

## Introduction

## **Purpose of this Guide**

This guide has been produced to help parties and leadership contestants understand the *Election Finances and Contributions Disclosure Act* (EFCDA), and to ensure compliance with the legislation.

This guide should be reviewed thoroughly for a general understanding of the responsibilities of a Chief Financial Officer (CFO) and the law regarding contributions, official contribution receipts, spending limits, banking, record keeping, and financial reporting.

This guide is established by the Chief Electoral Officer under the authority of the EFCDA. If there is a situation where the EFCDA and this guide come into conflict, the EFCDA is paramount. This guide has the force of law and must be complied with except where information is presented as a "recommendation", "tip" or "best practice".

Links to this guide, the EFCDA and any other relevant legislation can be obtained through the <u>Elections Alberta website</u>. Copies of provincial legislation may also be obtained from the <u>Alberta King's Printer website</u>.

It is not possible to cover every situation that may arise. If you are unable to find a suitable explanation in the EFCDA or in the materials provided by Elections Alberta, you may write, phone, or visit.

#### **Contact Information**

If you have any questions that this guide does not cover, please contact us:

**Elections Alberta** 

Suite 100, 11510 Kingsway NW, Edmonton, AB T5G 2Y5

Telephone: 780.427.7191

Toll free: 310.0000.780.427.7191

Fax: 780.422.2900

For general inquiries: info@elections.ab.ca

For financial compliance inquiries: finance@elections.ab.ca

For OFS technical support: ofs@elections.ab.ca



# **Table of Contents**

Introduction	ii
Purpose of this Guide	ii
Contact Information	ii
Table of Contents	i
1 Overview	
What is a Leadership Contest?	1
Navigating This Guide	1
Political Parties	1
Leadership Contestants	1
2 Party Responsibilities	3
Filing the Leadership Contest Statement	
Fees and Deposits	3
Filing the Notice of Leadership Contest Results	5
3 Contestant Registration	6
Initial Registration	
Registration Updates and Cancellations	8
Updates	8
Cancellation and Withdrawal	8
Cancellation Review	9
Chief Financial Officer (CFO)	10
Appointment	10
Duties of a CFO	10
Bookkeeping Tips	11
Bank Accounts	11
Records Retention	11
4 Contestant Finance Rules and Reporting	12
Contributions	12
Contributions Limits	13
Prohibited Contributors and Contributions	14
Fees and Deposits	14
Fund-raising Functions	15
Activity or Auction?	15
1. Activity	15
2. Auction	17



Door Prizes       19         Golf Tournaments       19         Trade Union and Corporate Sponsorship       19         Recording and Reporting Contributions       20         Official Contribution Receipts       22         Income Tax Credits       23         Public Disclosure of Receipted Contributions       23         Other Revenues       23         Loans from Financial Institutions       24         Guarantees       24         Loan Payments       24         Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Financial Reports       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28         Appendix: Summary of the EFCDA References       29		Social Events	19
Trade Union and Corporate Sponsorship       19         Recording and Reporting Contributions       20         Official Contribution Receipts       22         Income Tax Credits       23         Public Disclosure of Receipted Contributions       23         Other Revenues       23         Loans from Financial Institutions       24         Guarantees       24         Loan Payments       24         Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Financial Reports       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28		Door Prizes	19
Recording and Reporting Contributions       20         Official Contribution Receipts       22         Income Tax Credits       23         Public Disclosure of Receipted Contributions       23         Other Revenues       23         Loans from Financial Institutions       24         Guarantees       24         Loan Payments       24         Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28		Golf Tournaments	19
Official Contribution Receipts       22         Income Tax Credits       23         Public Disclosure of Receipted Contributions       23         Other Revenues       23         Loans from Financial Institutions       24         Guarantees       24         Loan Payments       24         Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28		Trade Union and Corporate Sponsorship	19
Income Tax Credits       23         Public Disclosure of Receipted Contributions       23         Other Revenues       23         Loans from Financial Institutions       24         Guarantees       24         Loan Payments       24         Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Financial Reports       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28		Recording and Reporting Contributions	20
Public Disclosure of Receipted Contributions       23         Other Revenues       23         Loans from Financial Institutions       24         Guarantees       24         Loan Payments       24         Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Financial Reports       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28		Official Contribution Receipts	22
Other Revenues       23         Loans from Financial Institutions       24         Guarantees       24         Loan Payments       24         Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Financial Reports       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28		Income Tax Credits	23
Loans from Financial Institutions       24         Guarantees       24         Loan Payments       24         Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Financial Reports       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28		Public Disclosure of Receipted Contributions	23
Guarantees       24         Loan Payments       24         Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Financial Reports       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28		Other Revenues	23
Loan Payments       24         Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Financial Reports       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28		Loans from Financial Institutions	24
Expenses       25         Campaign Expenses       25         Other Expenses       25         Transfers       26         Financial Reports       26         Filing the Campaign Return       26         Electronic Filing in OFS       27         Surplus Distribution       28         Deficit Retirement       28         Failure to File       28		Guarantees	24
Campaign Expenses		Loan Payments	24
Other Expenses		Expenses	25
Transfers		Campaign Expenses	25
Financial Reports		Other Expenses	25
Filing the Campaign Return		Transfers	26
Electronic Filing in OFS		Financial Reports	26
Surplus Distribution		Filing the Campaign Return	26
Deficit Retirement		Electronic Filing in OFS	27
Failure to File		Surplus Distribution	28
		Deficit Retirement	28
Appendix: Summary of the EFCDA References		Failure to File	28
	Аp	opendix: Summary of the EFCDA References	29



# 1 Overview

## What is a Leadership Contest?

A **leadership contest** is the procedure used by registered political parties to select a new leader. Parties must inform Elections Alberta before holding a leadership contest and must report the results of the vote following the contest. A **leadership contestant** is a person seeking to become the leader of the party. Leadership contestants must register with Elections Alberta, maintain up-to-date registration information, and submit a financial return to disclose their financial activities.

## **Navigating This Guide**

#### **Political Parties**

**Section 2** of this guide provides information on when and how to notify Elections Alberta about your

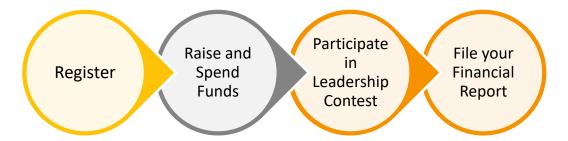
Legislative references are provided as endnotes. To view the relevant section of the EFCDA, navigate to the back of the guide or click on the roman numeral at the end of a paragraph. e.g., "Amounts up to \$50 need only be recorded as a contribution if the individual requests a tax receipt. xvi"

leadership contest and the results after your contest has concluded.



#### **Leadership Contestants**

**Sections 3 and 4** of this guide provide information on when and how to register with Elections Alberta, the duties and responsibilities of your chief financial officer (CFO), rules on raising and spending funds, and filing your financial report.





# 2 Party Responsibilities

This section outlines the party's responsibilities under the EFCDA to notify Elections Alberta about the leadership contest. How the contest is conducted is an internal matter of the party, however, parties may provide a copy of their leadership contest rules for our review so we can help to ensure that the contest complies with relevant sections of the EFCDA.

## **Filing the Leadership Contest Statement**

Before the leadership contest starts, the party must submit Form LC-LCS-01 Leadership Contest Statement to Elections Alberta, signed by the party's CFO.

Once we receive the statement, we will confirm the Chief Electoral Officer's approval of the party's contest in writing. We will publish the

key contest dates and the names of leadership contestants and their CFOs as they register.

A party that fails to notify Elections Alberta of their leadership contest could face a fine of up to \$10,000.

#### Fees and Deposits

If the party charges an **entry fee** to contestants, the amount must be reasonable in relation to the estimated cost of the contest. We will require the party to adjust the fee amount if we determine it to be unreasonable.

Revenue that the party receives from fees must be reported as "Other Income" on the party's annual financial return; leadership contest fees paid by contestants to the party are not contributions to the party.

The party may also charge a **refundable deposit** to contestants for good conduct. Revenue that the party receives from deposits must be reported as "Other Income" on the party's annual financial return. The party should report refunds as operating expenses.



Example of Form LC-LCS-01 Leadership Contest Statement, available on our website.

elections &	ELECTION FINANCES	RSHIP CO	RIBUTIONS DIS NTEST STAT		OPPCEUSE ONLY	
NAME OF REGISTERED POLI	TICAL PARTY					
Rocky Party						
DATE OF OFFICIAL CALL OF	LEADERSHIP CONTEST					
05/01/2022						
DATE OF CLOSE OF NOMINA	TIONS (OPTIONAL)					
DATE OF LEADERSHIP VOTE	(S)					
07/28/2022						
PARTY ENDORSEMENT DEAL	DLINE (10 CALENDAR DAYS AFT	ER DATE OF FIN	NAL LEADERSHIP CO	ONTESTANT VOTE)		
08/07/2022						
	100	)	hip contestant as	a condition for entering	the contest. Also list t	he
Estimated cost to h	old the leadership contest:	\$	2000			
This le	eadership contest stateme	ent is hereby	FICER SIGNA submitted by the	ne Chief Financial Offic	er of the	This form be signe
James Brown		Jame	s Brown	igitally signed by James Brown ste: 2022.08.09 11:54:04-08'00'	05/02/2022	digitally of the physical
Prin	t Name		Signatu	re	mm / dd / yyyy	Priysican
	ACCEPT	ANCE BY E	LECTIONS AL	BERTA		
SDS AN	Authorized Signature	:			mm / dd / yyyy	
INITIAL REGISTRATION If signed physically - Mail UPDATE TO REGISTRA	signed original to Suite 1	00, 11510 K	ingsway NW, E	dmonton, AB T5G 2Y5	I .	x



## **Filing the Notice of Leadership Contest Results**

Within 10 days after the contest conclusion, the party must submit Form LC-LCR-01 Notice of Leadership Contest Results to Elections Alberta, signed by the party's CFO. <sup>i</sup>

Example of Form LC-LCR-01, available on our website.

A party that fails to notify Elections Alberta of contest results within 10 days could face an administrative penalty.

	ELECTION FINANCE	ES AND CONTRIBUTIONS	DISCLOSURE ACT		
	NOTICE OF	LEADERSHIP CONTE	ST RESULTS	OME	
ction		FORM LC-LCR-01		OFF CE USE ONLY	
election.				0.0FE	
NAME OF REC	GISTERED POLITICAL PARTY				_
Rocky Pa					
		CONTEST INFORMATI			
	(MUST MATCH INFORMATION SUI		ONTEST STATEMENT FORM L	C-LCS-01)	
Date of o	official call of leadership contest	05/01/2022			This
Date of I	eadership vote(s)	07/28/2022			information must match
Leader e	endorsement deadline	08/07/2022			what was
(10 calenda	ar days after date of final leadership contestant vote)	00/01/2022			entered on
RE	GISTERED LEADERSHIP CONTES		ONSIDERED FOR LEADE	RSHIP	Form LC-LCS-01
_	Last Name	First Name			
1.	Cook	Matthew	<i>y</i>		
2.	Jane	Doe			
3.					
4.					
Add	additional rows as needed.	•	,		
					$\dashv$
RE	GISTERED LEADERSHIP CONTES		EW FROM THE CONTES	ſ	
_	Last Name	First Name			
1.	Smith	Joe			
2.					
3.					
4.					
Add	additional rows as needed.	•			
	OFFICIAL DECLA	RATION OF LEADERSHI	P CONTEST RESULTS		
Les	Jane Doe		is the officially	y endorsed leader	
i de	Name of Regis	stered Leadership Contestant	is the officiali	y endorsed leader	This form can
	of the Rocky Part	ty			be signed
		Registered Political Party			digitally or
Jame	es Brown - CFO	James Brown	Digitally signed by James Brown Date: 2022.06.09 11:57:49 -06'00'	08/07/2022	physically
Print N	ame and Title of Authorized Representative	Signature of Author	ized Representative	mm / dd / yyyy	
	ACCE	PTANCE BY ELECTIONS	S ALBERTA		
Mark Mod.					
	Authorized Signati	ure		mm / dd / yyyy	
INITIAL RE	GISTRATION: If signed electronical	y or digitally - Email to Fin	ance@elections.ab.ca If s	igned OFFICE USE ON	LY
physically -	Mail signed original to Suite 100, 11	510 Kingsway NW, Edmo	nton, AB T5G 2Y5		
UPDATE T	O REGISTRATION: Email signed for	rm to Finance@elections.a	ab.ca or fax to (780) 422-2	900	



# **3 Contestant Registration**

## **Initial Registration**

This section outlines the registration process for leadership contestants, and the duties of their appointed CFO.

You must register with Elections Alberta as soon as you announce your intention to seek the leadership of a registered party, regardless of steps you may or may not have taken to register with the party. To register with Elections Alberta, submit Form LC-R-01 Registration of a Leadership Contestant, signed by you and your CFO. An electronic copy of your registration form can be submitted to initiate your registration. ii

The date you announce your intention to seek the leadership becomes the effective date of your registration and the start of your campaign period.

You must register in order to raise and spend funds for your campaign and to participate in a leadership contest.

When we receive your registration form, we will process your application and confirm your registration in writing. Once registered, you are obligated to follow all financial rules under the EFCDA, including the filing of a campaign financial return within four months after the leadership vote, even if you withdraw, self-fund your entire campaign, spend no funds, or your registration is cancelled.



## Example of Form LC-R-01 Registration of a Leadership Contestant, Page 1 of 2.

REGISTRATION OF A LEADERSHIP CONTESTANT FORM LC-R-01 Page 1 of 2  INITIAL REGISTRATION UPDATE TO REGISTRATION					
NAME OF REGISTERED POLITICAL PARTY			DATE OF LEADERSHIP V	OTE(S)	
Rocky Party			07/28/2022		
LEADERSHIP CONTESTANT			TE		
	st Name S <b>mith</b>		JS@email.com		
Street Address or P.O. Box	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		03@email.com		
12 West Street					
City / Town / Village / Municipality Pro	ov. Postal Cod		Primary Phone	Alternate Phone	If a campaign
Edmonton	в Т7X 3	F2	111-111-1111		website is
CONTACT INFORMATION TO BE POSTED ON ELEC	CTIONS ALBERTA	WEBSITE (OPTIO	ONAL)	·	provided, we
Leadership Contestant Website (Optional)		Leadership Contes	stant Email Contact (Optional	)	will publish it
					on our
CHIEF FINANCIAL OFFICER (CFO)					website
	st Name		Email Address	,	
Ron M Street Address or P.O. Box	1cDonald		RM@email.com		
123 East Street					Fill in if the
	ov. Postal Cod	le	Primary Phone	Alternate Phone	financial
	B T5X 6H	11	222-222-2222		records are
LOCATION RECORDS ARE MAINTAINED AND COM	IMUNICATIONS A	DDRESSED (IF O	THER THAN CFO'S ADDRES	SS)	not kept at
Prefix First Name La	st Name		Email		the CFO's
					address
Street Address or P.O. Box					444.633
City / Town / Village / Municipality	ov. Postal Cod	le	Primary Phone	Alternate Phone	
A	В				
FINANCIAL INSTITUTION					
Royal Bank of Canada					Fill in the details even if
Street Address or P.O. Box		Town / Village / Mi		Prov. Postal Code	the campaign
35 12 St. NW	Edi	monton	4	т7X 3D4	account is not
Name(s) of Signing Officer(s) Joe Smith, Ron McDonald					opened yet
DATE OF REGISTRATION					
Your effective registration date is when you	announced your	intention to seek	leadership of the party. E	Enter the date below.	
05/15/2022					
	mm	/ dd / yyyy			
DATE OF FIRST CONTRIBUTION AND EXPENSE					
Date first contribution was received	05/20/2		/ dd / yyyy		
Date first campaign expense was incurred	05/25/2	022	7 dd 7 yyyy		
	CONTINU	IED ON PAGE 2			



Example of Form LC-R-01 Registration of a Leadership Contestant, Page 2 of 2.

ELECTION FINANCES AND CONTRIBUTIONS DISCLOSURE ACT				]	
ions RE	GISTRATION OF A LEADERSHIP	CONTESTANT			
elections	FORM LC-R-01 Page 2	of 2			
NAME OF LEADERSHIP CONTESTANT		NAME OF REGISTE	ERED POLITICAL PA	ARTY	-
Joe Smith		Rocky Pa	arty		
I, (Print Name of Leadership Contestant)	Joe Smith			declare that	
the information provided in this registrat am qualified to be registered for the upo		that in accordance	with the constitution	on of my party, I	
Joe Smith	Digitally signed by Joe Smith Date: 2022.05.27 10:54:17 -06'00'		05/27/2022		This form can
Signature of	of Leadership Contestant		mm / dd	/ уууу	be signed digitally or
I, (Print Name of CFO) Ron McDon	ald		confirm that I have	e accepted the	physically
appointment as the contestant's Chief F prescribed by the Election Finances and		the duties and res	ponsibilities of tha	t position as	
Ron McDonald	Digitally signed by Ron McDonald Date: 2022.05.27 10:59:01 -06'00'		07/31/2022		
Signature of	of Chief Financial Officer		mm / dd	/ уууу	
ACCEPTANCE BY ELECTIONS ALBERTA					
TO SAIL					]
	- LOV				
Authorize	ed Signature		mm / dd /	yyy	_
INITIAL REGISTRATION: If signed elect If signed physically - Mail signed original			o.ca	FFICE USE ONLY	
UPDATE TO REGISTRATION: Email sig	gned form to Finance@elections.ab	ca or fax to (780	0) 422-2900		

## **Registration Updates and Cancellations**

## **Updates**

It is important that you advise Elections Alberta of any changes to your registration. The legislation requires you to notify our Office of any changes to your registration information within 48 hours of their coming into effect. File all changes using Form LC-R-01, Registration of a Leadership Contestant. Updates can be provided to Elections Alberta by faxing or emailing Form LC-R-01. iii

#### Cancellation and Withdrawal

following notification.iv

If, for any reason, you choose to withdraw you must notify Elections Alberta by completing, and submitting within 48 hours, Form LC-R-02 Notice of Withdrawal from a Leadership Contest. The Chief Electoral Officer will cancel your registration,

Notice of Leadership

Your party will also indicate that you withdrew when the party files Form LC-LCR-01, Contest Results.



Example of Form LC-R-02 Withdrawal from a Leadership Contest, available on our website.

	ECTION FINANCES AND CONTRIBUTION E OF WITHDRAWAL FROM A LE FORM LC-R-02			OFFICE USE ONLY	
NAME OF REGISTERED LEADERSHI	P CONTESTANT				
Joe Smith					
NAME OF REGISTERED POLITICAL I	PARTY				
Rocky Party					
STATEMENT OF WITHDRAW	AL BY REGISTERED LEADERSHIP	CONTESTANT			
, Joe Smith		, hereby withdraw	my name from co	nsideration as a	
Name	of Leadership Contestant	-			
leadership contestant for the	Rocky Party				
I acknowledge my responsibili Contributions Disclosure Act.  Joe Smith	Name of Registered Political ty for filing a Leadership Contestant Cam Digitally signed by Joe Smith Date: 2022.06.09 12:01:03 -06' Signature	paign Return unde	07/01/2022	nces and	This form can be signed digitally or physically
CANCELLATION BY ELECTION	NS ALBERTA				
Eff	ective date of registration cancellation	:	mm / dd / yyyy		
	Authorized Signature		mn	n / dd / yyyy	
If signed physically - Mail signed of	d electronically or digitally - Email to Final original to Suite 100, 11510 Kingsway NW mail signed form to Finance@elections.ab	, Edmonton, AB T5	G 2Y5	OFFICE USE ONLY	

The Chief Electoral Officer may also cancel your registration for either of the following reasons:

- you are no longer qualified to be a registered leadership contestant, or
- your application contains false information.

We will notify you by registered mail if your registration has been cancelled. Cancellation of registration becomes effective starting on the third day following the date the notice was mailed. V

If you withdraw from the contest or your registration is cancelled, you must still file a campaign financial return within four months after the leadership vote.

#### **Cancellation Review**

If your registration has been cancelled, you can write to us within 30 days to request a review. The Chief Electoral Officer will review the cancellation within 48 hours of receiving your request and give you an opportunity to present your position. The Chief Electoral Officer may choose to reinstate your registration or confirm the cancellation after this review. We will provide you with written notification of the final decision. Vi



## **Chief Financial Officer (CFO)**

### Appointment

You <u>must</u> appoint a CFO. Many provisions of the EFCDA apply directly to your CFO and the appointed individual must be aware of these duties and responsibilities. A registered leadership contestant cannot be a CFO for themselves or anyone else during their leadership campaign period.

Elections Alberta must be notified in writing, within 48 hours, if there is any change to the CFO's contact information or if a new CFO is appointed.<sup>vii</sup>

#### **Duties of a CFO**

CFO duties include ensuring:

- proper records are kept of all revenue and expenses,
- contributions are placed in a bank account on record with Elections Alberta,
- official contribution receipts are issued in accordance with the EFCDA,
- every payment of more than \$25 is supported by:
  - o a document from the supplier that states the particulars of the expense, or
  - o a receipt or other proof of payment acceptable to the Chief Electoral Officer,
- campaign returns and reports required under the EFCDA are filed with the Chief Electoral Officer, and
- non-monetary contributions are properly valued and recorded.

The CFO must retain all financial records for three years following the filing due date for the campaign return in case Elections Alberta requests to see the documentation.



#### **Bookkeeping Tips**

Maintaining accurate and up-to-date records are crucial to ensuring compliance with legislation. CFOs should ensure that:

- bank reconciliations are completed regularly to maintain accurate balances,
- copies of all bank deposit slips are kept,
- bank statements match the CFO's record of deposits and withdrawals,
- contributions are recorded as they are received, with the date, contributor name, contributor address, amount, and whether the contribution was money or valued (non-monetary),
- details of fund-raising events are recorded including the date, name of event, ticket price, ticket sales revenue, auction revenue, the valued of donated items, fund-raising expenses, etc.,
- a generic receipt book or other method is used when cash money is received, to record the date, amount, and source,
- all expenses are recorded and categorized by type,
- all supporting documents are filed in sequence by date or by other acceptable filing method,
   and
- all books of account and supporting documents are securely stored.

#### **Bank Accounts**

The CFO is responsible for ensuring that the leadership contestant's financial institution on record with Election Alberta and signing officer(s) information is current and up to date. This is the bank account where all contributions to the leadership contestant are deposited, and all the leadership contestant's expenses are paid.

Establishing a stand-alone account is recommended to help the CFO to accurately track and report campaign revenues and expenses.



The leadership contestant's bank account on record with the CEO should include all the leadership contestant's campaign revenue and expenses.

#### **Records Retention**

The CFO must retain all the financial records for a period of three years following the date your campaign return is required to be filed with Elections Alberta. The CFO must be able to supply documentation to support the financial filing and records if Elections Alberta requests it. ix



# 4 Contestant Finance Rules and Reporting

This section outlines the rules for contributions, fund-raising activities, expenses, and when and how to report to Elections Alberta. Your CFO and anyone helping with your campaign must understand and follow these rules to avoid non-compliance situations and consequences.

#### **Contributions**

**Registered leadership contestants can only accept contributions from persons ordinarily resident in Alberta.** Contributions are any money, real property, goods or services, or the use of real property, goods or services, provided to benefit a leadership contestant, without compensation to the contributor. The received date of a contribution is the date it is received by and under the CFO's control.

All amounts received over \$50 must be recorded as contributions by the CFO.

Amounts up to \$50 are recorded as "other income" unless the donor specifically requests that the amount be considered a contribution, in which case the CFO must record a contribution and issue a contribution receipt. xi

**Money contributions** may be via cash, cheque, e-transfer, credit card, online donation, etc.



All cash must be deposited in the leadership contestant's campaign bank account on record with the Chief Electoral Officer. xii

**Valued contributions** include in-kind donations of real property, goods, or services, or the use of property, goods, or services. The value of the contribution is the fair market value (FMV) at the time of the contribution. Your CFO is responsible for determining the FMV of goods, services, or property received. Examples of valued contributions include, but

are not limited to:

• use of a computer, furniture, or car,

 promotional items and materials including signage, pamphlets, buttons, etc.

- use of any office or venue,
- legal or consulting services,
- cryptocurrency<sup>a</sup>, and
- services from a person who normally charges for that service (e.g., a self-employed graphic designer who provides graphic design services).

Example: John is an eligible contributor who personally owns 10 folding tables. He lends them to a leadership contestant for a fundraising event. The leadership contestant's CFO checks online and confirms that the current rental rate is \$20 per table. The CFO uses this information to record a valued contribution received from John for \$200. This contribution counts toward John's annual contribution limit.

<sup>&</sup>lt;sup>a</sup> Please see Elections Alberta's <u>Cryptocurrency Guidelines for Political Participants</u> for more information.



Some services are excluded from the definition of non-monetary contributions, including:

- volunteer labour provided by a person, if that person does not receive compensation or paid time off, to volunteer from their employer or any other person, and
- free audit and professional services and free CFO services for work relating to compliance with the EFCDA.xiii

Your campaign can buy FMV real property, goods, or services from any individuals or businesses. If you purchase real property, goods, or services at a discounted price from an individual, the difference between the FMV and the discounted price is considered to be a contribution. **Note: businesses are prohibited from making contributions, and therefore would not be allowed to provide a discounted price.** 

#### **Contributions Limits**

You can only accept contributions during the campaign period. Your campaign period begins on your effective registration date and ends two months after the leadership vote (or the date you withdrew).

Contributions made by an eligible contributor to a leadership contestant, or any combination of leadership contestants, CAs, parties, and candidates, shall not exceed \$5,000 in total, per calendar year. <sup>b</sup> CFOs are responsible for making reasonable efforts to inform contributors of the rules relating to contributions and for keeping track of contributions received. xiv

Example: Alex is an eligible contributor who donates \$1,000 to two different CAs in February for a total of \$2,000. As a graphic designer, Alex also donates \$1,200 in graphic design services to a leadership contestant. Alex later buys a ticket to attend a political party fundraiser in November, of which \$150 is the contribution portion. At the fundraiser, Alex places a winning bid on a silent auction item and pays \$50 more than its value. Alex's total contributions to date are \$3,400 (\$2,000 + \$1,200 + \$150 + \$50). Alex still has \$1,600 of contribution room for the remainder of the year.



A leadership contestant can contribute to their own campaign, from their own funds, up to the \$5,000 contribution limit. If campaign expenses paid from the leadership contestant's own funds exceed the contribution limit, the leadership contestant must be reimbursed from the campaign account on record with Elections Alberta for the excess amount.\*\*

No registered leadership contestant is permitted to circumvent or try to circumvent the contribution limit, including by colluding with a third party advertiser.\*vi

<sup>&</sup>lt;sup>b</sup> This limit came into effect on January 1, 2024. The prior contribution limit was \$4,300.

#### **Prohibited Contributors and Contributions**

Your leadership campaign cannot accept contributions from:

- a person not ordinarily resident in Alberta,
- a corporation,
- any unincorporated association or organization,
- an individual whose funds were furnished to them by someone else,
- a federal political party or federal electoral district association,
- a candidate registered under the Canada Elections Act, or
- an anonymous source (i.e., contributor's name and address are unknown) for an amount over \$50.

Contributions cannot be directly or indirectly solicited, or accepted from any prospective contributor if you or your CFO knows, or ought to have known, that:

- the prospective contributor is not eligible to contribute (e.g., contribution from a business or person living outside of Alberta), or
- the amount of the contribution would exceed the contributor's annual \$5,000 limit for that contributor.

Prohibited contributions, including contributions exceeding the limit, must be returned/refunded to contributors by your CFO. If your campaign accepts a prohibited contribution, within 30 days after learning of it, your CFO is responsible for notifying Elections Alberta in writing of the fact and circumstances, and the steps taken to rectify the matter. If the source of a contribution over \$50 is anonymous, your campaign cannot keep the funds—the funds must be paid to Elections Alberta for deposit into the General Revenue Fund of the Government of Alberta.xvii

To help contributors comply with contribution rules under the EFCDA, access our Guide for Contributors from the Elections Alberta website.

#### Fees and Deposits

If there is a leadership contest entry fee and/or deposit, the contestant has two options:

- If you pay from your personal funds, you are able:
  - a. To claim a contribution to your leadership campaign up to your allowable contribution limit, or
  - b. To be reimbursed from your leadership campaign at a later date (therefore not considered a contribution), or
- Pay the fee/deposit from your campaign account (from contribution or other revenue sources to the campaign).

Any amounts refunded by the party to the campaign should be recorded as other revenue.



## **Fund-raising Functions**

A fund-raising function is any event or activity intended to raise funds for your leadership contestant campaign. In most cases, a ticket or admission is charged to attend. Examples include dinners, golf tournaments, barbecues, meet & greets, etc. Silent auctions (or live or online auctions) are another type of fund-raiser that is commonly held in conjunction with a ticketed event.

Your CFO should keep a detailed record of each event including the date, name of the event, cost to attend, who paid for tickets or admission (if any), and the total realized revenue at the event. For an auction, your CFO should keep a record of each auction item, its value, who donated the item, who paid the winning bid, and how much was paid.

## **Activity or Auction?**

For reporting purposes in Elections Alberta's Online Financial System (OFS), your CFO has a choice of two categories for reporting your fund-raising functions:

**1. Activity:** A fund-raising event where tickets are sold, or admission is charged to attend. A fund-raising activity can be an event that does not require a ticket or admission to attend, but those who attend are expected to make a contribution. Fundraising activities include raffles, 50-50 draws, etc.

Most fund-raisers charge admission, but some do not. Regardless, details about the fund-raiser must be reported.

**2. Auction:** An auction fund-raiser can be any type of auction—live, silent, online etc. Auction details must be recorded separately from Activity details, even if they occur at the same time.

The gross income of a fund-raising activity or auction must be recorded, as well as the total amount of contribution receipts issued to individuals who attended or participated in the fund-raiser (calculated using either Method 1 or 2 below). The difference between these amounts can result in net revenue (the non-contribution receipted revenue). This revenue must be recorded as fund-raising function revenue. xviii

#### 1. Activity

Only eligible contributors (individuals living in Alberta) can pay for tickets or admission to attend leadership contestant fund-raisers. This is because a portion of the price paid comprises a contribution, which results in the issuing of a contribution receipt. Notably, prohibited persons, corporations and trade unions cannot pay for tickets or admission, or reimburse an individual for their ticket or admission price because of the contribution portion. They can, however, pay the non-contribution (expense) portion only, in order to attend.

The non-contribution (expense) portion of the ticket or admission price, recognizes that the person received compensation for attending (e.g., a meal, refreshments, golf game).



#### **Calculating the Contribution Receipt Amount**

When planning a fund-raiser, you need to decide on the ticket or admission price. Based on the price, your CFO will determine what portion of the price paid for admission constitutes a contribution and issue a receipt in this amount to each individual who pays to attend the event. The EFCDA provides an easy method for your CFO to calculate this (Method 1), or your CFO can choose to calculate actual expenses to determine the non-contribution portion of the ticket price (Method 2) instead.

#### Method 1 xix

**Ticket / Admission up to \$50**: Any price paid up to \$50 is not required to have a contribution portion and all sales can be recorded as fund-raising function revenue. However, the CFO or any individual who paid for a ticket or admission, can opt for half of the price paid to be considered a contribution. In this case, the other half is allowed for expenses, even if actual expenses are less or more.

**Ticket / Admission \$50.01 to \$100**: The contribution portion is the price less \$25 which is allowed for expenses, even if actual expenses are less or more.

**Ticket / Admission over \$100**: The contribution portion is 75% of the price and 25% is allowed for expenses, even if actual expenses are less or more.

#### Method 2 ××

The contribution portion is the amount paid above the fair market value (FMV) of what the ticket or admission purchaser received as compensation for attending (e.g., a meal, refreshments, golf game). Calculate the actual cost per person to determine the contribution portion vs. the non-contribution portion.

The table below shows examples of fund-raising events and how to determine the contribution portion vs. non-contribution portion (expense portion) of each ticket sold or admission charged.

Fund-raising Function	Ticket / Admission Price	Method	Contribution Portion (tax receipted)	Non-Contribution "Expense" Portion (Not receipted)
Barbecue	\$35	Method 1	\$0 -or- \$17.50 (50%)	\$35 -or- \$17.50 (50%)
Dinner	\$80	Method 1	\$55	\$25
Meet the Contestant	\$200	Method 1	\$150 (75%)	\$50 (25%)
Golf Tournament	\$400	Method 2	\$163.55	\$236.45 (actual cost/FMV)



#### **Recording Revenue and Expenses from Ticket or Admission Sales**

When there is a contribution and non-contribution portion applied for each sale of a ticket or admission, the revenue must be recorded in two categories:

- 1) the contribution portion is recorded on your campaign financial statement as "receipted contributions" revenue, and
- 2) the non-contribution portion is recorded on your campaign financial statement as "fund-raising function" revenue.

If the fund-raising function uses some means of raising funds, other than selling tickets or charging admission, and if the price paid is more than the fair market value for goods or services received, the excess is a contribution and is eligible for a contribution receipt.<sup>xxi</sup> In addition to recording the revenue from ticket or admission sales, all event expenses must be recorded.

#### 2. Auction

If an auction is held in conjunction with a fund-raising activity, a separate record of the auction revenue and expenses must be kept as different rules apply.

You can buy items for the auction, and accept items donated by persons ordinarily resident in Alberta.

For items valued over \$50 donated by individuals, your CFO must record a valued contribution and issue a valued contribution receipt to the donor. For items valued up to \$50 donated by individuals, your CFO records it as valued fund-raising function revenue, unless the individual specifically requests that their donation be considered a contribution. In this case, the CFO must record a valued contribution and issue a valued contribution receipt to the donor for the value of the item.

Your CFO should retain documentation verifying the amount paid for purchased auction items and the FMV of donated items. In addition to donated items being recorded as revenue, they must be recorded as expenses.

Only eligible contributors can bid on auction items, as bids that exceed the value of the donated items are considered contributions made by the individual.

#### **Recording Revenue and Expenses from Auctions**

The following scenarios illustrate how to report the revenue (and expenses) from auctions. In all cases, keep a record of the date, names, and addresses of auction item donors and winning bidders, the amounts, and whether these were valued or money contributions, for contribution receipt purposes.



#### Scenario 1

An accountant donates a gift certificate for personal tax preparation, with a stated value of \$300. The CFO verifies that the stated value is FMV. The winning bidder pays \$375 via cash, cheque or by e-transfer. The CFO records:

#### **Donation:**

• \$300 valued contribution received from the donor, and \$300 expense<sup>c</sup>,

#### **Bidding:**

- \$300 as fund-raising revenue received from the winning bidder,
- \$75 contribution received from the bidder.

#### Scenario 2

A store wants to donate a \$700 art deco lamp, but businesses are prohibited from donating under the EFCDA. Instead, an individual purchases the lamp for \$700 and donates it to the auction with a copy of the store receipt to validate the value. The winning bidder pays \$550 via cash, cheque or by e-transfer. The CFO records:

#### **Donation:**

\$700 valued contribution received from the donor, and \$700 expense,

#### **Bidding:**

- \$550 as fund-raising revenue received from the winning bidder,
- No contribution recorded for the bidder because the bid was lower than the value.

#### Scenario 3

A member of the leadership contestant's campaign team owns a cabin in the mountains and wishes to donate two night's accommodation. The member estimates the total value for two nights at \$1,000. The CFO conducts online research on similar cabins and locations and decides the value should be \$800. The CFO advises the donor, who acknowledges the revised value. The winning bidder pays \$2,000 via cash, cheque or by e-transfer. The CFO records:

#### **Donation:**

\$800 valued contribution received, and \$800 expense,

#### **Bidding:**

- \$800 as fund-raising revenue received from the winning bidder,
- \$1,200 as a contribution received from the bidder.

The CFO needs to be mindful of contribution limits when accepting auction items at FMV, and maximum bids accepted, to ensure they are appropriate and defensible, and to reduce the risk of over-contributions.

<sup>&</sup>lt;sup>c</sup> The valued contribution received from the donor must also be reported as an expense to recognize that the donor paid for or provided the item on behalf of the leadership contestant's campaign.



#### **Social Events**

Social events are activities where the purpose is not to raise funds. Such events may include meetings or small gatherings. Amounts charged at social events are designed to cover the expenses for holding the social event only. The gross (total) amount collected and expenses from social events must be separately recorded and reported as part of the financial statement under other income, not under fund-raising functions.

#### **Door Prizes**

You can buy items for door prizes and accept prizes donated by persons ordinarily resident in Alberta.

For prizes valued over \$50 donated by individuals, your CFO must record a valued contribution and issue a valued contribution receipt to the donor. For prizes valued up to \$50 donated by individuals, your CFO records it as valued fund-raising function revenue if the prize was for a fund-raising event, or as valued other income if the prize was for a social event, unless the individual specifically requests that their donation be considered a contribution. In this case, the CFO must record a valued contribution and issue a valued contribution receipt to the donor for the value of the door prize.

Your CFO should retain documentation verifying the amount paid for purchased prizes and the FMV of donated prizes from individuals. In addition to donated prizes being recorded as revenue, they must be recorded as expenses.

#### **Golf Tournaments**

Only individuals can pay an entry fee to a golf tournament. If the entry fee exceeds the FMV of goods and services received, the excess should be recorded as a contribution. The entry fees should be recorded as a contribution and non-contribution (expense) per s. 23(3) of the EFCDA. A corporation or union is not allowed to pay an entry fee or reimburse a fee paid by an individual.

#### Trade Union and Corporate Sponsorship

Elections Alberta urges leadership contestants to exercise caution before accepting trade union or corporate sponsorships for fundraising events. This is because the EFCDA prohibits contributions from any entity other than an individual ordinarily resident in Alberta. Unless it is a fair market value transaction, money from a union or corporation will be a prohibited contribution.

A payment by a trade union or corporation to a leadership contestant is only permissible if the compensation received is not greater than the FMV of the benefit obtained. You must be able to demonstrate that the fair value of the benefit is reasonable, relative to equivalent advertising opportunities in the local market. For instance, sponsoring a golf hole at a tournament held by or on behalf of a leadership contestant and advertising at that hole must be valued similarly to any other advertising opportunity, for a similarly attended golf tournament, at the same facility.

Corporate advertising that is affiliated with an individual (e.g., Ms. Smith, Realtor for XYZ Realty Co.) is generally prohibited. It is Elections Alberta's position that such an affiliation makes it difficult for fundraising event attendees to discern whether the contributor is the individual or the corporation. This restriction does not apply to the normal social networking that occurs at such events (e.g., exchange of business cards amongst attendees).

If you have questions about trade union or corporate sponsorship activities please contact our Office, prior to engaging in any such relationship or contract, at <a href="mailto:finance@elections.ab.ca">finance@elections.ab.ca</a>.



## **Recording and Reporting Contributions**

Elections Alberta provides your CFO with access to our Online Financial System (OFS) to report contributions. Your CFO must report all amounts over \$50 as contributions, and any amounts up to \$50 for which the donor specifically requests that the amount be considered a contribution.

The CFO must enter the following information in OFS for each contribution before an official contribution receipt can be generated:

- date received
- money or valued
- amount
- contributor first and last name (one name per contribution)
- contributor mailing address
- contributor email address (optional for e-receipting purposes)



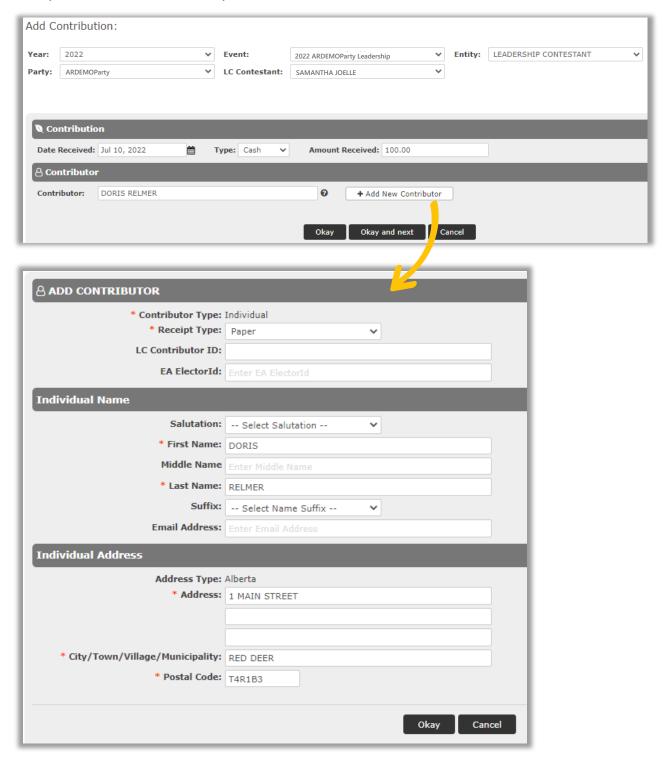
Your CFO is strongly encouraged to record contributions in OFS as they are received. This helps your CFO to keep track of contributors and contributions, as well as assisting with Elections Alberta's filing review. It also helps prevent violations such as over-contributions. Waiting until the filing deadline to record contributions significantly increases the risk of violations and penalties under the EFCDA.

#### Online Financial System Login screen





#### Sample of Contribution Data Entry Screen in OFS





## Official Contribution Receipts

Your CFO must issue official contribution receipts to all contributors using OFS, no later than the financial statement filing deadline.

There are two ways to issue receipts through OFS:

- for persons preferring an **electronic receipt**, your CFO generates the receipts and emails them to contributors from OFS, or
- for persons preferring a hard-copy receipt, or those who do not have an email address, your CFO generates the receipts, prints them off from OFS, and mails them to the contributors.

Your CFO must ensure that all electronic contribution receipts are successfully delivered to contributors.

If a person makes more than one contribution to your campaign, OFS will produce one receipt for that contributor listing the individual amounts and total contribution.

If a contributor misplaces their receipt, your CFO can resend or reprint a copy to send to the contributor. If a receipt is issued incorrectly (e.g., wrong address or amount), your CFO must cancel the original receipt and issue a corrected replacement, following the prompts in OFS. The system maintains all records of contributions and official receipts, including any cancelled and reissued receipts.

#### Sample of Official Contribution Receipt



L220000005

2022 TAX YEAR

Issued to:

DORIS RELMER 1 MAIN STREET RED DEER, AB T4R 1B3 Receipt Date: October 5, 2022

Period: Leadership Contestant Campaign

Receipt Total: \$ 100.00 Tax Deductible:

Issued by: SAMANTHA JOELLE, Leadership Contestant

ARDEMOParty

Signed by: Len Longbow, Chief Financial Officer

If any information is incorrect on this receipt, contact the issuer named above.

Date Received	Contribution Type	Amount
July 10, 2022	Money	\$ 100.00



#### **Income Tax Credits**

Both money and valued contributions made to a leadership contestant can be claimed for Alberta income tax credits in the year the contribution is made. CFOs are not responsible for calculating tax credits that contributors may be eligible for. The table below is provided as an example of how tax credits are calculated and administered under the *Alberta Income Tax Act*. The maximum tax credit of \$1,000 is reached when a contributor's aggregate contributions total \$2,300 across all political participants.

Amount Contributed	Available Tax Credit	Maximum Credit	Cumulative Amount
Up to \$200	75%	\$150	\$150
Next \$900 (\$201 to \$1,100)	50%	\$450	\$600
Next \$1,200 (\$1,101 to \$2,300)	33.3%	\$400	\$1,000
Over \$2,300	Nil	Nil	\$1,000

## **Public Disclosure of Receipted Contributions**

Elections Alberta publicly discloses receipted contributions reported by your campaign in two categories:



- For contributions from an individual contributor that exceed \$250 in aggregate for the campaign period, the total amount contributed, and the contributor's name and municipality. Addresses are redacted on Elections Alberta's public website, and
- the total amount of all contributions received that did not exceed \$250 in aggregate for the campaign period, from any single contributor. xxiii

The contributions report is published with the leadership contestant financial statement shortly after the filing deadline. A finalized contributions report and financial statement are published after Elections Alberta's financial audit is complete and both the CFO and leadership contestant have been notified.

#### **Other Revenues**

Examples of revenue other than contributions, that must also be reported, include:

- Collections at leadership campaign meetings up to \$50 per person at the meeting
- Interest earned on investments and bank deposits
- Money and in-kind donations up to \$50
- Sales of goods
- Any other revenue not listed above



#### **Loans from Financial Institutions**

Your campaign can borrow money from any recognized financial institution, except an Alberta Treasury Branch (ATB Financial). Your CFO must record and report the loan details as part of your campaign return.

#### Guarantees

Only a person ordinarily resident in Alberta may sign, co-sign, guarantee or provide collateral for a loan on behalf of a leadership contestant. The amount of the guarantee or collateral is considered a contribution in the year the guarantee or collateral is provided and counts towards the guarantor's annual contribution limit under section 17(1) of the EFCDA. However, no contribution receipt is issued to a guarantor or person providing collateral until the guarantor is required to make payment or the collateral is applied to the loan.

#### **Loan Payments**

Only a person ordinarily resident in Alberta may make a loan payment or guarantee payment on behalf of a leadership contestant. Loan payments made on behalf of your campaign are considered contributions and count toward the annual contribution limit under section 17(1) of the EFCDA. The contributors can be issued a contribution receipt, unless they are reimbursed by the leadership contestant.\*



## **Expenses**

#### Campaign Expenses

A campaign expense is any expense incurred, or non-monetary contribution received, used to directly promote or oppose a leadership contestant during a campaign period. xxiv

If your campaign expenses exceed \$25,000, an audited financial statement and a copy of the auditor's report must accompany your campaign return.

Your campaign period begins on the date entered on form LC-R-01 and ends 2 months after the date of the leadership vote. Your campaign must file a campaign return with Elections Alberta within four months after the leadership vote. xxv

Some examples of campaign expenses are:

- the production of advertising or promotional material (see Elections Alberta's advertising guidelines for rules that your advertising must comply with),
- the distribution, broadcast, or publication of advertising or promotional material in any media or by any other means during a campaign period, including using a capital asset,
- the payment of remuneration (paying someone for their work or service) and expenses to or on behalf of a person for the person's services as a CFO or in any other capacity,
- securing a meeting place,
- the conduct of election surveys or other surveys or research during a campaign period,
- a contestant's travel expenses related to the leadership contest, including meals and accommodation,
- a contestant's childcare expenses,
- expenses related to the provision of care for a person with a physical or mental incapacity for whom the contestant normally provides such care,
- in the case of a contestant who has a disability, additional expenses that are related to the disability,
- audit and financial fees necessary for compliance with the EFCDA, and
- reasonable incidental expenses incurred by or on behalf of volunteers. Incidental expenses can
  include coffee and donuts, the cost of a parking meter, etc. and apply to expenses incurred
  outside the election period.

Leadership campaigns are not subject to an expense limit.

## Other Expenses

The following are not considered campaign expenses but must be reported:

- Fees and deposits paid to the party,
- Refunds to contributors if applicable, and
- Membership revenue paid over to the party<sup>d</sup>

<sup>&</sup>lt;sup>d</sup> Revenue collected from the sale of memberships on behalf of the party must be paid over to the party and entered as non-campaign expenses (other expenses), not as transfers.

#### **Transfers**

You cannot transfer (exchange) <u>money</u> with any party, constituency association, candidate, nomination contestant, or another leadership contestant <u>during</u> your campaign.

If you have surplus funds at the end of the campaign period, you are allowed to transfer these funds to your party to eliminate the surplus.

You can transfer (exchange) goods or services with your party and your party's constituency associations, candidates, nomination contestants, and other leadership contestants. xxvi

## **Financial Reports**

## Filing the Campaign Return

You must file a **leadership contestant campaign return** to disclose all revenue and expenses for the campaign period, even if you withdraw and regardless of the level of financial activity.

Your campaign return must be filed with Elections Alberta <u>within four months after the leadership vote</u>. If the filing deadline date falls on a weekend or holiday, the deadline is extended to the first business day following. The campaign return includes:

- a financial statement,
- a contribution detail report,
- a campaign expense report, and
- any supporting information and documents relating to the campaign return. xxvii

If your campaign expenses exceed **\$25,000**, an independent audit must be completed by an accounting firm registered under the Chartered Professional Accountants Act. An audited financial statement and a copy of the auditor's report must accompany your campaign return (EFCDA section 43.02(2).



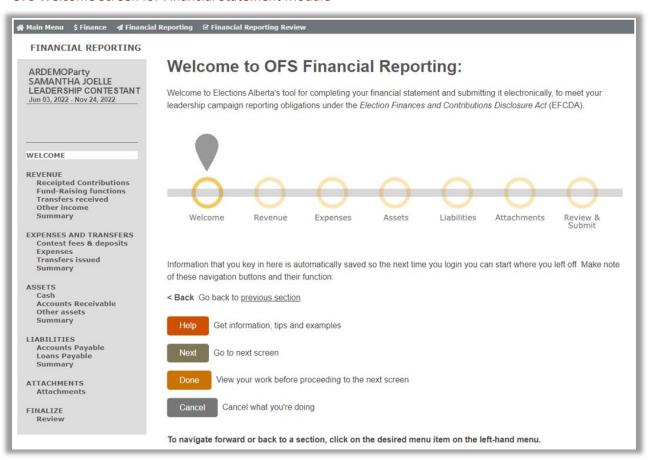
#### **Electronic Filing in OFS**

Your CFO is responsible for entering the financial statement in OFS. The entire process is electronic. Keeping a record of all financial transactions enables smoother and faster completion of the financial statement. Electronic sign-off is required by both the you and your CFO, and both of you are provided with a unique user ID and password for system access.

Data entry of financial transactions and balances is completed through a series of user-friendly screens with "help" features. Contributions to your campaign must be reported and receipted in OFS to allow the totals to auto-populate in the financial statement. If you campaign expenses exceeded \$25,000 a copy of the auditor's report together with the financial statement they audited, must also be uploaded, in addition to all bank account statements. Automated calculations and cross-referencing schedules within the financial statement bring significant benefits to both you and Elections Alberta financial analysts who review each submission.

Leadership contestants who have no financial activity must still file a NIL financial statement and expense report by the filing deadline with the appropriate signatures.

#### OFS Welcome Screen for Financial Statement Module





#### **Surplus Distribution**

Your campaign is expected to fully disburse any surplus funds within 30 days of the filing deadline as follows:

- 1. return contributions to contributors, and/or
- 2. transfer funds to your party.

If the surplus cannot be dealt with through options 1 or 2, it must be paid to the Chief Electoral Officer for deposit into the Government of Alberta's General Revenue Fund.xxviii

#### **Deficit Retirement**

If your campaign has a deficit at the end of the campaign period (not enough funds to pay campaign expenses), additional contributions may be accepted during the **deficit retirement period**. All contribution limits and statutory provisions of the EFCDA apply within the deficit retirement period.

The **deficit retirement period** is a three-month period which starts the day after the campaign return filing deadline date. You or your CFO may request an extension to the deficit retirement period, which must be received in writing by the Chief Electoral Officer before the three months have ended. If approved, the extension will be for another three months, giving your campaign a total of six months to eliminate the campaign deficit. No further extensions are allowed under the EFCDA.

Within one month after the end of the deficit retirement period, your campaign must file an amended financial statement via OFS to verify and provide details on the deficit elimination. Additional contributions received must be reported and receipted in OFS. xxix

#### Failure to File

Failure to file the required financial statement with Elections Alberta by the filing deadline will result in an **automatic late filing fee of \$500**. Both the leadership contestant and the leadership contestant's CFO are jointly liable for payment of the fee. If the late fee is not paid within 30 days after the filing deadline, a notice may be filed with the clerk of the Court of King's Bench. On being filed, the notice will have the same force and effect and may be enforced as if it were a judgment of the Court.

Further, it is an offence for the leadership contestant and their CFO to fail to file a campaign return by the deadline and to fail to file an amended campaign return regarding deficit elimination and surplus distribution.

The leadership contestant and their CFO may also be subject to administrative penalties.\*\*x



# Appendix: Summary of the EFCDA References

Section	Description
1(1)(e)	Definition of 'contribution' including money, goods, services, or use thereof provided to political entities.
1(1)(a.2)	Definition of 'campaign expense' and its application in the context of political financing.
1(1)(1.01)	Definitions related to prohibited contributions and associated regulations.
1(5)	Exclusions from the definition of 'services' for voluntary labour and certain professional services.
4(1)(h)	Duties of the Chief Electoral Officer regarding financial statements and contribution reports.
9.2(4) to 9.2(6)	Information on nomination contests and contestants, including registration criteria and procedures.
9.2(8)	Deregistration criteria for nomination contestants.
9.2(8) to 9.2(9)	Specifics on the deregistration and appeals process for nomination and leadership contests.
9.2(10)	Details about leadership contests and contestants, focusing on registration requirements and processes.
10(2.1)	Details on financial administration requirements for political entities.
10(6)	Information on the annual financial statement requirements for political entities.
10(7) to 10(9)	Guidelines for maintaining and disclosing financial records by political entities.
10.1	Requirements and procedures for changing official party name or abbreviation.
11	Details related to financial statements and contribution reports.
12.2	Regulations on the use of campaign funds and handling of campaign surpluses.
13(2)	Conditions under which a Chief Electoral Officer can refuse registration of political entities.
14(1)	Criteria for cancellation of registration for political parties and entities.



Section	Description
16	Specific regulations regarding financial transactions and reporting.
17(1), 30(2)	Limitations on contributions and regulations regarding excessive contributions.
17(1), 17(7), 17(8), 30(2)	Regulations on contributions, including limits, restrictions on sources, and treatment of excessive contributions.
19	Rules and guidelines on financial transactions and contributions.
21.1	Specific regulations regarding fundraising and financial transactions.
23	Rules governing fundraising functions and contributions raised through such events.
23(3)(a)	Requirements for reporting and accounting of contributions at fundraising events.
23(3)(b)	Regulations regarding contributions collected through general collections at events.
23(4)	Annual membership fees and their treatment under contribution regulations.
30, 31, 32, 33	Provisions related to collection and handling of contributions, including prohibited contributions and receipt issuance.
34, 35, 36	Detailed regulations on prohibited contributions, fundraising, and financial transactions.
38(2)	Conditions under which financial transactions between political entities and individuals are regulated.
40, 41	Regulations for chief financial officers of political entities, including their duties and responsibilities.
41.42, 43.02	Requirements for leadership contestants regarding campaign finance returns and disclosures.
41.42, 44.11(5.2)	Provisions for third-party advertising, spending limits, and disclosure requirements.
43.02	Additional guidelines on campaign finance returns and disclosures.
43.1	Provisions for third-party advertising, including spending limits and reporting requirements.
43.1, 43.2(2), 44, 48(3), 48(6)	Detailed regulations on third-party advertising, electoral advertising expenses, and related financial disclosures.



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i
      EFCDA s. 9.2(10)
ii
      EFCDA ss. 9.2(4) to 9.2(6)
iii
      EFCDA ss. 9.2(8) to 9.2(9)
iν
      EFCDA s.10(2.1)
      EFCDA s. 10(6)
٧
      EFCDA ss. 10(7) to 10(9)
٧i
vii
      EFCDA s. 9.2(8)
viii
      EFCDA ss. 30, 31, 32, 33
ix
      EFCDA s. 10.1
      EFCDA s. 1(1)(e)
Х
χi
      EFCDA s. 13(2)
xii
      EFCDA s. 14(1)
xiii
      EFCDA s. 1(5)
      EFCDA ss. 17(1), 30(2)
xiv
      EFCDA ss. 17(1), 17(7), 17(8), 30(2)
xv
xvi
      EFCDA ss. 41.42, 44.11(5.2)
      EFCDA ss. 1(1)(I.01), 16, 19, 21.1, 34, 35, 36
xvii
      EFCDA s. 23
xviii
      EFCDA s. 23(3)(a)
xix
XX
      EFCDA s. 23(3)(b)
xxi
      EFCDA s. 23(4)
      EFCDA ss. 4(1)(h), 11, 32
xxii
xxiii
      EFCDA ss. 40, 41
      EFCDA s. 1(1)(a.2)
xxiv
      EFCDA ss. 1.1(1)(b), 1.1(3), 41.42, 43.02
XXV
xxvi EFCDA s. 38(2)
xxvii EFCDA s. 43.02
xxviii EFCDA s. 12.2
xxix EFCDA s. 43.1
      EFCDA ss. 43.1, 43.2(2), 44, 48(3), 48(6)
XXX
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