



Province of Alberta

ALBERTA SENATE ELECTION AMENDMENT ACT, 2020

Statutes of Alberta, 2020
Chapter 19

Assented to July 23, 2020

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ALBERTA SENATE ELECTION AMENDMENT ACT, 2020

Chapter 19

(Assented to July 23, 2020)

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

Amends SA 2019 cA-33.5

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

2 Section 10(1) is amended

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

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

4 Section 18(7) is repealed and the following is substituted:

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

5 Section 23(1) is amended

- (a) **in clause (a) by adding** “and served on the Chief Electoral Officer” **after** “must be filed”;
- (b) **in clause (b) by adding** “referred to in section 20(5)” **after** “Tabulation of Official Results”;
- (c) **by adding the following after clause (b):**

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

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

- (f.1) in the case of an election under this Act to which Part 2 applies, providing that section 111 of the *Election Act* applies with the modifications set out in the regulations or specifying or setting out provisions that apply in respect of such an election in addition to, or instead of, section 111 of the *Election Act*;
- (f.2) in the case of an election under this Act to which Part 3 applies, providing that section 85 of the *Local Authorities Election Act* applies with the modifications set out in the regulations or specifying or setting out provisions that apply in respect of such an election in addition to, or instead of, section 85 of the *Local Authorities Election Act*;

7 Section 29(1) is amended

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

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

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

- (2) Where an elected authority, band council of an Indian band, advisory committee or council has entered into an agreement with the Minister under section 38(5) to conduct a vote on the Minister’s behalf in one or more local areas, the elected authority, band council, advisory committee or council, as the case may be, may combine those local areas and divide them into one or more subdivisions.
- (3) For the purpose of subsection (2), “local area” means a municipality, improvement district, special area or Indian reserve or a park as defined in the *Canada National Parks Act* (Canada).

10 Section 44 is amended

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

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

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

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

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

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

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

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

13 The following is added after section 48:

Ballot boxes for recount

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

14 The following is added after section 49:

Ministerial powers

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

Related Amendments

Amends RSA 2000 cE-2

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

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

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

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

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

(3) Section 20 is amended

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

Excessive contributions re Senate election

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

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

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

Prohibition re Senate election

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

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

30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

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

(5) Section 38 is amended

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

(2.1) Notwithstanding subsections (1) and (2), funds or real property or the use of real property acquired by a registered candidate in relation to an election under the *Alberta Senate Election Act* shall not be transferred or used in relation to a general election or by-election under the *Election Act*.

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

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

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

(7) Section 44.941 is amended

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

(i) **by repealing clause (a);**

(ii) **in clause (b) by striking out** “subsection (2)(a)” **wherever it occurs and substituting** “subsection (1.1)”;

(iii) **in clause (e)(ii) by striking out** “an election” **and substituting** “a Senate election”;

(iv) **in clause (f) by striking out** “advertising contributions for senatorial selection advertising and for the payment of advertising expenses for senatorial selection” **and substituting** “Senate election advertising contributions

and for the payment of Senate election advertising expenses”;

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

- (g.1) “Senate election advertising expense” means an expense incurred in relation to
- (i) the production of a Senate election advertising message in the format in which the message is to be transmitted, and
 - (ii) the acquisition of the means of transmission to the public of a Senate election advertising message;

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

- (h) “Senate election advertising period” means
- (i) in the case of an election under the *Alberta Senate Election Act* to be held in conjunction with a general election under the *Election Act* or a stand-alone order, the period commencing at the beginning of the campaign period for that election and ending on polling day, and
 - (ii) in the case of an election under the *Alberta Senate Election Act* to be held in conjunction with a general election under the *Local Authorities Election Act*, the period commencing May 1 in the year in which the general election is held and ending at the end of the election day;

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

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

(8) Section 44.942 is amended

- (a) in subsection (1) by striking out “advertising expenses” and substituting “Senate election advertising expenses”;**

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

(9) Section 44.943 is amended

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

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

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

(12) Section 44.946 is amended

- (a) **in the portion preceding clause (a)**
 - (i) **by striking out** “an advertising contribution” **and substituting** “a Senate election advertising contribution”;
 - (ii) **by striking out** “pay for advertising expenses” **and substituting** “pay for Senate election advertising expenses”;
- (b) **in clause (a)**
 - (i) **by striking out** “an advertising contribution” **and substituting** “a Senate election advertising contribution”;
 - (ii) **in subclause (ii) by striking out** “election advertising” **and substituting** “Senate election advertising”;

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

(13) Section 44.947 is amended

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

(14) Section 44.948 is amended

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

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

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

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

(18) Section 44.9493 is amended

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

(19) Section 44.9494 is amended by striking out “advertising contribution” **and substituting** “Senate election advertising contribution”.**(20) Section 44.9495 is amended**

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

(21) Section 44.9497 is amended

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

(22) Section 44.9498 is amended

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

- (i) **in clause (b) by striking out** “advertising contributions” **and substituting** “Senate election advertising contributions”;
 - (ii) **in clause (c) by striking out** “advertising expense” **and substituting** “Senate election advertising expense”;
 - (iii) **in clause (d) by striking out** “advertising expenses” **and substituting** “Senate election advertising expenses”;
- (b) **in subsection (3) by striking out** “advertising contributions” **and substituting** “Senate election advertising contributions”;
- (c) **by repealing subsection (4) and substituting the following:**
- (4) If a registered third party has not incurred Senate election advertising expenses, that fact shall be indicated in its Senate election advertising return.
- (d) **in subsection (5)**
- (i) **by striking out** “contributions” **and substituting** “Senate election advertising contributions”;
 - (ii) **by striking out** “advertising contributions” **and substituting** “Senate election advertising contributions”;
 - (iii) **by striking out** “advertising contribution” **and substituting** “Senate election advertising contribution”;
- (e) **in subsection (6) by striking out** “election advertising expense” **and substituting** “Senate election advertising expense”;
- (f) **in subsection (7) by striking out** “election advertising return” **and substituting** “Senate election advertising return”.
- (23) Section 44.9499(1) is amended by striking out** “election advertising expenses” **and substituting** “Senate election advertising expenses”.
- (24) Section 44.94991(5) is amended by striking out** “an election advertising return” **and substituting** “a Senate election advertising return”.

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

section 4(1)(b)(iii) and (i.1);
section 9.1(1)(a) and (2)(c);
section 10(4.2) and (13);
section 44.941(1)(e), (f), (g) and (3);
section 44.942(1), (5), (6) and (7);
section 44.943(1), (2), (3), (4) and (5);
section 44.944;
section 44.945(1) and (2);
section 44.948(5);
section 44.949(2);
section 44.9491(3);
section 44.9495(1) and (6);
section 44.9496(1) and (4);
section 44.9497(1) and (2);
section 44.9498(1) and (3);
section 44.94991(1) and (2);
section 44.95(a)(v);
section 51.01(2)(c).

