



Province of Alberta

# **ELECTION FINANCES AND CONTRIBUTIONS DISCLOSURE ACT**

Revised Statutes of Alberta 2000  
Chapter E-2

Current as of July 1, 2018

Office Consolidation

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2012 cE-0.3 s267 amends s1(1)(I)(iv).

2018 c4 s2(3) amends s41.2, s2(8) amends s48.1.

### Regulations

The following is a list of the regulations made under the *Election Finances and Contributions Disclosure Act* that are filed as Alberta Regulations under the Regulations Act

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# **ELECTION FINANCES AND CONTRIBUTIONS DISCLOSURE ACT**

## Chapter E-2

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

#### **Interpretation**

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

- (a) “Alberta employee organization” means any organization that bargains collectively for employees in Alberta, and for the purposes of this Act all branches in Alberta of an employee organization are deemed to be one employee organization;
- (a.01) “Alberta trade union” means a trade union as defined by the *Labour Relations Code*, the *Public Service Employee Relations Act* or the *Canada Labour Code* (Canada) that holds bargaining rights for employees in Alberta, and for the

purposes of this Act all locals of a trade union are deemed to be one trade union;

- (a.02) “audited financial statement” means a financial statement that has been independently audited by a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement;
- (a.1) “by-election” means an election other than a general election;
- (a.2) “campaign expense” means a campaign expense described in section 1.1;
- (b) “campaign period” means
  - (i) in the case of a general election held in accordance with section 38.1(2) of the *Election Act*, the period commencing on February 1 in the year in which the election is held and ending 2 months after polling day,
  - (ii) in the case of a general election held other than in accordance with section 38.1(2) of the *Election Act*, the period commencing with the issue of a writ for the election and ending 2 months after polling day,
  - (iii) repealed 2017 c29 s116;
  - (iv) in the case of a by-election, the period commencing with the issue of a writ for the by-election and ending 2 months after polling day, and
  - (v) in the case of a nomination contest, the period beginning on the date the nomination contestant is required to register under section 9.3 and ending 2 months after the day on which a nomination contestant is selected for endorsement as the official candidate of the registered party for an electoral division;
  - (vi) in the case of a leadership contest, the period beginning on the date the leadership contestant is required to register under section 9.2 and ending 2 months after the day on which a leadership contestant is selected to be the leader of the registered party;
- (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 political party for the electoral division, or
  - (B) who, after the commencement of the campaign period, declares the person's candidacy as an independent candidate at the election in the electoral division;
- (ii) repealed 2017 c29 s116;
- (d) "constituency association" with reference to an electoral division means the association or organization endorsed by a registered party or an elected independent member of the Legislative Assembly as the official association of that party or independent member in the electoral division;
  - (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;
  - (f) "election" means an election of a person as a Member of the Legislative Assembly conducted under the *Election Act*;
  - (f.01) "Election Commissioner" means the Election Commissioner appointed under the *Election Act*;
  - (f.1) "election period" means the period commencing the day the writ of election is issued for an election and ending at the end of the polling day;
  - (g) "employee organization" means an organization, other than a trade union, that bargains collectively for employees;
  - (h) "financial institution" means a bank, a treasury branch, a credit union, a loan corporation or a trust corporation;



- (i) “general election” means a general election as defined in the *Election Act*;
- (i.1) “leadership contest” means the procedure by which a registered party selects a leader;
- (i.2) “leadership contestant” means a person who seeks the leadership of a registered party at a leadership contest called by that party for that purpose;
- (i.3) “leadership vote” means the vote at which the leader of a registered party is selected;
- (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;
- (j) “person” means an individual;
- (k) “polling day” means the day fixed pursuant to the *Election Act* for voting at an election;
- (l) “prohibited corporation” means
  - (i) a Provincial corporation as defined in the *Financial Administration Act*, and includes a management body within the meaning of the *Alberta Housing Act* and a regional health authority and a subsidiary health corporation under the *Regional Health Authorities Act*,
  - (ii) a municipality,
  - (iii) a Metis settlement,
  - (iv) a school board under the *School Act*,
  - (v) a public post-secondary institution under the *Post-secondary Learning Act*,
  - (vi) repealed 2012 c5 s58,
  - (vi.1) a corporation associated with a corporation referred to in subclauses (i) to (v) as determined under subsections (2.1) to (2.3),

- (vi.2) a corporation that does not carry on business in Alberta,
  - (vi.3) a registered charity,
  - (vi.4) a publicly funded corporation as determined by the regulations, or
  - (vii) any corporation, or corporation within a class of corporation, designated by the Lieutenant Governor in Council as a prohibited corporation;
- (1.01) “prohibited person or entity” means a person not ordinarily resident in Alberta, a corporation and an unincorporated association or organization;
- (1.1) “recorded mail” means a form of document delivery by mail or courier in which receipt of the document must be acknowledged in writing;
- (m) “registered candidate” means a candidate registered under this Act;
- (m.1) “registered charity” means a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada);
- (n) “registered constituency association” means a constituency association registered under this Act;
- (n.1) “registered leadership contestant” means a leadership contestant registered under section 9.2;
- (n.2) “registered nomination contestant” means a nomination contestant registered under section 9.3;
- (o) “registered party” means a political party registered under this Act;
- (p) “trade union” means an organization of employees that has a written constitution, rules or bylaws and has as one of its objects the regulation of relations between employers and employees;
- (q) “unincorporated association or organization” includes a trade union and an employee organization.
- (1.1)** Terms defined in Part 6.1 relating to third parties apply to the use of those terms with respect to third parties in the rest of this Act.

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

**(2.01)** The Chief Electoral Officer may issue guidelines

- (a) to identify which documents required to be filed under this Act may be filed electronically, and
- (b) the manner in which they may be filed,

and shall publish any guidelines on the Chief Electoral Officer's website.

**(2.1)** For the purposes of this Act,

- (a) a corporation is associated with another corporation if one of them is the subsidiary of the other or both are subsidiaries of the same corporation or each of them is controlled by the same person, and
- (b) if 2 corporations are associated with the same corporation at the same time, they are deemed to be associated with each other.

**(2.2)** For the purposes of this Act, a corporation is controlled by a person if

- (a) securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation are held, other than by way of security only, by or for the benefit of that person, and
- (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

**(2.3)** For the purposes of this Act, a corporation is a subsidiary of another corporation if

- (a) it is controlled by
  - (i) that other corporation,
  - (ii) that other corporation and one or more corporations, each of which is controlled by that other corporation, or
  - (iii) 2 or more corporations, each of which is controlled by that other corporation,

or

- (b) it is a subsidiary of a corporation that is that other corporation's subsidiary.

**(3)** Corporations that are associated with one another as determined under subsections (2.1) to (2.3) are considered a single corporation for the purposes of this Act.

**(3.1)** Repealed 2012 c5 s58.

**(4)** Nothing done or omitted to be done by a corporation is a contravention of this Act solely because that corporation subsequently becomes associated with any other corporation.

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

- (a) volunteer labour provided by a person, so long as that person does not receive from his or her employer, or any person, compensation or paid time off to volunteer,
- (b) audit and professional services provided free of charge to the recipient for work relating to compliance with this Act,
- (c) services provided free of charge by a person acting as the chief financial officer for work relating to compliance with this Act, or
- (d) services that a candidate, nomination contestant or leadership contestant provides in support of his or her own campaign,

but for greater certainty, "services" includes services provided by a person who is self-employed if the services are normally charged for by that person.

RSA 2000 cE-2 s1;2001 c28 s9;2004 c23 s83;2010 c8 s56;  
2012 c5 s58;2014 cC-10.2 s175;2015 c15 s2;2016 c29 s2;  
2017 c29 s116

### **Campaign expenses**

**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

- (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.

**(2)** For the purposes of this section, the use of goods in a 2nd or subsequent election is a non-monetary contribution.

**(3)** A campaign 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 a campaign 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 place, or
- (e) the conduct of election surveys or other surveys or research during a campaign period.

**(3)** In subsection (1), "expense incurred" means an expense that is incurred, whether it is paid or unpaid.

2016 c29 s3

**2** Repealed 2016 c29 s4.

#### **Prohibited corporations**

**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)(1)(vi.4).  
RSA 2000 cE-2 s3;2012 c5 s60

## **Part 1**

### **The Chief Electoral Officer**

#### **Duties of Chief Electoral Officer**

**4(1)** The Chief Electoral Officer, in addition to the Chief Electoral Officer's other powers and duties under this Act and the *Election Act*,

- (a) may examine all financial statements, returns or reports required to be filed with the Chief Electoral Officer;
- (b) may inquire into the financial affairs and records of
  - (i) registered parties and registered constituency associations,
  - (ii) registered candidates in relation to election campaigns,
  - (ii.1) registered leadership contestants in relation to leadership contests,
  - (ii.2) registered nomination contestants in relation to nomination contests, and
  - (iii) registered third parties in relation to election advertising or political advertising under Part 6.1;
- (b.1) repealed 2017 c29 s117;
- (c) shall provide or approve forms for the purposes of this Act;
- (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;
- (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 required to be 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;

- (f) with respect to a registered party and a registered candidate, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which a campaign return is required to be filed with the Chief Electoral Officer under section 43, 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;
- (g) with respect to a registered 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 required to be 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;
- (h) with respect to a registered leadership contestant, shall publish a statement on the Chief Electoral Officer's website within 30 days after the date on which a leadership contestant campaign return is required to be filed with the Chief Electoral Officer under section 43.02, 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;
- (i) with respect to a third party that engages in election advertising, shall publish a statement on the Chief Electoral Officer's website
  - (i) within 30 days after the date on which an election advertising return referred to in section 44.9(1) or a report referred to in section 44.9(3) is required to be filed, which statement must include the name of any contributor referred to in the return or report who has contributed an amount exceeding \$250 in the aggregate, and the actual amount contributed, and
  - (ii) as soon as reasonably possible after the date on which a report referred to in section 44.81 is required to be filed with the Chief Electoral Officer, 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;
- (j) with respect to a third party that engages in political advertising, shall publish a statement on the Chief Electoral Officer's website

- (i) within 30 days after the date on which a political advertising report is required to be filed with the Chief Electoral Officer under section 44.82(2), 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, and
- (ii) as soon as reasonably possible after the date on which a report referred to in section 44.82(5) is required to be filed with the Chief Electoral Officer, 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.

(2) The Chief Electoral Officer shall after the end of each year prepare a report on the exercise of the Chief Electoral Officer's functions under this Act, including any recommendations for amendments to this Act, and shall transmit the report to the Standing Committee on Legislative Offices, which shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting of the Assembly.

RSA 2000 cE-2 s4;2004 c23 s84;2010 c8 s57;  
2012 c5 s61;2016 c29 s5;2017 c29 s117

#### **Powers of Chief Electoral Officer**

**5(1)** For the purposes of carrying out an examination or inquiry referred to in section 4(1), the Chief Electoral Officer has all the powers of a commissioner under the *Public Inquiries Act* as though the examination or inquiry were an inquiry under that Act.

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

(2.1) Before entering a private dwelling or a part of premises used as a private dwelling to carry out the powers described in subsection (2), a representative of the Chief Electoral Officer shall



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

**(3)** A registered party, registered constituency association, registered candidate, registered 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 with respect to the financial affairs of the registered party, registered constituency association, registered candidate, registered 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.

RSA 2000 cE-2 s5;2010 c8 s58;2012 c5 s62;2016 c29 s6;  
2017 c29 s118

**5.1** Repealed 2017 c29 s119.

### **Disclosure**

**5.2(1)** Except as provided in subsections (2) and (3), the Chief Electoral Officer, the Election Commissioner, any former Chief Electoral Officer, any former Election Commissioner, every person who is or was employed or engaged by the Office of the Chief Electoral Officer to carry out the duties of the Chief Electoral Officer and every person who is or was employed by the Office of the Election Commissioner to carry out the duties of an Election Commissioner shall maintain the confidentiality of all information, complaints and allegations that come to their knowledge.

- (2)** Information, complaints and allegations to which subsection (1) applies may be
- (a) disclosed by the Chief Electoral Officer to the Election Commissioner for the purpose of carrying out the Election Commissioner's powers, duties and functions under this Act,
  - (b) disclosed by the Election Commissioner to the Chief Electoral Officer for the purposes of carrying out the Chief Electoral Officer's powers, duties and functions under this Act,
  - (c) disclosed to the person or organization whose conduct is the subject of proceedings under this Act,

- (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,
  - (e) disclosed to the Minister responsible for the *Alberta Personal Income Tax Act* where a contribution has been made or accepted in contravention of this Act for which a receipt has been issued under section 33,
  - (f) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person,
  - (g) disclosed in a report made by the Chief Electoral Officer under section 44(1),
  - (h) disclosed in the course of an appeal to the Court of Queen's Bench under section 51.03,
  - (i) adduced in evidence at an inquiry, and
  - (j) disclosed where the Election Commissioner believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Solicitor General or a law enforcement agency of an alleged offence under this Act or any other enactment of Alberta or an Act or regulation of Canada.
- (3) Findings and decisions, and any additional information that the Election Commissioner considers to be appropriate, shall be published on the Election Commissioner'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) and receives a written request for disclosure from a person or organization who received the notice.

2017 c29 s120

**Duty to provide document or information**

**5.3(1)** On the request of the Election Commissioner, the Chief Electoral Officer shall disclose to the Election Commissioner any document or information that the Chief Electoral Officer obtained under this Act that the Election Commissioner considers necessary

for the purposes of carrying out his or her powers, duties and functions under this Act.

(2) On the request of the Chief Electoral Officer, the Election Commissioner shall disclose to the Chief Electoral Officer any document or information that the Election Commissioner obtained under this Act that the Chief Electoral Officer considers necessary for the purposes of carrying out his or her powers, duties and functions under this Act.

2017 c29 s120

**Duty to refer complaints and allegations  
and to report acts or omissions**

**5.4** The Chief Electoral Officer shall within a reasonable time

- (a) refer any complaint or allegation received by the Chief Electoral Officer under this Act to the Election Commissioner, and
- (b) report any act or omission that in the Chief Electoral Officer's opinion likely constitutes an offence under this Act to the Election Commissioner.

2017 c29 s120

## **Part 2 Registration**

**Qualifications for registration**

**6(1)** No political party and no person acting for a political party may accept contributions for the political party or for any constituency association of that party unless the political party is registered under this Act.

(2) Any political party that

- (a) held a minimum of 3 seats in the Legislative Assembly following the most recent election,
- (b) endorsed candidates nominated 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
- (d) subject to subsection (2.1), at any time other than during a campaign period, provides the Chief Electoral Officer with the names, addresses and signatures of persons who

- (i) represent 0.3% of the number of electors eligible to vote at the last general election,
- (ii) are currently eligible to vote in an election, and
- (iii) request the registration of that political party,

is, subject to subsection (3), qualified for registration in the register of political parties.

**(2.1)** The Chief Electoral Officer may refuse to register a political party that proposes to be qualified under subsection (2)(d) if the information provided under that clause is submitted to the Chief Electoral Officer less than 60 days before the issuance of a writ of election.

**(3)** A political party shall not be registered under this Act unless the Chief Electoral Officer is satisfied that prior to filing an application for registration the party has established a non-profit corporation or trust as a foundation for the purposes of receiving and managing the assets, except the premises, equipment, supplies and other such property required for the administration of the affairs of the party, held by the political party immediately prior to filing the application.

**(4)** The assets of a foundation established under subsection (3) shall consist of funds, not exceeding \$5000, either on deposit with a financial institution or invested in accordance with the *Trustee Act*.

**(5)** No funds or other property may be received by or transferred to a foundation after the filing of an application for registration of the political party that established the foundation except for interest on the funds on deposit or the income from investments referred to in subsection (4).

**(6)** Each foundation shall file with the Chief Electoral Officer on or before April 1 in each year a report of the expenditures of that foundation during the previous year.

RSA 2000 cE-2 s6;2010 c8 s59;2012 c5 s63

#### **Registration of political parties**

**7(1)** The Chief Electoral Officer shall maintain a register of political parties and, subject to this section, shall register in it any political party that is qualified to be registered and that files with the Chief Electoral Officer an application for registration setting out

- (a) the full name of the political party;

- (b) the political party name and the abbreviation of it to be shown in election documents;
- (c) the name of the leader of the political party;
- (d) the address of the place or places where records of the political party are maintained and of the place to which communications may be addressed;
- (e) the names of the principal officers of the political party;
- (f) the name of the chief financial officer of the political party;
- (g) the name and address of the financial institutions to be used by the political party for the accounts 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);
- (i) an indication of the provision of section 6(2) under which the political party qualified for registration;
- (j) a statement of the assets and liabilities of the political party as of a date not earlier than 90 days prior to the date of its application for registration attested to by its chief financial officer.

**(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.

**(2.1)** Repealed 2012 c5 s64.

**(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,

- (a.1) the proposed name was the name of a registered political party whose registration was cancelled or whose name was changed since the last general election, or
- (b) the proposed name or abbreviation is unacceptable to the Chief Electoral Officer for any other reason.

**(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,

- (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
- (c) the proposed name or abbreviation is unacceptable to the Chief Electoral Officer for any other reason.

**(4)** When there is any change in the information required to be provided by subsection (1)(a) to (i), the registered party shall notify the Chief Electoral Officer in writing within 30 days after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of political parties accordingly.

**(5)** Notice under subsection (4) may be sent by fax or electronic mail.

RSA 2000 cE-2 s7;2004 c23 s85;2010 c8 s60;  
2012 c5 s64;2016 c29 s50

### **Registration of constituency associations**

**8(1)** No constituency association and no person acting for a constituency association shall accept contributions for the constituency association or for its registered party, if applicable, unless the constituency association is registered under this Act.

**(2)** The Chief Electoral Officer shall maintain a register of constituency associations and, subject to this section, shall register in it any constituency association of a registered party or of an independent member in an electoral division that files with the Chief Electoral Officer an application for registration setting out

- (a) the full name of the constituency association and of the registered party or independent member endorsing the constituency association;

- (b) the address of the place or places where records of the constituency association are maintained and of the place to which communications may be addressed;
- (c) the names of the principal officers of the constituency association;
- (d) the name of the chief financial officer of the constituency association;
- (e) the name and address of the financial institutions to be used by the constituency association for the accounts 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);
- (g) a statement of the assets and liabilities of the constituency association as of a date not earlier than 90 days prior to the date of its application for registration attested to by the chief financial officer.

**(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.

**(4)** When there is any change in the information required to be provided by subsection (2)(a) to (f), the registered constituency association shall notify the Chief Electoral Officer in writing within 60 days after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of constituency associations accordingly.

**(5)** Notice under subsection (4) may be sent by fax or electronic mail.

RSA 2000 cE-2 s8;2004 c23 s86;2012 c5 s65;2016 c29 s50

#### **Registration of candidates**

**9(1)** Subject to subsection (1.1), no candidate and no person acting on behalf of a candidate shall

- (a) accept contributions, or
- (b) incur any campaign expenses,

unless the candidate is registered under this section.

**(1.1)** No registered candidate and no person acting for a registered candidate shall accept contributions or incur any campaign expenses except during the campaign period.

**(2)** The Chief Electoral Officer shall maintain a register of candidates in relation to each election and, subject to this section, shall register in it any candidate who is qualified to be registered and who files with the Chief Electoral Officer an application for registration setting out

- (a) that, in the case of a candidate under the *Election Act*, the candidate
  - (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
  - (ii) has, after the commencement of the campaign period, declared the candidate's candidacy as an independent candidate at the election in a named electoral division;
- (b) repealed 2017 c29 s121;
- (c) the full name and contact information of the candidate;
- (d) the political party affiliation, if any, of the candidate attested to by one of the principal officers of the constituency association;
- (e) the address of the place or places where records of the candidate are maintained and of the place to which communications may be addressed;
- (f) the name of the chief financial officer of the candidate;
- (g) the name and address of the financial institutions to be 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)** A candidate who files an application under subsection (2) after the issue of a writ for an election shall be registered on the date the application is approved by the Chief Electoral Officer.

**(3.1)** On the receipt by the Chief Electoral Officer of a statement referred to in section 9.3(10), 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)** When there is any change in the information required to be provided by subsection (2), the registered candidate shall notify the Chief Electoral Officer in writing within 48 hours after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of candidates accordingly.

**(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)(c) to (h) within 48 hours of the change.

**(5)** Notice under subsection (4) may be sent by fax or electronic mail.

RSA 2000 cE-2 s9;2004 c23 s87;2010 c8 s61;  
2012 c5 s66;2016 c29 s8;2017 c29 s121

### **Registration of third parties**

**9.1(1)** A third party shall apply for registration under this section

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

**(2)** The Chief Electoral Officer shall maintain separate registers as follows:

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

**(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 setting out the following:

- (a) the name and contact information
    - (i) if the third party is a person, of the person,
    - (ii) if the third party is a corporation, of the corporation and of the officer who has signing authority for it, and
    - (iii) if the third party is a group, of the group and of the principal officers of the group or, if there are no principal officers, the principal members;
  - (b) whether the third party will be engaging in election advertising or political advertising or both;
  - (c) in the case of a third party who engages or will be engaging in election advertising, the address and telephone number of the place or places in Alberta where records of the third party are maintained and of the place in Alberta to which communications may be addressed;
  - (d) in the case of a third party who engages or will be engaging in political advertising, the address and telephone number of the place or places in Canada where records of the third party are maintained and of the place in Canada to which communications may be addressed;
  - (e) the name and contact information of the chief financial officer responsible for the advertising account of the third party;
  - (f) the name and address of the financial institution to be used by the third party for its advertising account;
  - (g) the names of the signing authorities for the advertising account;
  - (h) any additional information required by the Chief Electoral Officer concerning an advertising account.
- (3)** If the third party has a governing body, the application must include a copy of the resolution passed by the governing body authorizing the third party to incur election advertising expenses or political advertising expenses, as the case may be.
- (4)** The Chief Electoral Officer shall not register a third party if, in the Chief Electoral Officer's opinion,
- (a) the name or the abbreviation of the name of the applicant so nearly resembles the name or abbreviation of the name or a nickname of 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.

(6) The Chief Electoral Officer shall, as soon as possible after receiving an application,

- (a) determine whether the requirements set out in this section are met,
- (b) notify the persons who signed the application whether the applicant is accepted for registration, and
- (c) in the case of a refusal to register, give reasons for the refusal.

(7) When there is any change in the information required to be provided under this section, the registered third party shall notify the Chief Electoral Officer in writing within 30 days after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of candidates accordingly.

(8) A notice under subsection (7) may be sent by fax or electronic mail.

2010 c8 s62;2012 c5 s67;2015 c15 s3;2016 c29 s9

#### **Leadership contest and contestants**

**9.2(1)** Before a leadership contest is held by a registered party, the chief financial officer of the registered party 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 leadership contest, including

- (a) the date of the official call of the leadership contest,
- (b) the date fixed for the leadership vote or votes, and
- (c) if a fee or deposit is required to be paid by a person as a condition of entering the leadership contest, the estimated cost for holding the leadership contest and the amount of the fee or deposit.

**(2)** If a fee or deposit is required to be paid as a condition of entering the leadership contest, the amount of the fee or deposit must be reasonable in relation to the cost of holding the leadership contest.

**(3)** If the Chief Electoral Officer is of the opinion that the amount of the fee or deposit is not reasonable, the registered party shall reduce the amount to an amount acceptable to the Chief Electoral Officer or comply with any direction of the Chief Electoral Officer.

**(4)** A person who intends to seek the leadership of a registered party shall file an application for registration with the Chief Electoral Officer under this section at the earliest of the following:

- (a) when the person has announced his or her intention to seek the leadership of a registered party;
- (b) when the person has incurred campaign expenses in relation to the person's leadership campaign;
- (c) when the person has received contributions in relation to the person's leadership campaign.

**(5)** A person who fails to file an application for registration as required under subsection (4) shall not incur a campaign expense or accept a contribution during the campaign period for the leadership contest.

**(6)** The application for registration must set out

- (a) the full name and contact information of the leadership contestant,
- (b) the addresses of the place or places where records of the leadership 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 leadership 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 leadership contestant for the purpose of participating in the leadership contest,
- (e) the names of the signing authorities for the account referred to in clause (d), and
- (f) the date the person first received contributions or incurred campaign expenses for the purpose of participating in the leadership contest.

(7) The Chief Electoral Officer shall maintain a register of leadership contestants.

(8) When there is any change in the information required to be provided under subsection (6), the registered leadership contestant shall notify the Chief Electoral Officer in writing within 48 hours after the change and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of leadership contestants accordingly.

(9) Notice under subsection (8) may be sent by fax or electronic mail.

(10) Within 10 days of the conclusion of a leadership contest, the registered party shall submit to the Chief Electoral Officer a statement setting out the full names of the leadership contestants who were considered for leadership of the registered party, the full name of the person selected as the leader and the names of any persons who withdrew as leadership contestants.

(11) This section applies with respect to a leadership contest that commences after this section comes into force.

2012 c5 s68;2016 c29 s9

#### **Nomination contests and contestants**

**9.3(1)** Before a nomination contest is held by a registered party or registered constituency association, the chief financial officer of 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 particulars of the nomination contest, including

- (a) the date of the official call of the nomination contest,

- (b) the date fixed for the selection of the person for endorsement as the official candidate of the registered party for an electoral division, and
  - (c) if a fee or deposit is required to be paid by a person as a condition of entering the nomination contest, the estimated cost for holding the nomination contest and the amount of the fee or deposit.
- (2)** If a fee or deposit is required to be paid as a condition of entering the nomination contest, the amount of the fee or deposit must be reasonable in relation to the cost of holding the nomination contest.
- (3)** If the Chief Electoral Officer is of the opinion that the amount of the fee or deposit is not reasonable, the registered party shall reduce the amount to an amount acceptable to the Chief Electoral Officer or comply with any direction of the Chief Electoral Officer.
- (4)** A person who intends to seek endorsement as the official candidate of a registered party in an electoral division shall file an application for registration with the Chief Electoral Officer under this section at the earliest of the following:
- (a) when the person has announced his or her intention to seek the endorsement as the official candidate of the registered party for the electoral division;
  - (b) when the person has incurred campaign expenses in relation to the person's nomination campaign;
  - (c) when the person has received contributions in relation to the person's nomination campaign.
- (5)** A person who fails to file an application for registration as required under subsection (4) shall not accept a contribution or incur a campaign expense during the campaign period for the nomination contest.
- (6)** The application for registration must set out
- (a) the full 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), and
- (f) the date the person first received contributions or incurred expenses for the purpose of participating in the nomination contest.

**(7)** The Chief Electoral Officer shall maintain a register of nomination contestants.

**(8)** When there is any change in the information required to be provided under subsection (6), the registered nomination contestant shall notify the Chief Electoral Officer in writing within 48 hours after the change and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of nomination contestants accordingly.

**(9)** Notice under subsection (8) may be sent by fax or electronic mail.

**(10)** Within 10 days of the conclusion of a nomination contest, the registered party or registered constituency association shall submit to the Chief Electoral Officer a statement setting out the full names of the nomination contestants who were considered for endorsement, the full name of the person selected for endorsement as the official candidate of the registered party for the electoral division and the names of any persons who withdrew as nomination contestants.

2016 c29 s9

#### **Cancellation of registration**

**10(1)** The Chief Electoral Officer may cancel the registration of

- (a) a registered party on application by the registered party,
- (b) a registered constituency association on application by the registered party concerned or by the independent member, as the case may be, or
- (c) a registered third party on application by the third party.

**(1.1)** If after this subsection comes into force a registered party does not endorse a candidate in a general election, the Chief Electoral Officer shall cancel the registration of that party.

**(2)** If a registered candidate who was nominated in accordance with the *Election Act* withdraws the candidate's candidacy in accordance with that Act, that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person.

**(2.1)** If a registered leadership contestant withdraws from the leadership contest, that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person.

**(2.2)** If a registered nomination contestant withdraws from a nomination contest, that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person as a nomination contestant.

**(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)** Repealed 2017 c29 s122.

**(4.1)** If the chief financial officer of a third party fails to file a report under section 44.81 or 44.82, an election advertising return or report under section 44.9 or an audited financial statement under section 44.91, the Chief Electoral Officer may cancel the registration of the third party.

**(5)** If the Chief Electoral Officer is for any reason of the opinion that a registered party, registered constituency association, registered candidate, registered nomination contestant, 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 nomination contestant, registered leadership contestant or registered third party.

**(6)** If the Chief Electoral Officer cancels the registration of a political party, constituency association, candidate, registered nomination contestant, 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

- (a) the political party, when the registration of that political party is cancelled,
- (b) the constituency association and the political party concerned or the independent member, as the case may be, when the registration of that constituency association is cancelled,
- (c) the candidate and the political party concerned, if any, when the registration of that candidate is cancelled,
- (d) the third party, when the registration of that third party is cancelled,
- (d.1) the nomination contestant and the registered party and registered constituency association concerned when the registration of that nomination contestant is cancelled, or
- (e) the leadership contestant and the political party concerned when the registration of that leadership contestant is cancelled,

and the cancellation is effective on and after the 3rd day following the date of mailing the notice.

**(7)** A political party, constituency association, candidate, nomination contestant, 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 political party, constituency association, candidate, nomination contestant, 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, nomination contestant, leadership contestant or third party, as the case may be, and shall,

- (a) if the cancellation involves a political party, give written notification of the Chief Electoral Officer's decision to the political party,

- (b) if the cancellation involves a constituency association, give written notification of the Chief Electoral Officer's decision to the constituency association and the political party concerned,
- (c) if the cancellation involves a candidate, give written notification of the Chief Electoral Officer's decision to the candidate and registered party, if any,
  - (c.1) if the cancellation involves a nomination contestant, give written notification of the Chief Electoral Officer's decision to the nomination contestant and the registered party and registered constituency association concerned,
  - (c.2) if the cancellation involves a leadership contestant, give written notification of the Chief Electoral Officer's decision to the leadership contestant and the registered party concerned, or
- (d) if the cancellation involves a third party, give written notification of the Chief Electoral Officer's decision to the third party.

**(10)** When the registration of a political party is cancelled, the registration of the registered constituency associations of that political party is accordingly also cancelled and the Chief Electoral Officer shall forthwith give written notification of the cancellations to those constituency associations.

**(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.

**(11.1)** For the purpose of subsection (11), a political party may file the financial statement on behalf of its constituency association.

**(12)** When the registration of a political party, constituency association, candidate, nomination contestant or leadership contestant is cancelled, all funds of the political party, constituency association, candidate, nomination contestant or leadership contestant not required to pay the outstanding debts of the political party, constituency association, candidate, nomination contestant 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, nomination

contestant or leadership contestant and, if that political party, constituency association, candidate, nomination contestant 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.

**(13)** When the registration of a third party is cancelled, all funds in the advertising account must be dealt with in accordance with section 44.92.

RSA 2000 cE-2 s10;2004 c23 s88;2006 c23 s26;  
2010 c8 s63;2012 c5 s69;2016 c29 s11;2017 c29 s122

### Records

**10.1** A registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant and registered third party shall retain all of the records of that registered party, registered constituency association, registered candidate, registered 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.

2010 c8 s64;2012 c5 s70;2016 c29 s12

### Access to documents

**11(1)** All documents required to be filed with the Chief Electoral Officer under this Act are public records and may on request during normal office hours be inspected at the offices of the Chief Electoral Officer.

**(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 registered nomination contestant included in the register under section 9.3 is not public information.

**(3)** Copies of any document referred to in subsection (1) may be obtained on payment for the preparation of the copies at the rates that the Chief Electoral Officer determines.

RSA 2000 cE-2 s11;2012 c5 s71;2016 c29 s13

## Part 3 Contributions

### Continuing use of campaign funds

**12(1)** Any campaign funds held by a candidate at the end of a campaign period that include contributions received by the candidate for the purpose of the candidate's campaign shall be held

in trust to be expended for the candidate's candidacy at the next election.

(2) Repealed 2010 c8 s65.

(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, 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

- (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, or
- (c) the registered candidates of the registered party that proposed or supported the candidate's registration at the previous election,

at the option of the candidate, or to the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b) or (c).

(5) Repealed 2017 c29 s123.

RSA 2000 cE-2 s12;2004 c23 s89;2010 c8 s65;2017 c29 s123

#### **Surpluses — nomination contestants**

**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.

2016 c29 s14

#### **Surpluses — leadership contestants**

**12.2(1)** Any campaign funds held by a leadership contestant at the end of a campaign period for the leadership contest must, at the time the leadership contestant campaign return is required to be filed under section 43.02, at the option of the leadership contestant,

- (a) be transferred to the registered party of which the leadership contestant sought the leadership, or
- (b) be returned to the contributors who contributed to the leadership contestant's campaign in accordance with the directions of the Chief Electoral Officer.

**(2)** A leadership contestant who has not complied with subsection (1) within 30 days after the day on which the leadership contestant campaign return is required to be filed under section 43.02 must immediately pay those funds to the Chief Electoral Officer for deposit in the General Revenue Fund.

(3) Notwithstanding subsections (1) and (2), for the purposes of any leadership contests occurring when this section comes into force, any campaign funds held by a leadership contestant at the end of a campaign period for the leadership contest must be returned to the contributors in accordance with the directions of the Chief Electoral Officer.

2016 c29 s14

### Exemptions

**13(1)** Funds transferred from

- (a) a foundation under section 6 or 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.

(3) A fee or deposit required to be paid by a person to enter a nomination contest or a leadership contest is not a contribution for the purposes of this Act but must be recorded as to amount and source by the registered party or registered constituency association that receives the funds.

RSA 2000 cE-2 s13;2010 c8 s66;2015 c15 s4;2016 c29 s15

### Deposit of contributions

**14(1)** All financial contributions accepted by or on behalf of a registered party, registered constituency association, registered candidate, registered 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, registered 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.

RSA 2000 cE-2 s14;2010 c8 s67;2016 c29 ss16,50

**15** Repealed 2010 c8 s68.

#### **Responsibility of contributors**

**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) or 18(1).

2012 c5 s72;2016 c29 s17

#### **Contributions only by persons**

**16(1)** Only a person ordinarily resident in Alberta may make a contribution to a registered party, registered constituency association, registered nomination contestant, registered leadership contestant or registered candidate.

**(2)** A prohibited person or entity shall not make a contribution to a registered party, registered constituency association, registered nomination contestant, registered leadership contestant or registered candidate.

RSA 2000 cE-2 s16;2010 c8 s69;2015 c15 s5;2016 c29 s18

#### **Limitation on contributions**

**17(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;
- (d) a registered nomination contestant;
- (e) a registered leadership contestant.

**(2)** Contributions may be made to a registered constituency association at any time except during a campaign period for an election in that electoral division.

**(3)** No contributions may be made to a registered candidate except during a campaign period for an election.

**(4)** No contributions may be made to a registered nomination contestant except during the campaign period for the nomination contest.

(5) No contributions may be made to a registered leadership contestant except during the campaign period for the leadership contest.

(6) Any money paid during a campaign period out of the registered candidate's, registered 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

(a) is a contribution for the purposes of this Act, and

(b) must be paid into the account of the registered candidate, registered nomination contestant or registered leadership contestant on record with the Chief Electoral Officer.

(7) Subject to this section, a registered candidate, registered nomination contestant or registered leadership contestant may lawfully contribute to the registered candidate's, registered nomination contestant's or registered leadership contestant's campaign an amount from the registered candidate's, registered nomination contestant's or registered leadership contestant's own funds.

(8) If the registered candidate's, registered nomination contestant's or registered leadership contestant's campaign expenses paid from the registered candidate's, registered nomination contestant's or registered leadership contestant's own funds exceed the maximum limit allowed for a contributor, the excess amount must be reimbursed to the registered candidate, registered nomination contestant or registered leadership contestant from the registered candidate's, registered nomination contestant's or registered leadership contestant's campaign account, as the case may be.

(9) Subsection (1) does not apply with respect to contributions made to and accepted by a leadership contestant while participating in any leadership contest occurring when this section comes into force.

RSA 2000 cE-2 s17;2004 c23 s90;2010 c8 s70;2012 c5 s73;  
2015 c15 s6;2016 c29 s19

**18** Repealed 2017 c29 s124.

#### **Excessive contributions**

**19(1)** No registered party, registered constituency association, registered candidate, registered 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, registered nomination contestant or registered leadership contestant or person knows or ought to know that the amount of the contribution would exceed the limit prescribed by section 17.

(2) A chief financial officer who learns that a contribution in excess of the limit prescribed by section 17 was accepted by or on behalf of the registered party, registered constituency association, registered candidate, registered 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.

RSA 2000 cE-2 s19;2012 c5 s75;2016 c29 s20

**20 and 21** Repealed 2017 c29 s124.

#### **Anonymous and unauthorized contributions**

**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, registered nomination contestant or registered leadership contestant must not be used or expended, and the registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant

- (a) shall return the contribution to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, shall pay an amount equivalent to the contribution to the Chief Electoral Officer.

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

2010 c8 s71;2016 c29 s21

#### **Valuing contributions other than money**

**22(1)** The value of contributions other than money provided to a registered party, registered constituency association, registered candidate, registered 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, registered 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.

RSA 2000 cE-2 s22;2010 c8 s72;2016 c29 s22

### **Fund-raising functions**

**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, registered 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, registered constituency association, registered candidate, registered 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, registered 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, registered nomination contestant or registered leadership contestant:

- (a) if the individual charge
  - (i) is \$50 or less, it is not considered to be a contribution unless the person who pays the charge specifically requests that it be so considered, in which case 1/2 of the amount is allowed for expenses and 1/2 is considered to be a contribution,
  - (ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be a contribution, and
  - (iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be a contribution;
- (b) the amount of the contribution is the difference between the price of the ticket and the market value of what the ticket entitles the bearer to obtain.

(4) The price paid by a person at a fund-raising function in excess of the market value at that time for goods or services received is considered to be a contribution to the registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant, as the case may be.

(5) Repealed 2010 c8 s73.

RSA 2000 cE-2 s23;2004 c23 s91;2010 c8 s73;  
2012 c5 s77;2016 c29 s23

#### **General collections**

**24** When, at a meeting held on behalf of or in relation to the affairs of a registered candidate, registered party, registered constituency association, registered 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.

RSA 2000 cE-2 s24;2010 c8 s74;2016 c29 s24

#### **Annual membership fees**

**25** An annual membership fee paid for 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.

RSA 2000 cE-2 s25;2004 c23 s92

**26** Repealed 2015 c15 s8.

**27** Repealed 2015 c15 s9.

**28** Repealed 2010 c8 s75.

## Part 4 Collection of Contributions

### Chief financial officers

**29(1)** Every political party, constituency association, candidate, nomination contestant and leadership contestant shall, before filing an application for registration with the Chief Electoral Officer, appoint a chief financial officer.

**(2)** When a chief financial officer appointed pursuant to subsection (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.

**(3)** A candidate may not be appointed as chief financial officer for a candidate under this section.

**(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

- (a) the Speaker has laid a report before the Assembly pursuant to section 44(1),
- (b) that person was the chief financial officer of the registered candidate referred to in the report,
- (c) the Court did not dispense with compliance with section 43(2) or 43.1, as the case may be, by an order under section 44(3), and
- (d) the date the person seeks to be a chief financial officer under this Act occurs within
  - (i) the 8-year period following the day on which the Speaker laid the report before the Assembly, or
  - (ii) where the campaign return has been filed with the Chief Electoral Officer in the case of a non-compliance with section 43(2) or 43.1, as the case may be, the 5-year period following the day of filing,

whichever period expires first.

RSA 2000 cE-2 s29;2004 c23 s94;2010 c8 s76;2016 c29 s25

### Duties of chief financial officers

**30(1)** The chief financial officer of a registered party, registered constituency association, registered candidate, registered

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

- (a) proper records are kept of all revenue, expenses, assets and liabilities, as required for the purposes of this Act,
- (b) contributions are placed in an account on record with the Chief Electoral Officer,
- (c) proper receipts are completed and dealt with in accordance with this Act,
- (c.1) every payment of more than \$25 made by the registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant or through the chief financial officer is vouched for by
  - (i) a document from the supplier that states the particulars of the expense, and
  - (ii) a receipt or other proof of payment acceptable to the Chief Electoral Officer;
- (d) the financial statements, returns and reports required to be filed under this Act are filed with the Chief Electoral Officer, and
- (e) contributions of other than money are valued and recorded in accordance with this Act.

**(2)** The chief financial officer of a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant shall make every reasonable effort to advise prospective contributors of the provisions of this Act relating to contributions.

RSA 2000 cE-2 s30;2010 c8 s77;2012 c5 s78;2016 c29 s26

#### **Acceptance of contributions**

**31** No contribution shall be accepted by a registered candidate, registered nomination contestant or registered leadership contestant otherwise than through the candidate's, nomination contestant's or leadership contestant's chief financial officer.

RSA 2000 cE-2 s31;2012 c5 s79;2016 c29 s27

**Records of contributions**

**32(1)** When any person accepts contributions in any year on behalf of a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant, the chief financial officer shall record all the contributions, including the names and the 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, registered nomination contestant or registered leadership contestant during a campaign period shall be recorded separately from other contributions accepted during that year.

**(3)** Every registered party and registered constituency association shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer,

- (a) within 15 days after the end of each quarter of each year a return setting out
  - (i) the total amount of all contributions received during the quarter that did not exceed \$50 in the aggregate from any single contributor, and
  - (ii) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the quarter exceeded an aggregate of \$50,and
- (b) within the period during which an annual financial statement must be filed under section 42, a return setting out for the previous year
  - (i) the total amount of all contributions received that did not exceed \$50 in the aggregate from any single contributor, and
  - (ii) the total amount contributed that, together with the contributor's name and address, when the contribution of that contributor during the year exceeded an aggregate of \$50.

**(3.1)** Subject to subsection (4.1), the name of a contributor referred to in subsection (3)(a)(ii) and (b)(ii) who did not contribute more than \$250 in a quarter shall not be disclosed in a statement

published on the Chief Electoral Officer's website under section 4(1)(e).

**(4)** Subject to subsection (4.01), every registered party and registered candidate shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer, within the period during which a campaign return must be filed relating to a campaign period under section 43, a report setting out

- (a) the total amount of all contributions received during the campaign period 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 exceeded an aggregate of \$250.

**(4.01)** Contributions received by a registered party during the campaign period for a by-election shall only be included in a report prepared under subsection (4) if those contributions relate to the by-election.

**(4.1)** A report under subsection (3)(a) for the 2nd, 3rd and final quarters must also include the total amounts contributed by a contributor when the contributions of that contributor exceeded \$250 in the aggregate on a year-to-date basis, together with the contributor's name and address.

**(4.2)** Every registered 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.

**(4.3)** Every registered leadership 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 leadership 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 leadership contest exceeded \$250 in the aggregate.

**(5)** Separate reports must be filed for contributions made in respect of an election under the *Election Act*.

**(6)** For the purpose of subsection (3), the ends of each quarter of a year are as follows:

- (a) for the first quarter, March 31 of the year;
- (b) for the 2nd quarter, June 30 of the year;
- (c) for the 3rd quarter, September 30 of the year;
- (d) for the final quarter, December 31 of the year.

RSA 2000 cE-2 s32;2010 c8 s78;2012 c5 s80;2016 c29 s28;  
2017 c29 s125;2018 c4 s2

### Receipts

**33** Every registered party, registered constituency association, registered candidate, registered 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, a nomination contest or a leadership contest,
- (b) that the contributor acknowledges that the contribution is made in compliance with this Act, and
- (c) where information about the making of contributions can be found.

RSA 2000 cE-2 s33;2010 c8 s79;2012 c5 s81;2016 c29 s29

### Contributions not belonging to contributor

**34(1)** No person shall contribute to a registered party, registered constituency association, registered candidate, registered 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 another person or any prohibited person or entity for the



purpose of making a contribution of those funds to that registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant.

**(1.1)** No person and no prohibited person or entity shall give or furnish funds to another person for the purpose of having that other person make a contribution of those funds to a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant.

**(2)** No registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant and no person acting on behalf of a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant shall solicit or accept a contribution if the registered party, registered constituency association, registered candidate, registered 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, registered nomination contestant or registered leadership contestant for whom the chief financial officer 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.

RSA 2000 cE-2 s34;2012 c5 s82;2015 c15 s10;  
2016 c29 s30

#### **Prohibited contributions**

**35(1)** No registered party, registered constituency association, registered candidate, registered 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, registered nomination contestant or registered leadership contestant knows or ought to know that the prospective contributor is a prohibited person or entity, or
- (b) contribute or transfer funds to any political party, constituency association, registered candidate, registered nomination contestant or registered leadership contestant not registered under this Act.

(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.

RSA 2000 cE-2 s35;2010 c8 s80;2012 c5 s83 ;  
2015 c15 s11;2016 c29 s31

#### **Funds from federal parties**

**36** No registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant may accept funds from a federal political party, electoral 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.

RSA 2000 cE-2 s36;2004 c23 s95;2012 c5 s84;2016 c29 s32

**37** Repealed 2017 c29 s126.

#### **Transfers within parties**

**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, registered 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.

(3) A transfer under this section is not an election expense for the purpose of Part 5.1.

RSA 2000 cE-2 s38;2010 c8 s81;2012 c5 s85;2016 c29 s33

**39** Repealed 2017 c29 s126.

**39.1** Repealed 2016 c29 s34.

#### **Monetary claims against candidate**

**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 sends in the claim to the chief financial officer of the candidate not later than the date determined under section 43.1(6), the right to recover the claim is barred.

**(2)** In the case of the death of a person having a monetary claim under subsection (1) on or before the date determined under section 43.1(6), unless the person's legal representative sends in the claim within one year after the death of the person, the right to recover the claim is barred.

**(3)** In the case of the death of the chief financial officer or the chief financial officer's incapacity to act, if no other chief financial officer has been appointed, claims may be delivered to the candidate or the candidate's official agent as defined in the *Election Act*.

**(4)** No claim may be paid without the authority of the candidate or the chief financial officer.

2010 c8 s83

#### **Payment of late claim**

**39.3** Notwithstanding section 39.2, any claim that would have been payable if sent on or before the date determined under section 43.1(6) may be paid by the candidate through the candidate's chief financial officer after that time if the claim is approved by a judge.

2010 c8 s83

## **Part 5 Loans and Guarantees**

#### **Borrowing**

**40(1)** A registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant

- (a) may borrow money only from a financial institution other than a treasury branch, and

(b) shall record all loans and their terms and shall report accordingly to the Chief Electoral Officer.

**(2)** 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 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.

**(4)** This section does not apply to the borrowing of money by a registered candidate, registered nomination contestant or registered leadership contestant for purposes unrelated to the candidate's, nomination contestant's or leadership contestant's campaign.

**(5)** Any loan made under this section that is in effect on the coming into force of this section and that is secured by a guarantee or by the provision of collateral security under section 41

(a) by an Alberta trade union or an Alberta employee organization or by a corporation that is not a prohibited corporation, or

(b) that exceeds the limit prescribed by section 17,

must be repaid or renegotiated in accordance with the timeline and terms developed under subsection (6) or (7), and no further advances on the loan shall be made on or after the coming into force of this section.

**(6)** The Chief Electoral Officer shall consult with the borrowers and the guarantors or providers of the collateral security in order to develop a reasonable timeline and terms for the repayment or renegotiation of the loan.

**(7)** Where the Chief Electoral Officer is of the opinion that an arrangement cannot be concluded in order to provide for the repayment or renegotiation of the loan, the borrower and the guarantor or the provider of a collateral security shall comply with any direction of the Chief Electoral Officer.

**Guarantees**

**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, registered 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)** Subject to subsection (6), a guarantee or the providing of collateral security referred to in subsection (1) to a registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant shall not exceed the limit 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.

**(6)** 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, registered 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, registered 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, registered nomination contestant or registered leadership contestant for purposes unrelated to the candidate's, nomination contestant's or leadership contestant's campaign.

RSA 2000 cE-2 s41;2015 c15 s13;2016 c29 s35

## **Part 5.1**

### **Maximum Expense Limits**

#### **Election expenses**

**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.

2016 c29 s36

**Election expense limits — registered parties**

- 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 that exceed in the aggregate \$2 000 000 as adjusted under section 41.5.
- (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.
- (3) The following expenses are not election expenses for the purposes of subsections (1) and (2):
- (a) audit and professional fees necessary for compliance with this Act by the registered party;
  - (b) expenses incurred to hold a conference or convention of a registered party;
  - (c) expenses incurred by a registered party to operate a permanent office, including the salaries and wages paid to permanent staff members working in the office during the election period;
  - (d) reasonable incidental expenses incurred by or on behalf of volunteers.

(4) The chief financial officer of the registered party shall prepare an expense limit report for the purpose of a return required to be filed under section 43 relating to the election expenses incurred by the registered party in relation to the election period.

(5) For the purposes of subsections (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.

2016 c29 s36

**Election expense limits — registered candidates**

**41.3(1)** No registered candidate and no chief financial officer of a registered candidate 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.

(2) The following expenses are not election expenses for the purposes of subsection (1):

- (a) a registered candidate's travel expenses reasonably related to the election, including meals and accommodation;
- (b) a registered candidate's child care expenses;
- (c) expenses relating to the provision of care for a person with a physical or mental incapacity for whom the registered candidate normally provides such care;
- (d) in the case of a registered candidate 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 registered candidate;
- (f) reasonable incidental expenses incurred by or on behalf of volunteers.

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

- (a) an election expense incurred by a registered party on behalf of a specific registered candidate is an election expense incurred by the registered candidate, and



(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.

(4) The chief financial officer of the registered candidate shall prepare an expense limit report for the purpose of a return required to be filed under section 43 relating to the election expenses incurred by the registered candidate in relation to the election period.

2016 c29 s36

#### **Limits on election expenses – nomination contestant**

**41.4(1)** No registered nomination contestant and no chief financial officer of a registered nomination contestant shall incur election expenses in respect of the nomination contest that exceed in the aggregate 20% 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 registered 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 registered nomination contestant normally provides such care;
- (d) in the case of a registered 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 registered nomination contestant;
- (f) reasonable incidental expenses incurred by or on behalf of volunteers.

(3) The chief financial officer of the registered 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 registered nomination contestant in relation to the nomination contest.

2016 c29 s36

#### **Activities by third parties**

**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, registered 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 registered 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 registered nomination contestants;
- (d) any other activity that would otherwise be part of the administrative activity of a registered party, registered candidate, registered 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 who is eligible to make a contribution under section 16(1), or
- (d) an activity where the expense incurred for that activity is an election expense under this Part.

2017 c29 s127

### **Collusion**

**41.42(1)** A registered party, registered candidate, registered 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, registered 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.

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

2017 c29 s127;2018 c4 s2

#### **Avoidance of expense limit**

**41.43** A political party shall not apply to become a registered party or use its status as a registered party for the purpose of circumventing, or attempting to circumvent, an expense limit set out in this Part.

2018 c4 s2

#### **Inflation adjustment/indexing**

**41.5(1)** In this section, “consumer price index” means the “All-items” Consumer Price Index for Alberta as published monthly by Statistics Canada.

(2) Effective January 1 after polling day of the first general election following the coming into force of this section, the Chief Electoral Officer shall adjust each of the amounts referred to in sections 17, 41(6), 41.2, 41.3 and 44.11 by the percentage increase, if any, to the consumer price index for the period beginning January 1, 2017 and ending on December 31 of the year in which the general election was held.

(3) After each subsequent general election, the Chief Electoral Officer shall further adjust each of the amounts referred to in sections 17, 41(6), 41.2, 41.3 and 44.11 by the percentage increase, if any, to the consumer price index for the period beginning on the effective date of the prior adjustment and ending on December 31st of the year the general election was held.

(4) Amounts adjusted under this section shall be rounded to the nearest dollar.

(5) The effective date of an adjustment under subsection (3) is January 1 of the year following the general election.

(6) The amounts adjusted under this section shall be published on the Chief Electoral Officer’s website as soon as reasonably possible after January 1.

2016 c29 s36

## **Part 6 Financial Statements**

#### **Filing of annual financial statements**

**42(1)** On or before March 31 of each year,

- (a) the chief financial officer of each registered party shall file with the Chief Electoral Officer an audited 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, excluding revenue and campaign expenses that relate to an election during a campaign period, and
- (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.

**(1.1)** Unless otherwise directed by the Chief Electoral Officer, a registered party is not required to file an audited financial statement in respect of the registered party if the revenue and expenses of the registered party do not each exceed \$1000.

**(1.2)** Where under subsection (1.1) a registered party is not required to file an audited financial statement, the registered party is required to file a non-audited financial statement on or before March 31 of the year in which the filing is required, including a nil return where applicable.

**(2)** Repealed 2018 c4 s2.

**(2.1)** If the registration of a constituency association is cancelled because of the establishment of new electoral divisions, that constituency association must file its financial statements within 6 months after the date the registration was cancelled.

**(3)** The chief financial officer of each registered party shall file separate audited financial statements relating to the *Election Act* and the *Senatorial Selection Act*.

RSA 2000 cE-2 s42;2010 c8 s85;2012 c5 s86;  
2016 c29 s37;2018 c4 s2

#### **Filing of campaign return**

**43(1)** Subject to subsection (8), within 6 months after polling day the chief financial officer of a registered party shall file with the Chief Electoral Officer a campaign return with respect to the campaign period, which must include

- (a) a financial statement,
- (b) the contribution report referred to in section 32(4),

- (c) a campaign expense report setting out the campaign expenses incurred by the registered party,
- (d) an expense limit report referred to in section 41.2(4), and
- (e) any supporting information and documents relating to the campaign return.

**(2)** Subject to subsection (9), within 4 months after polling day the chief financial officer of a registered candidate shall file with the Chief Electoral Officer a campaign return, which must include

- (a) a financial statement,
- (b) the contribution report referred to in section 32(4),
- (c) a campaign expense report setting out the campaign expenses incurred by the registered candidate,
- (d) an expense limit report referred to in section 41.3(4), and
- (e) any supporting information and documents relating to the campaign return.

**(3)** The Chief Electoral Officer may issue guidelines relating to the preparation and contents of the campaign returns referred to in subsections (1) and (2) and shall publish any guidelines on the Chief Electoral Officer's website.

**(4)** In relation to a by-election, subsection (1) applies only to registered parties that received contributions or made payments or transfers in relation to that by-election and subsection (2) applies only to registered candidates at that by-election.

**(5)** This section also applies to any registered candidate who withdraws the candidate's candidacy or is not nominated under the *Election Act*.

**(6)** Subject to subsection (7), an audited financial statement and a copy of the auditor's report shall accompany each financial statement of a registered party submitted pursuant to subsection (1).

**(7)** Unless otherwise directed by the Chief Electoral Officer, an audited financial statement is not required to accompany a financial statement filed under subsection (1) if the revenue and campaign expenses of the registered party do not each exceed \$1000, but a non-audited financial statement must be filed, including a nil return where applicable.

(8) If the polling day for a general election occurs within 6 months after the polling day for the previous general election, the time for compliance with subsection (1) in respect of the previous general election is extended to the expiration of the 6-month period after the 2nd general election.

(9) If a by-election is held for an electoral division and the polling day for that by-election occurs within 4 months after the polling day for the previous election in the same electoral division, the time for compliance with subsection (2) in respect of the previous election is extended to the expiration of the 4-month period after the by-election.

RSA 2000 cE-2 s43;2010 c8 s86;2012 c5 s87;2016 c29 s38

#### **Nomination contestant campaign return**

**43.01(1)** Within 4 months after the conclusion of a nomination contest, the chief financial officer of a registered 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 registered 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 registered nomination contestant who withdraws from the nomination contest.

(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.

2016 c29 s39

#### **Leadership contestant campaign return**

**43.02(1)** Within 4 months after the date fixed for the leadership vote, the chief financial officer of a registered leadership contestant shall file with the Chief Electoral Officer a leadership contestant campaign return, which must include

- (a) a financial statement,
- (b) the contribution report referred to in section 32(4.3),

- (c) a campaign expense report setting out the campaign expenses incurred by the registered leadership contestant, and
- (d) any supporting information and documents relating to the leadership campaign return.

(2) An audited financial statement and a copy of the auditor's report shall accompany each financial statement of a registered leadership contestant required to be filed under subsection (1) if the campaign expenses of the leadership contestant exceed \$25 000.

(3) This section also applies to any registered leadership contestant who withdraws from the leadership contest.

(4) The Chief Electoral Officer may issue guidelines relating to the preparation and contents of the leadership contestant campaign return and shall publish any guidelines on the Chief Electoral Officer's website.

2016 c29 s39

#### **Campaign deficits**

**43.1(1)** In this section, "revenue" means the total of

- (a) contributions received by a registered candidate, registered nomination contestant or registered leadership contestant made in accordance with this Act,
- (b) other income, including fund-raising revenue and interest on deposits,
- (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
- (d) campaign funds held in trust under section 12(1).

(2) For the purpose of this section, a registered candidate, registered nomination contestant or registered leadership contestant has a campaign deficit if, at the end of the campaign period,

- (a) any liabilities relating to the campaign remain outstanding, or
- (b) campaign expenses exceed revenue.

(3) Where a registered candidate, registered nomination contestant or registered leadership contestant has a campaign deficit, the registered candidate, registered 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, registered nomination contestant or registered leadership contestant or the registered candidate's, registered 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, registered nomination contestant's or registered leadership contestant's chief financial officer may, notwithstanding section 17(4), 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 or may pay any outstanding liabilities.

(6) The chief financial officer of the registered candidate, registered 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.

2010 c8 s87;2016 c29 s40

#### **Late filing fee**

**43.2(1)** In this section, "filing deadline" means the day by which a financial statement referred to in section 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, registered 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.

(3) The Chief Electoral Officer shall not cancel the registration of the registered party or registered constituency association under section 10(3) if the financial statement or return is filed in the case



of a financial statement referred to in section 42 or a return referred to in section 43, no later than 30 days after the filing deadline.

(4) The Chief Electoral Officer shall not transmit a report in relation to a registered candidate, registered 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):

- (a) in the case of a registered party, the registered party and the chief financial officer of the registered party;
- (b) in the case of a registered constituency association, the registered constituency association and the chief financial officer of the registered constituency association;
- (c) in the case of a registered candidate, registered nomination contestant or registered leadership contestant, the registered candidate, registered nomination contestant or registered leadership contestant and the chief financial officer of the registered candidate, registered nomination contestant or registered leadership contestant.

(6) If the late filing fee is not paid within 30 days after the date the fee was payable, the Chief Electoral Officer shall send a notice to the persons referred to in subsection (5), as applicable, indicating the amount of the late filing fee that is required to be paid.

(7) If the persons who are sent notices by the Chief Electoral Officer under subsection (6) fail to pay the late filing fee set out in the notice, the Chief Electoral Officer may file a copy of the notice with the clerk of the Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

2016 c29 s41

#### **Effect of non-compliance**

**44(1)** Subject to section 43.2(4), if the chief financial officer of a registered candidate, registered 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 a copy of the report on the Chief Electoral Officer's website.
- (3) If the Speaker lays a report before the Assembly under subsection (1), the registered candidate, registered 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 Queen'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, registered 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
  - (d) refuse the application.
- (5) An application to the Court under this section must name the Chief Electoral Officer as respondent.
- (6) The decision of the Court is final and not subject to appeal.

RSA 2000 cE-2 s44;2009 c53 s53;2010 c8 s88;2016 c29 s42

## **Part 6.1**

### **Third Party Advertising**

#### **Definitions**

**44.1(1)** In this Part and in section 9.1,

- (a) "advertising account" means, as applicable,
  - (i) the account on record with the Chief Electoral Officer for the purpose of accepting advertising contributions for election advertising and for the payment of advertising expenses for election advertising, and

- (ii) the account on record with the Chief Electoral Officer for the purpose of accepting advertising contributions for political advertising and for the payment of advertising expenses for political advertising;
- (b) “advertising contribution” means, subject to subsection (2),
  - (i) money provided to or for the benefit of a third party, or
  - (ii) real property, goods or services, or the use of real property, goods or services, provided to or for the benefit of a third party,  
  
without compensation from that third party, for the purpose of election advertising or political advertising, whether provided before or after the third party becomes registered under section 9.1;
- (c) “advertising expense” means an expense incurred in relation to
  - (i) the production of an election advertising message or political advertising message in the format in which the message is to be transmitted, and
  - (ii) the acquisition of the means of transmission to the public of an election advertising message or a political advertising message;
- (d) “election advertising” means, subject to subsection (1.1), the transmission to the public by any means during an election advertising period of an advertising message that promotes or opposes a registered party or the election of a registered candidate, including an advertising message that takes a position on an issue with which a registered party or registered candidate is associated, and for greater certainty does not include
  - (i) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,
  - (ii) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,
  - (iii) the transmission of a document or the communication directly by a corporation or a group to its members, employees or shareholders, as the case may be,

- (iv) the transmission by a person, corporation or group, on a non-commercial basis on the Internet, of the political views of that person, corporation or group,
  - (v) the making of telephone calls to electors only to encourage them to vote, or
  - (vi) advertising by the Government in any form;
- (d.1) “election advertising period” means
- (i) in the case of a general election held in accordance with section 38.1(2) of the *Election Act*, the period commencing December 1 in the year immediately preceding the year in which a general election is held and ending at the end of the polling day,
  - (ii) in the case of a general election held other than in accordance with section 38.1(2) of the *Election Act*, the period commencing with the issue of a writ for the election and ending at the end of the polling day, or
  - (iii) in the case of a by-election, the period commencing with the issue of a writ for the by-election and ending at the end of the polling day;
- (e) “expenses” means
- (i) amounts paid,
  - (ii) liabilities incurred,
  - (iii) subject to subsection (2)(a), the market value of real property, goods and services that are donated or provided, and
  - (iv) subject to subsection (2)(a), amounts that represent the difference between an amount paid or a liability incurred for real property, goods or services and the market value of the real property, goods or services, when they are provided at less than their market value;
- (f) “group” means an unincorporated group of persons or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of persons, corporations, trade unions or employee organizations;
- (g) “political advertising” means, subject to subsection (1.3), the transmission to the public by any means, at any time

other than during an election advertising period, of an advertising message that promotes or opposes a registered party, the leader of a registered party, a member of the Legislative Assembly, a registered nomination contestant, a registered leadership contestant or the election of a registered candidate, including an advertising message that takes a position on an issue with which a registered party, the leader of a registered party, a member of the Legislative Assembly, a registered nomination contestant, a registered leadership contestant or a registered candidate is associated, and for greater certainty does not include

- (i) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,
  - (ii) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value,
  - (iii) the transmission of a document or the communication directly by a corporation or a group to its members, employees or shareholders, as the case may be,
  - (iv) the transmission by a person, corporation or group, on a non-commercial basis on the Internet, of the political views of that person, corporation or group,
  - (v) the making of telephone calls to electors only to encourage them to vote, or
  - (vi) advertising by the Government in any form;
- (h) “registered third party” means a third party registered under section 9.1;
- (i) “third party” means a person, corporation or group, 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 registered nomination contestant;
  - (v) a registered leadership contestant.

**(1.1)** For the purposes of subsection (1)(d), “election advertising” includes

- (a) canvassing for the benefit of a registered party or registered candidate, and
- (b) organizing events where a significant purpose of the event is to promote or oppose a registered party or registered candidate.

**(1.2)** In determining a significant purpose of an event under subsection (1.1)(b), the following factors, in addition to any other relevant information, shall be used:

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

**(1.3)** For the purposes of subsection (1)(g), “political advertising” includes

- (a) canvassing for the benefit of a registered party, the leader of a registered party, a member of the Legislative Assembly, a registered nomination contestant, a registered leadership contestant or a registered candidate, and
- (b) organizing events where a significant purpose of the event is to promote or oppose a registered party, the leader of a registered party, a member of the Legislative Assembly, a registered nomination contestant, a registered leadership contestant or a registered candidate.

**(1.4)** In determining a significant purpose of an event under subsection (1.3)(b), the following factors, in addition to any other relevant information, shall be used:

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

**(2)** For the purposes of subsection (1)(b), “services” does not include

- (a) volunteer labour provided by a person, so long as that person does not receive from his or her employer, or any person, compensation or paid time off to volunteer,
- (b) audit and professional services provided free of charge for work relating to compliance with this Act,
- (c) services provided free of charge by a person acting as the chief financial officer of the recipient of the services for work relating to compliance with this Act, or
- (d) services that a third party provides in support of its own campaign,

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

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

2010 c8 s89;2012 c5 s88;2016 c29 s43;  
2017 c29 ss128,131;2018 c4 s2

**Election advertising spending limit**

**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 December 1 in the year immediately preceding the year in which a 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 polling 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 polling 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).

**(2.1)** For the purpose of subsection (2), promoting or opposing the election of a registered candidate in a given electoral division includes



- (a) naming that candidate,
- (b) showing that candidate's likeness,
- (c) identifying that candidate by political affiliations, or
- (d) taking a position on an issue with which that candidate is particularly associated.

**(3)** The limits set out in subsection (2)(a) and (b) apply to an amount incurred with respect to the leader of a registered party only to the extent that it is incurred to promote or oppose his or her election in a given electoral division.

**(4)** A 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)** A third party shall not circumvent, or attempt to circumvent, a limit set out in this section in any manner, including by splitting itself into 2 or more third parties for the purpose of circumventing a limit or acting in collusion with another third party so that their combined election advertising expenses exceed a limit.

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

**(5.2)** A registered party, registered candidate, registered 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.

**(6)** For greater certainty, for the purposes of this section, if election advertising is transmitted during an election advertising period, the expense incurred for that advertising is considered to be an election advertising expense, regardless of when it was incurred.

**(7)** The chief financial officer of a registered third party shall prepare an election advertising expense limit report for the purposes of a return required to be filed under section 44.9 relating to third party advertising expenses in relation to election advertising.

2016 c29 s43;2017 c29 ss129,131

#### **Restrictions on advertising contributions and expenses**

**44.2(1)** Subject to subsections (3) and (4), no advertising contribution shall be made by a person, corporation, trade union or

employee organization to a third party or used to incur election advertising expenses or political advertising expenses unless

- (a) the third party to whom the advertising contribution is made is registered under section 9.1, or
- (b) the third party is not required to be registered under section 9.1.

(2) No third party required to be registered under section 9.1 and no person acting for a third party required to be registered under section 9.1 shall accept advertising contributions or incur advertising expenses unless the third party is registered under section 9.1.

(3) The following shall not make an election advertising contribution:

- (a) a person ordinarily resident outside Alberta;
- (b) a prohibited corporation;
- (c) a trade union or employee organization that is not an Alberta trade union or Alberta employee organization;
- (d) a registered charity;
- (e) a group of which any member of the group is ineligible under clause (a), (b) or (c).

(4) A third party shall not 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.

(5) No third party shall, directly or indirectly, accept an election advertising contribution if the third party knows or ought to know that the contribution is made by a person, organization or group referred to in subsection (3).

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

2010 c8 s89;2012 c5 s89;2015 c15 s14;2016 c29 s43

#### **Payments made by third party**

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

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

2010 c8 s89;2016 c29 s43

**Deposit of advertising contributions**

**44.22(1)** Advertising contributions for election advertising or political advertising accepted by or on behalf of a registered third party shall be paid into the appropriate advertising account.

**(2)** When any advertising contribution, other than money, accepted by or on behalf of a registered third party is converted at any time into money, that amount shall be paid into the appropriate advertising account.

2016 c29 s43

**Additional rules for groups**

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

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

2010 c8 s89;2016 c29 s43

**Valuing contributions other than money**

**44.31(1)** The value of advertising contributions, other than money, provided to a third party is the market value of the advertising contributions at that time.

(2) If any real property, goods or services or the use of real property, goods or services is provided to a third party for a price that is less than the market value at that time, the amount by which the value exceeds the price is an advertising contribution for the purposes of this Part.

2010 c8 s89;2016 c29 s43

**Fund-raising functions**

**44.32(1)** In this section, “fund-raising function” includes any social function held for the purpose of raising funds for a third party required to be registered under section 9.1 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 third party that held the function or on whose behalf the function was held.

(3) If a fund-raising function is held by the sale of tickets by or on behalf of a third party, the amount of the advertising contribution is to be determined under clause (a) or under clause (b), at the option of the third party:

- (a) if the individual charge
  - (i) is \$50 or less, it is not considered to be an advertising contribution unless the person who pays the charge specifically requests that it be so considered, in which case 1/2 of the amount is allowed for expenses and 1/2 is considered to be an advertising contribution,
  - (ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be an advertising contribution, and
  - (iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be an advertising contribution;
- (b) the amount of the advertising contribution is the difference between the price of the ticket and the market value of what the ticket entitles the bearer to obtain.

(4) The price paid by a person at a fund-raising function in excess of the market value at that time for goods or services received is considered to be an advertising contribution to the third party.

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

2010 c8 s89;2012 c5 s90;2016 c29 s43

#### **Advertising contributions less than \$50**

**44.33(1)** When, at a meeting held on behalf of or in relation to the affairs of a third party, money is given in response to a general collection of money solicited from the persons in attendance at the meeting, individual amounts given of \$50 or less shall not be considered to be advertising contributions, but the chief financial officer of the third party shall record the aggregate amount received.

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

2010 c8 s89;2016 c29 s43

#### **Loans**

**44.4(1)** A third party

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

(2) Any payment in respect of a loan to which subsection (1) applies is considered an advertising contribution by the person, corporation or group that made the payment unless that person, corporation or group is reimbursed by the borrower prior to the filing by the borrower of the applicable advertising report or return next required to be filed pursuant to section 44.82 or 44.9.

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

2010 c8 s89;2016 c29 s43

#### **Anonymous contributions and unauthorized contributions**

**44.5(1)** Any anonymous advertising contribution in excess of \$50 and any advertising contribution or portion of a contribution made in contravention of this Part accepted by a registered third party must not be used or expended, and the registered third party

- (a) shall return the advertising contribution or the portion, as the case may be, to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, shall pay an amount equivalent to the advertising contribution to the Chief Electoral Officer.

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

2010 c8 s89;2012 c5 s91;2016 c29 s43

#### **Contributions not belonging to contributor**

**44.51(1)** No person, corporation, group, trade union or employee organization shall contribute to any third party that is registered or is required to be registered under section 9.1 funds not actually belonging to that person, corporation, group, trade union or employee organization, or any funds that have been given or furnished to the person, corporation, group, trade union or employee organization by any group or by a corporation, trade union or employee organization for the purpose of making an advertising contribution of those funds to the third party that is registered or is required to be registered under section 9.1.

(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.

2016 c29 s43

#### **Receipts**

**44.6** A third party shall issue receipts in the form and manner approved by the Chief Electoral Officer for every advertising contribution accepted by the third party.

2010 c8 s89;2016 c29 s43

#### **Third party advertising expenses**

**44.7(1)** All election advertising expenses or political advertising expenses, as the case may be, must be paid from the third party's applicable advertising account.

- (2) Every registered third party shall appoint a chief financial officer.
- (3) Every election advertising expense or political advertising expense that is incurred by or on behalf of a registered third party must be authorized by its chief financial officer.
- (4) No advertising contribution shall be accepted by a registered third party otherwise than through the third party's chief financial officer.
- (5) The chief financial officer may delegate a function described in subsection (3) or (4) to another person, but the delegation does not limit the chief financial officer's responsibility.
- (6) Subject to the requirements of this Part, a registered third party that operates an advertising account may transfer amounts
- (a) from its election advertising account to the election advertising accounts of other registered third parties,
  - (b) from its political advertising account to the political advertising accounts of other registered third parties,
  - (c) from its election advertising account to its political advertising account, or
  - (d) from its election advertising account to the political advertising accounts of other registered third parties,
- and any amounts transferred shall not be considered as advertising contributions for the purposes of this Part, but must be recorded as to source and amount.
- (7) Funds held in a political advertising account shall not
- (a) be transferred to the third party's election advertising account, if the third party has such an account, or
  - (b) to the election advertising account of another third party.
- (8) All election advertising expenses or political advertising expenses paid for by a third party from its advertising account must be recorded in its applicable advertising report.

2010 c8 s89;2016 c29 s43

**Identification of third parties**

**44.8(1)** A third party, or a person acting on a third party's behalf, must ensure that election advertising or political advertising

sponsored by the third party complies with the following in accordance with the guidelines of the Chief Electoral Officer:

- (a) the election advertising and political advertising must include the third party's name and contact information and must indicate whether the third party authorizes the election advertising or political advertising;
- (b) subject to clause (c), in the case of election advertising or political advertising that is broadcast or is made through electronic media, the information referred to in clause (a) must be stated at the beginning of the election advertising or political advertising;
- (c) in the case of election advertising or political advertising transmitted to a telephone, whether in the form of a live call or an automated pre-recorded call,
  - (i) the telephone number of the third party must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed,
  - (ii) the name of the third party must be stated at the beginning of the election advertising or political advertising,
  - (iii) the election advertising or political advertising must state whether the third party authorizes the election advertising or political advertising, and
  - (iv) the telephone number of the third party at which the third party can be contacted must be stated at the end of the election advertising or political advertising.

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

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

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



**Disclosure of contributions for  
election advertising**

**44.81(1)** This section applies only to advertising contributions provided for the purpose of election advertising.

(2) In addition to the report referred to in section 44.9, every registered third party who engages in election advertising shall file with the Chief Electoral Officer, in the form and manner and within the time determined by the Chief Electoral Officer, weekly reports about advertising contributions received during the election advertising period, setting out

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

(3) The reports under subsection (2) for the weeks following the first week must also include the total amounts contributed by a contributor when the advertising contributions of that contributor exceeded \$250 in the aggregate from the beginning of the election advertising period to the end of the particular week for which the report is being prepared, together with the contributor's name and address.

2016 c29 s43;2017 c29 ss130,131

**Disclosure of contributions for  
political advertising**

**44.82(1)** This section applies only to advertising contributions provided for the purpose of political advertising.

(2) The chief financial officer of a registered third party shall file with the Chief Electoral Officer, in the form and manner approved by the Chief Electoral Officer, within 15 days after the end of each quarter of each year, a report setting out

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

address and the amount and date of each advertising contribution.

(3) The reports under subsection (2) for the 2nd, 3rd and final quarters must also include the total amounts contributed by a contributor when the advertising contributions of that contributor exceeded \$250 in the aggregate on a year-to-date basis, together with the contributor's name and address.

(4) For the purpose of subsection (2), the ends of each quarter of a year are as follows:

- (a) for the first quarter, March 31;
- (b) for the 2nd quarter, June 30;
- (c) for the 3rd quarter, September 30;
- (d) for the final quarter, December 31.

(5) The chief financial officer of a registered third party shall, on or before March 31 of each year, file an annual report in the form and manner approved by the Chief Electoral Officer respecting advertising contributions received in respect of political advertising for the preceding calendar year.

(6) A report under subsection (2) must be filed for the final quarter of 2016 for the period commencing November 28, 2016, and ending December 31, 2016, but an annual report referred to in subsection (5) is not required to be filed for 2016.

2016 c29 s43

#### **Third party election advertising return**

**44.9(1)** Subject to subsection (2), within 6 months after polling day the chief financial officer of a third party who is registered under section 9.1(2)(a) shall file with the Chief Electoral Officer a third party election advertising return, which must include

- (a) a financial statement,
- (b) a list of all advertising contributions received during the election advertising period,
- (c) an election advertising spending limit report referred to in section 44.11(7),
- (d) the time and place of broadcast or publication of the advertisements to which the election advertising expenses relate, and

(e) any supporting information and documents relating to the election advertising return.

(2) If the polling day for a general election occurs within 6 months after the polling day for a previous general election, the time for compliance with subsection (1) in respect of the previous general election is extended to the expiration of the 4-month period after the 2nd general election.

(3) The chief financial officer of a registered third party that accepts election advertising contributions or incurs election advertising expenses outside of the return period in subsection (1) shall file a report with the Chief Electoral Officer on or before March 31 of each year for the preceding calendar year.

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

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

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

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

2010 c8 s89;2012 c5 s93;2016 c29 s43;2017 c29 s131

#### **Audited financial statements**

**44.91(1)** The chief financial officer of a third party whose election advertising expenses are \$100 000 or more shall file an audited financial statement with the Chief Electoral Officer within 6 months after polling day.

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

2010 c8 s89;2016 c29 s43

#### **Disposition of advertising account funds**

**44.92(1)** Subject to subsection (2), any funds held by a registered third party in its election advertising account with respect to an

election advertising period shall continue to be held in the election advertising account to be expended for election advertising during a subsequent election advertising period.

**(2)** If a registered third party decides not to expend funds for election advertising during the next election advertising period for a general election or does not engage in election advertising during the next election advertising period for a general election, the registered third party shall, within 6 months after that period, deal with the funds remaining in the election advertising account in accordance with subsection (4).

**(3)** If a registered third party decides not to engage in political advertising, the registered third party shall deal with the funds remaining in its political advertising account in accordance with subsection (4) by the time the report for the next quarter is required to be filed, as referred to in section 44.82.

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

- (a) by transferring the funds in accordance with section 44.7;
- (b) by donating the funds to a registered charity;
- (c) by returning the funds to the third party's contributors if they can be identified;
- (d) if the funds or any portion of the funds cannot be dealt with in accordance with clauses (a) to (c), by paying the funds or that portion of the funds, as the case may be, to the Chief Electoral Officer for deposit into the General Revenue Fund.

**(5)** A registered third party to which subsection (2) or (3) applies shall notify the Chief Electoral Officer of its decisions under this section and shall apply to the Chief Electoral Officer under section 10 to cancel its registration.

**(6)** The chief financial officer of a registered third party that has not dealt with the funds remaining in the respective advertising accounts referred to in subsection (2) or (3) shall file an election advertising return with the Chief Electoral Officer on or before March 31 of each year until such time as the funds have been disposed of completely.

2010 c8 s89;2012 c5 s93;2016 c29 s43;2017 c29 s131

**Late filing fee**

**44.93(1)** In this section, “filing deadline” means the day by which a report and return under this Part are required to be filed with the Chief Electoral Officer.

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

(3) The Chief Electoral Officer shall not cancel the registration of the third party under section 10(4.1) if the report or return is filed no later than 30 days after the filing deadline.

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

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

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

2010 c8 s89;2015 c15 s15;2016 c29 s43

**Application**

**44.94** This Part applies

- (a) on and after January 1, 2017, with respect to third parties that engage in election advertising, and
- (b) on and after the day the Bill to enact the *Fair Elections Financing Act* received first reading, with respect to third parties that engage in political advertising.

2010 c8 s89;2015 c15 s16;2016 c29 s43

**Part 6.2** Repealed 2016 c29 s44.

### Part 6.3 Election Commissioner

#### Duties of Election Commissioner

**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
  - (i) registered parties and registered constituency associations,
  - (ii) registered candidates in relation to election campaigns,
  - (iii) registered leadership contestants in relation to leadership contests,
  - (iv) registered nomination contestants in relation to nomination contests, and
  - (v) registered third parties in relation to election advertising or political advertising under Part 6.1,
- (a.1) may, at any time, conduct an investigation into whether 2 or more registered parties are associated registered parties on the Election Commissioner's own initiative or at the request of
  - (i) the Chief Electoral Officer,
  - (ii) an elector, or
  - (iii) a registered party,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.

2017 c29 s132;2018 c4 s1

#### Powers of Election Commissioner

**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.

(3) Before entering a private dwelling or a part of premises used as a private dwelling to carry out the powers described in subsection (2), a representative of the Election Commissioner shall

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

(4) A registered party, registered constituency association, registered candidate, registered 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 with respect to the financial affairs of the registered party, registered constituency association, registered candidate, registered 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.

2017 c29 s132

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

**44.97(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 the Election Commissioner believes that doing so would compromise or impede the investigation.

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

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

(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 present his or her or its views.

(4) If the Election Commissioner refuses to conduct or ceases an investigation under subsection (2), or determines that no offence was committed, the Election Commissioner

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

and

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

and

- (b) may, as the Election Commissioner considers to be appropriate, provide notice of that decision to any other person or organization involved in the matter referred to in section 44.95(a.1) or (b).

2017 c29 s132;2018 c4 s1

## **Part 7 Prohibitions, Offences and Prosecutions**

### **Obstruction**

**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.

RSA 2000 cE-2 s45;2012 c5 s96

#### **False documents**

**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.

RSA 2000 cE-2 s46;2016 c29 s45

#### **False statements**

**47** No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions.

RSA 1980 cE-3 s39

#### **Failure to provide audited statements**

**48(1)** The chief financial officer of a registered party, registered constituency association or registered candidate who contravenes section 42 or 43 is guilty of an offence and liable to a fine of not more than \$1000.

**(2)** When any contravention of section 42 or 43 is committed by a chief financial officer of a registered 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, 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.

**(3)** The chief financial officer of a registered leadership contestant who contravenes section 43.02 is guilty of an offence and liable to a fine of not more than \$1000.

**(4)** The chief financial officer of a registered 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 registered nomination contestant is guilty of having contravened section 43.01, the registered 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.

**(6)** If the chief financial officer of a registered leadership contestant is guilty of having contravened section 43.02, the registered leadership 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.

RSA 2000 cE-2 s48;2012 c5 s97;2016 c29 s46

**Prohibition — expenses more than maximum**

**48.1(1)** A registered party, or the chief financial officer of a registered party, who contravenes section 41.2 is guilty of an offence and liable to a fine of not more than \$10 000.

**(2)** A registered candidate, or the chief financial officer of a registered candidate, who contravenes section 41.3 is guilty of an offence and liable to a fine of not more than \$5000.

**(3)** A registered nomination contestant, or the chief financial officer of a registered nomination contestant, who contravenes section 41.4 is guilty of an offence and liable to a fine of not more than \$5000.

2016 c29 s47

**Circumvention of expense limits**

**48.11(1)** A registered party, registered candidate, registered 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.

**(2)** A political party that contravenes section 41.43 is guilty of an offence and liable to a fine of not more than \$100 000.

2018 c4 s2

**Failure to comply with directions**

**48.2** A registered party, registered constituency association, registered candidate, registered 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.

2016 c29 s47;2017 c29 s133

**Offences by corporations, etc.**

**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.

**(2)** Subsection (1) does not apply to a contravention of section 45, 46 or 47 by a person that constitutes a corrupt practice under section 176 of the *Election Act*.

RSA 2000 cE-2 s49;2015 c15 s17

**Third party election advertising offences**

**49.1** A third party that contravenes a provision of this Act is guilty of an offence and liable to a fine not exceeding

- (a) \$10 000 if the third party is a person;
- (b) \$100 000 if the third party is a trade union, employee organization, corporation or other organization.

2010 c8 s90;2012 c5 s98;2016 c29 s48

**General offences**

**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.

RSA 2000 cE-2 s50;2012 c5 s99

**Contravention of compliance agreement**

**50.1** A contracting party who enters into a compliance agreement under this Act and

- (a) failed to disclose all material facts when the compliance agreement was entered into, or
- (b) fails to comply with the compliance agreement

is guilty of an offence and liable to a fine of not more than \$5000.

2017 c29 s134

**Penalties**

**51(1)** When the Election Commissioner is satisfied that any person, corporation, trade union or employee organization has made one or more contributions in excess of an amount permitted under this Act, the Election Commissioner may by written notice require that person, corporation, trade union or employee organization to pay a penalty in an amount named in the notice not exceeding the amount by which the contribution or contributions exceeded the amount permitted under this Act or may issue a letter of reprimand to the person, corporation, trade union or employee organization.

**(2)** When the Election Commissioner is satisfied that a prohibited corporation has made a contribution in contravention of section 16, the Election Commissioner may by written notice require the prohibited corporation to pay a penalty in an amount named in the notice not exceeding the amount contributed or may issue a letter of reprimand to the person, corporation, trade union or employee organization.

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

(4) This section applies in respect of contributions made before this subsection comes into force.

RSA 2000 cE-2 s51;2006 c23 s26; 2010 c8 s91;  
2012 c5 s100;2017 c29 s135

#### **Administrative penalties**

**51.01(1)** In subsections (2) and (3) and section 51.03, “person or entity” means the person, corporation, trade union, employee organization, prohibited corporation, political party, constituency association or third party, as the case may be, on whom a notice of administrative penalty or letter of reprimand is served under this section.

(2) 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) or 18(1),
- (b) a prohibited person or entity has made a contribution in contravention of section 16,
- (b.1) a person, a political party, a constituency association or a third party fails to comply with a direction of the Election Commissioner,
- (c) a prohibited corporation, a person ordinarily resident outside Alberta or a trade union or employee organization that is not an Alberta trade union or Alberta employee organization has made an election advertising contribution in contravention of section 44.2(3), or
- (d) a person, a prohibited person or entity, a political party, a constituency association or a third party has contravened a provision of this Act, otherwise than as referred to in clause (a), (b) or (c),

the Election Commissioner may serve on the person or entity either a notice of administrative penalty requiring the person or entity to pay to the Crown the amount set out in the notice, or a letter of reprimand.

(3) A notice of administrative penalty must contain the following information:

- (a) the name of the person or entity required to pay the administrative penalty;

- (b) the particulars of the contravention;
- (c) the amount of the administrative penalty and the date by which it must be paid;
- (d) a statement of the right to appeal the imposition or the amount of the administrative penalty to the Court of Queen's Bench.

**(4)** In determining the amount of an administrative penalty required to be paid or whether a letter of reprimand is to be issued, the Election Commissioner must take into account the following factors:

- (a) the severity of the contravention;
- (b) the degree of wilfulness or negligence in the contravention;
- (c) whether or not there were any mitigating factors relating to the contravention;
- (d) whether or not steps have been taken to prevent reoccurrence of the contravention;
- (e) whether or not the person or entity has a history of non-compliance;
- (f) whether or not the person or entity reported the contravention on discovery of the contravention;
- (g) any other factors that, in the opinion of the Election Commissioner, are relevant.

**(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) 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;
- (b) in the case of a contravention of section 16 or 44.2(3), twice the amount that was contributed in contravention of that provision, and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention;

- (c) in the case of a contravention referred to in section 48(1), (2)(b) or (3), \$1000;
- (d) in the case of a contravention referred to in section 49.1,
  - (i) \$10 000 if the third party is a person, and
  - (ii) \$100 000, if the third party is a trade union, employee organization, corporation or other organization;
- (e) in the case of any other contravention, \$10 000.

(6) A person or entity who pays an administrative penalty in respect of a contravention shall not be charged under this Act with an offence in respect of the same contravention that is described in the notice of administrative penalty.

(7) A person or entity who has been served with a notice of administrative penalty shall pay the amount of the administrative penalty within 30 days from the date of service of the notice.

(8) Subject to the right to appeal, where a person or entity fails to pay the administrative penalty in accordance with a notice of administrative penalty, the Election Commissioner may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

2012 c5 s100;2015 c15 s18;2016 c29 s49;  
2017 c29 s136

#### **Time limit**

**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.

(2) A disclosure under section 5.2(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.

2012 c5 s100

#### **Appeal of administrative penalty**

**51.03(1)** A person or entity who is served with a notice of administrative penalty under section 51.01 may appeal the Election Commissioner's decision by filing an application with the Court of Queen's Bench within 30 days from the date the notice was served.

- (2) The application must be accompanied with a copy of the notice of administrative penalty and state the reasons for the appeal.
- (3) A copy of the application must be served on the Election Commissioner not less than 30 days before the appeal is to be heard.
- (4) The Court of Queen's Bench may, on application either before or after the time referred to in subsection (1), extend that time if it considers it appropriate to do so.
- (5) On hearing the appeal, the Court of Queen's Bench may confirm, rescind or vary the amount of the administrative penalty.

2012 c5 s100;2017 c29 s137

### **Compliance agreements**

**51.04(1)** In this Part, "contracting party" means a person with whom the Election Commissioner enters into a compliance agreement under this Act.

(2) If the Election Commissioner believes on reasonable grounds that a person has committed, is about to commit or is likely to commit an act or omission that could constitute a contravention of this Act, the Election Commissioner may enter into a compliance agreement with that person for the purpose of ensuring compliance with this Act.

(3) A compliance agreement may contain any terms and conditions that the Election Commissioner considers necessary to ensure compliance with this Act.

(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.

(5) A compliance agreement may include a statement by the contracting party that the contracting party admits responsibility for the act or omission that constitutes a contravention of this Act.

(6) The fact that a compliance agreement was entered into, and any statement referred to in subsection (5), is not admissible in evidence against the contracting party in any civil or criminal proceedings.

(7) When a compliance agreement is entered into, a prosecution of the contracting party for an act or omission that led to the agreement shall not be instituted and any prosecution already instituted is suspended.

(8) The Election Commissioner and the contracting party may renegotiate the terms of the compliance agreement at the request of the Election Commissioner or contracting party at any time before it is fully executed.

2017 c29 s138

**Notice of compliance agreement**

**51.05(1)** When, in the opinion of the Election Commissioner, the compliance agreement has been complied with, the Election Commissioner shall give a notice to that effect to the contracting party.

(2) On the giving of a notice under subsection (1), any prosecution of the contracting party that is based on the act or omission in question terminates and no further prosecution shall be instituted based on that act or omission.

2017 c29 s138

**Failure to comply**

**51.06** If the Election Commissioner is of the opinion that a contracting party

- (a) failed to disclose all material facts when the compliance agreement was entered into, or
- (b) has failed to comply with a term of the compliance agreement,

the Election Commissioner shall give notice of the failure to the contracting party, informing the contracting party that the Election Commissioner may serve a notice of administrative penalty or a letter of reprimand under section 51.01, or may consent to a prosecution in respect of the original act or omission or, if a prosecution has been suspended by section 51.04(7), that those proceedings are no longer suspended.

2017 c29 s138

**Publication of notice**

**51.07** The Election Commissioner 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.

2017 c29 s138

**Application for injunction**

**51.08(1)** If the Election Commissioner has reasonable grounds to believe that a person has committed or is likely to commit an act or omission that is contrary to this Act, the Election Commissioner may, during an election period, after taking into account the nature



and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest, apply by originating application to the Court for an injunction described in subsection (2).

(2) If the Court, on application by the Election Commissioner under subsection (1), is satisfied that there are reasonable grounds to believe that a person has committed or is likely to commit an act or omission that is contrary to this Act, and that the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest justify the issuing of an injunction, the Court may issue an injunction ordering any person named in the application to do one or both of the following:

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

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

2017 c29 s138

#### **Election Commissioner's orders**

**51.1(1)** Where a contribution has been made or accepted in contravention of this Act, the Election Commissioner may order that the amount of the contribution that was made or accepted in contravention of this Act be returned to the contributor.

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

2010 c8 s92;2012 c5 s101;2017 c29 s139

#### **Prosecution**

**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.

RSA 2000 cE-2 s52;2004 c23 s97;2010 c8 s93;2015 c15 s19

#### **Restrictions**

**53** No prosecution shall be instituted under this Act without the consent of the Election Commissioner.

RSA 2000 cE-2 s53;2017 c29 s140

#### **Judicial review**

**54** An application for judicial review of a decision or order of the Chief Electoral Officer or the Election Commissioner under this Act must be filed with the Court of Queen's Bench 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.

2017 c29 s141





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