

Findings and Decisions Regarding Investigations Completed in 2017 Update Nov 2019

Dates	Subject of the Complaint	Circumstances	Decision	Penalty
<p>Commenced: Oct 2015</p> <p>Concluded: January 2017</p>	<p>Independent Candidate in the Electoral Division of Rimbey-Rocky Mountain House-Sundre.</p>	<p>As a Member of the Legislative Assembly (MLA) section 19.1(1) of the <i>Election Act</i> was breached for failure to take all reasonable steps to protect the list of electors, and the information contained in it, from loss and unauthorized use.</p>	<p>An administrative penalty in the amount of \$500 was issued for contravention of section 19.1 of the <i>Election Act</i>. A Notice of Appeal was filed to the Court of Queen's Bench in March 2017. On June 22, 2018, an application for guidance and cross application for production of further records was dismissed with costs (\$500). The Application with the Court of Queen's Bench is set for January 23-24, 2020.</p>	<p>\$500 Court of Queen's Bench cost paid March 22, 2019</p> <p>Court of Appeal Application set for January 23-24, 2020.</p> <p>This information is posted in accordance with section 4.4(3)(a).</p>
<p>Commenced: September 2015</p> <p>Concluded: February 2017</p>	<p>Progressive Conservative Association of Alberta Candidate in the Electoral Division of Calgary-Foothills in the 2015 By-election in Calgary-Foothills.</p>	<p>The registered candidate in the September 3, 2015 By-election in Calgary-Foothills contravened section 135.3 of the <i>Election Act</i> by transmitting the results of an election survey that was not based on recognized statistical method to the public during an election period, without indicating that the survey was not based on recognized statistical methods.</p>	<p>An administrative penalty in the amount of \$200 was issued against the registered candidate in the September 3, 2015 By-election in Calgary-Foothills for contravention of section 135.3 of the <i>Election Act</i>.</p>	<p>Penalty amount paid February 7, 2017.</p> <p>This information is posted in accordance with section 4.4(3)(a).</p>
<p>Commenced: May 2015</p> <p>Concluded: March 2017</p>	<p>Campaign Volunteer for Progressive Conservative Candidate in the Electoral Division of Calgary-McCall in the 2015 Provincial General Election.</p>	<p>In relation to a dinner event held on April 24, 2015 at the Radisson Hotel and Conference Centre in Calgary, for the purpose of influencing an elector to vote for a particular candidate or registered political party, the campaign volunteer caused or permitted food or beverages to be provided to an elector, in contravention of section 162 of the <i>Election Act</i>.</p>	<p>An administrative penalty in the amount of \$500 was issued to the individual.</p>	<p>This information is posted in accordance with section 4.4(3)(a).</p>

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Dates	Subject of the Complaint	Circumstances	Decision	Penalty
<p>Commenced: August 2015</p> <p>Concluded: March 2017</p>	Campaign Managers for Progressive Conservative Association of Alberta Candidate in the Electoral Division of Edmonton-Ellerslie in the 2015 Provincial General Election.	As co-campaign managers, section 160 of the <i>Election Act</i> was contravened by making or publishing a false statement in relation to the character or conduct of a candidate, during an election, for the purpose of affecting the voting for that candidate.	An administrative penalty in the amount of \$1,200 each was issued against each campaign manager for contravention of section 160 of the <i>Election Act</i> .	<p>One day Queen's Bench Hearing scheduled for May 17, 2018.</p> <p>This information is posted in accordance with section 4.4(3)(a).</p>
	Campaign Volunteer for Progressive Conservative Association of Alberta Candidate in the Electoral Division of Edmonton-Ellerslie in the 2015 Provincial General Election.	As a volunteer with the candidate campaign, section 160 of the <i>Election Act</i> was contravened by making or publishing a false statement in relation to the character or conduct of a candidate, during an election, for the purpose of affecting the voting for that candidate.	An administrative penalty in the amount of \$600 was issued for contravention of section 160 of the <i>Election Act</i> .	<p>Penalty amount paid April 26, 2017.</p> <p>This information is posted in accordance with section 4.4(3)(a).</p>
	Campaign Volunteer for Progressive Conservative Association of Alberta Candidate in the Electoral Division of Edmonton-Ellerslie in the 2015 Provincial General Election.	As a volunteer with the candidate campaign, section 160 of the <i>Election Act</i> was contravened by making or publishing a false statement in relation to the character or conduct of a candidate, during an election, for the purpose of affecting the voting for that candidate.	An administrative penalty in the amount of \$500 was issued for contravention of section 160 of the <i>Election Act</i> .	<p>This information is posted in accordance with section 4.4(3)(a).</p>
	Progressive Conservative Association of Alberta Candidate in the Electoral Division of Edmonton-Ellerslie.	As a registered candidate in the 2015 General Election, section 134(2)(a) of the <i>Election Act</i> was contravened by not complying with the requirements for an advertisement sponsored by a registered candidate, in relation to flyers distributed in Edmonton-Ellerslie	An administrative penalty in the amount of \$400 was issued for contravention of section 134(2)(a) of the <i>Election Act</i> .	<p>Penalty amount paid March 28, 2017.</p> <p>This information is posted in accordance with section 4.4(3)(a).</p>

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<p>Notice of Administrative Penalty: July 15, 2016</p> <p>Appeal decision from Court of Queen's Bench: October 5, 2017</p>	<p>Independent Candidate in the Electoral Division of Rimbey-Rocky Mountain House-Sundre in the 2015 Provincial General Election.</p>	<p>In the course of the 2015 Provincial General Election, a candidate erected signage in their electoral division. Complaints came into the Chief Electoral Officer that the signs may not have complied with contact information requirements under section 134(2) of the <i>Election Act</i>. The Chief Electoral Officer investigated and found that the candidate had breached section 134(2) and the <i>Chief Electoral Officer Guidelines for Election Advertising</i> made under that section.</p>	<p>An administrative penalty in the amount of \$250 was issued for contravention of section 153.1 of the <i>Election Act</i>.</p> <p>A Notice of Appeal was filed to the Court of Queen's Bench in August 2018; the appeal was dismissed.</p> <p>An Application was filed with the Court of Appeal.</p> <p>On October 16, 2018, the Court of Appeal dismissed the application and awarded \$2,737.96 in costs.</p> <p>On November 15, 2018, the registered candidate sought leave to the Supreme Court of Canada.</p> <p>The application was denied and \$1,318.84 in costs were awarded.</p>	<p>\$4,056.80 in costs awarded by the Court of Appeal and the Supreme Court were paid on August 27, 2019.</p> <p>This information is posted in accordance with section 4.4(3)(a).</p>
<p>Commenced: April 2016</p> <p>Concluded: October 2017</p>	<p>Rogers Media Inc. operating as 660News</p>	<p>660News (Rogers Media Inc.) was the first person to transmit the results of an election survey during an election period, but did not provide the wording of the survey questions or the means to obtain a report on the results of the survey. In doing so, Rogers Media Inc. contravened section 135.2(2) of the <i>Election Act</i>.</p>	<p>An administrative penalty in the amount of \$200 was issued for contravention of section 135.2(2) of the <i>Election Act</i>.</p>	<p>Penalty amount paid October 20, 2017.</p> <p>This information is posted in accordance with section 4.4(3)(a).</p>

Note 1:

Dates shown refer to the commencement and conclusion of the investigation.

The date commenced will reflect the date shown on the initial complaint, if the investigation was initiated by an external source. If the investigation was initiated by the Chief Electoral Officer, the date the decision was made to investigate will appear.

If an allegation regarding an excessive or prohibited contribution is founded, an investigation is commenced to determine whether the recipient violated the EFCDA. In this case, the date concluded will reflect the date that the investigation into the recipient's acceptance of the contribution was completed and appropriate notice was provided to those involved.

If an allegation is unfounded, the date concluded will reflect the date that appropriate notice was provided to those involved.

Note 2:

Disclosure is limited, by law, to violations that occurred on or after December 10, 2009. Results of investigations of alleged violations that occurred prior to that date cannot be disclosed, in accordance with the confidentiality provisions of the *Election Finances and Contributions Disclosure Act* (the Act).

Section references refer to the *Election Finances and Contributions Disclosure Act* (the Act).

Note 3:

*Section 23 of the Act prescribes that if the individual charge for a ticket to a fundraising function is more than \$50, the expense portion is \$25 and the balance is deemed to be a contribution (*effective to December 31, 2012*).

Note 4:

Several criteria were considered in the assessment of penalties, including:

- Materiality/severity
- Number of violations
- Cooperation/self-reporting
- Due diligence/policies established to ensure compliance

Note 5:

Effective April 22, 2010, the Chief Electoral Officer had statutory authority to order a political entity to return prohibited contributions to the contributor, in accordance with section 51.1 of the Act. Prior to that, the political entity was advised to consider the voluntary return of a prohibited contribution.

An order is made when it is determined that a prohibited corporation made a contribution in violation of the Act. An order does not indicate any finding of statutory violation on the part of the political entity by the Chief Electoral Officer.

This information is updated to reflect contributions that have been returned.