made or accepted in contravention of this Act, the amount ordered under subsection (1) must be paid into the General Revenue Fund.

Limitation

69 A prosecution under this Act shall be commenced within 3 years of the time when the subject-matter of the prosecution arose.

Consent to prosecute

70 No prosecution shall be instituted under this Act without the consent of the Chief Electoral Officer.

Part 7 General Regulations

Regulations

71(1) The Lieutenant Governor in Council may make regulations for the purposes of this Act

- (a) modifying provisions of the *Election Act* and the regulations under that Act to make them applicable in

respect of a matter referred to in this Act, or specifying or setting out provisions in addition to, or instead of, any provision of that Act and regulations;

- (b) modifying the provisions of the *Election Finances and Contributions Disclosure Act* and the regulations under that Act to make them applicable in respect of a matter referred to in this Act, or specifying or setting out provisions in addition to, or instead of, any provision of that Act and regulations.

(2) Without limiting the general powers conferred by this section, the Lieutenant Governor in Council may make regulations for the purposes of this Act

- (a) defining words or expressions, including a word or expression used in this Act;
- (b) further clarifying the definition of “organization” in section 1(1)(k) and specifying what entities or classes of entities do or do not constitute an organization to which this Act or any provision of this Act applies;
- (c) respecting the confidentiality, collection, use and disclosure of information for the purposes of this Act and the regulations authorized by this Act;
- (d) respecting the administrative penalties referred to in section 66, including the registration of an unpaid administrative penalty as an order of the Court;
- (e) respecting
 - (i) compliance agreements that may or must be available for the purpose of ensuring compliance with this Act and the regulations if the Election Commissioner believes on reasonable grounds that a person or organization has committed, is about to commit or is likely to commit an act or omission that could constitute a contravention of this Act or the regulations, and
 - (ii) the consequences of failing to comply with a compliance agreement;

- (f) respecting investigations, offences, penalties, administrative penalties and other administrative action in respect of finances and contributions generally for the purposes of this Act;
- (g) providing with respect to any provision of the regulations under this Act that its contravention constitutes an offence;
- (h) prescribing the penalties, including imprisonment, that will apply in respect of a class of individuals, corporations, organizations, associations or groups
 - (i) for the purposes of sections 57 to 65, and
 - (ii) in respect of offences provided in a regulation made under clause (f);
- (i) to remedy any confusion, difficulty, inconsistency or impossibility arising from the application of a provision of the *Election Act* or the *Election Finances and Contributions Disclosure Act* in respect of any matter or thing provided under this Act;
- (j) generally respecting any other matters and things relating to the implementation and administration of this Act that the Lieutenant Governor in Council considers appropriate.

Part 8 Coming into Force

Coming into force

72 This Act comes into force on Proclamation.

