

INTERIM¹ INTERPRETATION BULLETIN No. 06

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Annual Party Membership Fees

Introduction

The Chief Electoral Officer has developed this Bulletin to provide information and guidance to political participants with respect to annual membership fees paid to political parties and constituency associations.

Links to the *Election Finances and Contributions Disclosure Act* (the “EFCDA”) and other bulletins are available on the Elections Alberta website at www.elections.ab.ca.

Key EFCDA provisions

The key provision respecting annual party membership fees is EFCDA section 25:

Annual membership fees

25 *An annual membership fee paid for membership in a political party or in a constituency association of that party, or in both, is not a contribution for the purposes of this Act if*

- (a) the fee or, when a fee is paid to the party and to a constituency association of that party, the total of those fees, does not exceed \$50, and*
- (b) the political party and constituency association each maintain a membership list indicating the amount of the fee or fees paid by each member that is allocated to the political party or constituency association, as the case may be, but if the fee or total of those fees exceeds \$50, the amount of the excess shall be considered as a contribution.*

Context and Overview

The Legislature has decided that membership fees for political parties and constituency associations, up to an aggregate value of \$50, are not contributions. As a result, membership fees are not subject to the rules and limits that apply to contributions.

¹ This is an INTERIM Bulletin because amendments to section 25 of the EFCDA are currently under consideration by the Legislature as Bill 81: Election Statutes Amendment Act 2021 (No. 2).





This exception to the application of contribution rules and limits recognizes the important enfranchising role of political parties. However, section 25 should not be interpreted in a way that would defeat the overall purpose and intent of the EFCDA.

Section 25 must be interpreted in the context of other sections of the EFCDA such as:

- Section 16, which prohibits contributions from anyone other than an individual ordinarily resident in Alberta,
- Section 34, which prohibits an individual from making a contribution from funds not actually belonging to that individual, or from funds that have been given or furnished to the individual for the purpose of making a contribution, and
- Section 41.41(1), which prohibits third parties from incurring expenses for the purpose of selling memberships for a registered party.

Collectively, these sections limit who can make contributions, shelters up to \$50 per person in membership fees from being treated as a contribution and regulates who can sell party memberships, all of which is intended to ensure transparency and accountability with respect to contributions and annual membership fees.

Purchasing Memberships

An interpretation of section 25 that would enable an individual to pay for an annual membership on behalf of others would be inconsistent with section 34.

An interpretation of section 25 that would enable third parties, other than individuals who are eligible to make contributions, to purchase memberships would be inconsistent with section 16.

Accordingly, in my view, section 25 of the EFCDA does two things. First, section 25 prohibits an individual from paying for annual membership fees for political parties and constituency associations on behalf of others. Second, section 25 prohibits the payment of these same fees by any entity other than an individual ordinarily resident in Alberta.

In short, only individuals can buy annual political party and constituency association memberships and individuals can only buy memberships for themselves.

Selling Memberships

Third parties are prohibited from incurring expenses for the purpose of selling memberships for a registered party (EFCDA section 41.41(1)(a)). Section 41.41(2)(a) of the ECFDA is an exception to this general prohibition in that it allows unpaid volunteers to sell memberships.





For reference, a third party is defined at section 44.1(1)(i):

44.1(1)(i) “third party” means a person, corporation or group, but does not include the following:

- (i) a registered party;
- (ii) a registered constituency association;
- (iii) a registered candidate or member of the Legislative Assembly;
- (iv) a registered nomination contestant;
- (v) a registered leadership contestant.

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