

2025 Bill 54

First Session, 31st Legislature, 3 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 54

ELECTION STATUTES AMENDMENT ACT, 2025

THE MINISTER OF JUSTICE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 54

2025

ELECTION STATUTES AMENDMENT ACT, 2025

(Assented to _____, 2025)

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

Alberta Pension Protection Act

Amends SA 2023 cA-29.5

1(1) The *Alberta Pension Protection Act* is amended by this
section.

(2) Section 4(2)(b) is repealed and the following is substituted:

- (b) the reference in section 7.1 of the *Referendum Act* to a
referendum under that Act shall be read as a reference to
a referendum held under this Act,

(3) This section comes into force on Proclamation.

Alberta Personal Income Tax Act

Amends RSA 2000 cA-30

2(1) The *Alberta Personal Income Tax Act* is amended by this
section.

Explanatory Notes

Alberta Pension Protection Act

- 1(1) Amends chapter A-29.5 of the Statutes of Alberta, 2023.
- (2) Section 4(2)(b) presently reads:
 - (2) *For the purpose of subsection (1),*
 - (b) *the reference in section 7.1 of the Referendum Act to*
 - (i) *a referendum held under that Act shall be read as a reference to a referendum held under this Act, and*
 - (ii) *section 5.1(2)(b)(ii) of that Act shall be read as a reference to section 2(3)(b)(ii) of this Act,*
- (3) Coming into force.

Alberta Personal Income Tax Act

- 2(1) Amends chapter A-30 of the Revised Statutes of Alberta 2000.

(2) Section 24 is amended

(a) in subsection (1) by adding the following after clause (c):

(d) “registered prospective candidate association” means a registered prospective candidate association under the *Election Finances and Contributions Disclosure Act*.

(b) in subsections (2.1) and (3) by adding “registered prospective candidate association,” after “registered constituency association,”.

(3) Subsection (2) applies to the 2025 and subsequent taxation years.

(4) This section comes into force on Proclamation.

Alberta Senate Election Act

Amends SA 2019 cA-33.5

3(1) The *Alberta Senate Election Act* is amended by this section.

(2) Section 1(1) is amended

(a) by adding the following after clause (a):

(a.1) “Chief Electoral Officer” means the Chief Electoral Officer appointed under section 2 of the *Election Act*;

(b) by adding the following after clause (e):

(e.1) “local jurisdiction” means a municipality as defined in the *Municipal Government Act* or a school division as defined in the *Education Act*;

(2) Section 24 presently reads in part:

24(1) In this section,

(c) “registered party” means a political party that is a registered party under the Election Finances and Contributions Disclosure Act.

(2.1) In respect of the aggregate amount of contributions under the Election Finances and Contributions Disclosure Act contributed on or after January 1, 2004 by an individual, other than a trust, during a taxation year to a registered party, registered constituency association, registered candidate or registered leadership contestant, that individual may deduct the lesser of the amount of tax payable and an amount equal to

(3) Payment of each amount that is included in the aggregate amount of contributions in respect of which a deduction is claimed under subsection (2.1) must be proved by filing with the Provincial Minister receipts signed on behalf of the registered party, registered constituency association, registered candidate or registered leadership contestant, as the case may be.

(3) Application.

(4) Coming into force.

Alberta Senate Election Act

3(1) Amends chapter A-33.5 of the Statutes of Alberta, 2019.

(2) Adds definitions.

(3) The following is added after section 5:

Recommendation to discontinue election

5.1 The Chief Electoral Officer may recommend that the Lieutenant Governor in Council discontinue an election under this Act and commence a new election at another date and time if

- (a) the election is being held in conjunction with a general election under the *Election Act* or separately on a date provided for in an order under section 5(1)(a)(ii) and the Chief Electoral Officer is of the opinion that an adjournment under section 4(3.1) of the *Election Act* is insufficient to address the circumstances set out in that section, or
- (b) the election is being held in conjunction with the general elections under the *Local Authorities Election Act* and the Chief Electoral Officer is of the opinion that an extension, adjournment or any other action under section 6.1 of that Act is insufficient to address the circumstances set out in that section.

Discontinuing and recommencing election due to emergency

5.2(1) The Lieutenant Governor in Council may, by order, discontinue an election under this Act if

- (a) the election is being held in conjunction with a general election under the *Election Act* or separately on a date provided for in an order under section 5(1)(a)(ii) and
 - (i) the Lieutenant Governor in Council is of the opinion that an adjournment under section 4(3.1) of the *Election Act* is insufficient to address the circumstances set out in that section, or
 - (ii) the election is discontinued under section 4(3.5) of the *Election Act*,

or

- (b) the election is being held in conjunction with the general elections under the *Local Authorities Election Act* and the Lieutenant Governor in Council is of the opinion that an extension, adjournment or any other action under

(3) Recommendation to discontinue election; discontinuing and recommencing election due to emergency.

section 6.1 of that Act is insufficient to address the circumstances set out in that section.

(2) An order under subsection (1) may discontinue the election in one or more electoral divisions or local jurisdictions, as the case may be, and may

- (a) commence a new election at another date and time, and
- (b) authorize the Lieutenant Governor in Council to issue a writ of election in the prescribed form addressed to the Chief Electoral Officer.

(3) On being notified of an order under subsection (1), the Chief Electoral Officer shall publish, on the Chief Electoral Officer's website and in any other manner the Chief Electoral Officer considers necessary, a notice that the election has been discontinued under this section.

(4) If an order under subsection (1) discontinues an election and commences a new election at another day and time, nominations of candidates previously filed remain valid for the new election.

(5) If an election is discontinued under subsection (1), returning officers and election officers must make all reasonable efforts to ensure that the election materials are secured and that the integrity of the election is not compromised.

(6) On receipt of a writ under subsection (2), the Chief Electoral Officer shall endorse on it the date on which the Chief Electoral Officer received it and shall

- (a) advise the returning officer of each electoral division or local jurisdiction for which an election is to take place, as the case may be, that a writ has been issued, and
- (b) transmit a copy of the writ to each returning officer advised in accordance with clause (a).

(4) Section 29(1) is amended by striking out “sections 4.1” and substituting “sections 4(1) to (3.41) and (3.9) to (8), 4.1”.

(5) Section 37(1) is amended by striking out “sections 5” and substituting “sections 5, 6.1”.

(6) Section 38 is amended

(a) in subsection (1)

(i) by striking out “and every Metis settlement council”;

(ii) by striking out “or Metis settlement, as the case may be,”;

(b) in subsection (4) by striking out “, the portion of the City of Lloydminster located in Alberta or Indian reserve” and substituting “or the portion of the City of Lloydminster located in Alberta”;

(c) in subsection (5)

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

(a) with any elected authority, or

(ii) by striking out “band council of an Indian band,”;

(d) in subsection (6) by striking out “band council of an Indian band,”;

(4) Section 29(1) presently reads:

29(1) Except as provided in this Part and the regulations, sections 4.1, 4.11, 4.12, 19.1 and 20, Part 3 and sections 133, 134, 136, 137(1) to (4), 140 to 143, 151 and 152 of the Election Act apply to an election under this Act held in conjunction with a general election under the Election Act or held separately on a date fixed in an order under section 5 as if it were a general election under the Election Act.

(5) Section 37(1) presently reads:

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

(6) Section 38 presently reads in part:

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

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

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

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

(b) with the advisory committee of an improvement district or special area or the council of a summer village

(e) in subsection (7) by striking out “, band councils of Indian bands”.

(7) The following is added after section 38:

Location of voting places on Indian reserves and Metis settlements

38.1(1) In preparation for an election under this Act that is held in conjunction with the general elections under the *Local Authorities Election Act*, the Chief Electoral Officer shall consult with the band council of each Indian band and with the Metis settlement council and settlement administrator of each Metis settlement to determine whether a suitable building located on the Indian reserve or Metis settlement, as the case may be, may be used as a voting place for electors who are residents of the Indian reserve or Metis settlement, as the case may be.

(2) If the band council of an Indian band or the Metis settlement council of a Metis settlement agrees to the use of a suitable building located on the Indian reserve or Metis settlement, as the case may be, the Chief Electoral Officer shall use the building as a voting place.

(8) Section 39 is repealed and the following is substituted:

Electors list

39 The permanent electors register for a municipality compiled and revised under the *Local Authorities Election Act* shall be used for conducting a vote for the purposes of an election under this Act in that municipality.

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

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

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

(7) Location of voting places on Indian reserves and Metis settlements.

(8) Section 39 presently reads:

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

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

(9) Section 42 is amended

(a) in subsection (2)

(i) by striking out “band council of an Indian band,”;

(ii) by striking out “band council,”;

(b) in subsection (3) by striking out “, special area or Indian reserve” **and substituting** “or special area”.

(10) Section 48.1 is amended

(a) by striking out “Metis settlement council,”;

(b) by striking out “band council of an Indian band,”.

(11) This section comes into force on Proclamation.

Alberta Taxpayer Protection Act

Amends RSA 2000 cA-36

4(1) The *Alberta Taxpayer Protection Act* is amended by this section.

(2) Section 4 is amended

(a) in subsection (1) by striking out “6 to 11” **and substituting** “5.3 to 11”;

(b) in subsection (2)(a)

(i) by striking out “sections 4 and 5” **and substituting** “sections 4, 5 and 5.3”;

(ii) by striking out “section 1 or 2” **and substituting** “section 1 or 5.1”.

(9) Section 42 presently reads in part:

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

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

(10) Section 48.1 presently reads:

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

(11) Coming into force.

Alberta Taxpayer Protection Act

4(1) Amends chapter A-36 of the Revised Statutes of Alberta 2000.

(2) Section 4 presently reads in part:

4(1) Sections 0.1, 4, 5 and 6 to 11 of the Referendum Act, and the regulations made under that Act in relation to those sections, apply to the conduct of a referendum ordered under this Act.

(2) For the purpose of subsection (1),

(a) the reference in sections 4 and 5 of the Referendum Act to section 1 or 2 of that Act shall be read as a reference to section 2 of this Act,

(3) This section comes into force on Proclamation.

Citizen Initiative Act

Amends SA 2021 cC-13.2

5(1) The *Citizen Initiative Act* is amended by this section.

(2) Section 1(1)(p) is repealed and the following is substituted:

- (p) “signature sheet” means a signature sheet referred to in section 3 or 9, as applicable, for obtaining the signatures of electors;

(3) Section 2 is amended

(a) by repealing subsection (5)(a) and substituting the following:

- (a) a proposal that, within the last 5 years, was the subject of an unsuccessful referendum under section 15 or 16 or an unsuccessful initiative vote under section 18, or

(b) by repealing subsections (10) and (11).

- (3) Coming into force.

Citizen Initiative Act

- 5(1)** Amends chapter C-13.2 of the Statutes of Alberta, 2021.

- (2) Section 1(1)(p) presently reads:

1(1) In this Act,

- (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;

- (3) Section 2 presently reads in part:

(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

(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

(4) The following is added after section 2:

Question to the Court

2.1(1) 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 with the requirements of section 2(3) and (4), as applicable.

(2) If the Chief Electoral Officer states a question in the form of a special case to the Court under subsection (1),

- (a) the *Administrative Procedures and Jurisdiction Act* applies as if the question were a question under section 13(1)(b) of that Act,
- (b) the Chief Electoral Officer shall provide written notice of the decision to state the question, no later than 7 days after stating the question,
 - (i) to the applicant, and
 - (ii) to the Minister of Justice of Alberta,

and

- (c) the clerk of the Court shall set the date on which the question will be heard by the Court to be no later than the 10th day after the Chief Electoral Officer stated the question to the Court.

(3) In a proceeding relating to the determination of a question referred to in subsection (1), the applicant may appear and participate, and if the applicant appears, the applicant is deemed to be a party to the proceeding and has the same rights as any other party.

(i) to the applicant,

(ii) to the Minister of Justice of Alberta, and

(iii) to the Attorney General of Canada.

(4) Question to the Court; determination period.

(4) The Chief Electoral Officer must state a question in the form of a special case to the Court under subsection (1) no later than 30 days after the date on which an elector applied for the issuance of an initiative petition.

Determination period

2.2(1) Subject to subsection (2), the Chief Electoral Officer must determine, no later than 30 days after the date on which an elector applied for the issuance of an initiative petition, if the requirements in section 2 have been met.

(2) If the Chief Electoral Officer has stated a question in the form of a special case to the Court under section 2.1, the Chief Electoral Officer must determine, no later than 30 days after the date on which the Court gives its decision, if the requirements in section 2 have been met.

(5) Section 3 is amended

- (a) **in subsection (1) by striking out “reasons therefore” and substituting “reasons for the rejection”;**
- (b) **in subsection (2) by adding “, within 7 days of the date of determination,” after “shall”;**
- (c) **in subsection (3) by striking out “30 days” and substituting “7 days”;**
- (d) **by repealing subsection (4) and substituting the following:**

(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 signature sheets for use in obtaining the signatures of electors.

- (e) **by repealing subsection (5)(c).**

(5) Section 3 presently reads in part:

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

(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,

(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.

(6) Section 4(4) is amended by striking out “90 days” and substituting “120 days”.

(7) Section 6 is amended

(a) by repealing subsections (2) and (3) and substituting the following:

(2) The signature sheets for the initiative petition must be signed by a total number of electors equal to at least 10% of the total number of votes cast in the previous general election.

(b) in subsection (4) by striking out “subsections (2) and (3)” and substituting “subsection (2)”.

(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:

- (c) in the case of a constitutional referendum proposal,*
 - (i) the total number of electoral divisions as of the most recent post-election-day list of electors,*
 - (ii) the total numbers of electors in each electoral division on the most recent post-election-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;*

(6) Section 4(4) presently reads:

(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.

(7) Section 6 presently reads in part:

- (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.*

(8) Section 8 is repealed.

(9) Section 10 is amended by striking out “60 days” and substituting “21 days”.

(10) Section 11(3)(b) is repealed and the following is substituted:

- (b) the actual or estimated total number of votes cast in the previous general election and whether the number is actual or estimated, and

(11) Section 12(2)(b) is repealed and the following is substituted:

- (b) the actual or estimated votes cast in the previous general election and whether the number is actual or estimated, and

(12) Section 15 is amended by adding the following after subsection (3):

(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

(8) Section 8 presently reads:

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.

(9) Section 10 presently reads:

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.

(10) Section 11(3)(b) presently reads:

(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,

(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

(11) Section 12(2)(b) presently reads:

(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,

(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

(12) Adds referendum requirements.

(4) Subject to subsection (5), a referendum must be held on or before the date fixed for the next general election under section 38.1 of the *Election Act*.

(5) If the date fixed for the next general election under section 38.1 of the *Election Act* is less than one year after the date on which the report recommending the referendum is tabled under subsection (2)(b), the referendum must be held before the general election following the general election referred to in subsection (4).

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

(3) Subject to subsection (4), a referendum must be held on or before the date fixed for the next general election under section 38.1 of the *Election Act*.

(4) If the date fixed for the next general election under section 38.1 of the *Election Act* is less than one year after the date on which the Minister received a copy of the constitutional referendum proposal under section 12(1)(b), the referendum must be held before the general election following the general election referred to in subsection (3).

(14) Section 18(3) is repealed and the following is substituted:

(3) Subject to any regulations made under section 18.1, the provisions of the *Election Act* governing general elections apply with all necessary modifications with respect to the conduct of an initiative vote, except as specified by order of the Lieutenant Governor in Council.

(3.1) Subject to subsection (3.2), an initiative vote must be held on or before the date fixed for the next general election under section 38.1 of the *Election Act*.

(3.2) If the date fixed for the next general election under section 38.1 of the *Election Act* is less than one year after the date on which the report recommending the initiative vote is tabled under section 14(2)(b), the initiative vote must be held before the general election following the general election referred to in subsection (3.1).

(13) Adds referendum requirements.

(14) Section 18(3) presently reads:

(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.

(15) Section 20 is amended

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

(2) The following may make a contribution to a proponent in respect of an initiative petition:

- (a) an individual ordinarily resident in Alberta;
- (b) a corporation other than a prohibited corporation;
- (c) an Alberta trade union or Alberta employee organization.

(b) in subsection (3) by striking out “an individual” and substituting “a person or an organization referred to in subsection (2)”.

(16) Section 23(2)(e) is amended by striking out “an individual” and substituting “a person or an organization referred to in section 20(2)”.

(17) Section 53 is amended

(a) by renumbering it as subsection (2);

(b) by adding the following before subsection (2):

Judicial review

53(1) Subject to this section and the regulations, the *Election Act* and *Election Finances and Contributions Disclosure Act* apply with all necessary modifications with respect to an application for judicial review.

(15) Section 20 presently reads in part:

(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.

(16) Section 23(2)(e) presently reads:

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

(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);

(17) Section 53 presently reads:

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.

(18) Section 66 is amended by adding the following before subsection (1):

Administrative penalties

66(0.1) Subject to this Part and the regulations, the *Election Act* and *Election Finances and Contributions Disclosure Act* apply with all necessary modifications with respect to an administrative penalty issued under this section.

(19) The *Citizen Initiative Act*, as it read immediately before the coming into force of this section, continues to apply to

- (a) an application for the issuance of an initiative petition made under section 2 of the *Citizen Initiative Act* before the coming into force of this section and any resulting initiative petition,
- (b) a referendum referred to in section 15(2)(b) or 16(1) of the *Citizen Initiative Act* for which an order has been issued under the *Referendum Act* before the coming into force of this section, and
- (c) an initiative vote for which an order has been issued under section 18 of the *Citizen Initiative Act* before the coming into force of this section.

(20) This section comes into force on Proclamation.

Election Act

Amends RSA 2000 cE-1

6(1) The *Election Act* is amended by this section.

(2) Section 1 is amended

- (a) in subsection (1)
 - (i) in clause (d) by striking out “by a candidate”;
 - (ii) by adding the following after clause (i):
 - (i.1) “election period” means the period beginning on the day a writ is issued for a general election and ending on the election day for that general election;

(18) Application of acts re administrative penalties.

(19) Transitional.

(20) Coming into force.

Election Act

6(1) Amends chapter E-1 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1(1) In this Act,

(d) “chief financial officer” means a person so appointed by a candidate pursuant to the Election Finances and Contributions Disclosure Act;

(mm.3) “voting record” means a record containing the information described in section 17 that is used

(iii) by adding the following after clause (o):

- (o.1) “leadership contestant” has the same meaning as in the *Election Finances and Contributions Disclosure Act*;

(iv) by adding the following after clause (s.2):

- (s.3) “municipal council” means council within the meaning of the *Municipal Government Act*;
- (s.4) “municipal councillor” means councillor within the meaning of the *Municipal Government Act*;

(v) by adding the following after clause (u):

- (u.1) “population centre” means each of the following:
- (i) a city;
 - (ii) a town;
 - (iii) a village;
 - (iv) a summer village;
 - (v) a hamlet;
 - (vi) an urban service area;

(vi) by adding the following after clause (aa):

- (aa.1) “registered candidate” has the same meaning as in the *Election Finances and Contributions Disclosure Act*;

(vii) by adding the following after clause (cc):

- (cc.01) “registered prospective candidate association” has the same meaning as in the *Election Finances and Contributions Disclosure Act*;

(viii) by adding the following after clause (ee):

- (ee.1) “school board” has the same meaning as in the *Education Act*;

(iii) to add electors who have taken a declaration under section 100.4 or 100.5,

(4) For the purpose of this section and sections 56(c.2) and 116(1)(c), “inmate” means a person who has been convicted of an offence and is serving his or her sentence in a correctional institution under the Corrections Act, in a penitentiary under the Corrections and Conditional Release Act (Canada), in a place of custody under the Youth Justice Act or the Youth Criminal Justice Act (Canada) or in any other similar institution outside Alberta, excluding a person sentenced to a term of imprisonment of 10 days or less or for the non-payment of fines.

(ee.2) “school board trustee” means trustee within the meaning of the *Education Act*;

(ix) in clause (mm.3)(iii) by striking out “or 100.5”;

(b) in subsection (4) by striking out “sections 56(c.2) and 116(1)(c)” and substituting “section 56(c.2)”;

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

(4.1) A word or phrase in subsection (1)(u.1)(i) to (vi) has the same meaning as within the *Municipal Government Act* or its regulations.

(3) Section 4.1 is amended

(a) in subsection (1) by striking out “Where” and substituting “Subject to subsection (1.1), if”;

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

(1.1) The Chief Electoral Officer must not, in respect of a proposal under subsection (1), propose the testing of a voting machine, tabulator or other similar type of electronic equipment to be used for the counting of votes.

(4) Section 4.11 is amended

(a) in subsection (2) by striking out “The Chief Electoral Officer” and substituting “Subject to subsection (2.1), the Chief Electoral Officer”;

(b) by adding the following after subsection (2):

(2.1) The Chief Electoral Officer must not make a directive under subsection (2)(a) that provides for the counting of votes by means of a voting machine, tabulator or other similar type of electronic equipment.

(3) Section 4.1 presently reads in part:

4.1(1) Where the Chief Electoral Officer wishes to test at a by-election the use of election procedures and equipment that are different from what this Act requires, the Chief Electoral Officer shall submit a written proposal to the Standing Committee describing in detail the election procedures and equipment proposed to be tested.

(4) Section 4.11 presently reads in part:

(2) The Chief Electoral Officer, with respect to voting at an advance voting place,

(a) may make a directive

(i) describing the procedures to be used for voting at the advance voting place, including

(A) providing for the form and printing of ballots for use at the advance voting place,

(B) providing for the delivery of votes to the location where they are to be counted, and

(C) providing for the counting of votes,

(ii) describing in detail how the Act will be modified for the purposes of this subsection, and

(5) Section 4.12(4) is amended by striking out “and related vote-counting equipment”.

(6) The following is added after section 4.2:

Advice and recommendations

4.21(1) A person to whom this Act applies may request that the Chief Electoral Officer provide the person with advice on the person’s powers, duties or rights under this Act.

(2) The Chief Electoral Officer may, in writing, provide a person who made a request under subsection (1) with advice that

- (a) sets out the material facts on which the request is based,
- (b) is based on the facts referred to in clause (a), and
- (c) may be based on any other considerations that the Chief Electoral Officer considers appropriate.

(3) If a person who made a request under subsection (1) becomes aware of a change to a material fact on which the request is based before the Chief Electoral Officer provides advice in accordance with subsection (2), the person must, as soon as practicable, notify the Chief Electoral Officer of the change.

(4) Subject to subsection (5), the Chief Electoral Officer must keep confidential the advice provided to a person under subsection (2) except in the following circumstances:

- (a) the person makes it publicly available;
- (b) the person provides the Chief Electoral Officer with written consent to make it publicly available or specifically available to a particular person;
- (c) it is required to be disclosed for the purpose of a proceeding.

(iii) referring to the provisions of this Act that will not be complied with and specifying the nature and extent of non-compliance in each case,

(5) Section 4.12(4) presently reads:

(4) In this section, “accessible voting equipment” means voting equipment and related vote-counting equipment that enables electors requiring assistance to vote independently.

(6) Advice and recommendations.

(5) The Chief Electoral Officer may make the following advice publicly available:

- (a) advice of a general nature in respect of the enforcement, interpretation or application of a provision of this Act;
- (b) advice provided under subsection (2) if identifying information about the person who made the request under subsection (1) has been removed.

(6) For greater certainty, a reference to advice in subsection (2) or (5) includes the following:

- (a) the material facts set out in the advice;
- (b) other considerations on which the Chief Electoral Officer's advice is based;
- (c) a recommendation included as a part of the advice.

(7) A person may not be the subject of a civil or administrative proceeding or administrative penalty under this Act to the extent that the proceeding or penalty is based on the person's reliance on advice provided in accordance with subsection (2) or (5).

(7) Section 17 is amended by adding "and the regulations" after "section 18(7)".

(8) Section 20(2) is amended by striking out "A list" and substituting "Subject to the regulations, a list".

(9) Section 43(2) is repealed and the following is substituted:

(2) Subject to section 45, an elector is eligible to vote at a voting place for a candidate in the electoral division where the elector is ordinarily resident if

- (a) the elector's name appears on the list of electors for the voting area, the elector's identification matches the name on the list of electors and

(7) Section 17 presently reads:

17 Subject to section 18(7), only the first names, middle names and surnames, the addresses, including postal codes, the telephone numbers and the unique identifier numbers of electors may be contained in the list of electors.

(8) Section 20(2) presently reads in part:

(2) A list of electors, including a post-election-day list of electors under section 19, may be used only as follows:

(9) Section 43(2) presently reads:

(2) Subject to section 45, an elector is eligible to vote for a candidate in the electoral division where the elector is ordinarily resident if

(a) the elector's name appears on the list of electors for the voting area and

- (i) the address on the elector's identification matches the elector's address as shown on the list of electors, or
 - (ii) the address on the elector's identification does not match the elector's address as shown on the list of electors but the elector confirms that the elector is ordinarily resident in the voting area by
 - (A) providing one or more documents that satisfy an election officer on reasonable grounds that the elector is ordinarily resident in the voting area, and
 - (B) signing a declaration as required under section 100.2(c),
- (b) the elector's name does not appear on the list of electors for the voting area and
- (i) the address on the elector's identification demonstrates that the elector is ordinarily resident in the voting area and the elector signs a declaration under section 100.4(c), or
 - (ii) the elector confirms the elector is ordinarily resident in the voting area by
 - (A) providing one or more documents that satisfy an election officer on reasonable grounds that the elector is ordinarily resident in the voting area, and
 - (B) signing a declaration under section 100.4,
- or
- (c) the elector's name has been entered in the Special Ballot voting record and the elector
- (i) has completed and signed part 1 of the certificate referred to in section 118(2)(d), and
 - (ii) has provided a copy of the elector's prescribed identification document or documents in accordance with section 118(2)(e).

- (i) the name and address on the elector's identification match the name and address on the list of electors,*
 - (ii) the name and address on the elector's identification does not match the name and address on the list of electors but the elector confirms the elector's identity and current residential address by signing a declaration under section 100.2, or*
 - (iii) the elector does not have identification and is accompanied by another elector whose name appears on the list of electors for the same voting area and*
 - (A) that other elector provides their identification to an election officer and vouches for the elector by signing a declaration under section 100.3, and*
 - (B) the elector confirms the elector's identity and current residence by signing a declaration under section 100.3,*
 - (b) the elector's name does not appear on the list of electors for the voting area and*
 - (i) the elector provides identification to confirm the elector's identity and current residential address and signs a declaration under section 100.4, or*
 - (ii) the elector is accompanied by another elector whose name appears on the list of electors for the same voting area and*
 - (A) that other elector provides their own identification to an election officer and vouches for the elector by signing a declaration under section 100.5, and*
 - (B) the elector confirms the elector's identity and current address by signing a declaration under section 100.5,*
- or*
- (c) the elector's name has been entered in the Special Ballot voting record and the elector has properly completed part 1 of the certificate referred to in section 118(2)(d) and provided a copy of their prescribed identification document or documents referred to in section 118(2)(e).*

(10) Section 46(1) is amended

(a) by repealing clauses (d) and (e) and substituting the following:

(d) municipal councillors;

(e) school board trustees;

(b) by adding the following after clause (g):

(g.1) chief financial officers;

(11) Section 52(2) is repealed and the following is substituted:

(2) The returning officer must locate voting places within a voting area in a manner that meets the following requirements:

(a) on election day, at least 95% of the electors' ordinary residences in the voting area are within 50 km of a voting place;

(b) in each population centre with at least 1000 residents there is at least one voting place on voting day.

(2.1) For the purposes of subsection (2), the number of residents in a population centre is to be determined from

(a) the most recent order specifying population in accordance with section 604.1 of the *Municipal Government Act*, or

(b) the most recent information respecting the population, as the returning officer considers appropriate, including information from

(i) the most recent decennial census of population referred to in subsection 19(3) of the *Statistics Act* (Canada), or

(ii) the most recent province-wide census that is more recent than the decennial census referred to in subclause (i).

(10) Section 46(1) presently reads in part:

46(1) The following persons shall not be appointed or act as returning officers or election clerks:

(d) councillors under the Municipal Government Act;

(e) trustees of a board of a school division under the Education Act;

(11) Section 52(2) presently reads:

(2) A voting place shall be in a location that, in the opinion of the returning officer, is convenient for the electors.

(12) Section 53 is amended

(a) in subsection (1) by adding “or advance voting place” after “voting place” wherever it occurs;

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

(2) If a returning officer fixes a different voting place or advance voting place in accordance with subsection (1), the returning officer must, as soon as practicable, notify the electors in the voting area in a clear and accurate manner that states the location of the different voting place or advance voting place by posting

(a) a reasonable number of signs that, if possible,

(i) are attached to or near the original voting place or advance voting place, and

(ii) are in locations that are publicly visible,

or

(b) a notice in any other manner that

(i) is considered appropriate by the returning officer, and

(ii) has general and immediate circulation to the electors in the voting area.

(13) Section 57 is amended

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

(b) that person was the registered candidate or the chief financial officer of the registered candidate referred to in the report,

(b) in clause (c) by striking out “43.01,”.

(12) Section 53 presently reads:

53(1) Subject to section 4(3.1) and (3.5), if it is found to be impractical to hold the vote in a voting place fixed by the returning officer, the returning officer may fix a different voting place as near as possible to the location originally fixed and shall give immediate notice of the change to all candidates or their official agents and publish the change on the Chief Electoral Officer's website and in any other manner the Chief Electoral Officer considers necessary.

(2) When a different voting place is fixed under subsection (1), the returning officer shall cause a conspicuous sign that clearly and accurately states the location of the new voting place to be attached to the original place where the voting place was to be located.

(13) Section 57 presently reads in part:

57 A person is prohibited from being nominated as a candidate in an election if

(b) that person was the registered candidate or the registered nomination contestant or the chief financial officer of the registered candidate or registered nomination contestant referred to in the report,

(c) the Court did not dispense with compliance with section 43, 43.01, 43.02 or 43.1 of that Act by an order under section 44(4) of that Act, and

(14) Section 59 is amended

- (a) in subsection (1) by striking out “candidate for” and substituting “candidate in”;**
- (b) by repealing subsection (1.01)(d);**
- (c) in subsection (4) by striking out “candidate for” and substituting “candidate in”.**

(15) Section 60 is amended by adding the following after subsection (1.1):

(1.2) A person may act as an official agent only in respect of one of the following:

- (a) one or more of the endorsed candidates of one registered political party;
- (b) an independent candidate.

(16) Section 61 is amended

- (a) in subsection (1)**
 - (i) by striking out “and” at the end of clause (d);**
 - (ii) by adding the following after clause (d.1):**
 - (d.2) if, at the time the original nomination paper is submitted for filing, the person being nominated holds office as a municipal councillor or school board trustee, the person provides the returning officer with proof of the person’s unpaid leave of absence from the role under section 61.1, and

(14) Section 59 presently reads in part:

59(1) At any time during the period referred to in subsection (1.01), any 25 or more electors of an electoral division may nominate a person eligible to be a candidate as a candidate for that electoral division by signing a nomination paper in the prescribed form.

(1.01) The period for the purpose of subsection (1) is as follows:

(d) where a nomination contest is held by a registered party or a registered constituency association under the Election Finances and Contributions Disclosure Act, the period commencing as soon as the nomination contestant, as defined in the Election Finances and Contributions Disclosure Act, is selected for endorsement as the official candidate of the registered party for the electoral division, and ending on nomination day.

(4) At any one time, a person is not eligible to be nominated as a candidate for more than one electoral division.

(15) Section 60(1.1) presently reads:

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

(16) Section 61 presently reads in part:

61(1) A nomination paper is not valid and shall not be accepted for filing by the returning officer unless the original nomination paper is submitted for filing and

(d) the person being nominated confirms by affidavit

(i) that the person is eligible under section 56 for nomination,

and the confirmation is filed with the nomination paper, and

(3) On the filing of a valid nomination paper, the returning officer shall give a receipt in the prescribed form, which is proof of receipt of the deposit and of the filing of the nomination paper.

- (b) in subsection (3) by striking out “receipt of the deposit and of”.

(17) The following is added after section 61:

Municipal councillor or school board trustee leave of absence

61.1(1) A person who is a municipal councillor or school board trustee and who wishes to be nominated as a candidate in an election or a by-election may, in accordance with subsection (2), provide written notice to the municipal council or school board, as the case may be, that the person is taking a leave of absence without pay under this section.

(2) A person must provide a notice under subsection (1) before the person’s last working day before the day the writ is issued for the election or the by-election, as the case may be, to which the notice relates.

(3) Despite any bylaw, resolution or agreement of a municipal council or school board, a person who notifies a municipal council or school board, as the case may be, in accordance with subsection (1) is entitled to a leave of absence without pay in accordance with subsections (4) to (9).

(4) A leave of absence referred to in subsection (3) begins on the day the writ is issued for the election or the by-election to which it relates and ends in accordance with subsections (6) to (8), as applicable.

(5) While a person is taking a leave of absence in accordance with subsection (3),

- (a) the person is deemed not to be a municipal councillor or school board trustee, as the case may be,
- (b) the person must not purport to exercise the powers or perform the duties of a municipal councillor or school board trustee, as the case may be, and
- (c) the municipal council or school board, as the case may be,
 - (i) must not treat the office for which the person is taking a leave of absence as vacant, and

(17) Municipal councillor or school board trustee leave of absence.

- (ii) for greater certainty, may not hold a by-election for that office.

(6) If a person who takes a leave of absence in accordance with subsection (3) is not declared elected under this Act,

- (a) the person is considered to hold the office to which the leave of absence relates as of the day
 - (i) another person is declared elected in accordance with section 138(1)(a), 147(1)(a) or 148(8)(a), or
 - (ii) the returning officer declares that no candidate can be declared elected in the electoral division in which the person is a candidate in accordance with section 148(8)(b),

and

- (b) the leave of absence ends on the day before the day referred to in clause (a)(i) or (ii), as the case may be.

(7) Subject to subsection (8), if a person who takes a leave of absence in accordance with subsection (3) is declared elected under this Act,

- (a) the person is deemed to have resigned as a municipal councillor or school board trustee, as the case may be, on the day the person takes the oath of allegiance as a member in accordance with section 23 of the *Legislative Assembly Act*, and
- (b) the leave of absence ends on the day before the day referred to in clause (a).

(8) Despite subsection (7), if a person who takes a leave of absence in accordance with subsection (3) is declared elected under this Act and files a disclaimer under section 139(1),

- (a) the person is considered to hold the office to which the leave of absence relates as of the day the disclaimer is filed, and
- (b) the leave of absence ends on the day before the day referred to in clause (a).

(9) For greater certainty, a resignation, disqualification or expulsion as a member in accordance with Part 2 of the *Legislative Assembly Act* is not to be considered to revive or entitle the person who resigned, was disqualified or was expelled to hold the office to which subsection (7) applied in respect of that person.

(18) Section 65(5) is repealed and the following is substituted:

(5) If a candidate has withdrawn but the candidate's name remains on the ballot, each election officer that issues a ballot for the applicable electoral division must, on issuing the ballot to an elector, advise the elector that the candidate has withdrawn.

(19) Section 79 is amended

(a) in subsection (1)

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

- (c) to observe, on behalf of the candidate, and in a manner that does not compromise the secrecy of voting, each element of the election procedures, including
- (i) the issuing of ballots to electors,
 - (ii) the verifying of an elector's eligibility to vote under section 43,
 - (iii) the completing and signing of declarations,
 - (iv) the opening of Special Ballot envelopes, and
 - (v) the counting of ballots, including Special Ballots,
- and

(ii) in clause (d) by striking out "sections 100.2 to 100.5" and substituting "sections 100.2 and 100.4";

(b) in subsection (1.1)

(i) in clause (b) by striking out "sections 100.2 to 100.5" and substituting "sections 100.2 and 100.4";

(18) Section 65(5) presently reads:

(5) When a candidate has withdrawn, each election officer that issues a ballot for that electoral division is responsible for ensuring that each voter is advised when receiving a ballot.

(19) Section 79 presently reads in part:

79(1) Subject to subsection (1.1), each candidate may appoint in the prescribed form scrutineers

(c) to observe the election procedures on the candidate's behalf, and

(d) to be present at the place where declarations are taken under sections 100.2 to 100.5 while an elector is completing a declaration under one of those sections.

(1.1) For the purposes of subsection (1),

(b) each candidate may appoint 4 scrutineers for each place where declarations are taken under sections 100.2 to 100.5 for election day and each day of advance voting,

(c) only one scrutineer for a candidate may be present at a voting station at any one time, and

(d) only one scrutineer for a candidate may be present at a place where declarations are taken under sections 100.2 to 100.5 at any one time.

(ii) by striking out “and” at the end of clause (c) and adding the following after clause (c):

(c.1) a scrutineer may do anything referred to in subsection (1) in respect of more than one voting station, and

(iii) in clause (d) by striking out “sections 100.2 to 100.5” and substituting “sections 100.2 and 100.4”.

(20) Section 88(1)(a) is repealed and the following is substituted:

(a) for advance voting,

(i) in the case of each advance voting place established under section 98(1.1)(a)(i) or (iii), from 9:00 a.m. to 8:00 p.m. on each of the Tuesday, Wednesday, Thursday, Friday and Saturday of the full week preceding election day,

(ii) in the case of each advance voting place established under section 98(1.1)(a)(ii), from 9:00 a.m. to 8:00 p.m. on one or more of the Tuesday, Wednesday, Thursday, Friday and Saturday of the full week preceding election day, and

(iii) in the case of each additional voting place for advance voting established under section 98(1.1)(b), on the days and during the hours fixed by the returning officer, opening no earlier than 9:00 a.m. and closing no later than 8:00 p.m.;

(21) Section 92(1)(f.1) is amended by striking out “sections 100.2 to 100.5” and substituting “sections 100.2 and 100.4”.

(22) Section 98 is amended

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

(20) Section 88(1)(a) presently reads:

88(1) Subject to subsection (3), voting places shall be open for the purpose of voting during the following hours only:

(a) for advance voting,

(i) in the case of the advance voting place established under section 98(1.1)(a), from 9 a.m. to 8 p.m. on each of the Tuesday, Wednesday, Thursday, Friday and Saturday of the full week preceding election day, and

(ii) in the case of additional voting places for advance voting established under section 98(1.1)(b), during the days and hours fixed by the returning officer during the period from 9 a.m. to 8 p.m.;

(21) Section 92(1)(f.1) presently reads:

92(1) Only the following persons may remain in a voting place during voting hours:

(f.1) one scrutineer per candidate at each place where declarations are being taken under sections 100.2 to 100.5;

(22) Section 98 presently reads in part:

(1.1) The returning officer, in consultation with the Chief Electoral Officer,

(1.1) The returning officer, in consultation with the Chief Electoral Officer,

- (a) must establish the following advance voting places for an election:
 - (i) at least one advance voting place for the returning officer's electoral division on each day fixed for advance voting in accordance with section 88(1)(a)(i);
 - (ii) in the case of a population centre with at least 1000 but fewer than 2500 residents, at least one advance voting place within the population centre on at least one of the days fixed for advance voting in accordance with section 88(1)(a)(ii);
 - (iii) in the case of a population centre with at least 2500 residents, at least one advance voting place in the population centre on each day fixed for advance voting in accordance with section 88(1)(a)(i),

and

- (b) may establish additional advance voting places.

(1.11) For the purposes of subsection (1.1), the number of residents in a population centre is to be determined from

- (a) the most recent order specifying population in accordance with section 604.1 of the *Municipal Government Act*, or
- (b) the most recent information respecting the population, as the returning officer considers appropriate, including information from
 - (i) the most recent decennial census of population referred to in subsection 19(3) of the *Statistics Act* (Canada), or
 - (ii) the most recent province-wide census that is more recent than the decennial census referred to in subclause (i).

(a) shall establish at least one voting place for the returning officer's electoral division to enable electors to vote in advance at an election, which shall be open from 9 a.m. to 8 p.m. on each of the Tuesday, Wednesday, Thursday, Friday and Saturday of the full week preceding election day, and

(b) may establish additional voting places for advance voting.

(1.2) A returning officer who establishes additional voting places in accordance with subsection (1.1), in consultation with the Chief Electoral Officer, shall fix the hours on any one or more days fixed for advance voting when the voting places will operate.

(2.1) Where an advance voting place has been established, the Chief Electoral Officer may decide that any elector may attend to vote at that advance voting place.

(2.2) If the Chief Electoral Officer has decided that any elector may attend to vote at an advance voting place, an elector attending to vote at that advance voting place shall be provided with the ballot for the electoral division of the elector's ordinary residence.

(6.1) If electronic documents are used for the purposes of advance voting, each day after the close of a voting place for advance voting, a copy of a record of electors who voted that day shall be made in printed and electronic form.

(6.2) A copy of the record referred to under subsection (6.1) shall be provided to registered political parties or registered candidates on request.

(6.3) The record referred to in subsection (6.1) may include each elector's permanent unique identifier number assigned to the elector by the Chief Electoral Officer and any other information the Chief Electoral Officer considers appropriate.

(b) by repealing subsection (1.2);

(c) by repealing subsection (2.1) and substituting the following:

(2.1) An elector may vote at an advance voting place only in the electoral division where the elector is ordinarily resident unless

- (a) the voting at the advance voting place is adjourned to a different voting place in accordance with section 4(3.1),
- (b) the advance voting place is located in an adjacent electoral division in accordance with section 52(6.1), or
- (c) a different advance voting place has been fixed in accordance with section 53.

(d) by repealing subsections (2.2), (6.1), (6.2) and (6.3).

(23) Section 100 is amended

(a) in subsection (1) by striking out “, 100.3, 100.4 or 100.5” and substituting “or 100.4”;

(b) in subsection (2)

(i) by striking out “, 100.3, 100.4 and 100.5” and substituting “and 100.4”;

(ii) in clauses (a) and (b) by striking out “current”.

(24) Section 100.1(c) is amended by adding “residential” before “address” wherever it occurs.

(23) Section 100 presently reads in part:

100(1) An elector may vote at a voting station if the requirements in section 100.1, 100.2, 100.3, 100.4 or 100.5 have been met.

(2) For the purposes of sections 100.1, 100.2, 100.3, 100.4 and 100.5, “identification” means

- (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 the elector’s name and current address, or*
- (b) 2 pieces of identification authorized by the Chief Electoral Officer, each of which establishes the elector’s name and at least one of which establishes the elector’s current address.*

(24) Section 100.1(c) presently reads:

100.1 Where

- (c) the name and address on the identification match the name and address on the voting record for the voting area,*

an election officer assigned to maintain the voting record shall strike the elector’s name off the voting record.

(25) Section 100.2(c) is amended by striking out “current residential”.

(26) Section 100.3 is repealed.

(25) Section 100.2(c) presently reads in part:

100.2 Where

- (c) the elector confirms the elector's identity and current residential address by signing a declaration,*

an election officer assigned to maintain the voting record shall record the change of address in the voting record and enter in the voting record in the appropriate place a check mark or other annotation indicating that the elector has signed a declaration.

(26) Section 100.3 presently reads:

100.3(1) Where

- (a) the name of an elector appears on the voting record for the voting area,*

- (b) the elector does not provide identification,*

- (c) the elector is accompanied by another elector whose name appears on the voting record for the same voting area and that other elector*

- (i) is eligible to vouch for the elector,*

- (ii) provides their identification to an election officer assigned to administer voting, and*

- (iii) vouches for the elector by signing a declaration,*

and

- (d) the elector confirms the elector's identity and current residence by signing a declaration,*

an election officer assigned to maintain the voting record shall strike the elector's name off the voting record.

(2) After receiving signed declarations under subsection (1)(c) and (d), an election officer assigned to maintain the voting record shall enter in the voting record in the appropriate place a check mark or other annotation indicating that the elector signed a declaration and was vouched for.

(27) Section 100.4 is amended

- (a) in clause (b) by striking out “current”;**
- (b) by striking out “current address” and substituting “residential address”.**

(28) Section 100.5 is repealed.

(27) Section 100.4 presently reads in part:

100.4 Where

- (b) *the elector provides identification to confirm the elector's identity and current residential address, and*

an election officer assigned to maintain the voting record shall enter the elector's name and current address in the voting record and enter in the voting record in the appropriate place a check mark or other annotation indicating that the elector signed a declaration.

(28) Section 100.5 presently reads:

100.5 Where

- (a) *the name of an elector does not appear on the voting record for the voting area in which the elector is ordinarily resident,*
- (b) *the elector does not provide identification,*
- (c) *the elector is accompanied by another elector whose name appears on the voting record for the same voting area and that other elector*

- (i) *is eligible to vouch for the elector,*

- (ii) *provides their own identification to an election officer assigned to administer voting, and*

- (iii) *vouches for the elector by signing a declaration,*

and

- (d) *the elector confirms the elector's identity and current address by signing a declaration,*

an election officer assigned to maintain the voting record shall enter the elector's name and current address in the voting record and enter in the voting record in the appropriate place a check mark or other annotation indicating that the elector signed a declaration and was vouched for.

(29) Section 100.6 is repealed and the following is substituted:

Declarations

100.6 An election officer who takes a declaration in accordance with section 100.2 or 100.4 must indicate on the declaration the type of identification provided in support of the declaration.

(30) Section 104(5) is amended by striking out “, 100.3, 100.4 or 100.5” and substituting “or 100.4”.

(31) Section 111 is amended

(a) by repealing subsection (3.1) and substituting the following:

(3.1) For the purposes of subsection (3.2) and completing the count of the votes for each ballot box in accordance with this Part,

- (a) at least one election officer is responsible for counting the votes contained in the ballots, and
- (b) at least one other election officer is responsible for entering the vote count on the tally sheets.

(3.2) The election officer referred to in subsection (3.1)(a) must not use or permit the use of a voting machine, tabulator or other similar type of electronic equipment for the purpose of counting the votes contained in the ballots.

(b) by repealing subsection (5.1) and substituting the following:

(5.1) An election officer counting a vote contained in a Special Ballot may count the vote only if it clearly indicates the voter’s intention to vote for

(29) Section 100.6 presently reads:

100.6(1) An election officer taking a declaration under section 100.2, 100.3, 100.4 or 100.5 shall indicate on the declaration the nature of the identification accepted and that, in the case of section 100.3 or 100.5, the elector was vouched for by another elector in the same voting area.

(2) An elector who has been vouched for at an election may not vouch for another elector at that election.

(3) A scrutineer may not vouch for an elector.

(30) Section 104(5) presently reads:

(5) An elector who has signed a declaration under section 100.2, 100.3, 100.4 or 100.5 is not required to sign a declaration under this section.

(31) Section 111 presently reads in part:

(3.1) In completing the count of the votes for each ballot box, one of the election officers shall be responsible for the count and the other election officer shall be responsible for entering the count on the tally sheets.

(5.1) A ballot cast as a Special Ballot shall only be counted if it clearly indicates the voter's intention to vote for one particular candidate or one particular registered political party.

- (a) one particular candidate,
- (b) one particular registered political party, or
- (c) the leader of one particular registered political party.

(c) by adding the following after subsection (11):

(12) The unofficial count of ballots for an election must be completed no later than 12 hours after the close of voting on election day.

(32) Section 112 is amended

(a) by renumbering it as section 112(1);

(b) in subsection (1)

(i) in clause (a) by striking out “clauses (c)” and substituting “clauses (a.1), (c)”;

(ii) by adding the following after clause (a):

(a.1) subject to subsection (2), complete a separate Statement of Vote for each voting area,

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

(2) Despite subsection (1)(a.1), the election officer responsible for the count may combine the Statements of Vote for more than one voting area in the same electoral division if, in the opinion of the election officer, it is necessary to maintain the secrecy of voting.

(33) Section 113 is amended

(a) in subsection (1) by striking out “After the closing of the voting places” and substituting “No more than 3 hours before the closing of all voting places in an electoral division”;

(b) by adding the following after subsection (2):

(2.1) Each election officer, candidate, official agent or scrutineer who performs or attends a count of the votes, as the

(32) Section 112 presently reads in part:

112 The election officer responsible for the count shall, at the conclusion of the count,

- (a) complete as many Statements of Vote as necessary to comply with clauses (c), (h)(iv) and (j), each of which shall be signed by the election officers that completed the count of votes and any person present who wishes to sign the Statements of Vote,*

(33) Section 113 presently reads in part:

113(1) After the closing of the voting places on election day, the election officers who have been assigned to perform counts, or assist in counts, of ballots from an advance voting place shall attend at a place designated by the returning officer and then, in the presence of any of the candidates or their official agents or scrutineers who attend, shall open the ballot box and proceed to count the votes, and sections 111 and 112 apply, with all necessary modifications, to the count.

case may be, in accordance with subsection (1) must not communicate with another person unless

- (a) the other person is performing or attending the count of the votes in accordance with subsection (1),
- (b) voting has closed on the election day, or
- (c) the election officer, candidate, official agent or scrutineer is given leave by the returning officer to communicate with the person.

(34) Section 116 is amended

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

Vote by Special Ballot

116(1) An elector who is unable to vote at an advance voting place or a voting place on election day may, in accordance with subsections (2), (2.01) and (2.1), apply to vote by Special Ballot.

- (b) in subsection (2) by striking out “An application” and substituting “Subject to subsection (2.01), an application”;**

- (c) by adding the following after subsection (2):**

(2.01) Unless an elector requires assistance due to disability or illness, a person must not apply for a Special Ballot on behalf of the elector.

- (d) in subsection (2.1)**

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

- (ii) no later than 7 days before the date referred to in section 118(3)(a) for the receipt of Special Ballots by the returning officer,

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

- (b) in the case of a general election held other than in accordance with section 38.1(2) or a by-election, no

(34) Section 116 presently reads in part:

116(1) An elector who is unable to vote at an advance voting place or a voting place on election day on account of

- (a) physical disability,*
- (b) absence from the electoral division,*
- (c) being an inmate including a person sentenced to a term of imprisonment of 10 days or less or for the non-payment of fines,*
- (d) being an election officer, interpreter, peace officer appointed under the Peace Officer Act, candidate, official agent or scrutineer who may be located on election day at a voting place in a voting area within the electoral division other than that in which the elector is ordinarily resident;*
- (e) being a resident of a remote area designated under section 52.2, or*
- (f) any other circumstances prescribed by the Chief Electoral Officer,*

may apply to vote by Special Ballot.

(2) An application for a Special Ballot may be made

(2.1) An application referred to in subsection (2) may be made to the returning officer or Chief Electoral Officer

- (a) in the case of a general election held in accordance with section 38.1(2),*

later than 7 days before the date referred to in section 118(3)(a) for the receipt of Special Ballots by the returning officer.

(e) in subsection (3)(b) by adding “subject to subsection (3.2),” before “after”;

(f) by adding the following after subsection (3.1):

(3.2) Despite subsection (3)(b), before a general election is held under section 38.1(2) but not before the date referred to in subsection (2.1)(a)(i), the Chief Electoral Officer may, on receipt of an application under this section, provide a Special Ballot to a person who belongs to at least one of the following classes of electors:

- (a) electors serving in the Canadian Forces;
- (b) electors temporarily residing outside Canada;
- (c) electors living in an area designated as a remote area in accordance with section 52.2(1).

(35) Section 116.1(1) is amended by striking out “his or her” and substituting “the elector’s”.

(36) Section 118 is amended

- (a) in subsection (1.1) by adding “, the leader of the registered political party” after “the name of the candidate”;**
- (b) in subsection (2) by striking out “and” at the end of clause (e), adding “and” at the end of clause (f) and adding the following after clause (f):**

(ii) *no later than*

(A) *if the elector applies in person or identifies a designate to receive the forms referred to in subsection (3)(b) on the elector's behalf, the close of voting on election day, and*

(B) *in any other case, 6 p.m. on the day before advance voting begins,*

and

(b) *in the case of a general election held other than in accordance with section 38.1(2) or a by-election, no later than*

(i) *if the elector applies in person or identifies a designate to receive the forms referred to in subsection (3)(b) on the elector's behalf, prior to the close of voting on election day;*

(ii) *in any other case, 6 p.m. on the day before advance voting begins.*

(3) *On receipt of an application under this section, the returning officer, election clerk or person designated by the Chief Electoral Officer shall*

(b) *after the writ of election has been issued, cause the appropriate forms to be provided to the applicant.*

(35) Section 116.1(1) presently reads:

116.1(1) An elector who believes that his or her personal safety may be at risk if the elector appears in person at a voting place or if the elector's name or address appears in a voting record may apply to vote by Secure Special Ballot.

(36) Section 118 presently reads in part:

(1.1) On receipt of the prescribed forms, the voter shall mark the ballot by writing, with a pen or pencil of any colour, in the space provided, the name of the candidate or the registered political party of the candidate of the voter's choice.

- (g) deliver the outer envelope to the address specified by the Chief Electoral Officer for receipt of Special Ballots for the electoral division.

(c) by repealing subsection (3) and substituting the following:

(3) A returning officer must not accept a sealed outer envelope received

- (a) by the returning officer after 5:00 p.m. on the Friday immediately preceding the election day, or
- (b) at an address other than the address specified by the Chief Electoral Officer for receipt of Special Ballots for the electoral division.

(3.1) Unless the Chief Electoral Officer has permitted otherwise in accordance with subsection (3.3), a returning officer must not accept a sealed outer envelope delivered by any means other than mail.

(3.2) Unless an elector requires assistance due to disability or illness or the Chief Electoral Officer has permitted otherwise in accordance with subsection (3.3), a person must not

- (a) collect the sealed outer envelope from the elector, or
- (b) deliver the sealed outer envelope on the elector's behalf.

(3.3) If the Chief Electoral Officer determines that delivery by mail in an electoral district is not reasonably possible, the Chief Electoral Officer may permit sealed outer envelopes to be delivered to the returning officer for that electoral district by

- (a) courier, or
- (b) personal delivery.

(d) in subsection (4)

- (i) **by striking out** "On receipt of the outer envelope" **and substituting** "No later than 5:00 p.m. on the Sunday immediately preceding the election day,";

(2) After marking the voter's ballot, the voter shall

(e) place the ballot envelope, signed certificate and a copy of the prescribed identification document or documents in the outer envelope, and

(f) seal the outer envelope.

(3) The outer envelope, when sealed, shall be forwarded so that it reaches the returning officer or the person designated by the Chief Electoral Officer not later than the close of the voting places on election day.

(4) On receipt of the outer envelope, the returning officer, election clerk or person designated by the Chief Electoral Officer shall determine

(b) whether a copy of the prescribed identification document or documents has been included, and

(5) On determining that the voter is recorded in the Special Ballot voting record, that a copy of the prescribed identification document or documents has been included and that part 1 of the certificate is completed, the returning officer, election clerk or person designated by the Chief Electoral Officer as the case may be, shall,

(a) if the returning officer, election clerk or person designated by the Chief Electoral Officer is satisfied as to the voter's eligibility to vote,

(vi) enter in the Special Ballot voting record, in the appropriate columns, a check mark or other annotation indicating that the voter has voted and the reason for using the Special Ballot, that is, physical disability, absence, inmate, election officer, peace officer, interpreter, candidate, official agent, scrutineer, remote area or another reason prescribed by the Chief Electoral Officer, and

(5.1) Despite subsection (5), if an elector appears in person to cast the elector's vote by Special Ballot, a copy of the elector's prescribed identification document or documents does not need to be retained.

(ii) by striking out “and” at the end of clause (b) and adding the following after clause (b):

- (b.1) whether the voter’s signature on the certificate reasonably matches the signature on the copy of the voter’s prescribed identification document or documents, if applicable, and

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

(4.1) When an outer envelope is opened under subsection (4), candidates, official agents or scrutineers who are in attendance may observe the opening.

(f) in subsection (5)

- (i) by striking out** “the voter is recorded in the Special Ballot voting record, that a copy of the prescribed identification document or documents has been included and that part 1 of the certificate is completed” **and substituting** “the requirements in subsection (4) have been met with respect to the voter”;

(ii) by repealing clause (a)(vi) and substituting the following:

- (vi) enter in the appropriate column within the Special Ballot voting record a check mark or other annotation indicating that the voter has voted, and

(g) by repealing subsection (5.1);

(h) by adding the following after subsection (6.01):

(6.02) The election officers responsible for the counting of Special Ballots may not commence the counting more than 3 hours before the close of voting on election day.

(6.03) Each election officer, candidate, official agent or scrutineer who performs or attends a count of the votes, as the case may be, in accordance with subsection (6.01) must not communicate with another person unless

- (a) the other person is performing or attending the count of the votes in accordance with subsection (6.01),

- (b) voting has closed on the election day, or
- (c) the election officer, candidate, official agent or scrutineer is given leave by the returning officer to communicate with the person.

(37) Section 133.1(1), (4) and (6) are amended by striking out “registered party” wherever it occurs and substituting “registered political party”.

(38) Section 134(3) is amended by striking out “The Chief Electoral Officer” and substituting “Subject to the regulations, the Chief Electoral Officer”.

(39) Section 134.1 is amended

- (a) in subsection (1)**
 - (i) by repealing clause (c);**
 - (ii) in clause (e)(i) by striking out “or as a stand-alone referendum on a date provided in the order”;**
- (b) in subsection (2)(b) by striking out “or” at the end of subclause (i), adding “or” at the end of subclause (ii) and adding the following after subclause (ii):**

(37) Section 133.1 presently reads in part:

133.1(1) For the purposes of section 133, as soon as a candidate is selected for endorsement as the official candidate of a registered party for an electoral division, the candidate and one campaign worker for that candidate are eligible to canvass in a multiple dwelling site.

(4) As soon as a registered party has submitted the full name of the person selected for endorsement as the official candidate of the registered party for an electoral division to the Chief Electoral Officer under section 9.3 of the Election Finances and Contributions Disclosure Act, the Chief Electoral Officer shall on the request of a candidate, provide the candidate with identification stating that the candidate is the official candidate for the registered party.

(6) This section applies as soon as a candidate is selected for endorsement as the official candidate of a registered party for an electoral division and ends at the start of a campaign period.

(38) Section 134(3) presently reads:

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

(39) Section 134.1 presently reads in part:

134.1(1) In this section and section 134.2,

(c) “election period” means the period commencing with the issue of the writ for a general election and ending at the end of election day;

(e) “referendum period” means

(i) in the case of a referendum under the Referendum Act ordered to be held in conjunction with a general election under this Act or as a stand-alone referendum on a date provided in the order, the period commencing when the

- (iii) to provide safety, security or emergency management information about the program or activity of the department or Provincial corporation,

(c) in subsection (3)

(i) **by adding “specific and” before “disproportionate”;**

(ii) in clause (b) by striking out “or” at the end of subclause (i), adding “or” at the end of subclause (ii) and adding the following after subclause (ii):

- (iii) to provide safety, security or emergency management information about the program or activity of the department or Provincial corporation,

(d) in subsection (3.1)

(i) **by adding “specific and” before “disproportionate”;**

(ii) in clause (b) by striking out “or” at the end of subclause (i), adding “or” at the end of subclause (ii) and adding the following after subclause (ii):

- (iii) to provide safety, security or emergency management information about the program or activity of the department or Provincial corporation,

(e) by adding the following after subsection (5):

(6) Subsections (2) to (5) do not apply except during an election period, by-election period or referendum period, as applicable.

(7) For greater certainty, subsections (4) and (5) do not apply to any of the following:

- (a) an advertisement or publication that provides safety, security or emergency management information about a department or Provincial corporation program or activity;
- (b) appearances and press conferences that provide safety, security or emergency management information

order is issued and ending at the end of the date set for voting, and

(2) During an election period, a department or a Provincial corporation shall not advertise or publish any information about its programs or activities unless the advertisement or publication

(b) is required at that time

(i) to solicit proposals or tenders for contracts or applications for employment, or

(ii) because it relates to important matters of public health or safety,

(3) During a by-election period, a department or a Provincial corporation shall not advertise or publish any information about its programs or activities that has a disproportionate impact on voters in the electoral division in which the by-election is being held unless the advertisement or publication

(b) is required at that time

(i) to solicit proposals or tenders for contracts or applications for employment, or

(ii) because it relates to important matters of public health or safety,

(3.1) During a referendum period, a department or a Provincial corporation shall not advertise or publish any information about its programs or activities related to the subject-matter of the referendum that has a disproportionate impact on voters in the areas of Alberta in which the referendum is being held unless the advertisement or publication

(b) is required at that time

(i) to solicit proposals or tenders for contracts or applications for employment, or

(ii) because it relates to important matters of public health or safety,

- (i) by a candidate who was a member of the Legislative Assembly on the day immediately before the day the writ of election was issued for that election, or
- (ii) by a candidate who was a member of Executive Council but not a member of the Legislative Assembly on the day immediately before the day the writ was issued for a by-election.

(40) Sections 135.1 to 135.4 are repealed.

(40) Sections 135.1 to 135.4 presently read:

135.1 In this section and sections 135.11 to 135.4,

- (a) “election period” means the period commencing with the issue of the writ and ending at the end of election day;*
- (b) “election survey” means an opinion survey of how electors voted or will vote at an election or respecting an issue with which a registered political party or registered candidate is associated;*
- (c) “person” includes a group as defined in Part 6.1 of the Election Finances and Contributions Disclosure Act.*

135.11(1) No person or organization may, during an election period, conduct an election survey unless

- (a) the following information is provided, in accordance with the guidelines established by the Chief Electoral Officer, prior to the start of the survey:*
 - (i) the name and contact information of the person or organization on whose behalf the survey is being conducted and whether the person or organization has approved the content of the survey;*
 - (ii) the name and contact information of the person or organization conducting the survey if the person or organization is not the person or organization referred to in subclause (i);*
- (b) in the case of an election survey transmitted to a telephone, whether in the form of a live call or automated pre-recorded call, the telephone number of the person or organization conducting the survey 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.

(2) The Chief Electoral Officer shall establish guidelines respecting the content of the information required under subsection (1) and the manner in which the information is to be provided.

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

135.2(1) The first person who transmits the results of an election survey, other than a survey described in section 135.3, to the public during an election period and any person who transmits them to the public within 24 hours after they are first transmitted to the public shall provide the following together with the results:

- (a) the name of the sponsor of the survey;*
- (b) the name of the person or organization that conducted the survey;*
- (c) the date on which or the period during which the survey was conducted;*
- (d) the population from which the sample of respondents was drawn;*
- (e) the number of people who were contacted to participate in the survey;*
- (f) if applicable, the margin of error in respect of the data obtained.*

(2) In addition to the information referred to in subsection (1), the following must be provided in the case of a transmission to the public by means other than broadcasting:

- (a) the wording of the survey questions in respect of which data was obtained, and*
- (b) the means by which a report referred to in subsection (3) may be obtained.*

(3) A sponsor of an election survey shall, at any time during an election period after the results of the survey are transmitted to the public, provide, on request, a copy of a written report on the results of the survey, as transmitted under subsection (1).

(4) The written report must include the following, as applicable:

- (a) the name and address of the sponsor of the survey;*
- (b) the name and address of the person or organization that conducted the survey;*
- (c) the date on which or the period during which the survey was conducted;*
- (d) information about the method used to collect the data from which the survey results were derived, including*
 - (i) the sampling method,*
 - (ii) the population from which the sample was drawn,*
 - (iii) the size of the initial sample,*
 - (iv) the number of individuals who were asked to participate in the survey and the numbers and respective percentages of them who participated in the survey, refused to participate in the survey, and were ineligible to participate in the survey,*
 - (v) the dates and time of day of the interviews,*
 - (vi) the method used to recalculate data to take into account in the survey the results of participants who expressed no opinion, were undecided or failed to respond to any or all of the survey questions, and*
 - (vii) any weighting factors or normalization procedures used in deriving the results of the survey;*
- (e) the wording of the survey questions and, if applicable, the margins of error in respect of the data obtained.*

(5) A sponsor may charge a fee of up to \$0.25 per page for a copy of a report provided under subsection (3).

135.3 The first person who transmits the results of an election survey that is not based on recognized statistical methods to the public during an election period and any person who transmits them within 24 hours after they are first transmitted to the public shall indicate that the survey was not based on recognized statistical methods.

(41) Section 137 is amended

(a) in subsection (2)(c) by adding “, scrutineers” after “official agents”;

(b) by adding the following after subsection (2):

(2.01) For greater certainty, nothing in subsection (2) prevents a person allowed in the room where an official count is being conducted from entering or leaving the room while the count is being conducted.

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

(3.01) A returning officer, an election clerk or an authorized election officer referred to in subsection (2)(a) must not use or permit the use of a voting machine, tabulator or other similar type of electronic equipment for the purpose of conducting an official count of the votes contained in the ballots.

(42) Section 143(1) is amended by striking out “candidate for” and substituting “candidate in”.

(43) Section 144 is amended

135.4(1) No person shall knowingly cause to be transmitted to the public, in an electoral division on election day before the close of all of the voting places in that electoral division, the results of an election survey that have not previously been transmitted to the public.

(2) No person shall transmit to the public, in an electoral division on election day before the close of all of the voting places in that electoral division, the results of an election survey that have not previously been transmitted to the public.

(41) Section 137 presently reads in part:

(2) No person may be allowed in the room where an official count is being conducted except

(c) the candidates for the electoral division, their official agents or electors of the electoral division appointed in writing by the candidates, or all of them, and

(42) Section 143(1) presently reads in part:

143(1) If a returning officer does not, as and when required, or if no time is stated, does not within a reasonable time,

(a) complete the official count,

a candidate for the relevant electoral division or any elector who voted in the relevant electoral division may apply to the Court for an order in the nature of mandamus requiring the returning officer to perform the duty not carried out.

(43) Section 144 presently reads in part:

(4) The application may only be filed

(a) in subsection (4) by striking out “or” at the end of clause (a) and adding the following after clause (a):

(a.1) by the authorized representative of a registered political party that endorsed a candidate referred to in clause (a),
or

(b) in subsection (6) by adding the following after clause (a):

(a.1) to each registered political party that endorsed a candidate referred to in clause (a),

(c) in subsection (7) by adding “or registered political party” after “candidate”.

(44) Section 145(3) is amended

(a) by adding the following after clause (a):

(a.1) an authorized representative of each registered political party that endorsed a candidate referred to in clause (a);

(b) in clause (c) by adding “to the proceedings” after “parties”.

(45) Section 146 is amended

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

(2) If an application for a recount under section 144 is in respect of only some of the votes for the election, the judge conducting the recount may limit the recount to consideration of only the ballots that contain those votes if all of the following persons consent to doing so:

- (a) each applicant who requested the recount under section 144;
- (b) the returning officer who conducted the official count to which the recount relates;
- (c) each candidate who is present for the recount and who did not make an application under section 144;

(a) by a candidate or the candidate's official agent, or

(6) At least 4 days' notice of the time and place appointed for the recount shall be given by the applicant

(a) to the candidates, in the manner prescribed in section 68,

(7) A candidate served with notice under subsection (6) respecting a recount that is limited to a recount of votes that have been rejected or in respect of which there has been an objection may, not later than the 2nd day following service of the notice, make application for any further recount as if the application had been made within the original 8-day period.

(44) Section 145(3) presently reads in part:

(3) At any recount of votes, the returning officer and election clerk shall be present and the following shall be given notice and may be present:

(c) the legal representatives of the parties;

(45) Section 146 presently reads in part:

(2) If consented to by the applicant or applicants for the recount, the returning officer and the candidates present at the recount, the judge may limit the ballots to be considered to those for which the recount was requested.

(4) The judge may hear any oral evidence the parties wish to adduce.

(6) Notwithstanding subsection (5), the judge shall not open the outer envelope containing a Special Ballot if the envelope was received by the returning officer or the person designated by the Chief Electoral Officer after the closing of the voting places on election day.

(d) each authorized representative of a registered political party who is present at the recount and who did not make an application under section 144.

(b) in subsection (4) by adding “to the proceedings” after “parties”;

(c) in subsection (6) by striking out “or the person designated by the Chief Electoral Officer after the closing of the voting places on election day” and substituting “at the address specified by the Chief Electoral Officer after 5:00 p.m. on the Friday immediately preceding election day”.

(46) Section 148.1 is repealed and the following is substituted:

Costs

148.1(1) Unless the judge conducting a recount under section 146 or the justice conducting an appeal under section 148 directs otherwise, the Crown in right of Alberta must pay the reasonable and proper costs, not exceeding the prescribed maximum amount, to one of the following as it relates to the recount or appeal, as the case may be:

- (a) a candidate in the electoral division that is subject to the recount;
- (b) if applicable, the registered political party that endorsed a candidate referred to in clause (a).

(2) The costs referred to in subsection (1) are to be determined in accordance with the *Alberta Rules of Court* and the practice and procedure of the Court of King’s Bench or the Court of Appeal, as the case may be.

(47) Section 151(2)(a) and (b) are amended by striking out “3 months” and substituting “6 months”.

(46) Section 148.1 presently reads:

148.1(1) If a recount is conducted or an appeal is heard under this Part, the court may direct

(a) that the parties bear their own costs, or

(b) that costs be paid to one or more of the parties by any or all of the following:

(i) the applicant;

(ii) one or more of the candidates;

(iii) the Crown in right of Alberta.

(2) Costs must be determined in accordance with the Alberta Rules of Court and the practice and procedure of the Court of King's Bench or the Court of Appeal, as the case may be.

(47) Changes requirement for Chief Electoral Officer to retain election documents from 3 months to 6 months.

(48) Section 152 is amended

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

Inspection of election documents

152(1) For a period of 90 days after the day on which the name of the registered candidate who is declared to be elected in an electoral division is published in The Alberta Gazette, each of the following may inspect any of the election documents pertaining to the election, except ballots, that are retained by the Chief Electoral Officer:

- (a) a registered candidate in the election;
- (b) the official agent of a registered candidate referred to in clause (a);
- (c) the authorized representative of a registered political party that has endorsed a candidate referred to in clause (a).

(b) in subsection (2)

- (i) by striking out “30-day period” and substituting “90-day period”;**
- (ii) by striking out “has a registered candidate” and substituting “has endorsed a candidate”;**
- (iii) by striking out “registered official agent” and substituting “registered candidate’s official agent”.**

(49) Section 153.09 is amended

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

Duties and powers of the Election Commissioner

153.09(1) The Election Commissioner may conduct an investigation into a matter that the Election Commissioner has reasonable grounds to believe is an offence under this Act in the following circumstances:

(48) Section 152 presently reads in part:

152(1) A registered candidate and the registered candidate's official agent, or either of them, may for a period of 30 days after the publication in The Alberta Gazette of the name of the registered candidate declared elected in the relevant electoral division, inspect any election documents, except ballots, retained by the Chief Electoral Officer and pertaining to the election in that electoral division.

(2) If within the 30-day period described in subsection (1) a registered candidate in an electoral division, a registered candidate's official agent or a registered political party that has a registered candidate in the electoral division makes a written request to the Chief Electoral Officer for a copy of the voting records for the relevant electoral division, the Chief Electoral Officer shall, on payment of the cost to produce the copy as determined by the Chief Electoral Officer, furnish the copy to the registered candidate, registered official agent or registered political party.

(49) Section 153.09 presently reads in part:

153.09(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 an offence under this Act.

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

- (a) if the Election Commissioner receives a complaint from a person;
 - (b) at the request of the Chief Electoral Officer;
 - (c) on the Election Commissioner's own initiative.
- (b) in subsection (2) by striking out "For the purpose" and substituting "Subject to subsections (3.1) and (3.2), for the purpose";**
- (c) in subsection (3) by adding ", registered prospective candidate association" after "registered constituency association";**
- (d) by adding the following after subsection (3):**

(3.1) If, for the purpose of conducting an investigation under this Act, the Election Commissioner summons a person as a witness to provide evidence in respect of the investigation, the Election Commissioner

- (a) may require the person to appear before the Election Commissioner within 30 days of the date on which the summons is served on the person or a longer period as specified by the Election Commissioner, and
- (b) must reasonably accommodate the person as it relates to compelling the person to personally appear before the Election Commissioner.

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

- (a) unless notice of an investigation has been provided to a person in accordance with section 153.091(1), the Election Commissioner may not compel a person
 - (i) to participate in the investigation, or
 - (ii) to provide a response to a complaint that is the subject of the investigation,

and

(3) For the purpose of conducting an investigation under this Act, a representative of the Election Commissioner, on production of the representative's authorization from the Election Commissioner, may at any reasonable time enter any premises referred to in the authorization in which records of a registered political party, registered constituency association or registered candidate relevant to the subject-matter of the investigation are kept and may examine and make copies of the records or remove them temporarily for the purpose of making copies.

(5) A registered political party, registered constituency association or registered candidate 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 affairs of the registered political party, registered constituency association or registered candidate that is reasonably required by the Election Commissioner in the course of the Election Commissioner's duties under this Act.

(b) the Election Commissioner must allow the following in respect of a person who is being interviewed by the Election Commissioner:

(i) the person's legal counsel to be present when the person is being interviewed;

(ii) the person to record the interview.

(e) in subsection (5)

(i) **by striking out** "A registered political party" **and substituting** "Subject to subsection (3.1), unless an extension of the period has been granted under subsection (6), a registered political party";

(ii) **by adding** ", registered prospective candidate association" **after** "registered constituency association" **wherever it occurs**;

(f) by adding the following after subsection (5):

(6) The Election Commissioner must grant a request to extend the applicable period referred to in subsection (3.1)(a) or (5) if the Election Commissioner determines that the request is reasonable in consideration of

(a) the basis on which it is made, and

(b) the impact of the extension to timely completion of the investigation.

(7) If, during an election period, the Election Commissioner is conducting or commences an investigation under subsection (1), the Election Commissioner

(a) may request, in writing, that a person to whom a summons has been issued under subsection (3.1)(a) personally appear within a shorter period than the applicable period under that subsection,

(b) may request, in writing, that a registered political party, registered constituency association, registered prospective candidate association or registered candidate to whom a request has been made under subsection (5)

produce the information requested within a shorter period than the applicable period under that subsection, and

- (c) must complete the investigation before election day unless the Election Commissioner determines that there is no reasonable chance of completing the investigation before election day in consideration of
 - (i) the subject-matter of the investigation, and
 - (ii) the amount of time to conduct the investigation before election day.

(50) Section 153.091 is amended

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

Notice of investigation and conclusion

153.091(1) On commencing an investigation under section 153.09(1), unless the Election Commissioner determines that providing notice could reasonably compromise the investigation, the Election Commissioner must, as soon as practicable, provide notice of the following to each person who is the subject of the investigation:

- (a) the fact that the person is the subject of an investigation under section 153.09(1);
- (b) the substance of the allegations on which the investigation is based;
- (c) the grounds for the Election Commissioner's belief that the matter being investigated is an offence under this Act.

(b) in subsection (2)

- (i) in the portion preceding clause (a) by striking out "an investigation" and substituting "an investigation under section 153.09(1)";**

(50) Section 153.091 presently reads:

153.091(1) At any time before completing an investigation referred to in section 153.09(1), the Election Commissioner shall notify any person or organization who is the subject of an investigation that the person or organization is being investigated and the nature of the matter being investigated before completing the investigation, unless the Election Commissioner believes that notification would compromise or impede the investigation.

(2) The Election Commissioner may refuse to conduct an investigation if the Election Commission is of the opinion that

(a) the matter is frivolous or vexatious, or

(b) there are no grounds to warrant an investigation.

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

(4) When the Election Commissioner refuses to conduct an investigation under subsection (2), the Election Commissioner shall provide notice of that decision to every person or organization who requested the investigation, if any.

(5) When an investigation under subsection (1) is completed, the Election Commissioner

- (ii) **in clause (a) by striking out** “the matter is” **and substituting** “the substance of the allegations set out in the complaint are”;
 - (iii) **in clause (b) by striking out** “an investigation” **and substituting** “the investigation”;
- (c) **in subsection (3)**
 - (i) **by striking out** “a person or organization unless that person or organization” **and substituting** “a person who is the subject of an investigation under section 153.09(1) unless that person”;
 - (ii) **by adding** “on which the investigation is based” **after** “the substance of the allegations”;
- (d) **by repealing subsections (4) and (5) and substituting the following:**
 - (4) If the Election Commissioner refuses to conduct an investigation under subsection (2), the Election Commissioner must provide notice of that refusal to
 - (a) each person who would have been the subject of the investigation, and
 - (b) each person who made a complaint on which the investigation would have been based.
 - (5) On the completion of an investigation under section 153.09(1), the Election Commissioner
 - (a) must provide notice of the outcome of the investigation to
 - (i) each person who was the subject of the investigation, and
 - (ii) each person who made a complaint on which the investigation was based,

(a) shall provide notice of the Election Commissioner's decision to

(i) every person or organization who is the subject of the investigation, and

(ii) every person or organization who requested an investigation,

and

(b) may provide, as the Election Commissioner considers appropriate, notice of the decision to any other person or organization involved in a matter referred to in section 153.09(1).

- (b) may provide notice of the outcome of the investigation to any other person involved in a matter referred to in section 153.09(1), as the Election Commissioner considers appropriate.

(51) Section 153.2 is amended

- (a) in subsection (1) by striking out “3 years” and substituting “one year”;
- (b) in subsection (2) by striking out “section 206.1(3)(a)” and substituting “section 206.1(3)(b)”.

(52) Section 153.3 is amended by adding the following after subsection (6):

- (6.1)** In an appeal under this section, the onus is on the Election Commissioner to establish that
 - (a) the person who was served the notice of administrative penalty contravened the provision of this Act to which the notice of administrative penalty applies, and
 - (b) the amount of the administrative penalty is appropriate based on the subject-matter of the contravention.

(53) Section 153.4(4) is amended by striking out “the publication of a notice under section 153.7” and substituting “publication under section 206.1(3)(c)”.

(54) Section 153.7 is repealed.

(51) Section 153.2 presently reads:

153.2(1) A letter of reprimand or a notice of administrative penalty may not be served more than 3 years after the date on which the alleged contravention occurs.

(2) A disclosure under section 206.1(3)(a) may be made with respect to an alleged contravention that occurred before the coming into force of this section, but may not be made with respect to an alleged contravention that occurred more than 3 years before the coming into force of this section.

(52) Adds appeal criteria.

(53) Section 153.4(4) presently reads:

(4) Before entering into a compliance agreement, the Election Commissioner shall require the consent of the prospective contracting party to the publication of a notice under section 153.7.

(54) Section 153.7 presently reads:

153.7 The Chief Electoral Officer may publish a notice on the Election Commissioner's website that sets out the contracting party's name, the act or omission in question and a summary of the compliance agreement.

(55) Section 154(1) is amended

- (a) by adding “or the regulations” after “this Act”;**
- (b) by striking out “\$5000” and substituting “\$10 000”.**

(56) Section 155 is amended

- (a) in clause (a) by striking out “\$5000” and substituting “\$10 000”;**
- (b) in clause (b) by striking out “\$2000” and substituting “\$5000”.**

(57) Section 159(b) is amended by striking out “\$2000” and substituting “\$5000”.

(58) Section 160 is amended by striking out “\$10 000” and substituting “\$50 000”.

(55) Section 154(1) presently reads:

154(1) A person who contravenes this Act other than

(a) a contravention referred to in sections 155 to 163, or

(b) a corrupt practice referred to in Part 6,

is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(56) Section 155 presently reads:

155 A person who, having been appointed an election officer and having taken the election officer's oath of office, neglects or refuses to perform any duty to be performed by that election officer is guilty of an offence and liable to a fine of not more than

(a) \$5000 or to imprisonment for a term of not more than one year or to both fine and imprisonment, in the case of a returning officer, and

(b) \$2000 or to imprisonment for a term of not more than one year or to both fine and imprisonment, in the case of any other election officer.

(57) Section 159(b) presently reads:

159 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any proclamation, notice or other document required to be posted under this Act is guilty of an offence and liable

(b) in any other case, to a fine of not more than \$2000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(58) Section 160 presently reads:

160 A person who, before or during an election and for the purpose of affecting the voting for a candidate at that election, makes or publishes any false statement in relation to the character or conduct of that candidate or of the withdrawal of that candidate, is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(59) Section 163.1(2) is amended by striking out “3 years” and substituting “one year”.

(60) Section 167(b) is amended by striking out “100.3, 100.4, 100.5” and substituting “100.4”.

(61) Section 206.1 is amended

(a) in subsection (2)(d) by striking out “, a nomination contestant”;

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

(3) The Election Commissioner must make the information set out in subsection (3.1) publicly available on the Chief Electoral Officer’s website in the following circumstances:

- (a) the Election Commissioner receives a written request for disclosure from a person who received a notice provided under section 153.091(4) or (5);
- (b) an administrative penalty is imposed or a letter of reprimand is issued under section 153.1;
- (c) a compliance agreement is entered into under section 153.4;
- (d) the Election Commissioner consents to a prosecution under section 153.6.

(3.1) For the purposes of subsection (3), the following information must be made publicly available:

- (a) in the case of a written request received in respect of a notice provided under section 153.091(4) or (5),
 - (i) the person who is the subject of the notice,
 - (ii) each provision of this Act that is the subject of the notice,

(59) Section 163.1(2) presently reads:

(2) A prosecution under this Act may be commenced within 3 years of the commission of the alleged offence but not afterwards.

(60) Section 167(b) presently reads:

167 A person commits a corrupt practice who

(b) signs a false declaration under section 100.2, 100.3, 100.4, 100.5 or 104 or takes a false oath,

(61) Section 206.1 presently reads in part:

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

(d) disclosed to a registered political party if a constituency association, a registered candidate, a nomination contestant or a leadership contestant of that registered political party is the subject of an investigation under this Act,

(3) Findings and decisions, and any additional information that the Election Commissioner considers to be appropriate, shall be published on the Chief Electoral Officer's website in the following circumstances:

(a) if an administrative penalty is imposed or a letter of reprimand is issued under section 153.1;

(b) if the Election Commissioner has provided notice under section 153.091(4) and receives a written request for disclosure from a person or organization who received the notice;

(c) if the Election Commissioner consents to a prosecution under this Act.

- (iii) if the Election Commissioner refused to conduct an investigation under section 153.091(2), the reason for the refusal, and
 - (iv) if the Election Commissioner conducted an investigation under section 153.09(1), the outcome of the investigation;
- (b) in the case of an administrative penalty imposed or a letter of reprimand issued under section 153.1,
- (i) the name of the person required to pay the administrative penalty or to whom the letter of reprimand was issued, as the case may be,
 - (ii) the provision of this Act that the person contravened, and
 - (iii) if applicable, the amount of the administrative penalty;
- (c) in the case of a compliance agreement entered into under section 153.4,
- (i) the name of each person that entered into the agreement, and
 - (ii) the terms of the agreement that describe the compliance obligations of each person referred to in subclause (i);
- (d) in the case of the Election Commissioner's consent to a prosecution under section 153.6,
- (i) the name of each person who is alleged to have contravened a provision of this Act, and
 - (ii) each provision of this Act the person referred to in subclause (i) is alleged to have contravened.

(62) The following is added after section 206.4:

Prohibition on municipal bylaws

206.5 Despite sections 7 and 640(1.1) of the *Municipal Government Act*, a municipal council must not pass a bylaw or resolution respecting election signs or election advertisements.

(62) Prohibition on municipal bylaws.

(63) Section 207(1) is amended

(a) by adding the following before clause (c):

- (b.1) respecting the procedures and documents required to demonstrate an elector's Canadian citizenship;

(b) by adding the following after clause (d):

- (d.01) respecting the contents and uses of lists of electors;
- (d.02) prescribing the maximum amount of reasonable and proper costs for the purposes of section 148.1;

(64) The following is added after section 207:

Ministerial regulations

207.1 The Minister may make regulations establishing rules respecting election advertisements or signs, including

- (a) the placement of advertisements or signs, or
- (b) limiting the Chief Electoral Officer's authority to establish guidelines under section 134(3).

(65) This section comes into force on Proclamation.

**Election Finances and Contributions
Disclosure Act**

Amends RSA 2000 cE-2

7(1) The *Election Finances and Contributions Disclosure Act* is amended by this section.

(2) Section 1 is amended

(a) in subsection (1)

- (i) by repealing clause (b)(v);**

(ii) in clause (c)

- (A) in paragraph (i)(A) by striking out “selected for endorsement as the official candidate” and substituting “endorsed as the candidate”;**

(63) Adds regulation-making authority.

(64) Ministerial regulations.

(65) Coming into force.

**Election Finances and Contributions
Disclosure Act**

7(1) Amends chapter E-2 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1(1) In this Act,

(b) “campaign period” means

(v) in the case of a nomination contest, the period beginning on the date on which the nomination contestant is deemed to be a nomination contestant under section 9.3(2) and ending 2 months after the day on which a nomination

(B) in paragraph (ii)(A) by striking out “an official candidate” and substituting “a candidate”;

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

- (e) “contribution” means, subject to subsection (5), and except where otherwise indicated, the provision of money, real property, goods or services, or the use of real property, goods or services, without compensation
 - (i) to a political party, constituency association, prospective candidate association, candidate or leadership contestant, or
 - (ii) for the benefit of a political party, constituency association, prospective candidate association, candidate, prospective candidate or leadership contestant with the consent of the person or entity receiving the benefit;

(iv) by adding the following after clause (f.02):

- (f.03) “election expense” means, subject to Part 5.1, an expense incurred or a non-monetary contribution accepted by any of the following to the extent that the expense or contribution is used during an election period to directly promote or oppose a registered party, its leader or a registered candidate:
 - (i) a registered party;
 - (ii) a registered constituency association;
 - (iii) a registered prospective candidate association;
 - (iv) a registered candidate;

(v) by adding the following after clause (g):

- (g.1) “federal political party” has the same meaning as “political party” in the *Canada Elections Act* (Canada);

contestant is selected for endorsement as the official candidate of the registered party for an electoral division;

(c) *“candidate” means*

(i) *with respect to an election under the Election Act, a person*

(A) *who is selected for endorsement as the official candidate of a registered party for the electoral division, or*

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

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

(e) *“contribution” means, subject to subsection (5), any money, real property, goods or services, or the use of real property, goods or services, provided*

(i) *to a political party, constituency association, candidate, nomination contestant or leadership contestant, or*

(ii) *for the benefit of a political party, constituency association, candidate, nomination contestant or leadership contestant with the consent of the political party, the constituency association, the candidate, the nomination contestant or the leadership contestant,*

without compensation from that political party, constituency association, candidate, nomination contestant or leadership contestant;

(i.4) *“nomination contest” means a process referred to in section 9.3 for the selection of a person for endorsement as the official candidate of a registered party for an electoral division;*

(i.5) *“nomination contestant” means a person who seeks endorsement in a nomination contest as the official candidate of a registered party for an electoral division;*

(l.01) *“prohibited person or entity” means a person not ordinarily resident in Alberta, a corporation and an unincorporated association or organization;*

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

- (i.01) “General Revenue Fund” has the same meaning as in the *Financial Administration Act*;

(vii) by adding the following after clause (i.3):

- (i.31) “local political party” has the same meaning as in the *Local Authorities Election Act*;

(viii) by repealing clauses (i.4) and (i.5) and substituting the following:

- (i.5) “nomination contestant” means a person seeking endorsement as the candidate of a registered party;

- (i.6) “permitted person or entity” means

- (i) a person ordinarily resident in Alberta,
- (ii) a corporation carrying on business in Alberta that is not a prohibited corporation, or
- (iii) an Alberta trade union or Alberta employee organization;

(ix) by repealing clause (l.01) and substituting the following:

- (l.01) “prohibited person or entity” means

- (i) a person not ordinarily resident in Alberta,
- (ii) a prohibited corporation,
- (iii) a trade union or an employee organization that is not an Alberta trade union or Alberta employee organization, and
- (iv) an unincorporated association or organization not operating in Alberta;

- (l.02) “prospective candidate” means a person for whose benefit a prospective candidate association is established;

(5) For the purposes of subsection (1)(e), "services" does not include

(d) services that a candidate, nomination contestant or leadership contestant provides in support of his or her own campaign,

(l.03) “prospective candidate association” means an entity established by or on behalf of a person as the official association of the person for the purpose of supporting the person’s prospective campaign for election as a member of the Legislative Assembly;

(x) by adding the following after clause (o.1):

(o.11) “registered prospective candidate association” means a prospective candidate association that is registered under section 8.1;

(xi) by adding the following after clause (o.2):

(o.21) “Senate election” means an election conducted under the *Alberta Senate Election Act*;

(b) in subsection (5)(d) by striking out “, nomination contestant”;

(c) by adding the following after subsection (5):

(6) For the purposes of subsection (1)(f.03),

- (a) the use of goods in a 2nd or subsequent election is a non-monetary contribution, and
- (b) an election expense includes an expense incurred for, or a non-monetary contribution in relation to,
 - (i) the production of advertising or promotional material,
 - (ii) the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during the election period, including by the use of a capital asset,
 - (iii) the payment of remuneration and expenses to or on behalf of a person for the person’s services as a chief financial officer or in any other capacity,
 - (iv) securing a meeting space, or
 - (v) the conduct of election surveys or other surveys or research during an election period.

(7) For the purposes of subsections (1)(f.03) and (6), “expense incurred” means an expense that is incurred, whether it is paid or unpaid.

(8) If a provision of this Act authorizes the exercise of a right or power or the performance of a duty

(a) by a prospective candidate in respect of a prospective candidate association, the application of the provision is limited to the prospective candidate association established for the benefit of the prospective candidate, or

(b) by a prospective candidate association in respect of a prospective candidate,

(i) the application of the provision is limited to the prospective candidate for whose benefit the prospective candidate association was established, or

(ii) the authority to exercise the right or power or perform the duty, as the case may be, continues if the prospective candidate

(A) is endorsed by a registered party,

(B) becomes a registered candidate,

(C) becomes a member of the Legislative Assembly, or

(D) subject to section 12.3, ceases to be a registered candidate.

(3) Section 1.1(1) is repealed and the following is substituted:

Campaign expenses

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

(a) by a registered party, registered constituency association, registered prospective candidate association or registered candidate, to the extent that the property or service for which the expense was incurred, or that was received as a non-monetary contribution, is used during a campaign

(3) Section 1.1(1) presently reads:

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

(a) by a registered party, registered constituency association or registered candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a registered party, a registered constituency association or a registered candidate during a campaign period, and

period to directly promote or oppose a registered party, its leader, a registered constituency association, a registered prospective candidate association or a registered candidate, or

- (b) by a registered leadership contestant, to the extent that the property or service for which the expense was incurred, or that was received as a non-monetary contribution, is used during the campaign period of a leadership contest to directly promote or oppose a leadership contestant.

(4) Section 3 is repealed.

(5) Section 4 is amended

(a) in subsection (1)

(i) in clause (b)

(A) by repealing subclause (i) and substituting the following:

- (i) registered parties, registered constituency associations and registered prospective candidate associations,

(B) by adding “and” at the end of subclause (ii.1) and by repealing subclause (ii.2);

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

- (d) shall, with respect to a registered party, a registered constituency association and a registered prospective candidate association, publish the financial statements required to be filed with the Chief Electoral Officer under section 42;

(b) *by a nomination contestant or leadership contestant, to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a nomination contestant or leadership contestant during a campaign period of the nomination contestant or leadership contestant, as the case may be.*

(4) Section 3 presently reads:

3 The Lieutenant Governor in Council may, by regulation,

- (a) designate a corporation to be a prohibited corporation;*
- (b) designate a class of corporation, a corporation within which class is a prohibited corporation;*
- (c) determine what constitutes a corporation to be a publicly funded corporation for the purpose of section 1(1)(l)(vi.4).*

(5) Section 4 presently reads in part:

4(1) The Chief Electoral Officer, in addition to the Chief Electoral Officer's other powers and duties under this Act, the Election Act, the Alberta Senate Election Act, the Citizen Initiative Act, the Recall Act and the Referendum Act,

- (b) may inquire into the financial affairs and records of
 - (i) registered parties and registered constituency associations,*
 - (ii.1) registered leadership contestants in relation to leadership contests,*
 - (ii.2) nomination contestants in relation to nomination contests, and**
- (d) with respect to a registered party and a registered constituency association shall publish the financial statements required to be filed with the Chief Electoral Officer under section 42;*

(iii) **in clause (e) by striking out** “and a registered constituency association” **and substituting** “, registered constituency association and registered prospective candidate association”;

(iv) **by repealing clause (g);**

(b) by adding the following after subsection (2):

(3) If the Chief Electoral Officer becomes aware that one or more contributions in excess of a limit set out in this Act was made to or accepted by or on behalf of a registered party, registered constituency association, registered prospective candidate association, registered candidate, registered leadership contestant or registered third party, the Chief Electoral Officer must advise the chief financial officer of the person or entity, as the case may be, to

(a) provide the Chief Electoral Officer with information in the possession of the chief financial officer, if any, respecting the circumstances of the contribution, and

(b) do one of the following, as applicable:

(i) if the identity of the contributor is known, return the portion of the contribution that exceeds the applicable limit to the contributor;

(ii) if the identity of the contributor cannot be determined, transfer the amount of the contribution that has been identified by the Chief Electoral Officer to exceed a limit set out in this Act to the Chief Electoral Officer.

(4) The Chief Electoral Officer must deposit the funds received under subsection (3) into the General Revenue Fund.

(6) Section 5 is amended

(a) **in subsection (2) by striking out** “candidate, nomination candidate,” **and substituting** “prospective candidate association, candidate,”;

(b) **in subsection (3) by striking out** “registered candidate, nomination contestant” **wherever it occurs and substituting** “registered prospective candidate association, registered candidate”.

- (e) *with respect to a registered party and a registered constituency association, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which a report is filed with the Chief Electoral Officer under section 32(3), which statement must include the name of any contributor referred to in the report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed;*
- (g) *with respect to a nomination contestant, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which a nomination contestant campaign return is filed with the Chief Electoral Officer under section 43.01, which statement must include the name of any contributor referred to in the return who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed;*

(6) Section 5 presently reads in part:

(2) For the purpose of carrying out an examination or inquiry referred to in section 4(1), a representative of the Chief Electoral Officer, on production of the representative's authorization from the Chief Electoral Officer, may at any reasonable time enter any premises referred to in the authorization in which books or documents of a political party, constituency association, candidate, nomination candidate, leadership contestant or third party relevant to the subject-matter of the examination or inquiry are kept and may

(7) The following is added after section 5:

Chief Electoral Officer's advice

5.01(1) A person or entity to which this Act applies may request that the Chief Electoral Officer provide the person or entity with advice on the person's or entity's powers, duties or rights under this Act.

(2) The Chief Electoral Officer may, in writing, provide a person or entity that made a request under subsection (1) with advice that

- (a) sets out the material facts on which the request is based,
- (b) is based on the facts referred to in clause (a), and
- (c) may be based on any other considerations the Chief Electoral Officer considers appropriate.

(3) If a person or entity that made a request under subsection (1) becomes aware of a change to a material fact on which the request is based before the Chief Electoral Officer provides advice in accordance with subsection (2), the person or entity must, as soon as practicable, notify the Chief Electoral Officer of the change.

(4) Subject to subsection (5), the Chief Electoral Officer must keep confidential the advice provided to a person or entity under subsection (2) except in the following circumstances:

examine and make copies of the books or documents or remove them temporarily for the purpose of making copies.

(3) A registered party, registered constituency association, registered candidate, nomination contestant, registered leadership contestant or registered third party 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 or documents with respect to the financial affairs of the registered party, registered constituency association, registered candidate, nomination contestant, registered leadership contestant or registered third party that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act.

(7) Chief Electoral Officer's advice.

- (a) the person or entity, as the case may be, makes it publicly available;
- (b) the person or entity, as the case may be, provides the Chief Electoral Officer with written consent to make it publicly available or specifically available to a particular person or entity;
- (c) it is required to be disclosed for the purpose of a proceeding.

(5) The Chief Electoral Officer may make the following advice publicly available:

- (a) advice of a general nature in respect of the enforcement, interpretation or application of a provision of this Act;
- (b) advice provided under subsection (2) if identifying information about the person or entity that made the request under subsection (1) has been removed.

(6) For greater certainty, a reference to advice in subsection (2) or (5) includes the following:

- (a) the material facts set out in the advice;
- (b) other considerations on which the Chief Electoral Officer's advice is based;
- (c) a recommendation included as part of the advice.

(7) A person or entity may not be the subject of a civil or administrative proceeding or administrative penalty under this Act to the extent that the proceeding or penalty is based on the person's or entity's reliance on advice provided in accordance with subsection (2) or (5).

(8) Section 5.2 is amended

(a) in subsection (2)

- (i) in clause (c) by striking out "organization" and substituting "entity";**

(8) Section 5.2 presently reads in part:

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

(c) disclosed to the person or organization whose conduct is the subject of proceedings under this Act,

(ii) **in clause (d) by striking out** “, a nomination contestant”;

(iii) **by adding the following after clause (d):**

(d.1) disclosed to the prospective candidate if the prospective candidate association is the subject of an investigation under this Act,

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

(3) The Election Commissioner must make the information set out in subsection (4) publicly available on the Chief Electoral Officer’s website in the following circumstances:

- (a) the Election Commissioner receives a written request for disclosure from a person or entity that received a notice provided under section 44.97(4) or (5);
- (b) an administrative penalty is imposed or a letter of reprimand is issued under section 51 or 51.01;
- (c) a compliance agreement is entered into under section 51.04;
- (d) the Election Commissioner consents to a prosecution under section 53.

(4) For the purposes of subsection (3), the following information must be made publicly available:

- (a) in the case of a written request received in respect of a notice provided under section 44.97(4) or (5),
 - (i) the person or entity that is the subject of the notice,
 - (ii) each provision of this Act that is the subject of the notice,
 - (iii) if the Election Commissioner refused to conduct an investigation under section 44.97(2), the reason for the refusal, and

(d) disclosed to a political party if a constituency association, a registered candidate, a nomination contestant or a leadership contestant of that political party is the subject of an investigation under this Act,

(3) Findings and decisions, and any additional information that the Election Commissioner considers to be appropriate, shall be published on the Chief Electoral Officer's website in the following circumstances:

(a) subject to section 51.02(2), if an administrative penalty is imposed or a letter of reprimand is issued under section 51 or 51.01;

(b) if the Election Commissioner has provided notice under section 44.97(4) or (5) and receives a written request for disclosure from the person or entity, as defined in section 44.98, or organization who received the notice;

(c) if the Election Commissioner consents to a prosecution under this Act.

- (iv) if the Election Commissioner conducted an investigation under section 44.95(a.1) or (b), the outcome of the investigation;
- (b) in the case of an administrative penalty imposed or a letter of reprimand issued under section 51 or 51.01,
 - (i) the name of the person or entity required to pay the administrative penalty or to whom the letter of reprimand was issued, as the case may be,
 - (ii) the provision of this Act that the person or entity contravened, and
 - (iii) if applicable, the amount of the administrative penalty;
- (c) in the case of a compliance agreement entered into under section 51.04,
 - (i) the name of each person or entity that entered into the agreement, and
 - (ii) the terms of the agreement that describe the compliance obligations of each person referred to in subclause (i);
- (d) in the case of the Election Commissioner's consent to a prosecution under section 53,
 - (i) the name of each person or entity that is alleged to have contravened a provision of this Act, and
 - (ii) each provision of this Act that a person or entity referred to in subclause (i) is alleged to have contravened.

(5) Nothing in this section requires the Chief Electoral Officer or Election Commissioner to disclose any information that would reveal the name of a complainant or witness except with the consent of that person or entity or if directed to do so by a court.

(9) Section 6(b) and (c) are repealed and the following is substituted:

- (b) in the most recent general election, endorsed a person who was nominated for election in at least 50% of the electoral divisions,
- (c) following the issue of a writ of election for a general election, endorses people who are nominated for election in at least 50% of the electoral divisions, or

(10) Section 7 is amended

(a) in subsection (1.2) by repealing clauses (g) and (h) and substituting the following:

- (g) the name and address of the financial institution holding the account into which contributions made to that political party are to be deposited;
- (h) the name of each signing officer responsible for the account referred to in clause (g);

(b) in subsection (2) by striking out “entitled” wherever it occurs and substituting “qualified”;

(c) by adding the following after subsection (2.02):

(2.03) The Chief Electoral Officer shall refuse to register a political party unless it is incorporated as

- (a) a society under the *Societies Act*,
- (b) a company under Part 9 of the *Companies Act*, or
- (c) a corporation under the *Canada Not-for-profit Corporations Act* (Canada).

(d) in subsection (3)

- (i) in clause (a) by adding “or local political party” after “registered party” wherever it occurs;

(9) Section 6(b) and (c) presently read:

6 A political party is qualified for registration in the register of political parties if the political party

(b) endorsed candidates in at least 50% of the electoral divisions in the most recent general election,

(c) endorses candidates in at least 50% of the electoral divisions following the issue of a writ of election for a general election, or

(10) Section 7 presently reads in part:

(1.2) An application for registration must set out the following:

(g) the name and address of the financial institution used by the political party for the account into which are deposited all contributions made to that political party;

(h) the names of the political party's signing officers responsible for each account referred to in clause (g);

(2) On receipt of an application for registration of a political party, the Chief Electoral Officer shall examine the application and determine if the political party is entitled to be registered and

(a) if the political party is entitled to be registered, enter it in the register of political parties and so inform the political party, or

(b) if the political party is not entitled to be registered, so inform the political party with written reasons for the determination.

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

(a) the name or the abbreviation of the name of the applying party so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with the name or abbreviation of that registered party,

(3.1) If a registered party changes its name, the Chief Electoral Officer shall not vary the register accordingly if, in the Chief Electoral Officer's opinion,

(ii) by adding the following after clause (a.1):

- (a.11) the proposed name was the name of a local political party whose registration was cancelled or whose name was changed since the last general election held under the *Local Authorities Election Act*,

(e) in subsection (3.1)

- (i) in clause (a) by adding “or local political party” after “registered party” wherever it occurs;**

(ii) by striking out “or” at the end of clause (b) and adding the following after clause (b):

- (b.1) the proposed name was the name of a local political party whose registration was cancelled or whose name was changed since the last general election held under the *Local Authorities Election Act*, or

(11) Section 8 is amended

(a) by repealing subsection (2.1)(e) and (f) and substituting the following:

- (e) the name and address of the financial institution holding the account into which contributions made to that prospective candidate association are to be deposited;
- (f) the name of each signing officer responsible for the account referred to in clause (e);

(b) in subsection (3) by striking out “entitled” wherever it occurs and substituting “qualified”.

- (a) *the proposed name or the abbreviation of the name so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with the name or abbreviation of that registered party,*
- (b) *the proposed name was the name of a registered party whose registration was cancelled or whose name was changed since the last general election, or*

(11) Section 8 presently reads in part:

(2.1) An application for registration must set out the following:

- (e) the name and address of the financial institution used by the constituency association for the account into which are deposited all contributions made to that constituency association;*
- (f) the names of the constituency association's signing officers responsible for each account referred to in clause (e);*

(3) On receipt of an application for registration of a constituency association, the Chief Electoral Officer shall examine the application and determine if the constituency association is entitled to be registered and

- (a) if the constituency association is entitled to be registered, enter it in the register of constituency associations and so inform the constituency association, or*
- (b) if the constituency association is not entitled to be registered, so inform the constituency association with written reasons for the determination.*

(12) The following is added after section 8:

Registration of prospective candidate associations

8.1(1) No prospective candidate association and no person acting for a prospective candidate association shall accept contributions to the prospective candidate association unless the prospective candidate association is registered under this section.

(2) The Chief Electoral Officer must maintain a register of prospective candidate associations and, subject to this section and the regulations, if any, must register in it each prospective candidate association that is qualified to be registered and that files with the Chief Electoral Officer an application for registration.

(3) An application for registration must set out the following:

- (a) the full name of the prospective candidate association and the person establishing the prospective candidate association;
- (b) the full name of the prospective candidate on whose behalf the prospective candidate association is being established;
- (c) whether, at the time of the application,
 - (i) the prospective candidate is registered as a candidate under section 9, or
 - (ii) the prospective candidate is a member of the Legislative Assembly;
- (d) the address of each place where records of the prospective candidate association are maintained and of the place to which communications may be addressed;
- (e) the name of each principal officer of the prospective candidate association;
- (f) the name and contact information of the chief financial officer of the prospective candidate association;

(12) Registration of prospective candidate associations.

- (g) the name and address of the financial institution holding the account into which contributions made to that prospective candidate association are to be deposited;
- (h) the name of each signing officer responsible for the account referred to in clause (g);
- (i) a statement of the assets and liabilities of the prospective candidate association, as of a date not earlier than 90 days before the date of its application for registration, that is attested to by the chief financial officer;
- (j) any other matter prescribed by regulation.

(4) On receipt of an application for registration of a prospective candidate association, the Chief Electoral Officer must examine the application and determine if the prospective candidate association is qualified to be registered and,

- (a) if the prospective candidate association is qualified to be registered, enter it into the register of prospective candidate associations and so inform the prospective candidate association, or
- (b) if the prospective candidate association is not qualified to be registered, so inform the prospective candidate association with written reasons for the determination.

(5) If there is a change to the information required under subsection (3)(a) to (h), the registered prospective candidate association must notify the Chief Electoral Officer in writing within 60 days of the change and, subject to section 10, on receipt of the notice, the Chief Electoral Officer must update the register of prospective candidate associations as necessary.

(6) A notice under subsection (5) may be sent by email or other electronic means approved by the Chief Electoral Officer.

(13) Section 9 is amended

(a) in subsection (2.1)

- (i) **in clause (a)(i) by striking out “the official candidate” and substituting “the candidate”;**

(13) Section 9 presently reads in part:

(2.1) An application for registration must set out the following:

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

(ii) in clause (b)(i) by striking out “an official candidate” and substituting “the candidate”;

(iii) by adding the following after clause (d):

(d.1) if a prospective candidate association has been registered under section 8.1 for the benefit of the candidate, the full name of the prospective candidate association;

(iv) by repealing clauses (g) and (h) and substituting the following:

(g) the name and address of the financial institution holding the account into which contributions made to that prospective candidate association are to be deposited;

(h) the name of each signing officer responsible for the account referred to in clause (g);

(b) in subsection (3.1) by striking out “section 9.3(3), the nomination contestant selected for endorsement as the official candidate” and substituting “section 9.3, the person endorsed as the candidate”;

(c) in subsection (4.1) by striking out “A nomination contestant” and substituting “A person”.

(14) Section 9.1 is amended

(a) in subsection (2.1) by striking out “eligible” and substituting “qualified”;

(b) in subsection (2.2) by adding the following after clause (b):

(b.1) in the case of a third party who engages or will be engaging in referendum advertising, whether the third party is for or against each question to be put to the electors;

- (i) *has been endorsed as the official candidate of a named registered party in a named electoral division and has enclosed with the candidate's application a statement to that effect attested to by one of the principal officers of the registered party or the applicable constituency association, or*
- (b) *that, in the case of a candidate under the Alberta Senate Election Act, the candidate*
 - (i) *has been endorsed as an official candidate of a named registered party and has enclosed with the candidate's application a statement to that effect attested to by one of the principal officers of the registered party, or*
- (g) *the names and addresses of the financial institutions used by or on behalf of the candidate for the accounts into which are deposited contributions made to that candidate;*
- (h) *the names of the signing authorities for each account referred to in clause (g).*

(3.1) On the receipt by the Chief Electoral Officer of a statement referred to in section 9.3(3), the nomination contestant selected for endorsement as the official candidate of the registered party is deemed to be a registered candidate and is not required to file an application for registration referred to in subsection (2).

(4.1) A nomination contestant who is deemed under subsection (3.1) to be a registered candidate shall notify the Chief Electoral Officer in writing of any change in the information referred to in subsection (2.1)(c) to (h) within 48 hours of the change.

(14) Section 9.1 presently reads in part:

(2.1) Subject to this section, the Chief Electoral Officer shall register in the appropriate register any third party who is eligible to be registered and who files with the Chief Electoral Officer an application for registration.

(2.2) An application for registration must set out the following:

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

(c) by adding the following after subsection (2.2):

(2.3) An application for registration must include a declaration, in a form satisfactory to the Chief Electoral Officer and signed by the person submitting the application, that the third party is not acting directly or indirectly on behalf of a registered party.

(d) in subsection (4) by striking out “or” at the end of clause (a) and by repealing clause (b) and substituting the following:

- (b) the proposed name of the applicant was the name of a registered party or registered third party whose registration was cancelled or whose name was changed since the last general election, or
- (c) at least one of the criteria for determining affiliation with a registered party set out in subsection (5.2) applies to the applicant.

(e) by repealing subsection (5) and substituting the following:

(5) The following are not qualified to be registered in a register referred to in subsection (2)(a) or (d):

- (a) a prohibited person or entity;
- (b) a group that includes a prohibited person or entity as a member;
- (c) a registered charity;
- (d) a political party, constituency association, prospective candidate association or candidate;
- (e) a third party that the Chief Electoral Officer determines, in accordance with subsection (5.2), is affiliated with a registered party.

(f) in subsection (5.1)

- (i) by striking out “eligible to be registered in a register referred to in subsection (2)(b), (c) or (d)” and**

- (a) *the name or the abbreviation of the name of the applicant so nearly resembles the name or abbreviation of the name or a nickname of another registered third party, or of a candidate, political party or political organization that is active anywhere in Alberta, that confusion is likely, or*
 - (b) *the proposed name was the name of a registered party or registered third party whose registration was cancelled or whose name was changed since the last general election.*
- (5) *The following are not eligible to be registered in a register referred to in subsection (2)(a):*

- (a) *a corporation that does not carry on business in Alberta;*
- (b) *a person 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.*

(5.1) *The following are not eligible to be registered in a register referred to in subsection (2)(b), (c) or (d):*

- (e) *a political party, constituency association or candidate,*
- (f) *a third party that the Chief Electoral Officer determines is affiliated with a registered party.*

(5.2) *In determining whether a third party is affiliated with a registered party, the Chief Electoral Officer shall consider all relevant information, including, as applicable, the following:*

substituting “qualified to be registered in a register referred to in subsection (2)(b) or (c)”;

(ii) in clause (e) by adding “, prospective candidate association” **after** “constituency association”;

(iii) in clause (f) by striking out “determines is affiliated” **and substituting** “determines in accordance with subsection (5.2) is affiliated”;

(g) in subsection (5.2)

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

(a.1) if the third party has a governing body, whether a person holding a position on the governing body of the third party also holds a position with the registered party;

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

(d) other information that is prescribed by regulation, if any.

(15) Section 9.3 is repealed and the following is substituted:

Registered party candidates

9.3(1) Within 30 days after a registered party endorses a person as the candidate of the registered party for an electoral division, the registered party or its registered constituency association for the electoral division must submit to the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer, the following:

- (a) the full name of the person endorsed as the candidate of the registered party for the electoral division;
- (b) the address of each place where records of the endorsed candidate are to be maintained and of the place to which communications may be addressed;
- (c) the name and contact information of the endorsed candidate’s chief financial officer;

(15) Section 9.3 presently reads:

9.3(1) Within 15 days after the date referred to in clause (b), the chief financial officer of a registered party or registered constituency association shall file with the Chief Electoral Officer a statement, in the form and manner approved by the Chief Electoral Officer, setting out the particulars of the nomination contest, including the following:

- (a) the date of the official call of the nomination contest;*
- (b) the date fixed for the selection of a person for endorsement as the official candidate of the registered party for an electoral division;*
- (c) the names and contact information of each nomination contestant, including any nomination contestant who withdrew from the nomination contest, and of the chief financial officer of each nomination contestant;*

- (d) the name and address of the financial institution holding the account to be used by or on behalf of the endorsed candidate for the purpose of participating in the election;
- (e) the name of each signing authority for the account referred to in clause (d);
- (f) the date on which the registered party endorsed the person as the candidate of the registered party for the electoral division.

(2) On receipt of a statement submitted under subsection (1), the Chief Electoral Officer must publish on the Chief Electoral Officer's website the following information in respect of the endorsed candidate:

- (a) the name of the person endorsed as the candidate of a registered party for an electoral division;
- (b) the name and contact information of the endorsed candidate's chief financial officer;
- (c) the date on which the registered party endorsed the person as a candidate.

(3) If there is a change to the information required under subsection (2), the candidate must notify the Chief Electoral Officer in writing within 48 hours after the change, and the Chief Electoral Officer must update the information published on the Chief Electoral Officer's website under subsection (2), as necessary.

(4) A notice under subsection (3) may be sent by email or other electronic means approved by the Chief Electoral Officer.

- (d) *the name of the person selected for endorsement as the official candidate of the registered party for the electoral division and the name of the chief financial officer of that person;*
- (e) *the registered party in respect of which the nomination contest was held;*
- (f) *the electoral division in respect of which the nomination contest was held.*

(2) A person is deemed to be a nomination contestant beginning on the date on which the earliest of the following occurs:

- (a) *the person announces the person's intention to seek the endorsement as the official candidate of the registered party for the electoral division;*
- (b) *the person first receives a contribution;*
- (c) *the person first incurs a campaign expense;*
- (d) *the person first borrows money for the purposes of this Act.*

(3) Within 30 days after the date referred to in subsection (1)(b), the registered party or registered constituency association shall file with the Chief Electoral Officer a statement, in the form and manner approved by the Chief Electoral Officer, setting out the following information in respect of each nomination contestant:

- (a) *the name and contact information of the nomination contestant;*
- (b) *the addresses of the place or places where records of the nomination contestant are maintained and of the place to which communications may be addressed;*
- (c) *the name and contact information of the chief financial officer of the nomination contestant;*
- (d) *the name and address of the financial institution where an account has been opened to be used by or on behalf of the nomination contestant for the purpose of participating in the nomination contest;*
- (e) *the names of the signing authorities for the account referred to in clause (d);*

- (f) the date on which the person announced the person's intention to seek the endorsement as the official candidate of the registered party for the electoral division, first received a contribution, first incurred a campaign expense or first borrowed money for the purposes of this Act, whichever is the earliest.*
- (4) On receipt of the statement filed under subsection (1), the Chief Electoral Officer shall publish on the Chief Electoral Officer's website the following information in respect of a nomination contest:*
- (a) the date fixed for the selection of a person for endorsement as the official candidate of the registered party for an electoral division;*
 - (b) the name of each nomination contestant, including any nomination contestant who withdrew from the nomination contest;*
 - (c) the name of each nomination contestant's chief financial officer;*
 - (d) the registered party in respect of which the nomination contest was held;*
 - (e) the electoral division in respect of which the nomination contest was held;*
 - (f) the name of the person selected for endorsement as the official candidate of the registered party for the electoral division.*
- (5) When there is any change to the information required to be provided under subsection (3) in respect of a nomination contestant, the nomination contestant shall notify the Chief Electoral Officer in writing within 48 hours after the change, and the Chief Electoral Officer shall update the information published on the Chief Electoral Officer's website under subsection (4), if necessary.*
- (6) Notice under subsection (5) may be sent by email or other electronic means approved by the Chief Electoral Officer.*

(16) Section 10 is amended

(a) in subsection (1) by striking out “or” at the end of clause (b) and by adding the following after clause (b):

(b.1) a registered prospective candidate association on application by the registered prospective candidate association or prospective candidate, or

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

(3) Subject to section 43.2(3) and (3.1), if the chief financial officer of a registered party, registered constituency association or registered prospective candidate association fails to comply with section 32, 42 or 43, the Chief Electoral Officer may cancel the registration of the registered party, registered constituency association or registered prospective candidate association, as the case may be.

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

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

(d) in subsection (5) by adding “registered prospective candidate association,” after “registered constituency association,” wherever it occurs;

(e) in subsection (6)

(i) by adding “prospective candidate association,” after “constituency association,”;

(ii) by adding the following after clause (b):

(b.1) the prospective candidate association and prospective candidate, when the registration of that prospective candidate association is cancelled,

(16) Section 10 presently reads in part:

10(1) The Chief Electoral Officer may cancel the registration of

(b) a registered constituency association on application by the registered party concerned or by the independent member, as the case may be, or

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

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

(5) If the Chief Electoral Officer is for any reason of the opinion that a registered party, registered constituency association, registered candidate, registered leadership contestant or registered third party

(a) is no longer qualified to be registered, or

(b) obtained registration on the basis of an application that was false in any material particular,

the Chief Electoral Officer may cancel the registration of the registered party, registered constituency association, registered candidate, registered leadership contestant or registered third party.

(6) If the Chief Electoral Officer cancels the registration of a political party, constituency association, candidate, leadership contestant or third party, the Chief Electoral Officer shall send written notice of the cancellation, together with the Chief Electoral Officer's reasons for the cancellation, by recorded mail to

(7) A political party, constituency association, candidate, leadership contestant or third party notified under subsection (6) may, within 30 days after the mailing of the notice, request the Chief Electoral Officer in writing to review the cancellation.

(8) When the Chief Electoral Officer receives a written request under subsection (7), the Chief Electoral Officer shall, within 48 hours after that receipt, review the cancellation and give the

(f) in subsections (7) and (8) by adding “prospective candidate association,” **after** “constituency association,”;

(g) in subsection (9)

(i) in the portion preceding clause (a) by adding “prospective candidate association,” **after** “constituency association,”;

(ii) by adding the following after clause (b):

(b.1) if the cancellation involves a prospective candidate association, give written notification of the Chief Electoral Officer’s decision to the prospective candidate association and prospective candidate,

(h) in subsection (11) by striking out “or constituency association” **and substituting** “, constituency association or prospective candidate association”;

(i) in subsection (12) by adding “prospective candidate association,” **after** “constituency association,” **wherever it occurs.**

(17) Section 10.1(1) is amended by striking out “registered candidate, nomination contestant” **wherever it occurs and substituting** “registered prospective candidate association, registered candidate”.

political party, constituency association, candidate, leadership contestant or third party concerned an opportunity to make representations.

(9) Following the review of a cancellation, the Chief Electoral Officer may withdraw or confirm the cancellation of the registration of the political party, constituency association, candidate, leadership contestant or third party, as the case may be, and shall,

(11) When the registration of a political party or constituency association is cancelled under subsection (3) for failure to comply with section 42 or 43, it may not again apply for registration until the financial statements required by section 42 or the campaign return required by section 43, as the case may be, that was not filed has been filed with the Chief Electoral Officer and the late filing fee has been paid in accordance with section 43.2.

(12) When the registration of a political party, constituency association, candidate or leadership contestant is cancelled, all funds of the political party, constituency association, candidate or leadership contestant not required to pay the outstanding debts of the political party, constituency association, candidate or leadership contestant shall be paid over to the Chief Electoral Officer and held by the Chief Electoral Officer in trust for the political party, constituency association, candidate or leadership contestant and, if that political party, constituency association, candidate or leadership contestant does not again become registered under this Act within a period of one year following cancellation of the registration, the funds shall be paid into the General Revenue Fund.

(17) Section 10.1(1) presently reads:

10.1(1) A registered party, registered constituency association, registered candidate, nomination contestant, registered leadership contestant and registered third party shall retain all of the records of that registered party, registered constituency association, registered candidate, nomination contestant, registered leadership contestant or registered third party for a period of 3 years following the date on which the financial statements, returns or reports required under this Act for the period to which the records relate are required to be filed.

(18) Section 11(2) is amended by striking out “, of a registered leadership contestant included in the register under section 9.2 or of a nomination contestant included in a statement filed under section 9.3(3)” and substituting “or of a registered leadership contestant included in the register under section 9.2”.

(19) Section 11.2(1) is amended

- (a) by striking out “entitled” and substituting “qualified”;**
- (b) in clause (a) by striking out “eligible” and substituting “qualified”.**

(20) Section 12 is amended

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

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

- (a) the registered party that proposed or supported the candidate’s registration at the previous election;
- (b) the registered constituency associations of the registered party that proposed or supported the candidate’s registration at the previous election;
- (c) the registered prospective candidate association established for the candidate;
- (d) the registered candidates of the registered party that proposed or supported the candidate’s registration at the previous election;
- (e) the registered successor party or the registered constituency associations or registered candidates of the registered successor party, if the candidate’s registration was proposed or supported by a registered predecessor party of the registered successor party at the previous election;

(18) Section 11(2) presently reads:

(2) Notwithstanding subsection (1), the home address of a registered candidate included in the register under section 9, of a registered leadership contestant included in the register under section 9.2 or of a nomination contestant included in a statement filed under section 9.3(3) is not public information.

(19) Section 11.2(1) presently reads:

11.2(1) For the purposes of section 7(2), a successor party is not entitled to be registered if

(a) the successor party is not eligible for registration under this Act, or

(20) Section 12 presently reads in part:

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

(a) the registered party that proposed or supported the candidate's registration at the previous election,

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

(c) the registered candidates of the registered party that proposed or supported the candidate's registration at the previous election,

(c.1) the registered successor party or the registered constituency associations or registered candidates of the registered successor party, if the candidate's registration was proposed or supported by a registered predecessor party of the registered successor party at the previous election, or

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

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

- (f) the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b), (c), (d) or (e).

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

(4) If a candidate is not endorsed as the candidate of a registered party and does not declare the candidate's candidacy as an independent candidate for the next election on or before the nomination day for the next election appointed under the *Election Act*, the candidate must, no later than 7 days after the nomination day, transfer the funds held by the candidate in trust under subsection (1)

- (a) to one or more of the following, as applicable:
 - (i) the registered party that proposed or supported the candidate's registration at the previous election;
 - (ii) a registered constituency association or registered candidate of the registered party that proposed or supported the candidate's registration at the previous election,

or

- (b) if the candidate's registration was proposed or supported by a registered party that has since been succeeded by a registered successor party, to one or more of the following, as applicable:
 - (i) the registered successor party;
 - (ii) a registered constituency association or registered candidate of that registered successor party.

(4.1) If the funds referred to in subsection (4) cannot be transferred in accordance with that subsection, the candidate must transfer the funds to a registered charity.

(c) in subsection (6) by adding "or" at the end of clause (a), striking out "or" at the end of clause (b) and repealing clause (c);

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

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

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

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

(d) by adding the following after subsection (6):

(7) If a candidate has not complied with subsection (6) within 30 days of the date specified for the distribution of funds, the candidate must immediately transfer those funds to the Chief Electoral Officer, who must deposit those funds in the General Revenue Fund.

(21) Section 12.1 is repealed.

(22) The following is added after section 12.2:

(21) Section 12.1 presently reads:

12.1(1) Any campaign funds held by a nomination contestant at the end of a campaign period for the nomination contest must,

(a) if the nomination contestant is selected for endorsement as the official candidate of the registered party,

(i) be held by the nomination contestant to be expended for his or her candidacy in the election, or

(ii) be transferred to the registered party or registered constituency association for which the nomination contestant sought endorsement,

or

(b) if the nomination contestant is not selected, at the option of the nomination contestant, at the time the nomination contestant campaign return is required to be filed under section 43.01,

(i) be transferred to the registered party or registered constituency association for which the nomination contestant sought endorsement, or

(ii) be returned to the contributors who contributed to the nomination contestant's campaign in accordance with the directions of the Chief Electoral Officer.

(2) A nomination contestant who has not complied with subsection (1)(b) within 30 days after the day on which the nomination contestant campaign return is required to be filed under section 43.01 must immediately pay those funds to the Chief Electoral Officer for deposit in the General Revenue Fund.

(22) Surpluses — prospective candidate associations.

Surpluses — prospective candidate associations

12.3(1) Subject to the regulations, if any, if a prospective candidate does not, on or before the nomination day for an election appointed under the *Election Act*, declare the prospective candidate's candidacy as an independent candidate, and if the prospective candidate was not endorsed as a candidate of a registered party at the previous election, the prospective candidate association established for the prospective candidate must, no later than 7 days after the nomination day for the election, transfer the funds held by the prospective candidate association

- (a) to one or more of the following, as applicable:
 - (i) the registered party that proposed or supported the prospective candidate at the previous election or supported the prospective candidate after the previous election;
 - (ii) a registered constituency association or registered candidate of the registered party that proposed or supported the prospective candidate at the previous election,

or

- (b) if the prospective candidate was proposed or supported by a registered party that has since been succeeded by a registered successor party, to one or more of the following, as applicable:
 - (i) the registered successor party;
 - (ii) a registered constituency association or registered candidate of that registered successor party.

(2) If the funds referred to in subsection (1) cannot be transferred in accordance with that subsection, the prospective candidate association must transfer the funds to a registered charity.

(3) If a prospective candidate association has not complied with this section within 30 days of the date specified for the transfer of funds, the prospective candidate association must immediately transfer those funds to the Chief Electoral Officer, who must deposit those funds in the General Revenue Fund.

(23) Section 13 is amended

- (a) in subsection (1) by adding “, registered prospective candidate association” after “registered constituency association”;**
- (b) in subsection (2) by adding “, corporation, trade union or employee organization” after “person” wherever it occurs.**

(24) Section 14(1) and (2) are amended by striking out “registered candidate, nomination contestant” and substituting “registered prospective candidate association, registered candidate”.

(25) Section 15.1 is amended by striking out “section 17(1), (1.1) or (1.2)” and substituting “section 17(1) or (1.1)”.

(23) Section 13 presently reads in part:

13(1) Funds transferred from

(a) a trust under section 12, or

(b) a trust under section 12 or 13(2) of chapter 18 of the Statutes of Alberta, 1977,

to a registered party, registered constituency association or registered candidate are not contributions for the purposes of this Act but shall be recorded as to amount and source by the recipient of the funds.

(2) Money, goods or services, or the use of goods or services, provided by any person that do not exceed \$50 in the aggregate are not a contribution for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the recipient unless the person specifically requests that the amount be considered a contribution.

(24) Section 14(1) and (2) presently read:

14(1) All financial contributions accepted by or on behalf of a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant shall be paid into an appropriate account on record with the Chief Electoral Officer.

(2) When any contribution of other than money, accepted by or on behalf of a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant, is converted at any time into money, that amount shall be paid into an appropriate account on record with the Chief Electoral Officer.

(25) Section 15.1 presently reads:

15.1 A prospective contributor is responsible for ensuring, before making a contribution under this Act, that the contributor is not prohibited from making a contribution and is not making a contribution that is in excess of the limit prescribed by section 17(1), (1.1) or (1.2) or 18(1).

(26) Section 16 is repealed and the following is substituted:

Contributions prohibited

16 A person or entity, other than a permitted person or entity, must not make a contribution to a registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant.

(27) Section 17 is amended

(a) by repealing subsections (1) to (1.2) and substituting the following:

(1) A permitted person's or entity's contribution in each year to the following must not, in the aggregate, exceed \$5000, as adjusted in accordance with section 41.5:

- (a) a registered party;
- (b) a registered constituency association;
- (c) a registered prospective candidate association;
- (d) a registered candidate.

(1.1) A permitted person's or entity's contribution in each year to the following must not, in the aggregate, exceed \$5000, as adjusted in accordance with section 41.5:

- (a) a registered leadership contestant;
- (b) a combination of registered leadership contestants.

(b) by adding the following after subsection (2):

(2.1) Contributions may be made to a registered prospective candidate association at any time except

- (a) if the prospective candidate is a registered candidate, during a campaign period for an election in the electoral division in which the prospective candidate intends to seek election, and
- (b) during the campaign period for a general election.

(26) Section 16 presently reads:

16 No contributions to a registered party, registered constituency association, nomination contestant, registered leadership contestant or registered candidate shall be made other than by a person ordinarily resident in Alberta.

(27) Section 17 presently reads in part:

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

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

(1.1) Subject to subsection (1.2), contributions by a person ordinarily resident in Alberta shall not exceed in any year \$4000, as adjusted in accordance with section 41.5, in the aggregate to any nomination contestant or combination of nomination contestants.

(1.2) Contributions by a nomination contestant to the nomination contestant's campaign from the nomination contestant's own funds shall not exceed an amount equivalent to the amount referred to in section 41.4(1).

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

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

- (b) must be paid into the account of the registered candidate, nomination contestant or registered leadership contestant on record with the Chief Electoral Officer.*

(c) by repealing subsection (4);

(d) in subsection (6)

(i) by striking out “, nomination contestant’s”;

(ii) in clause (b) by striking out “, nomination contestant”;

(e) in subsection (7)

(i) by striking out “, nomination contestant”;

(ii) by striking out “, nomination contestant’s” wherever it occurs;

(f) in subsection (8) by striking out “subsection (1), (1.1) or (1.2)” and substituting “subsection (1) or (1.1)”.

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

Limitation re Alberta Senate Election Act

18(1) A permitted person’s or entity’s contribution in each year to a registered candidate for an election under the *Alberta Senate Election Act* must not, in the aggregate, exceed \$5000, as adjusted in accordance with section 41.5.

(29) Sections 19 and 20 are repealed and the following is substituted:

Excess contributions

19(1) A registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant, or a person acting on behalf of any of them, must not accept a contribution if the person or entity knows or ought to know that the amount of the contribution would exceed a limit set out in section 17.

(2) If a chief financial officer becomes aware that a contribution in excess of a limit set out in section 17 was made to or accepted by or on behalf of a registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant for whom the chief financial officer acts, the chief financial officer must, within 30 days after becoming aware of the contribution,

(7) Subject to this section, a registered candidate, nomination contestant or registered leadership contestant may lawfully contribute to the registered candidate's, nomination contestant's or registered leadership contestant's campaign an amount from the registered candidate's, nomination contestant's or registered leadership contestant's own funds.

(8) If the registered candidate's, or registered leadership contestant's campaign expenses paid from the registered candidate's, or registered leadership contestant's own funds exceed the maximum limit allowed for a contributor under subsection (1), (1.1) or (1.2), as the case may be, the excess amount must be reimbursed to the registered candidate, or registered leadership contestant from the registered candidate's, or registered leadership contestant's campaign account, as the case may be.

(28) Section 18(1) presently reads:

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

(29) Sections 19 and 20 presently read:

19(1) No registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant and no person acting on its, his or her behalf shall accept a contribution if the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant or person knows or ought to know that the amount of the contribution would exceed the limits prescribed by section 17.

(2) A chief financial officer who learns that a contribution in excess of the limits prescribed by section 17 was accepted by or on behalf of the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant for whom the chief financial officer acts shall, within 30 days after learning of the excessive contribution, 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.

- (a) provide the Chief Electoral Officer with written notice of the contribution and circumstances, and
- (b) do one of the following, as applicable:
 - (i) if the identity of the contributor is known, return the portion of the contribution that exceeds the applicable limit to the contributor;
 - (ii) if the identity of the contributor cannot be determined, transfer the portion of the contribution that exceeds the applicable limit to the Chief Electoral Officer.

(3) The Chief Electoral Officer must deposit the funds received under subsection (2) into the General Revenue Fund.

Excess contributions re Senate election

20(1) A registered candidate or a person acting on behalf of a registered candidate must not accept a contribution if the registered candidate or person knows or ought to know that the amount would exceed the limit set out in section 18.

(2) If a chief financial officer becomes aware that a contribution in excess of the limit set out in section 18 was made to or accepted by or on behalf of the candidate for whom the chief financial officer acts, the chief financial officer must, within 30 days after becoming aware of the contribution,

- (a) provide the Chief Electoral Officer with written notice of the contribution and circumstances, and
- (b) do one of the following, as applicable:
 - (i) if the identity of the contributor is known, return the portion of the contribution that exceeds the limit to the contributor;
 - (ii) if the identity of the contributor cannot be determined, transfer the portion of the contribution that exceeds the limit to the Chief Electoral Officer.

(3) The Chief Electoral Officer must deposit the funds received under subsection (2) into the General Revenue Fund.

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

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

(30) Section 21(1) and (2) are amended by striking out “or registered constituency association” wherever it occurs and substituting “, registered constituency association or registered prospective candidate association”.

(31) Sections 21.1(1), 22(1) and (2) and 23 are amended by striking out “registered candidate, nomination contestant” wherever it occurs and substituting “registered prospective candidate association, registered candidate”.

(30) Section 21(1) and (2) presently read:

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

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

(31) Sections 21.1(1), 22(1) and (2) and 23 presently read:

21.1(1) Any anonymous contribution in excess of \$50 and any contribution or portion of a contribution made in contravention of this Act accepted by a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant must not be used or expended, and the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant

22(1) The value of contributions other than money provided to a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant is the market value of the contribution at that time.

(2) If any real property, goods or services, or the use of real property, goods or services, is provided to or for the benefit of a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant for a price that is less than the market value at that time, the amount by which the value exceeds the price is a contribution for the purposes of this Act.

23(1) In this section, “fund-raising function” includes any social function held for the purpose of raising funds for the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant by whom or on whose behalf the function is held.

(2) The gross income from any fund-raising function must be recorded by the chief financial officer of the registered party,

(32) The following is added after section 23:

Sale of merchandise

23.1(1) In this section, “merchandise”, in respect of a registered party, means a good that

- (a) is branded in a manner that
 - (i) promotes the registered party, its leader or any of its candidates or members of the Legislative Assembly,
 - (ii) opposes another registered party, the leader of a registered party, a leadership contestant, a candidate endorsed by another political party or a member of the Legislative Assembly, or
 - (iii) promotes or opposes a position on an issue with which the registered party is associated,

and

- (b) is offered for sale by the registered party.

(2) If a registered party sells merchandise to a person for an amount of money that exceeds its fair market value, the amount paid to the registered party that exceeds that fair market value is a contribution to that registered party by the person.

registered constituency association, registered candidate, nomination contestant or registered leadership contestant 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 registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant, the amount of the contribution is to be determined under clause (a) or under clause (b), at the option of the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant:

(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 a contribution to the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant, as the case may be.

(32) Sale of merchandise.

(33) Sections 24 and 25 are repealed and the following is substituted:

General collections

24 If, at a meeting held in relation to the affairs of a registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant, a person in attendance gives an amount of \$50 or less in response to solicitation of funds from a person acting on behalf of the registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant,

- (a) the amount provided by the person is not a contribution for the purposes of this Act, and
- (b) the chief financial officer must record the total amount collected.

Annual membership fees

25(1) An annual membership fee paid by a person for the membership of that person or the person's spouse, child or parent in a political party is not a contribution for the purposes of this Act if the fee paid for each membership does not exceed \$50.

(2) If the amount paid by a person for an annual membership fee referred to in subsection (1) exceeds \$50, the amount paid in excess of \$50 is a contribution to the political party by that person.

(3) Except as provided in this section, a person who pays an annual membership on behalf of another person for that person's membership in a political party has made a contribution in the amount of the membership fee.

(34) Section 29 is amended

- (a) **in subsection (1) by adding** "prospective candidate association," **after** "constituency association,";
- (b) **by repealing subsection (1.1);**
- (c) **in subsection (2)**
 - (i) **by striking out** "or (1.1)";

(33) Sections 24 and 25 presently read:

24 When, at a meeting held on behalf of or in relation to the affairs of a registered candidate, registered party, registered constituency association, nomination contestant or registered leadership contestant, 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 shall be considered not to be contributions for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the candidate, political party, constituency association, nomination contestant or leadership contestant, as the case may be.

25(1) An annual membership fee paid by a person for the person's own membership in a political party or in a constituency association of that party, or in both, is not a contribution for the purposes of this Act if

- (a) the fee or, when a fee is paid to the party and to a constituency association of that party, the total of those fees, does not exceed \$50, and*
- (b) the political party and constituency association each maintain a membership list indicating the amount of the fee or fees paid by each member that is allocated to the political party or constituency association, as the case may be,*

but if the fee or total of those fees exceeds \$50, the amount of the excess shall be considered as a contribution.

(2) An annual membership fee paid by a person on behalf of another person for that person's membership in a political party or in a constituency association of that party, or in both, is a contribution by the person who paid the fee for the purposes of this Act.

(34) Section 29 presently reads in part:

29(1) Every political party, constituency association, candidate and leadership contestant shall, before filing an application for registration with the Chief Electoral Officer, appoint a chief financial officer.

(1.1) A person who intends to seek endorsement as the official candidate of a registered party in an electoral division shall appoint

- (ii) **by striking out** “candidate, nomination contestant” **and substituting** “prospective candidate association, candidate”;
- (d) **in subsection (4) by striking out** “registered candidate” **and substituting** “registered prospective candidate association, registered candidate, registered leadership contestant”.

(35) Section 30 is amended

- (a) **in subsection (1)**
 - (i) **by striking out** “registered candidate, nomination contestant” **and substituting** “registered prospective candidate association, registered candidate”;
 - (ii) **by striking out** “candidate, nomination contestant” **and substituting** “prospective candidate association, candidate”;
 - (iii) **in clause (c.1) by striking out** “registered candidate, nomination contestant” **and substituting** “registered prospective candidate association, registered candidate”;
- (b) **in subsection (2) by striking out** “registered candidate, nomination contestant” **and substituting** “registered prospective candidate association, registered candidate”.

a chief financial officer before the date on which the earliest of the following occurs:

- (a) the person announces the person's intention to seek the endorsement as the official candidate of the registered party for the electoral division;*
- (b) the person first receives a contribution;*
- (c) the person first incurs a campaign expense;*
- (d) the person first borrows money for the purposes of this Act.*

(2) When a chief financial officer appointed pursuant to subsection (1) or (1.1) ceases for any reason to hold that office, the political party, constituency association, candidate, nomination contestant or leadership contestant, as the case may be, shall forthwith appoint another chief financial officer.

(4) A person is prohibited from being a chief financial officer under this Act for a registered party, registered constituency association, registered candidate or registered third party if

(35) Section 30 presently reads in part:

30(1) The chief financial officer of a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant is responsible, with respect to the affairs of the party, constituency association, candidate, nomination contestant or leadership contestant that appointed the chief financial officer, for ensuring that

(c.1) every payment of more than \$25 made by the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant or through the chief financial officer is vouched for by

(2) The chief financial officer of a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant shall make every reasonable effort to advise prospective contributors of the provisions of this Act relating to contributions.

(36) Section 31 is repealed and the following is substituted:

Acceptance of contributions

31 A registered candidate or registered leadership contestant must not accept a contribution except through the chief financial officer of the registered candidate or registered leadership contestant.

(37) Section 32 is amended

- (a) in subsection (1) by striking out** “registered candidate, nomination contestant” **wherever it occurs and substituting** “registered prospective candidate association, registered candidate”;
- (b) in subsection (2) by striking out** “, nomination contestant”;
- (c) in subsection (3.01) by adding** “and registered prospective candidate association” **after** “registered constituency association”;
- (d) by repealing subsection (4.2).**

(36) Section 31 presently reads:

31 No contribution shall be accepted by a registered candidate, nomination contestant or registered leadership contestant otherwise than through the candidate's, nomination contestant's or leadership contestant's chief financial officer.

(37) Section 32 presently reads in part:

32(1) When the chief financial officer of a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant accepts contributions in any year on behalf of the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant, the chief financial officer shall record all the contributions, including the names and addresses of the contributors and the dates on which the contributions were made.

(2) All contributions referred to in subsection (1) accepted on behalf of a registered party, registered candidate, nomination contestant or registered leadership contestant during a campaign period shall be recorded separately from other contributions accepted during that year.

(3.01) Every registered constituency association shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer, within the period during which an annual financial statement must be filed under section 42, a return setting out for the previous year

(4.2) Every nomination contestant shall file with the Chief Electoral Officer a report setting out, in the form and manner approved by the Chief Electoral Officer,

(a) the total amount of all contributions received during the campaign period for the nomination contest that did not exceed \$250 in the aggregate from any single contributor, and

(b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the campaign period for the nomination contest exceeded \$250 in the aggregate.

(38) Section 33 is amended

- (a) by striking out** “registered candidate, nomination contestant” **and substituting** “registered prospective candidate association, registered candidate”;
- (b) in clause (a) by striking out** “nomination contest or”.

(39) Section 34 is repealed and the following is substituted:

Contributions not belonging to contributor

34(1) A person or entity must not contribute to a registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant

- (a) funds not belonging to the person or entity, or
- (b) funds given to the person or entity for the purpose of making a contribution to that registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant.

(2) A person or entity must not give funds to another person or entity for the purpose of having that person or entity make a contribution to a registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant.

(3) A registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant or a person acting on behalf of any of them must not solicit or accept a contribution if the registered party, registered constituency association, registered candidate, registered leadership contestant or person, as the case may be, knows or ought to know that the contribution consists of funds described in subsection (1).

(4) If a chief financial officer becomes aware that a contribution referred to in subsection (1) was made to or accepted by or on

(38) Section 33 presently reads in part:

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

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

(39) Section 34 presently reads:

34(1) No person shall contribute to a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant

(a) funds not actually belonging to that person, or

(b) funds that have been given or furnished to the person by any person or organization for the purpose of making a contribution of those funds to that registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant.

(1.1) No person or organization shall give or furnish funds to a person for the purpose of having that person make a contribution of the funds to a registered party, registered constituency association, registered candidate, nomination candidate or registered leadership contestant.

(2) No registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant and no person acting on behalf of a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant shall solicit or accept a contribution if the registered party, registered constituency association, registered candidate, nomination contestant, registered leadership contestant or person knows or ought to know that the contribution is contrary to subsection (1).

(3) If the chief financial officer learns that a contribution received by or on behalf of the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant for whom the chief financial officer

behalf of a registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant for whom the chief financial officer acts, the chief financial officer must, within 30 days after becoming aware of the contribution,

- (a) provide the Chief Electoral Officer with written notice of the contribution and circumstances, and
- (b) do one of the following, as applicable:
 - (i) if the identity of the contributor is known, return the contribution to the contributor;
 - (ii) if the identity of the contributor cannot be determined, transfer the amount of the contribution to the Chief Electoral Officer.

(5) The Chief Electoral Officer must deposit the funds received under subsection (4) into the General Revenue Fund.

(40) Section 35 is amended

- (a) **in subsection (1) by striking out** “registered candidate, nomination contestant” **wherever it occurs and substituting** “registered prospective candidate association, registered candidate”;
- (b) **in subsection (2) by striking out** “candidate, nomination contestant” **and substituting** “prospective candidate association, candidate”.

(41) Sections 36 to 38 are repealed and the following is substituted:

acts was made contrary to subsection (1), the chief financial officer shall, within 30 days after learning that the contribution was made contrary to subsection (1), advise the Chief Electoral Officer in writing of the fact and circumstances.

(40) Section 35 presently reads in part:

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

(a) solicit or accept a contribution if the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant knows or ought to know that the prospective contributor is a prohibited person or entity, or

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

(41) Sections 36 to 38 presently read:

36 No registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant may accept funds from a federal political party, electoral

Transfer of funds re elections and contests

36 A registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant must not accept funds in respect of an election under the *Election Act* or a leadership contest under this Act from

- (a) a federal political party, electoral district association or candidate registered under the *Canada Elections Act* (Canada), or
- (b) a local political party or slate under the *Local Authorities Election Act*.

Transfer of funds re Senate elections

37 A registered party or registered candidate must not accept funds in respect of an election under the *Alberta Senate Election Act* from

- (a) a federal political party, electoral district association or candidate registered under the *Canada Elections Act* (Canada), or
- (b) a local political party or slate under the *Local Authorities Election Act*.

Authorized transfers

38(1) A registered party, its registered constituency associations and its registered candidates may, as between themselves, transfer or accept any of the following:

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

(2) A registered party, its registered constituency associations, registered candidates and registered leadership contestants may, as between themselves, transfer or accept

- (a) goods or services, or
- (b) the use of goods or services.

district association or candidate registered under the Canada Elections Act (Canada) in respect of an election under the Elections Act or a nomination contest or leadership contest under this Act.

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

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

(a) funds or real property or the use of real property, or

(b) debts incurred during a campaign period for the purpose of eliminating a campaign deficit under section 43.1,

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

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

(2.1) Notwithstanding subsections (1) and (2), funds or real property or the use of real property acquired by a registered candidate in relation to an election under the Alberta Senate Election Act shall not be transferred or used in relation to a general election or by-election under the Election Act.

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

(3) Subject to the regulations, if any, the prospective candidate association established for the benefit of a prospective candidate who meets at least one of the following requirements may engage in the activities set out in subsection (5) as between the registered prospective candidate association, the registered party and its registered constituency associations, its registered candidates and another registered prospective candidate association established for the benefit of another prospective candidate who also meets at least one of the following requirements with the same registered party:

- (a) the prospective candidate is endorsed as a candidate of the registered party;
- (b) the prospective candidate is elected and is a member of the registered party.

(4) Subject to the regulations, if any, if a prospective candidate is elected as an independent member and, as an independent member, registers a constituency association, the registered prospective candidate association and the registered constituency association may, as between themselves, engage in any of the activities set out in subsection (5).

(5) For the purposes of subsections (3) and (4), the activities are the transfer or acceptance of any of the following:

- (a) funds or real property;
- (b) the use of real property;
- (c) goods or services;
- (d) the use of goods or services;
- (e) debts incurred during a campaign period for the purpose of eliminating a campaign deficit under section 43.1.

(6) Subject to the regulations, if any, if a prospective candidate is not elected, the registered prospective candidate association may, in accordance with the prospective candidate's direction, transfer any of the funds or real property in its possession or debts incurred during a campaign period for the purpose of eliminating a campaign deficit under section 43.1, as follows:

(3) A transfer under this section is not an election expense for the purpose of Part 5.1.

- (a) in the case of a prospective candidate who was an independent candidate, to a registered charity;
- (b) in the case of a prospective candidate who was endorsed as a candidate of a registered party, to one or more of the following:
 - (i) the registered party that proposed or supported the prospective candidate's registration at the previous election;
 - (ii) one or more registered constituency associations of the registered party that proposed or supported the prospective candidate's registration at the previous election;
 - (iii) one or more registered candidates of the registered party that proposed or supported the prospective candidate's registration at the previous election;
 - (iv) if the funds or real property cannot be transferred in accordance with subclauses (i) to (iii), to a registered charity.

(7) Each debt, fund, real property or use of real property transferred or accepted in accordance with subsection (1), (3), (4) or (6)(b)(i), (ii) or (iii)

- (a) is not a contribution,
- (b) must be recorded as to source and amount, and
- (c) in the case of funds, must be deposited in an appropriate account on record with the Chief Electoral Officer.

(8) A good or service or the use of a good or service accepted under subsection (2), (3) or (4) is not considered a contribution but the source and amount must be recorded by the recipient.

(9) A registered candidate who acquired funds or real property, or the beneficial use of real property, in relation to an election under the *Alberta Senate Election Act* must not transfer or use those funds or real property in relation to a general election or by-election under the *Election Act*.

(10) A registered constituency association or registered prospective candidate association must not transfer to or accept from a registered party or registered candidate in respect of an election under the *Alberta Senate Election Act* any funds, real property or goods, or the beneficial use of real property or goods.

(11) A transfer under this section is not an election expense for the purpose of Part 5.1.

(42) Section 39.2 is amended

(a) in subsection (1)

(i) by striking out “Subject to subsection (2)” **and substituting** “Subject to subsections (2) and (3)”;

(ii) by striking out “, a nomination contestant for or in respect of a nomination contest”;

(iii) by striking out “, nomination contestant”;

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

(3) In the case of the death or incapacity of the chief financial officer of a candidate or leadership contestant, and if no other chief financial officer has been appointed, a claim may be delivered to the candidate’s or leadership contestant’s respective official agent under the *Election Act*.

(c) in subsection (4) by striking out “, nomination contestant” **wherever it occurs.**

(43) Section 40 is amended

(a) in subsection (1) by striking out “registered candidate, nomination contestant” **and substituting** “registered prospective candidate association, registered candidate”;

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

(2) Only a permitted person or entity may make a payment on behalf of the borrower in respect of a loan to which subsection (1) applies.

(42) Section 39.2 presently reads in part:

39.2(1) Subject to subsection (2), unless a person who has a monetary claim against a candidate for or in respect of an election, a nomination contestant for or in respect of a nomination contest or a leadership contestant for or in respect of a leadership contest sends in the claim to the chief financial officer of the candidate, nomination contestant or leadership contestant, as the case may be, not later than the date determined under section 43.1(6), the right to recover the claim is barred.

(3) In the case of the death of the chief financial officer of the candidate, nomination contestant or leadership contestant, or the incapacity to act of the chief financial officer of the candidate, nomination contestant or leadership contestant, claims may be delivered to the candidate, nomination contestant or leadership contestant or to the candidate's official agent, as defined in the Elections Act, if no other chief financial officer has been appointed.

(4) No claim may be paid without the authority of the candidate, nomination contestant or leadership contestant or the chief financial officer of the candidate, nomination contestant or leadership contestant.

(43) Section 40 presently reads in part:

40(1) A registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant

(2) Only a person ordinarily resident in Alberta may make a payment on behalf of the borrower in respect of a loan to which subsection (1) applies.

(3) Any payment in respect of a loan to which subsection (1) applies made by a person referred to in subsection (2) becomes, for the

- (c) in subsection (3) by striking out “person” wherever it occurs and substituting “person or entity”;
- (d) in subsection (4)
 - (i) by striking out “, nomination contestant”;
 - (ii) by striking out “, nomination contestant’s”.

(44) Section 41 is repealed and the following is substituted:

Guarantees

41(1) Only a permitted person or entity may sign, co-sign or otherwise guarantee or provide collateral security for a loan, monetary obligation or indebtedness on behalf of or in the interest of a registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant.

(2) Only a permitted person or entity may make a payment on behalf of the guarantor or the provider of the collateral security to which subsection (1) applies.

(3) The making of a guarantee or provision of collateral security under subsection (1)

- (a) is a contribution for the year in which it is made or provided and is subject to the limits in section 17, and
- (b) is not a contribution for the purposes of section 24 of the *Alberta Personal Income Tax Act*.

(4) A payment made by the guarantor when acting on a guarantee referred to in this section

- (a) is not a contribution for the purposes of section 17, and
- (b) may be considered a contribution in respect of section 24 of the *Alberta Personal Income Tax Act* for the year in which the payment was made.

purposes of this Act, including, without limitation, sections 16, 17 and 35,

(a) a contribution by that person, and

if the person is not reimbursed by the borrower before the borrower is next required to file the applicable financial statement or return.

(4) This section does not apply to the borrowing of money by a registered candidate, nomination contestant or registered leadership contestant for purposes unrelated to the candidate's, nomination contestant's or leadership contestant's campaign.

(44) Section 41 presently reads:

41(1) Only a person ordinarily resident in Alberta may sign, co-sign or otherwise guarantee or provide collateral security for any loan, monetary obligation or indebtedness on behalf of or in the interest of any registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant.

(2) Only a person ordinarily resident in Alberta may make a payment on behalf of the guarantor or the provider of the collateral security to which subsection (1) applies.

(3) A guarantee or the providing of collateral security referred to in subsection (1) to a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant shall not exceed the limits prescribed by section 17.

(4) A guarantee made or the providing of collateral security under subsection (1) by a person in a year is a contribution for the purposes of section 17 for that year but is not a contribution for the purposes of section 33 of this Act or section 24 of the Alberta Personal Income Tax Act at the time of making the guarantee or providing the collateral security.

(5) A payment made by the guarantor is not a contribution for the purposes of section 17 but is a contribution for the purposes of section 33 and may be considered a contribution in respect of section 24 of the Alberta Personal Income Tax Act at the time of the payment.

(5) A payment referred to in subsection (2) is, for the purposes of this Act, including sections 16, 17 and 35,

- (a) a contribution provided by that person or entity, and
- (b) a contribution accepted by the borrower to which the payment relates.

(6) Subsection (5) does not apply if the person or entity is reimbursed by the borrower before the next time the borrower is required to file an applicable financial statement or return.

(7) Notwithstanding anything in this section,

- (a) a registered candidate may sign, co-sign or otherwise guarantee or provide collateral security for a loan, monetary obligation or indebtedness on behalf of or in the interest of the registered candidate's registered party for amounts that, in the aggregate, do not exceed \$25 000, as adjusted in accordance with section 41.5, and
- (b) the signing, co-signing, guaranteeing or providing of collateral security, or the making of a payment by the registered candidate when acting on the guarantee or collateral security, is not a contribution by the registered candidate to the registered party.

(8) In respect of an activity referred to in subsection (1),

- (a) the activity must be recorded by the registered party, registered constituency association, registered prospective candidate association, registered candidate or registered leadership contestant to which the activity relates, and
- (b) the details of the activity must be included in a financial statement filed under section 42 or a campaign return filed under sections 43 and 43.02, as applicable, for the year in which the activity occurred.

(9) This section does not apply to payments made on behalf of or in the interest of a registered candidate or registered leadership contestant for purposes unrelated to the candidate's or leadership contestant's campaign.

(6) Notwithstanding subsections (3) to (5), a registered candidate may sign or otherwise guarantee or provide collateral security for any loan, monetary obligation or indebtedness on behalf of or in the interest of the registered party for which the registered candidate is the official candidate for amounts that in the aggregate do not exceed \$25 000 as adjusted in accordance with section 41.5, and a guarantee or collateral security provided under this subsection or a payment made by the registered candidate when acting on the guarantee or collateral security is not a contribution.

(7) Any payment made by a person other than a guarantor or borrower on behalf of or in the interest of a registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant becomes, for the purposes of this Act, including, without limitation, sections 16, 17 and 35,

(a) a contribution by that person, and

(b) a contribution accepted by the borrower,

if the person is not reimbursed by the borrower before the borrower is next required to file the applicable financial statement or return.

(8) A guarantee made or the providing of collateral security under subsection (1) in a year must be recorded by the registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant, as the case may be, and the details of the guarantee or of the providing of the collateral security must be included in a financial statement under section 42 or a campaign return under sections 43 to 43.02, as applicable.

(9) This section does not apply to payments made on behalf of or in the interest of a registered candidate, nomination contestant or registered leadership contestant for purposes unrelated to the candidate's, nomination contestant's or leadership contestant's campaign.

(45) Section 41.1 is repealed.

(46) Section 41.2 is amended

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

(45) Section 41.1 presently reads:

41.1(1) In this Part, “election expense”, subject to this Part, means any expense incurred, or non-monetary contribution received,

(a) by a registered party, registered constituency association or registered candidate, to the extent that the real property, goods or services that the expense was incurred for, or that were received as a non-monetary contribution, are used to directly promote or oppose a registered party, its leader or a candidate during an election period;

(b) by a nomination contestant, to the extent that the real property, goods or services that the expense was incurred for, or that were received as a non-monetary contribution, are used to directly promote or oppose a nomination contestant during a nomination contest.

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

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

(a) the production of advertising or promotional material,

(b) the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during the election period, including by the use of a capital asset,

(c) the payment of remuneration and expenses to or on behalf of a person for the person’s services as a chief financial officer or in any other capacity,

(d) securing a meeting space, or

(e) the conduct of election surveys or other surveys or research during an election period.

(4) In this section, “expense incurred” means an expense that is incurred, whether it is paid or unpaid.

(46) Section 41.2 presently reads in part:

41.2(1) No registered party and no chief financial officer of a registered party shall incur election expenses in respect of a general

Election expense limits — registered parties

41.2(1) A registered party and a chief financial officer of the registered party, acting on behalf of the registered party, must not incur election expenses that, in the aggregate in each year, exceed \$5 000 000, as adjusted in accordance with section 41.5.

- (b) in subsection (2) by striking out “\$23 000” and substituting “\$75 000”;**
- (c) in subsection (5) by striking out “and” at the end of clause (a), adding “and” at the end of clause (b) and adding the following after clause (b):**
 - (c) an election expense incurred by a registered prospective candidate association on behalf of a registered party that has endorsed the prospective candidate is an election expense incurred by the registered party.
- (d) in subsection (8)(c) by adding “, registered prospective candidate associations” after “registered constituency associations”.**

(47) Section 41.3 is amended

- (a) in subsection (1)(a) by striking out “\$50 000” and substituting “\$75 000”;**

election under the Election Act that exceed in the aggregate the amount determined by the following formula:

A x B

where

A is \$1.16, as adjusted in accordance with section 41.5;

B is the total number of electors contained in the register of electors maintained under section 13 of the Election Act on the first day of the month in which the date 3 months before election day falls.

(2) No registered party and no chief financial officer of a registered party shall incur election expenses in respect of a by-election for an electoral division that exceed in the aggregate \$23 000 as adjusted in accordance with section 41.5.

(5) For the purposes of subsections (1), (1.1) and (2),

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

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

(8) In determining whether registered parties are closely connected for the purposes of subsection (7), the Election Commissioner shall consider all information relevant to determining whether registered parties are closely connected, including, as applicable, the following:

(c) the activities of the registered parties and their registered constituency associations and candidates, including the extent to which the registered parties have been involved in electoral campaigns or made public statements in support of any other registered party or registered parties, or of a candidate of any of the other registered parties;

(47) Section 41.3 presently reads in part:

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

(b) in subsection (3)(b) by adding “or registered prospective candidate association” after “registered constituency association”.

(48) Section 41.4 is repealed.

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

(3) *For the purposes of subsection (1),*

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

(48) Section 41.4 presently reads:

41.4(1) No nomination contestant and no chief financial officer of a nomination contestant shall incur election expenses in respect of the nomination contest that exceed in the aggregate 25% of a registered candidate's spending limit for an election in that electoral division.

(2) The following expenses are not election expenses for the purposes of subsection (1):

(a) *travel expenses reasonably related to the nomination contestant, including meals and accommodation;*

(b) *a nomination contestant's child care expenses;*

(c) *expenses relating to the provision of care for a person with a physical or mental incapacity for whom the nomination contestant normally provides such care;*

(d) *in the case of a nomination contestant who has a disability, additional expenses that are related to the disability;*

(e) *audit and professional fees necessary for compliance with this Act by the nomination contestant;*

(f) *reasonable incidental expenses incurred by or on behalf of volunteers.*

(3) The chief financial officer of the nomination contestant shall prepare an expense limit report for the purpose of a return required to be filed under section 43.01 relating to the election expenses incurred by the nomination contestant in relation to the nomination contest.

(49) Section 41.41 is repealed and the following is substituted:

Activities by third parties

41.41(1) A third party must not incur expenses for any of the following activities:

- (a) selling memberships for a registered party;
- (b) fund-raising for a registered party, registered candidate or registered leadership contestant;
- (c) collecting or compiling information about electors or potential electors, including data and lists, if that information is shared with registered parties, registered candidates or registered leadership contestants;
- (d) any other activity that would normally be part of the administrative activity of a registered party, registered candidate or registered leadership contestant.

(2) For greater certainty, subsection (1) does not apply to

- (a) a person who does not have decision-making authority in a third party or registered party and is providing volunteer labour without compensation,
- (b) advertising
 - (i) in relation to a petition tabled in the Legislative Assembly under the Standing Orders of the Legislative Assembly of Alberta,
 - (ii) in support of or in opposition to a candidate seeking a position within a registered party's governing body, or
 - (iii) in support of or in opposition to resolutions proposed for adoption by a registered party,
- (c) a contribution by a third party that is not prohibited from making the contribution under section 16,
- (d) another activity if the expense incurred for that activity is an election expense under this Part, or
- (e) the distribution of publicly available information.

(49) Section 41.41 presently reads:

41.41(1) A third party shall not incur expenses to engage in any of the following activities that support the work of registered parties, registered candidates, nomination contestants or registered leadership contestants:

- (a) selling memberships for a registered party;*
- (b) fundraising for a registered party, registered candidate, registered leadership contestant or nomination contestant;*
- (c) collecting or compiling information about electors or potential electors, including data and lists, where that information is shared with registered parties, registered candidates, registered leadership contestants or nomination contestants;*
- (d) any other activity that would otherwise be part of the administrative activity of a registered party, registered candidate, nomination contestant or registered leadership contestant.*

(2) Subsection (1) does not apply to

- (a) volunteer labour provided by a person, so long as that person does not receive any compensation to volunteer,*
- (b) a petition tabled in the Legislative Assembly in accordance with the Standing Orders of the Legislative Assembly of Alberta,*
- (c) a contribution by a third party that is not prohibited from making a contribution under section 16, or*
- (d) an activity where the expense incurred for that activity is an election expense under this Part.*

(50) Section 41.42(1) and (2) are amended by striking out “registered candidate, nomination contestant” and substituting “registered prospective candidate association, registered candidate”.

(51) Section 42(1)(b) is amended by adding “and registered prospective candidate association” after “registered constituency association”.

(52) Section 43.01 is repealed.

(50) Section 41.42(1) and (2) presently read:

41.42(1) A registered party, registered candidate, nomination contestant or registered leadership contestant shall not circumvent, or attempt to circumvent, an expense limit set out in this Part or a contribution limit under Part 3 by colluding with a third party.

(2) A third party shall not collude with a registered party, registered candidate, nomination contestant or registered leadership contestant to circumvent, or attempt to circumvent, an expense limit set out in this Part or a contribution limit under Part 3.

(51) Section 42(1)(b) presently reads:

42(1) On or before March 31 of each year,

(b) the chief financial officer of each registered constituency association shall file with the Chief Electoral Officer a financial statement, in the form and manner approved by the Chief Electoral Officer, setting out for the previous year the revenue, expenses, assets and liabilities, including a nil return where applicable.

(52) Section 43.01 presently reads:

43.01(1) Within 4 months after the date fixed for the selection of a person for endorsement as the official candidate of the registered party for an electoral division, the chief financial officer of a nomination contestant shall file with the Chief Electoral Officer a nomination contestant campaign return, which must include

- (a) a financial statement,*
- (b) the contribution report referred to in section 32(4.2),*
- (c) a campaign expense report setting out the campaign expenses incurred by the nomination contestant,*
- (d) an expense limit report referred to in section 41.4(3), and*
- (e) any supporting information and documents relating to the nomination campaign return.*

(2) This section also applies to any nomination contestant who withdraws from the nomination contest.

(53) Section 43.1 is amended

(a) in subsection (1)

(i) in clause (a) by striking out “, nomination contestant”;

(ii) in clause (c) by adding “, registered prospective candidate association” after “registered constituency association”;

(b) in subsections (2) and (3) by striking out “, nomination contestant” wherever it occurs;

(c) in subsection (4)

(i) by striking out “, nomination contestant”;

(ii) by striking out “, nomination contestant’s”;

(d) in subsection (5)

(i) in clause (a) by striking out “, nomination contestant’s”;

(ii) by striking out “and” at the end of clause (a), adding “and” at the end of clause (b) and adding the following after clause (b):

(c) a registered prospective candidate association may, subject to the regulations, if any, transfer funds to its registered prospective candidate or may pay any outstanding liabilities during the period referred to in subsections (3) and (4), as applicable.

(e) in subsection (6) by striking out “, nomination contestant”.

(3) The Chief Electoral Officer may issue guidelines relating to the preparation and contents of the nomination contestant campaign return and shall publish any guidelines on the Chief Electoral Officer's website.

(53) Section 43.1 presently reads in part:

43.1(1) In this section, "revenue" means the total of

(a) contributions received by a registered candidate, nomination contestant or registered leadership contestant made in accordance with this Act,

(c) amounts transferred in accordance with this Act to a registered candidate by a registered party, a registered constituency association or another registered candidate, and

(2) For the purpose of this section, a registered candidate, nomination contestant or registered leadership contestant has a campaign deficit if, at the end of the campaign period,

(3) Where a registered candidate, nomination contestant or registered leadership contestant has a campaign deficit, the registered candidate, nomination contestant or registered leadership contestant shall eliminate the deficit within 3 months after the date that the campaign return is next required to be filed or such further period approved under subsection (4).

(4) The Chief Electoral Officer may, on the request of a registered candidate, nomination contestant or registered leadership contestant or the registered candidate's, nomination contestant's or registered leadership contestant's chief financial officer received before the expiry of the 3-month period referred to in subsection (3), extend the 3-month period referred to in subsection (3) for a further period not exceeding 3 months.

(5) For the purpose of eliminating a campaign deficit,

(a) a registered candidate's, nomination contestant's or registered leadership contestant's chief financial officer may, notwithstanding section 17(3) and (5), accept contributions in accordance with this Act during the period referred to in subsection (3) or (4), as applicable, and

(b) a registered party or registered constituency association of the registered candidate may transfer funds to the candidate

(54) Section 43.2 is amended

(a) in subsection (1) by striking out “43.01,”;

(b) in subsection (2)

(i) by striking out “registered candidate, nomination contestant” and substituting “registered prospective candidate association, registered candidate”;

(ii) by striking out “43.01,”;

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

(3.1) The Chief Electoral Officer may not cancel the registration of a registered prospective candidate association under section 10(3) as it relates to the chief financial officer not meeting the filing requirements under section 42 if the required financial statement is filed with the Chief Electoral Officer no later than 30 days after the applicable deadline.

(d) in subsection (4) by striking out “, nomination contestant”;

(e) in subsection (5)

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

(b.1) in the case of a registered prospective candidate association, the registered prospective candidate association and the chief financial officer of the registered prospective candidate association;

(ii) in clause (c) by striking out “, nomination contestant” wherever it occurs.

or may pay any outstanding liabilities during the period referred to in subsection (3) or (4), as applicable.

(6) The chief financial officer of the registered candidate, nomination contestant or registered leadership contestant shall, within one month after the expiration of the period referred to in subsection (3) or (4), as applicable, file an amended campaign return showing any contributions accepted and any transfers received to eliminate the deficit.

(54) Section 43.2 presently reads in part:

43.2(1) In this section, "filing deadline" means the day by which a financial statement referred to in section 11.6 or 42 is required to be filed with the Chief Electoral Officer or the date by which a return referred to in section 43, 43.01, 43.02 or 43.1 is required to be filed with the Chief Electoral Officer.

(2) A registered party, registered constituency association, registered candidate, nomination contestant or registered leadership contestant that is required to file a financial statement under section 42 or a return under section 43, 43.01, 43.02 or 43.1, and fails to file that document by the filing deadline must pay a late filing fee of \$500 to the Chief Electoral Officer.

(4) The Chief Electoral Officer shall not transmit a report in relation to a registered candidate, nomination contestant or registered leadership contestant under section 44(1) if the return is filed no later than 10 days after the filing deadline.

(5) The following persons are jointly and severally liable for payment of the fee referred to in subsection (2) or (2.1):

(c) in the case of a registered candidate, nomination contestant or registered leadership contestant, the registered candidate, nomination contestant or registered leadership contestant and the chief financial officer of the registered candidate, nomination contestant or registered leadership contestant.

(55) Section 44 is amended

(a) in subsection (1)

(i) by striking out “, nomination contestant”;

(ii) by striking out “, 43.01”;

(b) in subsections (2) and (3) by striking out “, nomination contestant” wherever it occurs;

(c) in subsection (4)

(i) in clause (a)

(A) by striking out “43.01,”;

(B) by striking out “nomination contestant,”;

(ii) in clauses (b) and (c) by striking out “43.01,”.

(56) Section 44.1(1)(i) is amended by adding the following after subclause (ii):

(ii.1) a registered prospective candidate association;

(55) Section 44 presently reads in part:

44(1) Subject to section 43.2(4), if the chief financial officer of a registered candidate, nomination contestant or registered leadership contestant fails to file a return as required by section 43, 43.01 or 43.02 or a revised return under section 43.1, as the case may be, the Chief Electoral Officer shall transmit a report to that effect to the Speaker of the Assembly, who shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(2) After the Chief Electoral Officer transmits the report under subsection (1), the Chief Electoral Officer may publish the name of the chief financial officer of the registered candidate, nomination contestant or registered leadership contestant who failed to file the return and the name of the registered candidate, nomination contestant or registered leadership contestant on the Chief Electoral Officer's website.

(3) If the Speaker lays a report before the Assembly under subsection (1), the registered candidate, nomination contestant or registered leadership contestant concerned or his or her chief financial officer, or both, may, within the 60-day period following the date on which the report was laid before the Assembly, apply to the Court of King's Bench for relief.

(4) On hearing the application, the Court may

(a) dispense with compliance with section 43, 43.01, 43.02 or 43.1, or any provision of the relevant section, if it considers that the non-compliance is due to circumstances beyond the control of the registered candidate, nomination contestant, registered leadership contestant or chief financial officer, and that it is not reasonably possible to comply with the section,

(b) extend the time for compliance with section 43, 43.01, 43.02 or 43.1, or any provision of the relevant section, if it finds mitigating reasons for non-compliance with the section

(c) make any order that it considers appropriate to secure compliance with so much of section 43, 43.01, 43.02 or 43.1 as it considers reasonable in the circumstances, or

(56) Adds to definition of third party.

(57) Section 44.11 is amended

(a) in subsection (1)

(i) in clause (a)

(A) by repealing subclause (i) and substituting the following:

- (i) in an amount of more than \$500 000 in the aggregate, as adjusted in accordance with section 41.5, in relation to the period commencing on the 4th Monday in May in the year in which the general election is held and ending at the end of the day preceding the day the writ is issued, and

(B) in subclause (ii) by striking out “\$150 000” and substituting “\$500 000”;

(ii) in clause (b) by striking out “\$150 000” and substituting “\$500 000”;

(b) in subsections (2)(a) and (b) and (4) by striking out “\$3000” wherever it occurs and substituting “\$10 000”;

(c) in subsection (5.2) by striking out “, nomination contestant”.

(57) Section 44.11 presently reads in part:

44.11(1) A registered third party shall not incur election advertising expenses,

- (a) if the general election is held in accordance with section 38.1(2) of the Election Act,*
 - (i) in an amount of more than \$150 000 in the aggregate, as adjusted in accordance with section 41.5 in relation to the period commencing on the fourth Monday in May in the year in which the general election is held and ending at the end of the day preceding the day the writ is issued, and*
 - (ii) in an amount of more than \$150 000 in the aggregate, as adjusted in accordance with section 41.5 in relation to the period commencing on the day the writ is issued and ending at the end of the election day, and*
- (b) if the general election is held other than in accordance with section 38.1(2) of the Election Act, in an amount of more than \$150 000 in the aggregate, as adjusted in accordance with section 41.5 in relation to the period commencing on the day the writ is issued and ending at the end of the election day.*

(2) A registered third party shall not incur election advertising expenses to promote or oppose the election of one or more registered candidates in a given electoral division that exceed the following, as adjusted in accordance with section 41.5:

- (a) in the case of a general election held in accordance with section 38.1(2) of the Election Act, \$3000 of the amount referred to in subsection (1)(a)(i) and \$3000 of the amount referred to in subsection (1)(a)(ii), or*
- (b) in the case of a general election held other than in accordance with section 38.1(2) of the Election Act, \$3000 of the amount referred to in subsection (1)(b).*

(4) A registered third party shall not incur election advertising expenses in a total amount of more than \$3000, as adjusted in accordance with section 41.5, in relation to a by-election in a given electoral division.

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

(58) Section 44.2 is amended

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

Eligibility to make advertising contributions

44.2(1) A person or entity, other than a permitted person or entity, must not make an election advertising contribution.

- (b) in subsection (2)**

(i) in clause (g) by adding “, prospective candidate association” after “constituency association”;

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

(h) a group that includes a person referred to in clauses (a) to (h) as a member.

(59) Section 44.201 is amended

- (a) in subsection (1)**

(i) by striking out “person” and substituting “contributor”;

(ii) by striking out “\$30 000” and substituting “\$5000”;

- (b) in subsection (2) by striking out “\$30 000” and substituting “\$5000”;**

- (c) in subsection (3)**

(i) by striking out “person” and substituting “contributor”;

(ii) by striking out “\$30 000” and substituting “\$5000”;

- (d) in subsection (6) by striking out “eligible” and substituting “qualified”;**

- (e) by repealing subsection (9) and substituting the following:**

(58) Section 44.2 presently reads in part:

44.2(1) No election advertising contribution shall be made to a third party other than by a person ordinarily resident in Alberta.

(2) No political advertising contribution shall be made to a third party by any of the following:

(g) a political party, constituency association or candidate;

(h) a group of which any member is ineligible under clauses (a) to (g).

(59) Section 44.201 presently reads in part:

44.201(1) The amount of election advertising contributions made to a third party in any year by a person who is eligible to make election advertising contributions and who makes only election advertising contributions in that year shall not exceed \$30 000, as adjusted in accordance with section 41.5, in the aggregate.

(2) The amount of political advertising contributions made to a third party in any year by a contributor that is eligible to make political advertising contributions and that makes only political advertising contributions in that year shall not exceed \$30 000, as adjusted in accordance with section 41.5, in the aggregate.

(3) The combined amount of election advertising contributions and political advertising contributions made to a third party in any year by a person who is eligible to make both election advertising contributions and political advertising contributions shall not exceed \$30 000, as adjusted in accordance with section 41.5, in the aggregate.

(6) No third party shall incur election advertising expenses in a total amount of \$1000 or more if the third party is not eligible to be registered under section 9.1.

(9) If a chief financial officer becomes aware that an election advertising contribution or political advertising contribution in contravention of section 44.2 or this section was made to or accepted by or on behalf of a third party for whom the chief financial officer acts, the chief financial officer must, within 30 days after becoming aware of the contribution,

- (a) provide the Chief Electoral Officer with written notice of the contribution and circumstances, and
- (b) do one of the following, as applicable:
 - (i) if the contribution was a contribution in excess of a limit set out in subsection (1), (2) or (3) and the identity of the contributor is known, return the portion of the contribution that exceeds the applicable limit to the contributor;
 - (ii) if the contribution was a contribution in excess of a limit set out in subsection (1), (2) or (3) and the identity of the contributor cannot be determined, transfer the amount of the contribution that exceeds the applicable limit to the Chief Electoral Officer;
 - (iii) if the contribution was in contravention of section 44.2 or this section, other than subsection (1), (2) or (3), and the identity of the contributor is known, return the contribution to the contributor;
 - (iv) if the contribution was in contravention of section 44.2 or this section, other than subsection (1), (2) or (3), and the identity of the contributor cannot be determined, transfer the amount of the contribution to the Chief Electoral Officer.

(10) The Chief Electoral Officer must deposit the funds received under subsection (9) into the General Revenue Fund.

(60) Section 44.51 is repealed and the following is substituted:

Contributions not belonging to contributor

44.51(1) A person or entity that is eligible to make an election advertising contribution under section 44.2(1) or a political advertising contribution under section 44.2(2) must not contribute

(9) If the chief financial officer of a third party learns that an election advertising contribution or political advertising contribution was made or accepted in contravention of section 44.2 or this section, the chief financial officer shall advise the Chief Electoral Officer in writing of the fact and circumstances within 30 days after learning of the contravention and return the contribution in accordance with the directions of the Chief Electoral Officer.

(60) Section 44.51 presently reads:

44.51(1) No contributor that is eligible to make an election advertising contribution under section 44.2(1) or a political advertising contribution under section 44.2(2) shall contribute to a third party that is registered or required to be registered under section 9.1 funds not actually belonging to the contributor or funds

to a third party that is registered or required to be registered under section 9.1

- (a) funds not belonging to the person or entity, or
- (b) funds given to the person or entity for the purpose of making an advertising contribution to the third party.

(2) A third party registered or required to be registered under section 9.1 or a person acting on its behalf must not solicit or accept an advertising contribution if the third party or person, as the case may be, knows or ought to know that the contribution consists of funds described in subsection (1).

(3) If the chief financial officer becomes aware that an advertising contribution referred to in subsection (1) was made to or accepted by or on behalf of the third party for whom the chief financial officer acts, the chief financial officer must, within 30 days after becoming aware of the contribution,

- (a) provide the Chief Electoral Officer with written notice of the contribution and circumstances, and
- (b) do one of the following, as applicable:
 - (i) if the identity of the contributor is known, return the contribution to the contributor;
 - (ii) if the identity of the contributor cannot be determined, transfer the amount of the contribution to the Chief Electoral Officer.

(4) The Chief Electoral Officer must deposit the funds received under subsection (3) into the General Revenue Fund.

(61) Section 44.941 is amended

(a) in subsection (1)(i) by adding the following after subclause (ii):

- (ii.1) a registered prospective candidate association;

(b) in subsection (2) by adding the following after clause (b):

- (b.1) the distribution of publicly available information,

that have been given or furnished to the contributor by any person or organization for the purpose of making an advertising contribution of the funds to the third party.

(2) No third party that is registered or is required to be registered under section 9.1 and no person on its behalf shall solicit or accept any advertising contribution if the third party or person knows or ought to know that the contribution is contrary to subsection (1).

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

(61) Section 44.941 presently reads in part:

44.941(1) In this Part,

(i) "third party" means a person, corporation or group, but does not include the following:

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

(62) Section 44.943 is amended

- (a) by repealing subsections (1) and (2) and substituting the following:**

Restrictions on advertising contributions and expenses

44.943(1) A person or entity, other than a permitted person or entity, must not make a Senate election advertising contribution.

(2) A permitted person's or entity's Senate election advertising contribution in each year to a third party must not, in the aggregate, exceed \$5000, as adjusted in accordance with section 41.5.

- (b) in subsection (3) by adding "or entity" after "person";**

- (c) by repealing subsection (8) and substituting the following:**

(8) If a chief financial officer becomes aware that a Senate election advertising contribution in contravention of this section was made to or accepted by or on behalf of the third party for whom the chief financial officer acts, the chief financial officer must, within 30 days after becoming aware of the contribution,

- (a)** provide the Chief Electoral Officer with written notice of the contribution and circumstances, and
- (b)** do one of the following, as applicable:
 - (i)** if the contribution was a contribution in excess of the limit set out in subsection (2) and the identity of the contributor is known, return the portion of the contribution that exceeds the limit set out in subsection (2) to the contributor;
 - (ii)** if the contribution was a contribution in excess of the limit set out in subsection (2) and the identity of the contributor cannot be determined, transfer the amount of the contribution that exceeds the limit set out in subsection (2) to the Chief Electoral Officer;
 - (iii)** if the contribution was in contravention of this section, other than subsection (2) and the identity of the contributor is known, return the contribution to the contributor;

(62) Section 44.943 presently reads in part:

44.943(1) No Senate advertising contribution shall be made to a third party other than by a person ordinarily resident in Alberta.

(2) The amount of Senate election advertising contributions made to a third party in any year by a person who is eligible to make Senate election advertising contributions shall not exceed \$30 000, as adjusted in accordance with section 41.5, in the aggregate.

(3) No person shall make a Senate election advertising contribution to a third party unless the third party

(8) If the chief financial officer of a third party learns that a Senate election advertising contribution was made or accepted in contravention of this section, the chief financial officer shall advise, within 30 days after learning of the contravention, 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.

- (iv) if the contribution was in contravention of this section, other than subsection (2), and the identity of the contributor cannot be determined, transfer the amount of the contribution to the Chief Electoral Officer.

(9) The Chief Electoral Officer must deposit the funds received under subsection (8) into the General Revenue Fund.

(63) Section 44.9493 is amended

- (a) **by repealing subsections (1) and (1.1) and substituting the following:**

Contributions not belonging to contributor

44.9493(1) A person or entity must not contribute to a third party that is registered or required to be registered under section 9.1

- (a) funds not belonging to the person or entity, or
- (b) funds given to the person or entity for the purpose of making a Senate election advertising contribution to the third party.

(1.1) A person or entity must not give funds to another person or entity for the purpose of having that person or entity make a Senate election advertising contribution.

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

(3) If the chief financial officer becomes aware that a Senate election advertising contribution in contravention of subsection (1) was made to or accepted by or on behalf of the third party for whom the chief financial officer acts, the chief financial officer must, within 30 days after becoming aware of the contribution,

- (a) provide the Chief Electoral Officer with written notice of the contribution and circumstances, and
- (b) do one of the following, as applicable:

(63) Section 44.9493 presently reads in part:

44.9493(1) No person shall contribute to a third party that is registered or required to be registered under section 9.1 funds not actually belonging to the person or funds that have been given or furnished to the person by any person or organization for the purpose of making a Senate election advertising contribution of the funds to the third party.

(1.1) No person or organization shall give or furnish funds to a person for the purpose of having that person contribute the funds to a third party as a Senate election advertising contribution.

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

- (i) if the identity of the contributor is known, return the contribution to the contributor;
- (ii) if the identity of the contributor cannot be determined, transfer the amount of the contribution to the Chief Electoral Officer.

(4) The Chief Electoral Officer must deposit the funds received under subsection (3) into the General Revenue Fund.

(64) Section 44.94993(1)(i) is repealed and the following is substituted:

- (i) “third party” means a person, entity or group, but does not include the following:
 - (i) a registered party;
 - (ii) a registered constituency association;
 - (iii) a registered prospective candidate association;
 - (iv) a registered candidate or member of the Legislative Assembly;
 - (v) a nomination contestant;
 - (vi) a registered leadership contestant.

(65) Section 44.94995 is amended

- (a) **by repealing subsections (1) and (2) and substituting the following:**

Restrictions on referendum advertising contributions and expenses

44.94995(1) A person or entity, other than a permitted person or entity, must not make a referendum advertising contribution.

(2) A permitted person or entity’s referendum advertising contribution in each year to a third party must not, in the aggregate, exceed \$5000, as adjusted in accordance with section 41.5.

(64) Section 44.94993(1)(i) presently reads:

44.94993(1) In this Part,

(i) “third party” means a person, corporation, group, the Government of Canada or the government of another province or territory of Canada, but does not include the following:

(i) a registered party;

(ii) a registered constituency association;

(iii) a registered candidate or member of the Legislative Assembly;

(iv) a nomination contestant;

(v) a registered leadership contestant.

(65) Section 44.94995 presently reads in part:

44.94995(1) No referendum advertising contribution shall be made to a third party other than by a person ordinarily resident in Alberta.

(2) The amount of referendum advertising contributions made to a third party in any year by a person that is eligible to make referendum advertising contributions shall not exceed \$30 000, as adjusted in accordance with section 41.5, in the aggregate.

(3) No person shall make a referendum advertising contribution to a third party unless the third party

(8) If the chief financial officer of a third party learns that a referendum advertising contribution was made or accepted in

(b) in subsection (3) by striking out “No person shall” and substituting “A person or entity must not”;

(c) by repealing subsection (8) and substituting the following:

(8) If a chief financial officer becomes aware that a referendum advertising contribution in contravention of this section was made to or accepted by or on behalf of the third party for whom the chief financial officer acts, the chief financial officer must, within 30 days after becoming aware of the contribution,

(a) provide the Chief Electoral Officer with written notice of the contribution and circumstances, and

(b) do one of the following, as applicable:

(i) if the contribution was a contribution in excess of the limit set out in subsection (2) and the identity of the contributor is known, return the portion of the contribution that exceeds the limit set out in subsection (2) to the contributor;

(ii) if the contribution was a contribution in excess of the limit set out in subsection (2) and the identity of the contributor cannot be determined, transfer the amount of the contribution that exceeds the limit set out in subsection (2) to the Chief Electoral Officer;

(iii) if the contribution was in contravention of this section, other than subsection (2) and the identity of the contributor is known, return the contribution to the contributor;

(iv) if the contribution was in contravention of this section, other than subsection (2), and the identity of the contributor cannot be determined, transfer the amount of the contribution to the Chief Electoral Officer.

(9) The Chief Electoral Officer must deposit the funds received under subsection (8) into the General Revenue Fund.

contravention of this section, the chief financial officer shall advise, within 30 days after learning of the contravention, 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.

(66) Section 44.949995 is amended

- (a) by repealing subsections (1) and (1.1) and substituting the following:**

Contributions not belonging to contributor

44.949995(1) A person or entity must not contribute to a third party that is registered or required to be registered under section 9.1

- (a) funds not belonging to the person or entity, or
- (b) funds given to the person or entity for the purpose of making a referendum advertising contribution to the third party.

(1.1) A person or entity must not give funds to any person or entity for the purpose of having that person or entity make a referendum advertising contribution.

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

(3) If a chief financial officer becomes aware that a referendum advertising contribution in contravention of subsection (1) was made to or accepted by or on behalf of the third party for whom the chief financial officer acts, the chief financial officer must, within 30 days after becoming aware of the contribution,

- (a) provide the Chief Electoral Officer with written notice of the contribution and circumstances, and
- (b) do one of the following, as applicable:
 - (i) if the identity of the contributor is known, return the contribution to the contributor;
 - (ii) if the identity of the contributor cannot be determined, transfer the amount of the contribution to the Chief Electoral Officer.

(4) The Chief Electoral Officer must transfer any funds received under subsection (3) into the General Revenue Fund.

(66) Section 44.949995 presently reads in part:

44.949995(1) No person shall contribute to a third party that is registered or required to be registered under section 9.1 funds not actually belonging to the person or funds that have been given or furnished to the person by any person or organization for the purpose of making a referendum advertising contribution of the funds to the third party.

(1.1) No person or organization shall give or furnish funds to a person for the purpose of having that person contribute the funds to a third party as a referendum advertising contribution.

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

(67) Section 44.949998(1) is amended

- (a) in clause (a) by striking out “and must indicate whether the third party authorizes the referendum advertising” and substituting “, indicate whether the third party authorizes the referendum advertising and whether the third party is for or against each question to be put to the electors”;**
- (b) in clause (c) by striking out “and” at the end of subclause (iii) and adding the following after subclause (iii):**
 - (iii.1) the referendum advertising must indicate whether the third party is for or against each question to be put to the electors, and

(68) Section 44.95 is amended

- (a) in clause (a)**
 - (i) by adding the following after subclause (i.1):**
 - (i.2) registered prospective candidate associations,
 - (ii) by adding “and” at the end of subclause (iii) and repealing subclause (iv);**
- (b) by repealing clause (b) and substituting the following:**
 - (b) may conduct an investigation into a matter that the Election Commissioner has reasonable grounds to believe is an offence under this Act in the following circumstances:
 - (i) if the Election Commissioner receives a complaint from a person or entity;
 - (ii) at the request of the Chief Electoral Officer;
 - (iii) on the Election Commissioner’s own initiative.

(67) Section 44.949998(1) presently reads in part:

44.949998(1) A third party, or a person acting on a third party's behalf, must ensure that the referendum advertising sponsored by the third party complies with the following in accordance with the guidelines of the Chief Electoral Officer:

- (a) the referendum advertising must include the third party's name and contact information and must indicate whether the third party authorizes the referendum advertising;*
- (c) in the case of referendum advertising transmitted to a telephone, whether in the form of a live call or an automated pre-recorded call,*
- (iii) the referendum advertising must state whether the third party authorizes the referendum advertising, and*

(68) Section 44.95 presently reads in part:

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

- (a) may conduct periodic investigations of the financial affairs and records of*
- (iii) registered leadership contestants in relation to leadership contests,*
- (iv) nomination contestants in relation to nomination contests, and*
- (b) 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 an offence under this Act.*

(69) The following is added after section 44.95:

Identification and investigation of excess contribution

44.951 The Election Commissioner must conduct an investigation into a matter if

- (a) the Election Commissioner has reasonable grounds to believe that a person or entity has made one or more contributions that exceed a limit set out in this Act, and
- (b) the excess contributions, if established, are reasonably likely to be greater than the amount specified in the regulations.

(70) Section 44.96 is amended

- (a) in subsection (1) by striking out “For the purpose of” and substituting “Subject to subsections (3.1) and (3.2), for the purpose of”;**
- (b) in subsection (2) by striking out “candidate, nomination candidate” and substituting “prospective candidate association, candidate”;**

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

(3.1) If, for the purpose of conducting an investigation referred to in section 44.95, the Election Commissioner summons a person as a witness to provide evidence in respect of the investigation, the Election Commissioner

- (a) may require the person to appear before the Election Commissioner within 30 days of the date on which the summons is served on the individual or a longer period specified by the Election Commissioner, and
- (b) must reasonably accommodate the person as it relates to compelling the person to personally appear before the Election Commissioner.

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

(69) Identification and investigation of excess contribution.

(70) Section 44.96 presently reads in part:

44.96(1) For the purpose of conducting an investigation referred to in section 44.95, the Election Commissioner has all the powers of a commissioner under the Public Inquiries Act as though the investigation were an inquiry under that Act.

(2) For the purpose of conducting an investigation referred to in section 44.95, a representative of the Election Commissioner, on production of the representative's authorization from the Election Commissioner, may at any reasonable time enter any premises referred to in the authorization in which books or documents of a political party, constituency association, candidate, nomination candidate, leadership contestant or third party relevant to the subject-matter of the investigation are kept and may examine and make copies of the books or documents or remove them temporarily for the purpose of making copies.

(4) A registered party, registered constituency association, registered candidate, nomination contestant, registered leadership contestant or registered third party 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 or documents with respect to the financial affairs of the registered party, registered constituency association, registered candidate, nomination contestant, registered leadership contestant or registered third party that is reasonably required by the Election Commissioner in the course of the Election Commissioner's duties under this Act.

- (a) unless notice of an investigation has been provided in accordance with section 44.97(1), the Election Commissioner may not compel a person or entity
 - (i) to participate in the investigation, or
 - (ii) to provide a response to a complaint that is the subject of the investigation,

and

- (b) the Election Commissioner must allow the following in respect of a person being interviewed by the Election Commissioner:
 - (i) the person's legal counsel to be present when the person is being interviewed;
 - (ii) the person to record the interview.

(d) by repealing subsection (4) and substituting the following:

(4) If, for the purposes of the Election Commissioner's performance of duties under this Act, the Election Commissioner requests, in writing, a registered party, registered constituency association, registered prospective candidate association, registered candidate, registered leadership contestant or registered third party to produce information or a document that relates to the person's or entity's financial affairs, the registered party, registered constituency association, registered prospective candidate association, registered candidate, registered leadership contestant or registered third party, as the case may be, must provide the information or document to the Election Commissioner within 30 days of receiving the request unless an extension of that period has been granted under subsection (5).

(5) The Election Commissioner must grant a request to extend the applicable period under subsection (3.1)(a) or (4) if the Election Commissioner determines that the request is reasonable in consideration of

- (a) the basis on which it is made, and

- (b) the impact of the extension to timely completion of the investigation.

(6) If, during an election period, the Election Commissioner is conducting or commences an investigation under section 44.95, the Election Commissioner

- (a) may request, in writing, that a person to whom a summons has been issued under subsection (3.1)(a) personally appear within a shorter period than the applicable period under that subsection,
- (b) may request, in writing, that a registered party, registered constituency association, registered prospective candidate association, registered candidate, registered leadership contestant or registered third party to whom a request has been made under subsection (4) produce the information or document subject to the request within a shorter period than the applicable period under that subsection, and
- (c) must complete the investigation before election day unless the Election Commissioner determines that there is no reasonable chance of completing the investigation before election day in consideration of
 - (i) the subject-matter of the investigation, and
 - (ii) the amount of time to conduct the investigation before election day.

(71) Section 44.97 is amended

- (a) in subsection (1) by striking out** “At any time before completing an investigation referred to in” **and substituting** “On commencing an investigation under”;
- (b) by repealing subsection (1.1) and substituting the following:**

(1.1) On commencing an investigation under section 44.95(b), unless the Election Commissioner determines that providing notice could reasonably compromise the investigation, the Election Commissioner must, as soon as practicable, provide

(71) Section 44.97 presently reads:

(1) At any time before completing an investigation referred to in section 44.95(a.1), the Election Commissioner shall notify any registered party who is a subject of the investigation that the registered party is being investigated to determine whether it is associated with any other registered party.

(1.1) At any time before completing an investigation referred to in section 44.95(b), the Election Commissioner shall notify any person or organization who is the subject of the investigation that the person or organization is being investigated and inform the person or organization of the nature of the matter being investigated, unless

notice of the following to each person or entity that is the subject of the investigation:

- (a) the fact that the person or entity is the subject of an investigation under section 44.95(b);
- (b) the substance of the allegations on which the investigation is based;
- (c) the grounds for the Election Commissioner's belief that the matter being investigated is an offence under this Act.

(c) in subsection (2)

- (i) in clause (a) by striking out "the matter is" and substituting "the substance of the allegations set out in the complaint are";**
- (ii) in clause (b) by striking out "an investigation" and substituting "the investigation";**

(d) in subsection (3) by striking out "person or organization" wherever it occurs and substituting "person or entity";

(e) by repealing subsections (4), (5) and (6) and substituting the following:

(4) If the Election Commissioner refuses to conduct an investigation under subsection (2), the Election Commissioner must provide notice of that refusal to

- (a) each person or entity that would have been the subject of the investigation, and
- (b) each person or entity that made a complaint on which the investigation would have been based.

(5) On the completion of an investigation referred to in subsection (1) or (1.1), the Election Commissioner

- (a) must provide notice of the outcome of the investigation to
 - (i) each person or entity that was the subject of the investigation, and

the Election Commissioner believes that doing so would compromise or impede the investigation.

(2) The Election Commissioner may refuse to conduct an investigation under section 44.95(a.1) or (b) if the Election Commissioner is of the opinion that

(a) the matter is frivolous or vexatious, or

(b) there are no grounds to warrant an investigation.

(3) The Election Commissioner 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 allegations and a reasonable opportunity to make submissions and present evidence to the Election Commissioner.

(4) When the Election Commissioner refuses to conduct an investigation under subsection (2), the Election Commissioner shall provide notice of that decision to every person or organization that requested the investigation, if any.

(5) When an investigation under subsection (1) or (1.1) is completed, the Election Commissioner

(a) shall provide notice of the Election Commissioner's decision to

(i) every person or entity that is the subject of the investigation, and

(ii) every person or organization that requested the investigation,

and

(b) may provide, as the Election Commissioner considers appropriate, notice of the decision to any other person or organization involved in a matter referred to in section 44.95(a.1) or (b).

(6) In this section, "person or entity" means a person, prohibited person or entity, corporation, prohibited corporation, trade union, employee organization, political party, constituency association or third party.

- (ii) each person or entity that made a complaint on which the investigation was based,

and

- (b) may provide notice of the outcome of the investigation to any other person involved in a matter referred to in section 44.95(a.1) or (b), as the Election Commissioner considers appropriate.

(6) In this section, “person or entity” means an individual, a prohibited person or entity, a corporation, an Alberta trade union, an Alberta employee organization, a group as defined in section 44.1(1), a political party, a constituency association, a prospective candidate association or a third party.

(72) Section 44.98(b) is repealed and the following is substituted:

- (b) “person or entity” means a person, a prohibited person or entity, a corporation, a prohibited corporation, a trade union, an employee organization, a political party, a constituency association, a prospective candidate association or a third party.

(73) Sections 45, 46 and 47 are amended by striking out “No person shall” and substituting “A person or entity must not”.

(74) Section 48 is amended

- (a) in subsection (1) by adding “, registered prospective candidate association” after “registered constituency association”;

(72) Section 44.98(b) presently reads:

44.98 In this Part,

(b) "person or entity" means a person, prohibited person or entity, corporation, prohibited corporation, trade union, employee organization, political party, constituency association or third party.

(73) Sections 45, 46 and 47 presently read:

45 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.

46 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.

47 No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions.

(74) Section 48 presently reads in part:

48(1) The chief financial officer of a registered party, registered successor party, registered constituency association or registered candidate who contravenes section 11.6, 42 or 43 is guilty of an offence and liable to a fine of not more than \$1000.

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

(2) If a chief financial officer is guilty of an offence referred to in subsection (1), the registered party, registered successor party, registered constituency association, registered prospective candidate association or registered candidate for which the chief financial officer acts is to be considered as guilty of the same offence and liable,

- (a) in the case of a registered party or registered successor party, to a fine of not more than \$5000, and
- (b) in the case of a registered constituency association, registered prospective candidate association or registered candidate, to a fine of not more than \$1000.

(c) by repealing subsections (4) and (5).

(75) Section 48.1(3) is repealed.

(76) Section 48.11(1) is amended by striking out “nomination contestant,”.

(77) Section 48.2 is amended by striking out “registered candidate, nomination contestant” and substituting “registered prospective candidate association, registered candidate”.

(2) When any contravention of section 11.6, 42 or 43 is committed by a chief financial officer of a registered party, registered successor party, registered constituency association or registered candidate, the political party or constituency association or candidate for which the chief financial officer acts is also guilty of an offence and liable,

(a) in the case of a registered party or registered successor party, to a fine of not more than \$5000, and

(b) in the case of a registered constituency association or registered candidate, to a fine of not more than \$1000.

(4) The chief financial officer of a nomination contestant who contravenes section 43.01 is guilty of an offence and liable to a fine of not more than \$1000.

(5) If the chief financial officer of a nomination contestant is guilty of having contravened section 43.01, the nomination contestant for whom the chief financial officer acts is also guilty of the offence and is liable to a fine of not more than \$1000.

(75) Section 48.1(3) presently reads:

(3) A nomination contestant, or the chief financial officer of a nomination contestant, who contravenes section 41.4 is guilty of an offence and liable to a fine of not more than \$10 000.

(76) Section 48.11(1) presently reads:

48.11(1) A registered party, registered candidate, nomination contestant, registered leadership contestant or third party who contravenes section 41.42 is guilty of an offence and liable to a fine of not more than \$100 000.

(77) Section 48.2 presently reads:

48.2 A registered party, registered successor party, registered constituency association, registered candidate, nomination contestant, registered leadership contestant or registered third party 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 \$1000.

(78) Section 49(1) is amended by adding “trade union, employee organization,” **after** “A corporation,”.

(79) Section 49.1(b) is amended by striking out “, corporation or other organization” **and substituting** “or other entity”.

(80) Section 50 is amended by striking out “or constituency association” **and substituting** “, constituency association or prospective candidate association”.

(81) Section 51.01 is amended

(a) in subsection (2)

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

(a) a person or entity has made one or more contributions in excess of the limit set out in section 17(1) or (1.1) or 18(1),

(ii) in clause (b.1) by adding “, a prospective candidate association” **after** “constituency association”;

(b) by adding the following after subsection (2):

(2.1) Notwithstanding subsection (2), the Election Commissioner must not serve on the person or entity a notice of administrative penalty or a letter of reprimand if the Election Commissioner is of the opinion that

(a) a person or entity made a contribution referred to in subsection (2)(a) that did not exceed the amount specified in the regulations, and

(78) Section 49(1) presently reads:

49(1) A corporation, unincorporated organization or association or prohibited corporation that contravenes this Act is guilty of an offence and liable to a fine of not more than \$10 000.

(79) Section 49.1(b) presently reads:

49.1 A third party that contravenes a provision of this Act is guilty of an offence and liable to a fine not exceeding

(b) \$100 000 if the third party is a trade union, employee organization, corporation or other organization.

(80) Section 50 presently reads:

50 A person, political party or constituency association that 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 of not more than \$10 000.

(81) Section 51.01 presently reads in part:

(2) After completing an investigation referred to in section 44.97, if the Election Commissioner is of the opinion that

(a) a person has made one or more contributions in excess of a limit prescribed by section 17(1), (1.1) or (1.2) or 18(1),

(b.1) a person, a political party, a constituency association or a third party fails to comply with a direction of the Election Commissioner,

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

(a) in the case of a contravention referred to in subsection (2)(a), twice the amount by which the contribution or contributions exceed the limit prescribed by section 17(1), (1.1) or (1.2) or 18(1), as the case may be, and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention;

(d) in the case of a contravention referred to in section 49.1,

(ii) \$100 000, if the third party is a trade union, employee organization, corporation or other organization;

(b) the over-contribution was inadvertent.

(c) in subsection (5)

(i) **in clause (a) by striking out “, (1.1) or (1.2)” and substituting “or (1.1)”;**

(ii) **in clause (d)(ii) by striking out “, corporation or other organization” and substituting “or other entity”.**

(82) Section 51.02(1) is amended by striking out “3 years” and substituting “one year”.

(83) Section 51.03 is amended

(a) by adding the following after subsection (6):

(6.1) In an appeal under this section, the onus is on the Election Commissioner to establish that

(a) the person who was served the notice of administrative penalty contravened the provision of this Act to which the notice of administrative penalty applies, and

(b) the amount of the administrative penalty is appropriate based on the subject-matter of the contravention.

(b) in subsection (7) by striking out “person or organization” wherever it occurs and substituting “person or entity”.

(84) Section 51.04(4) is amended by striking out “section 51.07” and substituting “section 5.2(4)”.

(85) Section 51.07 is repealed.

(82) Section 51.02(1) presently reads:

51.02(1) A letter of reprimand or a notice of administrative penalty may not be served more than 3 years after the date on which the alleged contravention occurs.

(83) Section 51.03 presently reads in part:

(7) For greater certainty, the Election Commissioner is not required to disclose any records or information that, if disclosed, would cause the Election Commissioner to contravene section 5.2(1) with respect to a person or organization other than the person or organization on whom the notice of administrative penalty was served.

(84) Section 51.04(4) presently reads:

(4) Before entering into a compliance agreement, the Election Commissioner shall require the consent of the prospective contracting party to the publication of a notice under section 51.07.

(85) Section 51.07 presently reads:

51.07 The Election Commissioner shall publish a notice on the Chief Electoral Officer's website that sets out the contracting party's name, the act or omission in question and a summary of the compliance agreement referred to in section 51.04.

(86) Section 52 is amended

- (a) in subsections (1) and (2) by adding “, prospective candidate association” after “constituency association” wherever it occurs;**
- (b) in subsection (3) by striking out “3 years” and substituting “one year”.**

(87) Section 53 is amended by renumbering it as section 53(1) and adding the following after subsection (1):

- (2) The Election Commissioner must not consent to a prosecution if the Election Commissioner is of the opinion that**
 - (a) a person or entity made a contribution in excess of a limit set out in section 17(1) or (1.1) or 18(1) that did not exceed the amount specified in the regulations, and**
 - (b) the over-contribution was inadvertent.**

(88) The following is added after section 54:

**Part 7.1
Regulations**

Regulations

54.1 The Lieutenant Governor in Council may make regulations

- (a) designating a corporation as a prohibited corporation;**

(86) Section 52 presently reads:

52(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association or unincorporated organization or association in the name of the political party, constituency association or unincorporated organization or association and for the purposes of prosecution, a political party, constituency association or unincorporated organization or association is deemed to be a person.

(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association or unincorporated organization or association within the scope of the officer's, official's or agent's authority to act on behalf of the political party, constituency association or unincorporated organization or association is deemed to be an act or thing done or omitted by the political party, constituency association or unincorporated organization or association.

(3) A prosecution under this Act may be commenced within 3 years of the commission of the alleged offence but not afterwards.

(87) Section 53 presently reads:

53 No prosecutions shall be instituted under this Act without the consent of the Election Commissioner.

(88) Part 7.1 Regulations.

- (b) designating a class of corporation, a corporation within which is a prohibited corporation;
- (c) defining “publicly funded corporation” for the purpose of section 1(1)(1)(vi.4);
- (d) defining an expression used but not defined in this Act or further defining an expression defined in this Act;
- (e) respecting prospective candidate associations, including
 - (i) the establishment, qualification for registration and registration of a prospective candidate association,
 - (ii) the rights, powers and duties of prospective candidate associations and registered prospective candidate associations,
 - (iii) the cancellation of the registration of a registered prospective candidate association,
 - (iv) the prospective candidate association’s and registered prospective candidate association’s interaction with and relationship to other entities to which this Act applies, including prescribing rules of interpretation in addition to those under section 1(6),
 - (v) transfers between a registered prospective candidate association and any other person or entity registered under this Act authorized by section 38,
 - (vi) respecting the raising, collecting and use of funds by a registered prospective candidate association, and
 - (vii) any other matter necessary to give effect to the provisions of this Act relating to prospective candidate associations or registered prospective candidate associations;
- (f) prescribing other information the Chief Electoral Officer may consider in determining an affiliation of a third party under section 9.1(5.2);
- (g) prescribing a contribution limit for the purposes of sections 44.951, 51.01(2.1) and 53(2).

(89) The following is added after section 55:

Transitional — existing unincorporated registered party

56(1) Subject to subsection (2), a registered party that is not incorporated as one of the following immediately before the coming into force of this section, must incorporate as one of the following and provide the Chief Electoral Officer with proof of that incorporation on or before January 1, 2026:

- (a) a society under the *Societies Act*;
- (b) a company under Part 9 of the *Companies Act*;
- (c) a corporation under the *Canada Not-for-profit Corporations Act* (Canada).

(2) If a registered party referred to in subsection (1) makes a request to the Chief Electoral Officer for an extension of the date referred to in that subsection, the Chief Electoral Officer may grant the extension by specifying in writing to the registered party an alternate date that must occur no later than July 1, 2026.

(3) If a registered party referred to in subsection (1) does not comply with that subsection by the applicable date under that subsection or subsection (2),

- (a) the registration of the registered party is considered to be cancelled by the Chief Electoral Officer under section 10(1), as of that date, and
- (b) section 10 applies, with all necessary modifications, to the registered party and the cancellation of its registration.

(90) This section comes into force on Proclamation.

Legislative Assembly Act

Amends RSA 2000 cL-9

8(1) The *Legislative Assembly Act* is amended by this section.

(2) Section 25 is amended

- (a) in clause (b)

(89) Transitional — existing unincorporated registered party.

(90) Coming into force.

Legislative Assembly Act

8(1) Amends chapter L-9 of the Revised Statutes of Alberta 2000.

(2) Section 25 presently reads in part:

25 A person is disqualified from membership of the Assembly if

(i) **by striking out** “or the registered nomination contestant”;

(ii) **by striking out** “or registered nomination contestant”;

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

(c) the financial statement to which the report relates has not been filed with the Chief Electoral Officer and the Court has not dispensed with compliance with section 43, 43.02 or 43.1, as the case may be, of that Act by an order under section 44(4) of that Act.

(3) This section comes into force on Proclamation.

Local Authorities Election Act

Amends SA 2021 cL-21

9(1) The *Local Authorities Election Act* is amended by this section.

(2) Section 147.4 is repealed and the following is substituted:

Campaign disclosure statements

147.4(1) On or before March 1 of each year, a candidate who has received contributions in the previous year must file a disclosure statement in respect of the previous year.

(2) On or before September 30 of a year in which a general election is to be held, a candidate who has received contributions in the period beginning on January 1 and ending on July 31 of that year must file a disclosure statement in respect of that period.

(3) Within 120 days of the day on which a by-election is held, a candidate who has received contributions during the campaign period for that by-election must file a disclosure statement in respect of the campaign period.

(4) A disclosure statement referred to in subsection (1), (2) or (3) must

(a) be in the prescribed form,

(b) be filed with the secretary of the candidate’s local jurisdiction, and

- (b) *that person was the registered candidate or the registered nomination contestant or the chief financial officer of the registered candidate or registered nomination contestant referred to in the report, and*
- (c) *the return to which the report relates has not been filed with the Chief Electoral Officer and the Court has not dispensed with compliance with section 43, 43.01, 43.02 or 43.1, as the case may be, of that Act by an order under section 44(3)(a) of that Act.*

(3) Coming into force.

Local Authorities Election Act

9(1) Amends chapter L-21 of the Statutes of Alberta, 2021.

(2) Section 147.4 presently reads:

147.4(1) In the case of a general election, on or before March 1 of each year, a candidate who received contributions in the previous year shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form, which must include, in respect of the previous year,

- (a) *the total amount of all contributions received during the year that did not exceed \$50 in the aggregate from any single contributor,*
- (b) *the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the year exceeded \$50 in the aggregate,*
- (c) *the total amount of all contributions received under section 147.2(4),*
- (d) *the total amount from fund-raising functions received in the year,*
- (e) *the total amount of other revenue received in the year,*
- (f) *the total amount of campaign expenses incurred in the year,*

- (c) include the following information for the applicable period:
 - (i) the total amount of all contributions received that did not exceed \$50 in the aggregate from any single contributor;
 - (ii) in respect of each contributor that made contributions exceeding \$50 in the aggregate, the total amount contributed and the contributor's name and address;
 - (iii) the total amount of all contributions received under section 147.2(4);
 - (iv) the total amount received from fund-raising functions;
 - (v) the total amount of other revenue received;
 - (vi) the total amount of campaign expenses incurred;
 - (vii) an itemized campaign expense report setting out the campaign expenses incurred by the candidate;
 - (viii) the total amount paid by the candidate from the candidate's own funds and not reimbursed from the candidate's campaign account;
 - (ix) in respect of a disclosure statement under subsection (1), if the previous year was the year in which an election was held,
 - (A) the total amount of any campaign surplus for the campaign period, including any surplus from previous campaigns, and
 - (B) the amount of any deficit for the campaign period;
 - (x) in respect of a disclosure statement under subsection (3),
 - (A) the total amount of any campaign surplus, including any surplus from previous campaigns, and

- (g) *an itemized campaign expense report setting out the campaign expenses incurred by the candidate in the year,*
- (h) *the total amount paid by the candidate out of the candidate's own funds in the year not reimbursed from the candidate's campaign fund,*
- (i) *where the previous year is the year in which the election was held, the total amount of any campaign surplus for the campaign period, including any surplus from previous campaigns, and*
- (j) *where the previous year is the year in which the election was held, the amount of any deficit for the campaign period.*

(1.1) In the case of a by-election, a candidate shall file with the secretary of the candidate's local jurisdiction no later than 120 days after the by-election a disclosure statement in the prescribed form, which must include, in respect of the campaign period,

- (a) *the total amount of all contributions received during the campaign period that did not exceed \$50 in the aggregate from any single contributor,*
- (b) *the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$50 in the aggregate,*
- (c) *the total amount of all contributions received under section 147.2(4),*
- (d) *the total amount from fund-raising functions,*
- (e) *the total amount of other revenue,*
- (f) *the total amount of campaign expenses,*
- (g) *an itemized campaign expense report setting out the campaign expenses incurred by the candidate,*
- (h) *the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,*
- (i) *the total amount of any campaign surplus, including any surplus from previous campaigns, and*

(B) the amount of any deficit.

(5) If a candidate required to file a disclosure statement referred to in subsection (1), (2) or (3) has incurred campaign expenses or received contributions of \$50 000 or more in the period to which the disclosure statement applies, the candidate must file a review engagement with the disclosure statement.

(6) If a candidate becomes aware that any of the information provided in a disclosure statement filed under subsection (1), (2) or (3) or in a review engagement filed under subsection (5) has changed or has not been completely or accurately disclosed, the candidate must, within 30 days of becoming aware of the issue, submit a supplementary statement in the prescribed form to the secretary of the local jurisdiction.

(7) A local jurisdiction must ensure that all documents filed under this section are made publicly available on the local jurisdiction's website as soon as practicable in a partial or redacted form as necessary to ensure that the following information is not disclosed:

- (a) the mailing address of the candidate and of the candidate's official agent;
- (b) an address provided for a contributor, except the portion of the address that names a municipality or a province;
- (c) any other contact information not required by this section but included on a document filed with a local jurisdiction.

(3) Section 147.53 is amended

- (a) **in subsection (1) by striking out** "Sections 147.4, 147.5 and 147.52 continue to" **and substituting** "For greater certainty, sections 147.4, 147.5 and 147.52";
- (b) **in subsection (2)(a) by striking out** "section 147.4(1)(i) and (j)" **and substituting** "section 147.4(4)(c)(ix)".

(j) *the amount of any deficit.*

(2) *A candidate who has incurred campaign expenses or received contributions of \$50 000 or more shall file a review engagement with a disclosure statement referred to in subsection (1) or (1.1).*

(6) *If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) or (1.1) or the review engagement required under subsection (2) has changed or has not been completely or accurately disclosed, the candidate shall, within 30 days, submit a supplementary statement in the prescribed form to the local jurisdiction.*

(7) *The local jurisdiction must ensure that all documents filed under this section are publicly available on the local jurisdiction's website.*

(7.1) *A document made available to the public under subsection (7) must be made available in a partial or redacted form as necessary to ensure that the following are not disclosed:*

- (a) *the mailing address of the candidate and of the candidate's official agent;*
- (b) *any address provided for a contributor, except any portion of an address that names a municipality or a province;*
- (c) *any other candidate or contributor contact information not required by this section but included on a document filed with a local jurisdiction.*

(7.2) *If a document that does not comply with subsection (7.1) was made available to the public under subsection (7) before this subsection comes into force, the local jurisdiction must immediately withhold any further public access to the document and make the document available to the public in a partial or redacted form in accordance with subsection (7.1).*

(3) Section 147.53 presently reads in part:

147.53(1) Sections 147.4, 147.5 and 147.52 continue to apply to an individual who

(2) If an individual referred to in subsection (1) did not receive contributions in the year of a general election, but received contributions in any previous year during the campaign period for the general election,

(4) Section 147.84 is amended

- (a) in subsection (1) by striking out “section 147.4(1), (1.1) or (2)” and substituting “section 147.4(1), (3) or (5)”;**
- (b) by repealing subsection (1.1)(a) and substituting the following:**
 - (a) section 147.4(2) or (6);

(5) Section 182 is amended

- (a) by repealing subsections (1), (1.1), (2) and (3) and substituting the following:**

Third party election advertising return

182(1) On or before March 1 in the year after a general election, the chief financial officer of a third party registered under section 163 must file a third party election advertising return in respect of the election advertising period for that election.

(1.1) On or before September 30 of a year in which a general election is to be held, the chief financial officer of a third party registered under section 163 must file a third party election advertising return in respect of the period beginning on May 1 and ending on July 31 of that year.

(1.2) Within 120 days of the day on which a by-election or a vote on a question or bylaw is held, the chief financial officer of a third party registered under section 163 shall file a third party election advertising return in respect of the relevant election advertising period.

(2) A third party election advertising return referred to in subsection (1), (1.1) or (1.2) must

(a) a reference in section 147.4(1)(i) and (j) to the year in which an election was held shall be read as the year in which the candidate last received contributions, and

(4) Section 147.84 presently reads in part:

147.84(1) A candidate who fails to comply with section 147.4(1), (1.1) or (2) by April 1 of a year in which a disclosure statement is required to be filed, or, in the case of a by-election, within 150 days after the by-election, is guilty of an offence and liable to a fine of not more than \$5000.

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

(a) section 147.4(6);

(5) Section 182 presently reads in part:

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

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

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

(1.1) A third party election advertising return must include

(a) a financial statement,

(b) a list of all advertising contributions received during the election advertising period,

(c) an election advertising expense limit report referred to in section 165(4),

(d) the time and place of broadcast or publication of the advertisements to which the election advertising expenses relate, and

- (a) be in the prescribed form,
 - (b) be filed,
 - (i) in the case of a third party registered with a local jurisdiction, with the local jurisdiction, or
 - (ii) in the case of a third party registered with the Registrar, with the Registrar,
- and
- (c) include the following information for the applicable period:
 - (i) a financial statement;
 - (ii) a list of all advertising contributions received, including, in respect of each contributor that made election advertising contributions totalling more than \$250,
 - (A) the contributor's name and address, and
 - (B) the amount and date of each election advertising contribution made by that contributor;
 - (iii) an election advertising expense limit report referred to in section 165(4);
 - (iv) the time and place of the broadcast or publication of the advertisements to which the election advertising expenses relate;
 - (v) any supporting information and documents relating to the election advertising return.

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

(b) by adding the following after subsection (5):

(6) A local jurisdiction or the Registrar, as the case may be, must ensure that all documents filed under this section are made publicly available on the local jurisdiction's or Registrar's

(e) any supporting information and documents relating to the election advertising return.

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

(3) For the purposes of subsection (1.1)(b), the list of contributions received shall set out, for each contributor who made election advertising contributions totalling more than \$250, the contributor's name and address and the amount and date of each advertising contribution.

website as soon as practicable in a partial or redacted form as necessary to ensure that the following information is not disclosed:

- (a) an address provided for a contributor, except the portion of the address that names a municipality or a province;
- (b) any other contact information not required by this section but included on a document filed with a local jurisdiction.

(6) This section comes into force on the coming into force of section 1 of the *Municipal Affairs Statutes Amendment Act, 2025*.

Recall Act

Amends SA 2021 cR-5.7

10(1) The *Recall Act* is amended by this section.

(2) Section 1(1) is amended

(a) in clause (e)

- (i) by striking out “section 3(2)(b)” and substituting “section 3.2(1)(a)”;**
- (ii) in subclause (ii) by striking out “or the day on which the 60-day period under that section expires” and substituting “, the day on which the period referred to in section 7(1) expires”;**

(b) in clause (q) by striking out “section 3(2)(b)” and substituting “section 3.2(1)(a)”.

(3) Section 2 is amended

(a) in subsection (2)(c) by striking out “200 words” and substituting “100 words”;

(b) in subsection (5)

- (i) in clause (a) by striking out “18-month” and substituting “12-month”;**

- (6) Coming into force.

Recall Act

- 10(1)** Amends chapter R-5.7 of the Statutes of Alberta, 2021.

- (2) Section 1(1) presently reads in part:

1(1) In this Act,

- (e) “canvassing period”, in respect of a recall petition, means the period that begins on the day that the Chief Electoral Officer issues the recall petition in accordance with section 3(2)(b) and ends on*
- (ii) if the recall petition is not submitted to the Chief Electoral Officer in accordance with section 7 or the day on which the 60-day period under that section expires;*
- (q) “recall petition” means a recall petition issued by the Chief Electoral Officer in accordance with section 3(2)(b);*

- (3) Section 2 presently reads in part:

- (2) The application must include a notice of recall petition in a form acceptable to the Chief Electoral Officer, including*
- (c) a statement, not exceeding 200 words, setting out why, in the opinion of the applicant, the recall of the member is warranted,*

- (ii) in clause (b)(i) by striking out “6-month” and substituting “12-month”.

(4) Section 3 is repealed and the following is substituted:

Rejection or approval of application

3(1) The Chief Electoral Officer shall, within 7 days after the date on which an application is received, determine whether the application meets the requirements set out in section 2.

(2) If the Chief Electoral Officer is not satisfied that the requirements have been met, the Chief Electoral Officer shall reject the application and provide written notice to the applicant of the rejection and the reasons for the rejection.

(3) If the Chief Electoral Officer is satisfied that the requirements have been met, the Chief Electoral Officer shall approve the application and, within 7 days after the date of the approval, provide written notice of the approval to

- (a) the applicant,
- (b) the member named in the application,
- (c) the individual who is the leader of the registered party to which the member named in the application belongs, if applicable, and
- (d) the Speaker of the Legislative Assembly.

(4) A notice to a member under subsection (3)(b) must include

- (a) the applicant’s statement under section 2(2)(c), and

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

(a) *within the 18-month period immediately following the day on which the election of the member who is named in the application was announced pursuant to section 138(2) of the Election Act,*

(b) *in the case of*

(i) *an election held in accordance with section 38.1(2) of the Election Act, within the 6-month period immediately preceding the election day for a general election, or*

(4) Section 3 presently reads:

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 provide written notice to the applicant of the rejection and the reasons for the rejection.

(2) If the Chief Electoral Officer is satisfied that the requirements of section 2 have been met, the Chief Electoral Officer shall, within 7 days of the date of that determination,

(a) *provide written notice that the application has been approved for issuance to*

(i) *the applicant,*

(ii) *the member named in the application,*

(iii) *if applicable, the individual who is the leader of the registered party to which the member named in the application belongs, and*

(iv) *the Speaker of the Legislative Assembly,*

(b) *issue to the applicant a recall petition in the form determined by the Chief Electoral Officer,*

(c) *publish on the Chief Electoral Officer's website*

(i) *the notice of recall petition referred to in section 2(2),*

(ii) *the start and end dates of the canvassing period, and*

- (b) a notification that the member has a right to submit a statement under section 3.1 in response to the applicant's statement.

Member's response statement

3.1(1) The member named in an application approved under section 3(3) may submit a statement to the Chief Electoral Officer in response to the applicant's statement under section 2(2)(c).

(2) The member's statement

- (a) must not exceed 100 words,
- (b) must set out why, in the opinion of the member, the recall of the member is not warranted, and
- (c) must be received by the Chief Electoral Officer within 7 days after the date on which notice was provided to the member under section 3(3)(b).

Issuance of recall petition

3.2(1) The Chief Electoral Officer shall, within 7 days after the date on which the member's statement is received under section 3.1 or after the period referred to in section 3.1(2)(c) expires, whichever is earlier,

- (a) issue to the applicant a recall petition in the form determined by the Chief Electoral Officer that includes the information in subsection (2),
- (b) publish on the Chief Electoral Officer's website
 - (i) the notice of recall petition referred to in section 2(2),
 - (ii) the start and end dates of the canvassing period, and
 - (iii) any other information the Chief Electoral Officer considers appropriate, except the information referred to in section 2(3),

and

(iii) such other information as the Chief Electoral Officer considers to be appropriate, except the information referred to in section 2(3),

and

(d) provide, in writing, to each authorized participant in respect of the recall petition the number of electors whose names appear on the most recent post-election-day list of electors, referred to in section 19 of the Election Act, for the electoral division named in the recall petition.

(c) provide, in writing, to each authorized participant in respect of the recall petition the total number of votes cast for the electoral division named in the recall petition.

(2) The recall petition must include

- (a) the applicant's statement under section 2(2)(c), and
- (b) the member's statement under section 3.1, if the member has provided a statement and if the Chief Electoral Officer is satisfied that the requirements in section 3.1(2) have been met.

(5) Section 7 is amended

(a) in subsection (1)

- (i) by striking out "60 days" and substituting "90 days";**
- (ii) by striking out "section 3(2)(b)" and substituting "section 3.2(1)(a)";**

(b) in subsection (4) by striking out "30 days" and substituting "21 days".

(6) Section 8 is amended

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

Verification

8(1) A recall vote is authorized if the Chief Electoral Officer verifies in accordance with this section that the recall petition has been signed by a number of electors equal to at least 60% of the total number of votes cast in the most recent election in the electoral division named in the recall petition.

(1.1) For the purposes of subsection (1), the total number of votes cast is the number of votes cast for the electoral division as provided by the Chief Electoral Officer under section 3.2(1)(c).

(b) in subsection (2) by striking out "40%" and substituting "60%".

(5) Section 7 presently reads in part:

7(1) The Chief Electoral Officer shall not accept a recall petition submitted after the expiry of 60 days after the date on which the Chief Electoral Officer issues the recall petition in accordance with section 3(2)(b).

(4) The Chief Electoral Officer shall complete the verification under section 8 within 30 days after the day on which the recall petition is submitted.

(6) Section 8 presently reads:

8(1) A recall vote is authorized if the Chief Electoral Officer verifies in accordance with this section that the recall petition has been signed by at least 40% of the total number of electors on the post-election-day list of electors, referred to in section 19 of the Election Act, for the electoral division named in the recall petition.

(2) If a recall petition meets the 40% signature threshold referred to in subsection (1), the Chief Electoral Officer shall apply a random statistical sampling method with a 95% confidence level to the verification of signatures in the recall petition.

(7) Section 9 is amended by striking out “as soon as practicable” **and substituting** “within 7 days”.

(8) Section 10(1)(a) is amended by striking out “section 3(2)(b)” **and substituting** “section 3.2(1)(a)”.

(9) Section 11 is amended

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

(2) Subject to subsection (2.1), only the following persons or organizations may make contributions to an authorized participant in respect of a recall petition:

- (a) an individual ordinarily resident in Alberta;
- (b) a corporation other than a prohibited corporation;
- (c) an Alberta trade union or Alberta employee organization.

(2.1) A person or an organization referred to in subsection (2) may make contributions only if that person or organization meets the prescribed additional requirements, including any additional requirements relating to residence.

(b) in subsection (3) by striking out “an individual” **and substituting** “a person or an organization referred to in subsection (2)”.

(10) Section 14(2) is amended

(a) in clause (m) by striking out “section 11(2)” **and substituting** “section 11(2.1)”;

(7) Section 9 presently reads in part:

9 The Chief Electoral Officer shall, as soon as practicable after completing the verification under section 8(1), report the results by

(8) Section 10(1)(a) presently reads:

10(1) Within 2 days of the day on which the Chief Electoral Officer publishes a report in accordance with section 9(b) or an order in accordance with section 47(4)(b), the applicant shall

(a) return to the Chief Electoral Officer the recall petition issued to the applicant in accordance with section 3(2)(b),

(9) Section 11 presently reads in part:

(2) Only an individual who is ordinarily resident in Alberta and who meets the additional requirements prescribed, including additional requirements relating to residence, if any, may make contributions to an authorized participant in respect of a recall petition.

(3) The total amount of all contributions by an individual to an authorized participant shall not exceed the prescribed amount that applies in respect of that authorized participant or class of authorized participants for the purposes of this Division.

(10) Section 14(2) presently reads in part:

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

(b) in clause (n) by striking out “an individual” and substituting “a person or an organization referred to in section 11(2)”.

(11) Section 15(1) is amended by striking out “6 months” and substituting “4 months”.

(12) Section 16 is amended

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

(2) Subject to subsection (2.1), only the following persons or organizations may make contributions to an authorized participant in respect of a recall vote:

- (a) an individual ordinarily resident in Alberta;
- (b) a corporation other than a prohibited corporation;
- (c) an Alberta trade union or Alberta employee organization.

(2.1) A person or an organization referred to in subsection (2) may make contributions only if that person or organization meets the prescribed additional requirements, including any additional requirements relating to residence.

(b) in subsection (3) by striking out “an individual” and substituting “a person or an organization referred to in subsection (2)”.

(13) Section 21(2) is amended

(a) in clause (h) by striking out “section 16(2)” and substituting “section 16(2.1)”;

- (m) *respecting the additional requirements, including additional requirements relating to residence, referred to in section 11(2);*
- (n) *prescribing the total amount of all contributions by an individual to an authorized participant or class of authorized participants for the purposes of section 11(3);*

(11) Section 15(1) presently reads:

15(1) If the results published by the Chief Electoral Officer under section 9(b) authorize a recall vote, the Lieutenant Governor in Council shall order that a recall vote be conducted within 6 months of the date on which the successful results are published in the electoral division named in the recall petition, as if the recall vote were a by-election.

(12) Section 16 presently reads in part:

- (2) *Only an individual who is ordinarily resident in Alberta and who meets the additional requirements prescribed, including additional requirements relating to residence, if any, may make contributions to an authorized participant in respect of a recall vote.*
- (3) *The total amount of all contributions by an individual to an authorized participant shall not exceed the prescribed amount that applies in respect of that authorized participant or class of authorized participants for the purposes of this Part.*

(13) Section 21(2) presently reads in part:

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

(b) in clause (i) by striking out “an individual” and substituting “a person or an organization referred to in section 16(2)”.

(14) Section 45(2)(a) is amended by striking out “section 3(2)(c)” and substituting “section 3.2(1)(b)”.

(15) Section 51 is amended

(a) by renumbering it as subsection (2);

(b) by adding the following before subsection (2):

Judicial review

51(1) Subject to this section and the regulations, the *Election Act* and *Election Finances and Contributions Disclosure Act* apply with all necessary modifications with respect to an application for judicial review.

(16) Section 64 is amended by adding the following before subsection (1):

Administrative penalties

64(0.1) Subject to this Part and the regulations, the *Election Act* and *Election Finances and Contributions Disclosure Act* apply with all necessary modifications with respect to an administrative penalty issued under this section.

(17) This section comes into force on Proclamation.

Referendum Act

Amends RSA 2000 cR-8.4

11(1) The *Referendum Act* is amended by this section.

- (h) *respecting the additional requirements, including additional requirements relating to residence, referred to in section 16(2);*
- (i) *prescribing the total amount of all contributions by an individual to an authorized participant or class of authorized participants for the purposes of section 16(3);*

(14) Section 45(2)(a) presently reads:

- (2) *Unless the Chief Electoral Officer permits earlier inspection,*
- (a) *a notice of recall petition referred to in section 2(2) is not available for public inspection until after the Chief Electoral Officer has published the notice under section 3(2)(c), and*

(15) Section 51 presently reads:

51 An application for judicial review of a decision or order of the Chief Electoral Officer or the Election Commissioner under this Act shall be filed with the Court and served on the Chief Electoral Officer or the Election Commissioner, as the case may be, no later than 30 days from the date of the decision or order.

(16) Section 64(1) presently reads:

64(1) After completing an investigation, 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.

(17) Coming into force.

Referendum Act

11(1) Amends chapter R-8.4 of the Revised Statutes of Alberta 2000.

(2) Section 0.1(1) is amended by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

- (a) “Chief Electoral Officer” means the Chief Electoral Officer appointed under section 2 of the *Election Act*;

(3) Sections 2 and 3 are repealed.

(4) Section 4(1) is amended by striking out “section 1 or 2” and substituting “section 1”.

(5) Section 5 is repealed and the following is substituted:

Holding constitutional referendums

5 An order under section 1 shall specify

- (a) whether the referendum is to be held
 - (i) in conjunction with a general election under the *Election Act*,
 - (ii) separately as a stand-alone referendum on a date provided in the order, or
 - (iii) in conjunction with the general elections under the *Local Authorities Election Act*,
- and
- (b) whether the referendum is to be conducted by mail-in ballot.

(2) Section 0.1(1) presently reads in part:

0.1(1) In this Act,

(a) “council” means the council of a municipality as described in the Municipal Government Act;

(3) Sections 2 and 3 presently read:

2(1) The Lieutenant Governor in Council shall order the holding of a referendum before a resolution authorizing an amendment to the Constitution of Canada is voted on by the Legislative Assembly.

(2) The motion for the resolution may be introduced in the Legislative Assembly before the referendum is held.

3 The question or questions to be put to the electors at a referendum ordered under section 1 or 2 shall be determined by a resolution of the Legislative Assembly on the motion of a member of the Executive Council.

(4) Section 4(1) presently reads:

4(1) If a majority of the ballots validly ordered under section 1 or 2 vote the same way on a question stated, the result is binding, within the meaning of subsection (2), on the government that initiated the referendum.

(5) Section 5 presently reads:

5 An order under section 1 or 2 shall specify whether the referendum is to be held

(a) in conjunction with a general election under the Election Act,

(b) separately on a date provided in the order, or

(c) in conjunction with the general elections under the Local Authorities Election Act.

(6) Section 5.1(1) is amended by striking out “or resolution referred to in section 1 or 2” and substituting “referred to in section 1”.

(7) Section 5.3 is amended by striking out “section 5.1” and substituting “section 1 or 5.1”.

(8) Section 6(1) is amended by striking out “on a date provided for under section 5(b)” and substituting “as a stand-alone referendum on a date provided for under section 5(a)(ii)”.

(9) Section 7.1 is repealed and the following is substituted:

Application of Election Finances and Contributions Disclosure Act

7.1(1) The *Election Finances and Contributions Disclosure Act* and the regulations under it apply, with all necessary modifications, to a referendum except as otherwise provided by the regulations under this Act.

(2) Despite subsection (1), a regulation under this Act must not modify the following provisions of the *Election Finances and Contributions Disclosure Act*:

- (a) the requirement for the Chief Electoral Officer to maintain a register of third parties who engage in referendum advertising under section 9.1(2)(d);
- (b) eligibility to be registered as a third party under section 9.1(5);
- (c) the definition of a third party in section 44.94993(1)(i).

(6) Section 5.1(1) presently reads:

5.1(1) If the Lieutenant Governor in Council considers that an expression of public opinion is desirable on any matter of public interest or concern, other than a question or resolution referred to in section 1 or 2, the Lieutenant Governor in Council may order that a referendum be conducted in accordance with this Act and the regulations.

(7) Section 5.3 presently reads:

5.3 Where a referendum is ordered under section 5.1 to be held as a stand-alone referendum on a date provided in the order, the referendum may be conducted by mail-in ballot in accordance with the regulations.

(8) Section 6(1) presently reads:

6(1) If a referendum is to be held in conjunction with a general election under the Election Act or separately on a date provided for under section 5(b) or 5.1(2)(b)(ii), the Election Act and the regulations under it apply, with all necessary modifications, to the referendum except as otherwise provided by the regulations under this Act.

(9) Section 7.1 presently reads:

7.1 For greater certainty, the Election Finances and Contributions Disclosure Act applies to every referendum held under this Act, irrespective of whether the referendum is held in conjunction with a general election under the Election Act, separately on a date provided for under section 5(b) or 5.1(2)(b)(ii) or in conjunction with the general elections under the Local Authorities Election Act.

(10) Section 8 is amended

(a) in subsection (1)

- (i) by striking out** “and every Metis settlement council”;
- (ii) by striking out** “or Metis settlement, as the case may be.”;

(b) in subsection (4) by striking out “, summer village or Indian reserve” **and substituting** “or summer village”;

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

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

- (a) with an elected authority, or
- (b) with the advisory committee of an improvement district or special area or the council of a summer village

to conduct the vote on the Minister’s behalf, and the elected authority, advisory committee or council is authorized to enter into such an agreement.

(d) in subsection (6) by striking out “band council of an Indian band.”;

(e) in subsection (7) by striking out “, band councils of Indian bands”.

(11) The following is added after section 8.1:

Location of voting places on Indian reserves and Metis settlements

8.11(1) In preparation for a referendum to be held in conjunction with the general elections under the *Local Authorities Election*

(10) Section 8 presently reads in part:

8(1) Where a referendum is to be held in conjunction with the general elections under the Local Authorities Election Act, every council, except the council of a summer village, and every Metis settlement council shall conduct a vote of the electors residing in the municipality or Metis settlement, as the case may be, for the purposes of the referendum.

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

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

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

(b) with the advisory committee of an improvement district or special area or the council of a summer village to conduct the vote on the Minister's behalf, and the elected authority, band council of an Indian band, advisory committee and council are authorized to enter into such an agreement.

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

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

(11) Location of voting places on Indian reserves and Metis settlements.

Act, the Chief Electoral Officer shall consult with the band council of each Indian band and with the Metis settlement council and settlement administrator of each Metis settlement to determine whether a suitable building located on the Indian reserve or Metis settlement may be used as a voting place for electors who are residents of the Indian reserve or Metis settlement.

(2) If the band council of an Indian band or the Metis settlement council agrees to the use of a suitable building located on the Indian reserve or Metis settlement, the Chief Electoral Officer shall use the building as a voting place.

(12) Section 8.3 is amended

(a) in subsection (2)

(i) **by striking out** “band council of an Indian band,”;

(ii) **by striking out** “band council,”;

(b) in subsection (3) by striking out “, special area or Indian reserve” **and substituting** “or special area”.

(13) The following is added after section 8.3:

Recommendation to discontinue referendum

8.4 The Chief Electoral Officer may recommend that the Lieutenant Governor in Council discontinue a referendum and commence a new referendum at another date and time if

- (a) the referendum is being held in conjunction with a general election under the *Election Act* or separately as a stand-alone referendum on a date provided in the order and the Chief Electoral Officer is of the opinion that an adjournment under section 4(3.1) of that Act is insufficient to address the circumstances set out in that section,
- (b) the referendum is being conducted by mail-in ballot and the Chief Electoral Officer is of the opinion that an emergency, disaster or an unusual or unforeseen

(12) Section 8.3 presently reads in part:

(2) Where an elected authority, band council of an Indian band, advisory committee or council has entered into an agreement with the Minister under section 8(5) to conduct a vote on the Minister's behalf in one or more local areas, the elected authority, band council, advisory committee or council, as the case may be, may combine those local areas and divide them into one or more subdivisions.

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

(13) Recommendation to discontinue referendum; discontinuing referendum due to emergency.

circumstance requires that the referendum be discontinued, or

- (c) the referendum is being held in conjunction with the general elections under the *Local Authorities Election Act* and the Chief Electoral Officer is of the opinion that an extension, adjournment or any other action under section 6.1 of that Act is insufficient to address the circumstances set out in that section.

Discontinuing referendum due to emergency

8.5(1) The Lieutenant Governor in Council may, by order, discontinue a referendum under this Act if

- (a) the referendum is being held in conjunction with a general election under the *Election Act* or separately as a stand-alone referendum on a date provided in the order and
 - (i) the Lieutenant Governor in Council is of the opinion that an adjournment under section 4(3.1) of that Act is insufficient to address the circumstances set out in that section, or
 - (ii) the election is discontinued under section 4(3.5) of that Act,
- (b) the referendum is being conducted by mail-in ballot and the Lieutenant Governor in Council is of the opinion that an emergency, disaster or an unusual or unforeseen circumstance requires that the referendum be discontinued, or
- (c) the referendum is being held in conjunction with the general elections under the *Local Authorities Election Act* and the Lieutenant Governor in Council is of the opinion that an extension, adjournment or any other action under section 6.1 of that Act is insufficient to address the circumstances set out in that section.

(2) An order under subsection (1)(a) or (c) may discontinue the referendum in one or more electoral divisions or local jurisdictions, as the case may be, and may commence a new referendum at another day and time.

(3) An order under subsection (1)(b) may discontinue the mail-in ballot referendum and may commence a new referendum at another day and time.

(4) On being notified of an order under subsection (1), the Chief Electoral Officer shall publish, on the Chief Electoral Officer's website and in any other manner the Chief Electoral Officer considers necessary, a notice that the referendum has been discontinued under this section.

(5) If a referendum is discontinued under this section, returning officers and election officers must make all reasonable efforts to ensure that the referendum materials are secured and that the integrity of the referendum is not compromised.

(14) Section 10 is amended

(a) in clause (a)

(i) **by adding** “, the *Election Finances and Contributions Disclosure Act*” **after** “the *Election Act*”;

(ii) **by striking out** “the requirements of”;

(b) in clause (a.1) by striking out “section 5.1” **and substituting** “section 1 or 5.1”.

(15) This section comes into force on Proclamation.

(14) Section 10 presently reads in part:

10 The Lieutenant Governor in Council may make regulations

(a) modifying the provisions of the Election Act and the Local Authorities Election Act and the regulations under those Acts to make them applicable to the requirements of a referendum, including specifying or setting out provisions applicable to referendums in addition to, or instead of, any provisions of those Acts and regulations;

(a.1) for the purpose of conducting a referendum ordered under section 5.1 by mail-in ballot, providing that any provision of the Election Act applies to the referendum with the modifications set out in the regulations or specifying or setting out provisions applicable to the referendum in addition to, or instead of, any provision of the Election Act;

(15) Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To