

possible the same as in an appeal in other cases from a decision of the Court of Queen's Bench.

1983 cL-27.5 s146

Regulations

147 The Minister may make regulations respecting the form of any notices, orders or other proceedings to be issued, given, made or taken under this Part.

RSA 2000 cL-21 s147;2011 c14 s17

Part 5.1 Municipal Election Finance and Contribution Disclosure

Definitions

147.1(1) In this Part,

- (a) "campaign contribution" means any money, personal property, real property or service that is provided to or for the benefit of a candidate or the candidate's election campaign without fair market value compensation from that candidate but does not include services provided by a volunteer who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or time spent providing the services;
- (b) "campaign expense" means any expense referred to in section 118(1);
- (c) "campaign period" means
 - (i) for a candidate in a general election, the period of time from January 1 immediately following a general election to December 31 immediately following the next general election;
 - (ii) for a candidate in a by-election, the period of time from January 1 immediately following a general election to 60 days immediately following the by-election;
- (d) "candidate" means an individual nominated as a candidate for election as a councillor of a municipality under this Act or an individual who intends to be nominated as a candidate for such an election and accepts campaign contributions or incurs campaign expenses;
- (e) "employee organization" means any organization other than a trade union that bargains collectively for any employees in Alberta, and for the purposes of this Part all branches in

Alberta of an employee organization are deemed to be one organization;

- (f) “person” includes any individual other than a candidate, and any organization other than a corporation, employee organization or trade union;
- (g) “prohibited organization” means
 - (i) a municipality,
 - (ii) a corporation that is controlled by a municipality and meets the test set out in section 1(2) of the *Municipal Government Act*,
 - (iii) a non-profit organization that has received since the last general election any of the following from the municipality in which the election will be held:
 - (A) grants,
 - (B) real property, or
 - (C) personal property,
 - (iv) a Provincial corporation as defined in the *Financial Administration Act*, and includes a management body within the meaning of the *Alberta Housing Act*,
 - (v) a Metis settlement,
 - (vi) a school board under the *School Act*,
 - (vii) a public post-secondary institution under the *Post-secondary Learning Act*,
 - (viii) any corporation that does not carry on business in Alberta, or
 - (ix) any organization designated by the Lieutenant Governor in Council as a prohibited organization;
- (h) “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) and that holds bargaining rights for employees in Alberta, and for the purposes of this Part all locals in Alberta of a trade union are deemed to be one trade union.

(2) Corporations that are associated with one another under section 256 of the *Income Tax Act* (Canada) shall be considered as a single corporation for the purposes of this Part but in determining whether and at what time corporations are associated for the purposes of this Part, subsection 256(1) of the *Income Tax Act* (Canada) shall be read as though the words “at any time in the year” were struck out.

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

2009 c10 s3;2010 c9 s1

Candidate self-funded election campaign

147.11(1) Any money up to and including \$10 000 paid by a candidate out of the candidate’s own funds for the purposes of the candidate’s election campaign is not a campaign contribution for the purposes of this Part.

(2) If a candidate’s entire election campaign is funded exclusively out of the candidate’s own funds, the candidate is not required to

- (a) open and deposit the funds in a campaign account at a financial institution in the name of the candidate’s election campaign or of the candidate,
- (b) file a disclosure statement with the municipality setting out the total amount contributed by the candidate to the candidate’s own election campaign, or
- (c) file a disclosure statement with the municipality listing the campaign expenses incurred during the candidate’s election campaign.

(3) This section does not apply if the candidate receives or accepts any campaign contribution from any other person, corporation, trade union or employee organization.

2010 c9 s1;2012 c5 s118

Limitations on contributions

147.2(1) Campaign contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed \$5000 in any year.

(1.1) Money paid by a candidate out of the candidate’s own funds to the candidate’s election campaign shall not exceed \$10 000 in any campaign period.

(2) Repealed 2010 c9 s2.

(3) No prohibited organization, person normally resident outside Alberta or trade union or employee organization other than a trade union or employee organization as defined in this Part shall make any campaign contributions to a candidate.

(4) A corporation, trade union or employee organization that contravenes this section is guilty of an offence and liable to a fine of not more than \$10 000.

(5) A person or a candidate who contravenes this section is guilty of an offence and liable to a fine of up to \$5000.

2009 c10 s3;2010 c9 ss1,2

Registration of candidates

147.21(1) No candidate may accept campaign contributions, including the funds of the candidate, unless the candidate is registered under this Act with the municipality in which the candidate intends to run.

(2) The municipality shall maintain a register of candidates in relation to each election and shall register in it any candidate who is eligible to be nominated at the time of registration and who files with the municipality an application for registration setting out

- (a) the full name and address of the candidate,
- (b) the addresses of the place or places where records of the candidate are maintained and of the place to which communications may be addressed,
- (c) the names and addresses of the financial institutions to be used by or on behalf of the candidate as depositories for campaign contributions made to that candidate, and
- (d) the names of the signing authorities for each depository referred to in clause (c).

(3) When there is any change in the information required to be provided under subsection (2), the registered candidate shall notify the municipality in writing within 48 hours after the change, and on receipt of the notice the municipality shall update the register of candidates accordingly.

(4) Notice under subsection (3) may be sent by fax or electronic mail.

(5) A candidate who contravenes subsection (1) or (3) is guilty of an offence and liable to a fine of not more than \$1000.

(6) This section does not apply to a candidate if the candidate's entire election campaign is funded exclusively out of the candidate's own funds up to a maximum of \$10 000.

(7) This section applies to a campaign period beginning on or after January 1, 2014.

2012 c5 s119

Duties of candidate

147.3(1) A candidate shall ensure that

- (a) a campaign account in the name of the candidate's election campaign or of the candidate is opened at a financial institution for the purposes of the election campaign as soon as possible after
 - (i) the total amount of campaign contributions from any person, corporation, trade union or employee organization first exceeds \$5000 in the aggregate, or
 - (ii) the total amount of campaign contributions from any person, corporation, trade union or employee organization in combination with any money paid by the candidate out of the candidate's own funds first exceeds \$5000 in the aggregate;
- (b) if a campaign account has been opened in accordance with clause (a), all contributions of money are deposited into the campaign account;
- (c) money in the campaign account shall only be used for the payment of campaign expenses;
- (d) contributions of real property, personal property and services are valued;
- (e) receipts are issued for every contribution and obtained for every expense;
- (f) disclosure statements are filed in accordance with section 147.4;
- (g) records are kept of campaign contributions and campaign expenses and are retained by the candidate for a period of 2 years following the date on which disclosure statements were required to be filed under section 147.4;
- (h) proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign

expenses and accept or solicit campaign contributions on behalf of the candidate;

- (i) a campaign contribution received in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
 - (j) an anonymous campaign contribution or a campaign contribution not returned to the contributor under clause (i) is paid to the secretary for the municipality in which the election is held.
- (2) A candidate who contravenes any of the provisions of this section is guilty of an offence and liable to a fine of not more than \$1000.

2009 c10 s3;2010 c9 s2;2012 c5 s120

Campaign disclosure statements

147.4(1) If a candidate's election campaign is funded exclusively from campaign contributions from any person, corporation, trade union or employee organization or is funded from a combination of money paid by the candidate out of the candidate's own funds and campaign contributions from any person, corporation, trade union or employee organization, then, on or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the municipality a disclosure statement in the prescribed form, which must include

- (a) the total amount of all campaign contributions received during the campaign period that did not exceed \$100 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$100 in the aggregate,
- (c) the total amount of money paid by the candidate out of the candidate's own funds,
- (d) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (e) a financial statement setting out the total amount of revenue and expenses.

(1.1) If a candidate does not file nomination papers before the next general election, the candidate shall, within 6 months after the date of the next general election,

- (a) if there is a surplus, donate the amount of money disclosed under subsection (1)(d) to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada) or to the municipality where the candidate was declared elected in a previous general election, or
- (b) if there is a deficit, eliminate the deficit.

(1.2) A candidate who has a deficit referred to in subsection (1.1)(b) shall, within 30 days after the expiration of the 6-month period referred to in subsection (1.1), file an amended disclosure statement showing any campaign contributions accepted and any other funds received to eliminate the deficit.

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

(3) The municipality must ensure that all documents filed under this section are available to the public during regular business hours.

(4), (5) Repealed 2010 c9 s1.

2009 c10 s3;2010 c9 s1;2012 c5 s121

Campaign surplus

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

(2) The municipality shall hold any money received under subsection (1) in trust for the candidate at a financial institution.

(3) If the candidate in respect of whom the money is held under subsection (2) files nomination papers to be a candidate in the next general election or in a by-election called before that time, the municipality shall pay the money and interest calculated at the rate prescribed by the Lieutenant Governor in Council to the candidate for use in that election.

(4) If the candidate in respect of whom money is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the municipality to donate the money and interest on that money calculated at the rate prescribed by the

Lieutenant Governor in Council to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada).

(5) If the municipality does not receive a direction under subsection (4), the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council become the property of the municipality.

2009 c10 s3;2010 c9 s1;2012 c5 s122

147.6 Repealed 2012 c5 s123.

Late filing period/penalties

147.7(1) A candidate who contravenes section 147.4 or 147.5 and who fails to

- (a) comply with that section within 30 days after the time period provided for in that section, and
- (b) pay the municipality a late filing fee of \$500,

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

(2) If a candidate is found guilty of contravening section 147.5, the Court may, in addition to the penalty provided for in subsection (1), order the candidate to pay any surplus to the municipality as soon as possible.

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

2009 c10 s3;2012 c5 s124

Effect of non-compliance in relation to disclosure statements

147.8(1) If a candidate fails to file a disclosure statement as required by section 147.4 before the end of the late filing period provided under section 147.7, the secretary shall transmit a report to that effect to council, which shall on its receipt make the report public.

(2) A candidate under subsection (1) may, within the 60-day period following the date on which the report under subsection (1) is made public, apply to the Court for relief.

(3) On hearing the application, the Court may

- (a) dispense with compliance with section 147.4, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate and that it is not reasonably possible to comply with the section,

- (b) extend the time for compliance with section 147.4, or any provision of it, if it finds mitigating reasons for non-compliance with the section,
 - (c) make any order that it considers appropriate to secure compliance with as much of section 147.4 as it considers reasonable in the circumstances, or
 - (d) refuse the application.
- (4) A candidate may apply to the Court under this section and name the municipality as the respondent.
- (5) The decision of the Court is final and not subject to appeal.
2009 c10 s3;2010 c9 s1

147.9 Repealed 2010 c9 s2.

Regulations

147.91 The Lieutenant Governor in Council may make regulations

- (a) designating organizations to be prohibited organizations for the purposes of this Part;
- (b) prescribing the interest rate for the purposes of section 147.5.

2009 c10 s3

Application

147.92(1) Sections 147.5, 147.7(2) and (3) and 147.91(b) apply to campaign funds on or after December 1, 2015.

(2) Subsection (1) is deemed to have come into force on February 3, 2010.

2010 c 9 s1;2012 c5 s125

Part 6 Offences

Prohibitions

148(1) No person shall

- (a) without authority supply a ballot to any person,
- (b) fraudulently put into a ballot box any paper other than a ballot that the person is authorized by this Act to deposit,
- (c) fraudulently take a ballot out of the voting station,