

GUIDE FOR SENATE CANDIDATES

*Election Finances and Contributions Disclosure Act
and Alberta Senate Election Act*

Under Review

Under Review

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Under Review



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1 Overview

Introduction

This Guide has been produced to assist senate candidates, and those helping with their campaigns, to understand the *Alberta Senate Election Act* (ASEA) and *Election Finances and Contributions Disclosure Act* (EFCDA). This is to ensure compliance with both Acts.

We also make several references to the *Local Authorities Election Act* (LAEA) because a senate election will be held on October 18, 2021, in conjunction with Alberta's municipal elections. The Writ of Election for this senate election was issued on June 23, 2021. Links to relevant legislation can be found on the [Elections Alberta website](#) or the [Alberta Queen's Printer website](#).

Elections Alberta is responsible for registering senate candidates, managing provincial senate elections, and ensuring senate candidates comply with election finance rules. If the legislation is found to contradict anything presented in this guide, the legislation governs.

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

Toll-free: 310.0000.780.427.7191

Fax: 780.422.2900

For general inquiries: info@elections.ab.ca

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

What is a Senate Election?

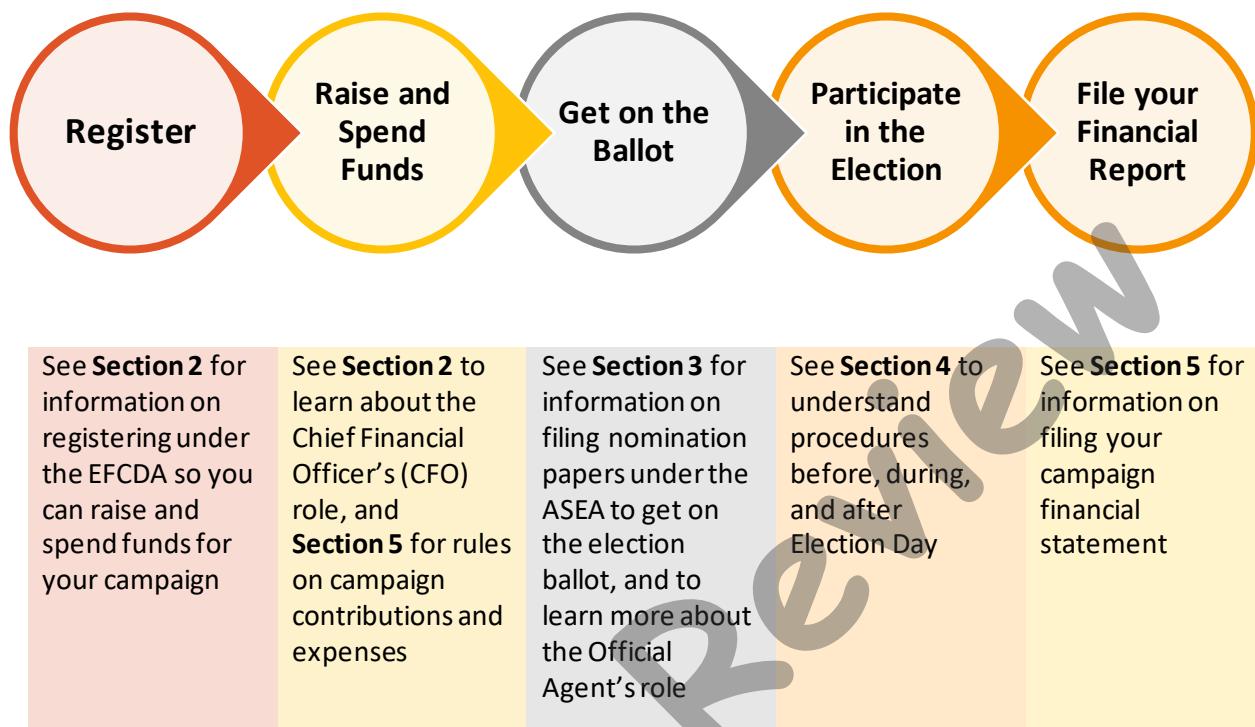
The senate election process is used in Alberta to allow electors to vote for the persons who they would like to potentially represent them in the Senate of Canada. These elections have been held previously in Alberta in 1989, 1998, 2004 and 2012.

A senate election will be held October 18, 2021, to select three nominees whose names will be forwarded to the federal government for consideration in filling future Senate vacancies. The senate election will take place if the number of nominated senate candidates exceeds the number to be elected.

These names of elected senate nominees will be submitted by the Government of Alberta to the Queen's Privy Council for Canada for consideration when there is a vacancy in a Senate seat relating to Alberta. The Queen's Privy Council for Canada is not bound by the ASEA and may choose not to appoint senate nominees who have been selected through this election. Of the 10 senate nominees selected in Alberta since 1989, five have been appointed to the Senate of Canada.



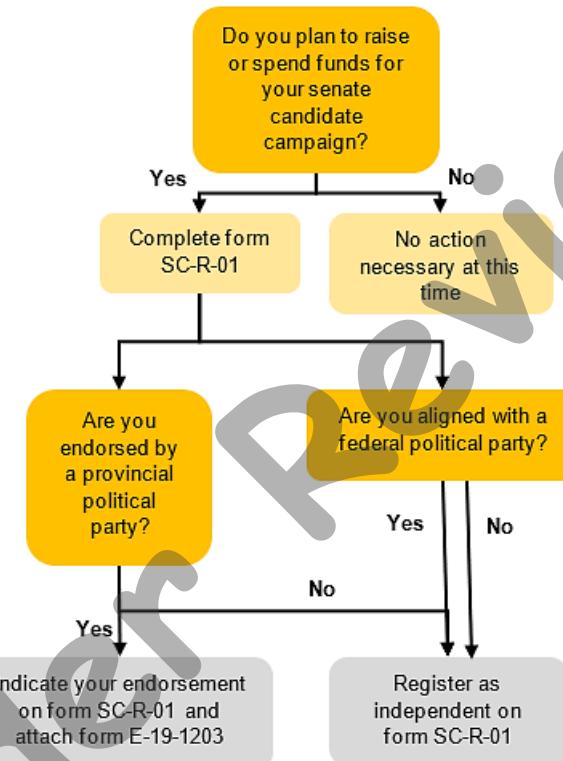
Navigating This Guide



2 Registration under the EFCDA

This section outlines the registration application process for senate candidates, along with the duties of the appointed CFO.

Before registering as a senate candidate be sure that you will meet the requirements to be nominated- see section 3 of this guide.



You must register with Elections Alberta before raising or spending any funds for your campaign. Your registration application must indicate if you are endorsed by a registered provincial political party or if you are an independent senate candidate.¹

Submit form [SC-R-01 Registration of a Senate Candidate](#) to Elections Alberta, signed by yourself and your CFO. An electronic copy of your registration form can be submitted to initiate your registration. You can apply to register at any time from January 1, 2021 through to the closing date for nominations.

Senate Candidate Endorsed by a Provincial Political Party

Provincial parties may have their own process for selecting senate candidates they wish to endorse. Elections Alberta does not regulate these internal party processes. If you are endorsed by a provincial party, attach form [E-19-1203 Certificate of Registered Provincial Political Party Endorsement for Senate Candidate Nominees](#) to your registration.²



Independent Candidate

If you are not endorsed by a provincial party, you will register as an independent candidate. No other attachments to your registration form are required.³

Senate Candidate Aligned with a Federal Political Party

Under the ASEA, senate candidates may be also aligned with a registered federal party, however this alignment is declared in conjunction with filing nomination papers. See Section 3 of this Guide for more details.

Federal parties may hold nomination contests to select senate candidates they wish to have represent the party in the senate election. Elections Alberta does not regulate federal party nomination contests. If you are successful in a federal nomination contest or otherwise become aligned with a federal party, but not endorsed by a provincial party, then you will register as an “Independent” candidate.

Registration Approval

Once Elections Alberta receives 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 return within four months after Senate Election Day, even if you withdraw.



Example of the [SC-R-01](#) fillable form, available on our website.

| REGISTRATION OF A SENATE ELECTION CANDIDATE | | | | |
|---|--|---|---|-----------------|
| UNDER THE ELECTION FINANCES AND CONTRIBUTIONS DISCLOSURE ACT (EFCDA) | | | | |
| FORM SC-R-01 | | | | |
| <input type="checkbox"/> INITIAL REGISTRATION | | <input type="checkbox"/> UPDATE TO REGISTRATION | | |
| OFFICE USE ONLY | | | | |
| POLITICAL PARTY AFFILIATION | | | | |
| <input type="checkbox"/> Independent *Note 1 <input type="checkbox"/> Endorsed by a Registered Provincial Political Party *Note 2 Party Name: _____ | | | | |
| Attach Form E-19-1203: Certificate of Registered Provincial Political Party Endorsement for Senate Candidate Nominees | | | | |
| SENATE CANDIDATE INFORMATION AND DECLARATION | | | | |
| Prefix | First and Last Name | Campaign Website | Email (do not use campaign email address) | |
| Street Address or PO Box (do not use campaign office address) | | | | |
| City / Town / Village / Municipality | Prov. | Postal Code | Primary Phone | Alternate Phone |
| AB | | | | |
| I declare that the information provided in this registration form is complete and correct. *Note 3 | | | | |
| Signature of Senate Candidate | | | Month / Day / Year | |
| CHIEF FINANCIAL OFFICER INFORMATION AND CONFIRMATION | | | | |
| Prefix | First and Last Name | Email (do not use campaign email address) | | |
| Street Address or PO Box (do not use campaign office address) | | | | |
| City / Town / Village / Municipality | Prov. | Postal Code | Primary Phone | Alternate Phone |
| AB | | | | |
| I confirm that I have accepted the appointment as Chief Financial Officer and am aware of the duties and responsibilities of the position as prescribed by the <i>Election Finances and Contributions Disclosure Act (EFCDA)</i> . | | | | |
| Signature of Chief Financial Officer | | | Month / Day / Year | |
| LOCATION RECORDS ARE MAINTAINED AND COMMUNICATIONS ADDRESSED (IF OTHER THAN CFO'S ADDRESS) | | | | |
| Prefix | First Name | Last Name | Email | |
| Street Address or P.O. Box | | | | |
| City / Town / Village / Municipality | Prov. | Postal Code | Primary Phone | Alternate Phone |
| AB | | | | |
| FINANCIAL INSTITUTION FOR CANDIDATE'S CAMPAIGN ACCOUNT | | | | |
| Name of Institution | | | | |
| Street Address or P.O. Box | City / Town / Village / Municipality | | Prov. | Postal Code |
| AB | | | | |
| Name of Signing Officer(s) | | | | |
| Assuming a Senate Election will be held under the <i>Local Authorities Election Act</i> in 2021, the campaign period begins January 1, 2021: | | | | |
| *Note 1: An independent senate election candidate can only apply for registration on or after January 1 st . | | | | |
| *Note 2: A senate election candidate endorsed by a registered provincial political party can apply to register at any time. | | | | |
| *Note 3: The Alberta Senate Election Act (ASEA), section 7 contains eligibility criteria for nomination. Registration as a senate election candidate in this form for the purposes of the EFCDA is not a nomination under the ASEA. | | | | |
| ACCEPTANCE BY ELECTIONS ALBERTA | | | | |
| Print Name of Elections Alberta Representative | Elections Alberta Representative's Signature | | | Date |
| FOR INITIAL REGISTRATION FORWARD SIGNED ORIGINAL TO ELECTIONS ALBERTA | | | | |
| Suite 100, 11510 Kingsway NW, Edmonton, AB T5G 2Y5 (780) 427-7101 | | | | |
| FOR UPDATE TO REGISTRATION, FAXED OR SCANNED COPIES ARE ACCEPTABLE | | | | |
| Phone: 780.427.7191 Fax: 780.422.2900 Email: finance@elections.ab.ca Website: www.elections.ab.ca | | | | |
| OFFICE USE ONLY | | | | |

Mark one box only

Mark one box only

Fill out completely. Sign and date the declaration.
If a campaign website address is provided, we will publish it on our website.

Fill out completely. Your CFO must sign and date the confirmation.

Fill out only if the financial records are not kept at the CFO's address.

Fill out completely even if the campaign account is not opened yet.



Registration Updates and Cancellations

Updates

It is important that you update Elections Alberta of any changes to your registration. Changes must be submitted within 48 hours of their coming into effect. File all changes using Form SC-R-01. Updates can be provided to Elections Alberta by faxing or emailing Form SC-R-01.⁴

Cancellation

If for any reason you choose to withdraw as a candidate, you must notify us in writing. The Chief Electoral Officer will cancel your registration without delay, following notification.

The EFCDA also allows the Chief Electoral Officer to cancel your registration for any of the following reasons:

- We determine that you are no longer qualified to be registered, or
- We determine that your application contains false information.

We will notify you by registered mail when your registration has been cancelled. Cancellation of registration becomes effective starting on the third day following the date the notice was mailed. Any of your campaign funds not needed to pay outstanding expenses must be paid to Elections Alberta for deposit into the General Revenue Fund of the Government of Alberta.⁵

You must still file a campaign financial return with Elections Alberta if you withdraw, your registration is cancelled, or you are not nominated.

Appeals

If your registration is 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 argument. We may choose to reinstate your registration or confirm the cancellation after this review. We will provide you with written notification of the Chief Electoral Officer's decision.⁶



Chief Financial Officer (CFO)

Appointment

You must appoint a CFO. Many provisions of the EFCDA apply directly to the CFO and the appointed individual must be aware of these duties and responsibilities. Note: a registered candidate cannot be a CFO for themselves or anyone else.

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.⁷

Duties

Under the EFCDA, your CFO must:

- keep proper records of all campaign revenue, expenses, assets, and liabilities,
- deposit all financial contributions into the campaign bank account on record with Elections Alberta,
- record contributions other than money at fair market value (FMV),
- report contributions in Elections Alberta's Online Financial System (OFS) and issue official contribution receipts to contributors,
- pay all expenses from the campaign bank account, including all invoices and major purchases,
- ensure minor expenses that would normally be paid in cash are paid from an established and tracked petty cash fund,
- ensure payments of more than \$25 are supported by:
 - a document (invoice) from the supplier that states the particulars of the expense,
 - a receipt or other proof of payment from supplier acceptable to Elections Alberta
- prepare and file financial statements with Elections Alberta by the filing deadline, and
- ensure reasonable effort is made to inform prospective contributors of the EFCDA contribution rules.

⁸

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 agree with 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 value (non-monetary),
- details of fund-raising events are recorded including the date, name of event, ticket price, ticket sales revenue, auction revenue, the value 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 other acceptable filing method and,
- all books of account and supporting documents are securely stored.

Records Retention

The CFO must retain all the financial records of your campaign for three years following the financial statement filing deadline. The CFO must be able to supply backup documentation to support the financial filing and records if requested by Elections Alberta.⁹



3 Nomination under the ASEA

This section sets out the nomination process for senate candidates to get on the ballot for the 2021 Senate Election.

Eligibility for Nomination

To be eligible to appear on the ballot for the senate election, you must be qualified under both section 23 of the federal *Constitution Act (1867)* and section 7 of the ASEA.

Section 23 of the *Constitution Act (1867)*:

The Qualifications of a Senator shall be as follows:

- (1) He shall be of the full age of Thirty Years;
- (2) He shall be either a natural-born Subject of the Queen, or a Subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of One of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the Union, or of the Parliament of Canada after the Union;
- (3) He shall be legally or equitably seized as of Freehold for his own Use and Benefit of Lands or Tenements held in Free and Common Socage, or seized or possessed for his own Use and Benefit of Lands or Tenements held in Franc-alleu or in Roture, within the Province for which he is appointed, of the Value of Four thousand Dollars, over and above all Rents, Dues, Debts, Charges, Mortgages, and Incumbrances due or payable out of or charged on or affecting the same;
- (4) His Real and Personal Property shall be together worth Four thousand Dollars over and above his Debts and Liabilities;
- (5) He shall be resident in the Province for which he is appointed;
- (6) In the Case of Quebec, he shall have his Real Property Qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

Under Section 7 of the ASEA

You must be:

- Ordinarily resident in Alberta continuously for the 6 months preceding Senate Election Day,
- Qualified under Section 23 of the *Constitution Act (1867)*.

You must not be:

- A member of the House of Commons or Senate of Canada,
- A member of the Legislative Assembly of Alberta,
- A candidate in concurrently held elections (municipal or provincial),
- An inmate,
- Prohibited from nomination or disqualified as a candidate under the Election Act.



Filing Nomination Papers

You must file a completed original Senate Candidate Nomination Paper and the \$4,000 candidate nomination deposit with Elections Alberta before 2:00 pm on September 20, 2021 (Nomination Day).^a Late papers will not be accepted. Your candidate nomination paper must include:

- The names, physical addresses, and signatures of 500 eligible electors in Alberta,
 - An address within Alberta at which documents may be served and notices given respecting the candidate,
 - The appointment, name and contact information of an official agent, and
- An affidavit from you as a candidate confirming your eligibility for nomination and your consent to being nominated.

¹⁰

Eligible electors are Canadian citizens 18 years of age or older, who are ordinarily resident in Alberta.

You must collect signatures from 500 electors in support of your nomination. Signature collection must be witnessed and cannot start earlier than June 23, 2021 (Writ Day). **Nomination signatures collected before this date will not be accepted.**

All signatures must be collected on the prescribed Senate Candidate Nomination Paper and be witnessed by the elector(s) that collected the signatures. The Senate Candidate Nomination Paper is available on our website and pre-printed packages can be requested from Elections Alberta by emailing ops@elections.ab.ca. Additional details for completing the nomination process and acceptable forms of payment for the nomination deposit are included with the Senate Candidate Nomination Papers.¹¹

^a The candidate nomination deposit will be refunded to the campaign by Elections Alberta if your campaign return is filed in good order by the filing deadline under section 43(2) of the EFCDA.



Additional Documents to Attach with Nomination Papers

If you are endorsed by a registered provincial party and/or aligned with a registered federal party, the following information applies:

Endorsement Certificate from Registered Provincial Party

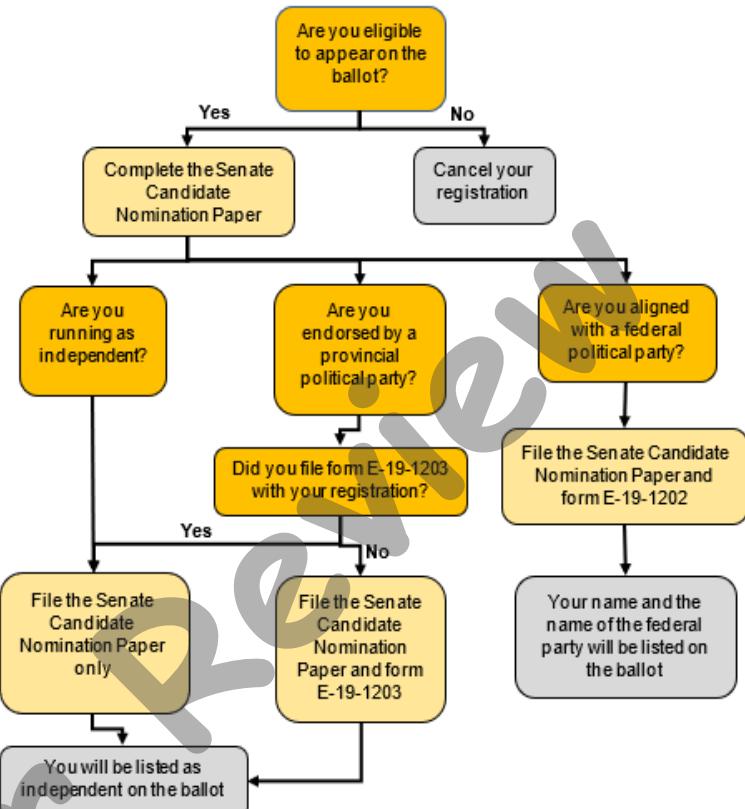
If you are endorsed by a registered provincial party and you filed the [Certificate of Registered Provincial Political Party Endorsement for Senate Candidate Nominees](#), form E-19-1203, with your initial registration, you do not need to file the certificate again.

If you were endorsed by a provincial party after your initial registration, you must file form E-19-1203 with your nomination papers.¹²

Alignment Certificate from Registered Federal Party

If you are aligned with a registered federal party, you must file a [Certificate of Registered Federal Political Party Alignment for Senate Candidate Nominees](#), form E-19-1202, with your nomination papers. The Certificate must be attested to by one of the principal officers of the registered federal party.

Once your nomination papers are accepted by Elections Alberta, your name will be included on the senate election ballot. Senate candidates that are aligned with a registered federal party will have their alignment included on the ballot. All other senate candidates, including those who are endorsed by a registered provincial party only, will be listed as "Independent" on the ballot.¹⁴



Official Agents

Appointment

Every senate candidate must appoint an official agent. Your official agent must be an elector in Alberta. An address and telephone number for the official agent must be provided and will be published by Elections Alberta. This contact information can be used by any person wishing to contact your campaign. Note: a senate candidate cannot be an official agent for themselves or anyone else.

Notify Elections Alberta immediately if there is any change to your official agent's contact information or if you appoint a new official agent.

Duties

As a senate candidate, you responsible for outlining the duties of your official agent. Your official agent cannot perform the duties of the CFO unless they have been appointed to that role.¹⁵

Withdrawing from the Election

You may withdraw your nomination up to 96 hours before the opening of polls on Senate Election Day.

For the October 18, 2021, Senate Election, the deadline for you to withdraw is October 14, 2021, at 10 a.m. You must submit your declaration of withdrawal in writing, signed by you and a witness to your signature. Submit the declaration by email to info@elections.ab.ca or fax to 780.422.2900.

At the time of a senate candidate's withdrawal, Elections Alberta will complete the following:

- For a withdrawal before ballot printing commences, we will not print the withdrawn candidate's name on the ballot.
- For a withdrawal after ballot printing commences, we will distribute a Notice of Withdrawal to all jurisdictions to post in the voting stations.
- For withdrawals occurring after supplies to voting stations have been distributed, we will instruct each jurisdiction to request election officers create and post a Notice of Withdrawal in the voting stations.

¹⁶



4 Election Procedures

Election Commencement Process

For the 2021 Senate Election to take place in conjunction with the 2021 municipal elections, the following process has followed:

1. The Lieutenant Governor in Council passed an order setting the election to be held in conjunction with Local Authorities' elections.
2. The Lieutenant Governor in Council issued the Writ of Election to the Chief Electoral Officer on June 23, 2021, providing the following details:
 - a. Number of persons to be elected: 3
 - b. Nomination Day: September 20, 2021
 - c. Voting Day: October 18, 2021
3. The Chief Electoral Officer endorsed the Writ of Election, informed each returning officer the writ was issued and sent a copy to each returning officer.
4. The Chief Electoral Officer issued the election proclamation for the senate election to each municipality and published the information on Elections Alberta's website.

Roles and Responsibilities in Conducting the Election

Elections Alberta, local jurisdictions, and Alberta Municipal Affairs each have a role to play in the delivery of senate elections. The following roles apply:

Elections Alberta

Elections Alberta is responsible for all candidate registration, nomination, financial reporting, and investigative activities. A senate candidate's primary source of contact during the election will be Elections Alberta. Elections Alberta provides direction and some materials, such as ballots, to the local jurisdictions conducting the vote. All local jurisdictions will report their election results to Elections Alberta, who will complete the final tabulation and announce the results.

Local Jurisdictions

Local jurisdictions, such as municipalities and Metis Settlements are responsible for conducting the vote for electors within their jurisdiction. Local authorities will conduct the vote in accordance with the *Local Authorities Election Act* and by-laws relating to that Act. This allows municipalities to meet the needs of their electors through flexibility in voting provisions. As such, senate candidates will need to contact each local jurisdiction for details on the voting opportunities available in that area. Elections Alberta will provide candidates with returning officer contact information for this purpose.

Alberta Municipal Affairs

Alberta Municipal Affairs is responsible for conducting or arranging for the conduct of elections in improvement districts, special areas, summer villages, Lloydminster, and First Nation communities. Municipal affairs will appoint returning officers for these local authorities. Elections Alberta will provide candidates with returning officer contact information.



Voting Opportunities

The *Local Authorities Election Act* (LAEA) provides the following voting opportunities for electors:

- Election Day – All jurisdictions must provide for voting between the hours of 10 a.m. and 8 p.m. on the third Monday in October (October 18, 2021). A local jurisdiction can open the polling stations earlier than 10 a.m. by passing a bylaw.
- Advance Vote – All jurisdictions with a population greater than 5,000 must hold an advance vote. Jurisdictions with a population of less than 5,000 do not have to provide advance voting but may pass a resolution to do so. Local jurisdictions determine the days and hours of advance voting.
- Special Ballot – Local jurisdictions may pass a resolution to provide special ballot voting opportunities.
- Voting at Home – Local jurisdictions may pass a resolution to provide voting in the home of an elector that is unable to attend a voting station due to physical disability.
- Institutional Vote – Local jurisdictions may pass a resolution to provide institutional voting stations in treatment centers and/or supportive living facilities.

The LAEA provides a process for the appointment of scrutineers to observe the voting process. Senate candidates wishing to appoint scrutineers should contact the returning officer(s) for the local jurisdiction(s) in which they want a scrutineer present to obtain additional information on forms and processes.

Ballots

Elections Alberta provides local jurisdictions with all information to be printed on the ballot (candidate's name, federal alignment / independent status). In municipalities not using tabulators, Elections Alberta also provides the local jurisdiction with ballots.

Senate Election Results

Local jurisdictions will complete the unofficial count of senate election ballots following the close of polls on Election Day. Local jurisdictions may choose to publish the results of the senate election vote for their jurisdiction.

Each local jurisdiction must report their results and submit their completed ballots to Elections Alberta within eight days after Election Day. Elections Alberta then conducts the official tabulation of the results. All senate candidates and their official agents will be notified of the place, date and time of the official tabulation and may be present while it is completed. Each candidate and their official agent will receive a Certificate and Return with the final vote tallies. Results will be declared on the Elections Alberta website.

Judicial Recount

Following the announcement of official results, you can apply to the Court of Queen's Bench for a recount. The application must be filed no later than the eighth day after Elections Alberta announces the official results. Section 144 of the *Election Act* and section 23 of the ASEAA apply to any judicial recount proceedings.



Selected Nominees

Elections Alberta will forward the names of the elected candidates to the Government of Alberta. The Government of Alberta will submit the names of the nominees to the Queen's Privy Council for Canada when there is a vacancy in the Senate of Canada relating to Alberta. An elected candidate remains a senate nominee until any one of the following occurs:

- The person is appointed to the Senate of Canada,
- The person resigns as a senate nominee or files a disclaimer under s. 22 of the ASEA,
- The person is no longer aligned with the registered federal party referred to in their nomination papers,
- A new writ for senate election is issued in Alberta,
- The person becomes a subject or citizen of a foreign power, is adjudged bankrupt or insolvent, or is convicted of treason or a felony, or any infamous crime, or
- The person is no longer eligible under s. 7 of the ASEA or s. 23 of the *Constitution Act*.

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5 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 penalties.

Contributions

Eligible Contributors and Contribution Limits

Your campaign can only accept contributions during your campaign period. Your campaign period begins the later of the date you register as a senate candidate or January 1, 2021. Your campaign period ends the earlier of the date you withdraw or December 31, 2021.

*Only persons ordinarily resident in Alberta can contribute to your campaign—
contributions from trade unions and corporations are prohibited.*

*An individual's contributions to a senate candidate, or any combination of
senate candidates, shall not exceed \$4,243 in total per calendar year.^b*

See Elections Alberta's [Guide for Contributors](#).

Should your campaign receive an over-contribution, your CFO must refund the excess to the contributor and inform Elections Alberta of the circumstances and the steps taken to resolve the matter.

As a registered candidate, you can contribute up to \$4,243 of your own funds to your campaign, typically as self-funded expenses. These funds can only be contributed during the campaign period. If you exceed this amount, the excess must be reimbursed to you from your campaign account, or you will have exceeded your personal contribution limit and may be subject to a penalty.

Both money and non-monetary contributions are eligible for an Alberta income tax credit in the year the contribution is made.

*No registered senate candidate can circumvent or try to circumvent the contribution
limit, including by colluding with a third party advertiser.*

^bThe limit is separate from the annual aggregate limit for contributions to political parties, constituency associations, candidates, leadership contestants, and nomination contestants.



Prohibited Contributors and Contributions

Your 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 party or federal electoral district association,
- a candidate registered under the *Canada Elections Act*, and
- an anonymous source (i.e., contributor's name and address are not disclosed).

Contributions are not allowed to be directly or indirectly solicited, or accepted from any prospective contributor if you, your CFO, or your campaign team knows or should know that:

- the prospective contributor is not eligible to contribute (e.g., contribution from a business or from a person living outside of Alberta), or
- the amount of the contribution would exceed the contributor's annual \$4,243 limit for contributions to all senate candidates, in aggregate.

Prohibited contributions must be returned to contributors. If your campaign accepts a prohibited contribution, your CFO is responsible for notifying Elections Alberta of the steps you will take to rectify the matter as soon as you become aware of it.

If the source of a contribution is unknown, your campaign cannot keep the funds—they must be paid to Elections Alberta for deposit into the General Revenue Fund of the Government of Alberta.¹⁹

Money Contributions

Money contributions include cash, cheque, e-transfer, credit card, or online donation, etc. and must be deposited into your campaign account. Amounts up to \$50 need only be recorded as a contribution if the individual requests a tax receipt.²⁰

All cash must be deposited in your campaign bank account—you cannot pay expenses directly with cash you receive.



Valued (Non-monetary) Contributions

Valued contributions include any real property, goods, or services, or the use of real property, goods, or services that are provided to your campaign, without compensation from your campaign. The value of the contribution is the fair market value (FMV) at the time of the contribution. Your CFO determines the FMV. Amounts up to \$50 in value need only be recorded as a contribution if the individual requests a tax receipt.

Examples of valued contributions include, but are not limited to:

- use of a computer or furniture,
- promotional items and materials including signage, pamphlets, buttons, etc.
- use of a car,
- use of any office or venue for a campaign office, meeting, or event,
- consulting services, and
- services from a person who normally charges for that service (e.g., a self-employed graphic designer who provides graphic design services to the campaign).

Some services do not qualify as valued contributions, including:

- volunteer labour provided by a person, if that person does not receive from their employer or any other person, compensation, or paid time off to volunteer,
- audit and professional services provided free of charge for work relating to your campaign's compliance with the EFCDA,
- services provided free of charge by the CFO for work relating to your campaign's compliance with the EFCDA, and
- services that you provide in support of your own campaign.

You can purchase real property, goods, or services at FMV from any individual or business. You can only purchase real property, goods, or services at a discounted price from an individual, because the difference between the FMV and the discounted price is considered a contribution.²¹



Fund-raising Functions

A fund-raising function is any event or activity intended to raise funds for the candidate. The revenue and expenses must be reported whether the event or activity is hosted by your campaign or by someone else. Your CFO must keep a separate record of each event, detailing the date, event type, cost to attend, who purchased tickets, the gross revenue of the event, the value received by attendees and the contribution portion per attendee.

Events Held by Ticket Sales or Admission

Only eligible individuals (persons ordinarily resident in Alberta) can purchase tickets or an admission to attend your campaign event or activity. This is because a portion of the purchase price comprises a contribution. Notably, a prohibited person or entity cannot purchase tickets or admission, or be reimbursed, because it is deemed a contribution.

The contribution portion of the ticket or admission price is tax receipted. The non-contribution portion—“expense portion”—recognizes that the person received compensation for attending (e.g., a meal, refreshments, golf game, door prize) and is not tax receipted.

When planning an event or activity, your CFO determines the contribution portion vs. the non-contribution portion, based on the ticket price. 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:

- a) **Ticket / Admission up to \$50:** Any cost paid, up to \$50, is not required to have a contribution portion. All sales can be recorded as fund-raising revenue, unless your CFO, or any other individual who paid for a ticket or an admission, chooses to consider 50% of the cost as a contribution. (The other half is allowed for expenses, even if actual expenses are less or more.)
- b) **Ticket / Admission \$50.01 to \$100:** The contribution portion of the ticket, less \$25. (the \$25 is allowed for expenses, even if actual expenses are less or more.)
- c) **Ticket / Admission over \$100:** The contribution portion is 75% of the ticket price. (25% is allowed for expenses, even if actual expenses are less or more.)

²²

Method 2:

The contribution portion is the amount paid above the FMV of what the ticket or admission purchaser received. Your CFO calculates the actual cost per person to determine the contribution portion vs the non-contribution portion.²³



Examples for Method 1 and Method 2

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 (received) | Non-Contribution "Expense" Portion (not received) |
|-----------------------|--------------------------|----------|---------------------------------|---|
| Barbecue | \$35 | Method 1 | \$0 -or- \$17.50 (50%) | \$35 -or- \$17.50 (50%) |
| Dinner | \$80 | Method 1 | \$55 | \$25 |
| Meet the Candidate | \$200 | Method 1 | \$150 (75%) | \$50 (25%) |
| Golf Tournament | \$400 | Method 2 | \$163.55 | \$236.45 (actual) |

Recording Revenue and Expenses from Ticket or Admission Sales

When there is a contribution and non-contribution portion applied for each ticket sold or admission paid, the revenue is split into two categories:

- 1) the contribution portion is recorded as “received contributions” and
- 2) the non-contribution portion is recorded as “fund-raising function” revenue.

The actual expenses incurred for the fund-raiser must be reported under expenses. If the event was held during the senate election period, the expenses are subject to the spending limit. See page 25 for information on election expenses subject to spending limit.



Auctions

If an auction or silent auction is held in conjunction with an event, a separate record of the auction revenue and expenses must be kept, because different rules apply.

Your campaign can purchase items for the auction and accept items donated by individuals, and the cost or FMV of auctioned items are expenses of the fund-raising event. Only individuals can donate items for the auction. Individuals who donate items valued up to \$50 get to choose whether they want a tax receipt for their donation. All those who donate items valued at over \$50 are tax receipted.

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

The following scenarios illustrate how to report the revenue (and expenses) from silent auctions. In all cases, your CFO records the date, names, and addresses of donors and winning bidders, the amounts and whether valued or money for tax receipt purposes.

Auction Scenario 1

An accountant donates services for personal tax preparation, with a stated value of \$300. The CFO verifies that the stated value is FMV. The winning bidder pays \$375. The CFO records:

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

Auction 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. The CFO records:

- \$700 valued contribution received from the donor, and \$700 expense,
- \$550 as fund-raising revenue received from the winning bidder,
- No contribution recorded for the bidder because the bid was lower than the value.

Auction Scenario 3

A member of the candidate's campaign team owns a cabin in the mountains and wishes to donate two night's accommodation. The member estimates the value 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. The CFO records:

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



Door Prizes

Only individuals can donate prizes, and your campaign can purchase items for prizes. Individuals who donate items with a value up to \$50 get to choose whether they want a tax receipt for their donation. All those who donate items valued at over \$50 are tax receipted.

Your CFO should retain documentation verifying the amount paid for purchased prizes and the FMV of donated prizes. Donated prizes must be recorded as both contribution revenue and fund-raising 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.^c A corporation or union is not allowed to pay an entry fee or reimburse a fee paid by an individual.

Trade Union and Corporate Sponsorships

Elections Alberta discourages senate candidates from accepting trade union or corporate sponsorships at their fundraising events. Such sponsorships are likely to be prohibited contributions, since trade unions and corporations are not allowed to contribute money, goods, or services to a registered candidate.

A payment by a trade union or corporation to a candidate is only permissible if the payment is not greater than the FMV of the commercial benefit obtained because the EFCDA deems any amount above FMV to be a contribution. As an example, for an advertising sponsorship from a trade union or corporation to be permitted, you must be able to demonstrate that the fair value of any benefit is reasonable relative to equivalent advertising opportunities in the local market.

For the same reason, corporate advertising affiliated with an individual (e.g., Ms. Smith Realtor for XYZ Realty Co.) is also generally prohibited. To fund-raiser attendees and Elections Alberta as a regulator, such an affiliation makes it impossible 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, for example the exchange of business cards.

^c Entry fees should be allocated/recoded as a contribution and non-contribution (fund-raising revenue) in accordance with section 23(3) of the EFCDA.



Recording and Reporting Contributions

Elections Alberta provides you and your CFO with access to our Online Financial System (OFS). Your CFO must report all campaign contributions to Elections Alberta using OFS. Any amounts \$50 or under that the donor wishes to be a contribution must be reported as a contribution.

The CFO must enter the following information for each contribution:

- date received
- money or valued
- amount
- contributor first and last name
- contributor mailing address
- contributor email address (optional)



Add Contribution:

Year: 2021 Event: [redacted] Entity: [redacted]

Contribution

Date Received: mmm d, yyyy Type: Amount Received:

Contributor

Contributor:

Okay Okay and next Cancel

Contribution data entry screen in OFS



Official Contribution Receipts

Your CFO must issue official contribution receipts to contributors using OFS. Your CFO must issue the tax receipts accurately and promptly by the campaign return filing deadline so contributors can claim them for Alberta income tax credits. OFS maintains all records of contributions and tax receipts, including any cancelled and reissued receipts.²⁴

Issuing receipts using OFS is a two-step process: first, your CFO generates the receipts, then issues the receipts. Issuing the receipts means sending them to the contributors. Your CFO can have OFS send receipts by email, or your CFO can print the receipts and send them to contributors. If your CFO enters more than one contribution for any single contributor, OFS produces one receipt with the individual contributions listed.

If a contributor misplaces their receipt, your CFO can resend or reprint a copy to send to the contributor. If a receipt was 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.

Public Disclosure of Received Contributions

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

- For contributions from an individual contributor that exceed \$250 in aggregate, 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 from any single contributor.

²⁵

Income Tax Credits

CFOs are not responsible for calculating tax credits that contributors may be eligible for. The table below is provided for information purposes only on how tax credits are calculated and administered under the *Alberta Income Tax Act*. The maximum tax credit of \$1,000 is reached when 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 |

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 your campaign. 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 18(1) of the EFCDA. However, no tax 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 your campaign. Loan payments made by you or on behalf of your campaign are considered contributions and count toward the annual contribution limit under section 18(1) of the EFCDA. They can be tax receipted, unless the person who made the payment is reimbursed by your campaign.

As a registered senate candidate, you may sign, guarantee, or provide collateral security for any loan or indebtedness, to a maximum of \$26,517 in aggregate, on behalf of the registered provincial party for which you are the official senate candidate.



Expenses

The CFO should closely track expenses to ensure the correct allocation of election or campaign expenses. Election expenses are subject to spending limits. You or your CFO will be liable to a fine of not more than \$10,000 if you exceed your spending limit.²⁶

Proper allocation of expenses to the campaign and election periods is critical.
See Elections Alberta [Interpretation Bulletin No. 4 Recording Expenses that Span Campaign and Election Periods.](#)

Election Expenses

An **election expense** is any expense incurred, or a non-monetary contribution received, used to directly promote or oppose a candidate during an **election period**. The election period for the 2021 Senate Election is from June 23 to October 18, 2021 and is a sub-set of the campaign period.



Election expenses are subject to a maximum spending limit of \$530,342. Some examples of election 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 an election 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 meeting space, or
- the conduct of election surveys or other surveys or research during an election period.

²⁷



Campaign Expenses

A **campaign expense** is any expense incurred, or non-monetary contribution received, used to directly promote or oppose a candidate during a **campaign period**. The campaign period for the 2021 Senate Election begins the later of the date you register as a senate candidate and January 1st, 2021. Your campaign period ends the earlier of the date you withdraw or December 31st, 2021.

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, or
- the conduct of election surveys or other surveys or research during a campaign period.

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Other Campaign Expenses

The following campaign expenses are never subject to the spending limit no matter when they are used or consumed, but must be reported as part of the campaign return:

- a candidate's travel expenses reasonably related to the election, including meals and accommodation,
- a candidate's childcare expenses,
- expenses related to the provision of care for a person with a physical or mental incapacity for whom the candidate normally provides such care,
- in the case of a candidate 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 mainly to expenses incurred outside the election period.



Transfers

Funds, real property, or the use of real property acquired by your campaign during an election under the ASEA cannot be transferred or used in relation to a general election or by-election under the *Election Act*. Your campaign is also prohibited from transferring to, or receiving from, a registered constituency association any money, real property, goods, or services.

Parties are prohibited from raising funds for your campaign and transferring funds to your campaign. However, if you are endorsed by a provincial party, that party is permitted to incur expenses on behalf of your campaign.

Election expenses incurred by the party specifically on your behalf must be reported as election expenses incurred by your campaign and are subject to your \$530,342 spending limit. The party has a separate limit for expenses it incurs jointly on behalf of two or more senate candidates.²⁹



Filing the Campaign Return

You and your CFO must file a campaign return with Elections Alberta by February 18, 2022 (four months after Election Day), **even if you withdraw after being registered and even if you have no financial activity**. The return includes:

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

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OFS Financial Statement

Your CFO is responsible for entering and submitting the financial statement in OFS which covers off all required components of the campaign return, including nil reporting, if applicable. Data entry is completed through a series of user-friendly screens with help features and automatic calculations.

The entire process is electronic, including the sign-off by you and your CFO. No one can sign in place of you and your CFO.³¹

Maintaining a detailed record of financial transactions enables smoother and faster completion. For suggestions on helpful record-keeping practices, refer to “Bookkeeping Tips” on page 7 of this guide.

Welcome to Elections Alberta's tool for completing your financial statement and submitting it electronically, to meet your annual financial reporting obligations under the *Election Finances and Contributions Disclosure Act* (EFCDA).

Information that you key in here is automatically saved so the next time you login you can start where you left off. Make note of these navigation buttons and their function:

< Back Go back to previous section

Help Get information, tips and examples

Next Go to next screen

Done View your work before proceeding to the next screen

Cancel Cancel what you're doing

To navigate forward or back to a section, click on the desired menu item on the left-hand menu.



Nomination Deposit and Refund

If your campaign paid a \$4,000 nomination deposit, the source and payment of the \$4,000 must be reported on the financial statement's income statement under revenue and expenses. The source can be from contributions received, or from an individual providing the funds who expects to be reimbursed later.

If the campaign return is filed by the February 18, 2022 deadline, Elections Alberta will refund the \$4,000 deposit to your campaign's CFO. The \$4,000 refund must be deposited to the campaign account and accounted for on the financial statement balance sheet as a receivable and payable (to the individual who provided the funds or to pay outstanding expenses).

If your campaign return is not filed on time, your deposit will be forfeited and paid into the General Revenue Fund.³²

Surplus Campaign Funds

Your campaign is expected to fully disburse any surplus funds by the filing deadline as follows:

1. return contributions to contributors, and/or
2. donate to one or more registered charities

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. If you have any questions, contact Elections Alberta.³³

OFS Financial Statement – Deficit Retirement

If your campaign reports a deficit, you have three months after the filing deadline to eliminate the deficit, and an additional one month to file an amended campaign return to include additional contributions and revenue received. All contribution limits and statutory provisions of the EFCDA apply within the deficit retirement period.

You or your CFO can request an extension for deficit elimination. Your request must be received by Elections Alberta in writing within the initial three month period. If approved, you will have another three months to fund-raise and when that period is over you have one month to file your amended return.³⁴

Failure to File

Failure to file a campaign return by the filing deadline and/or an amended campaign return regarding deficit elimination, will each result in an automatic late filing penalty of \$500. Failure to file the returns within 10 days of the respective filing deadlines may result in you and your CFO being prohibited from running or being a CFO for five to eight years.



Timeline

The timeline for the October 18, 2021, Senate Election is:

| Event / Period | Date / Comments |
|--|--|
| Start of the campaign period | <ul style="list-style-type: none">• Later of your registration date and January 1, 2021• Your campaign can begin to raise and spend funds |
| Start of election period/ nomination period | <ul style="list-style-type: none">• June 23, 2021• Start of election expense limit period• Start collecting signatures for your nomination |
| Nomination Day | <ul style="list-style-type: none">• September 20, 2021, 2:00 pm• Deadline to file your nomination papers |
| Election Day | <ul style="list-style-type: none">• October 18, 2021• End of election expense limit period |
| End of campaign period | <ul style="list-style-type: none">• Earlier of withdrawal date (if applicable) and December 31, 2021• Last day to accept contributions and incur campaign expenses |
| Campaign return filing deadline | <ul style="list-style-type: none">• February 18, 2022• Fully disburse any surplus funds by this date• If a deficit is reported, see below |
| Deficit retirement period (1) | <ul style="list-style-type: none">• Ends May 18, 2022• Deadline to request an extension• File an amended return by June 18, 2022, showing that the deficit has been eliminated |
| Deficit retirement period (2) (if granted an extension) | <ul style="list-style-type: none">• August 18, 2022• No further extensions are allowed• File an amended return by September 18, 2022, showing that the deficit has been eliminated |

Any filing deadline date that falls on a weekend or holiday is moved to the next business day that follows.



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- 1 EFCDA s. 9(2)(b)
2 EFCDA s.9(2)(b)(i)
3 EFCDA s.9(2)(b)(ii)
4 EFCDA ss.9(4), 9(5)
5 EFCDA ss.10(2), 10(12)
6 EFCDA s.10(5)-(9)
7 EFCDA ss. 9(2)(f), 9(4), 9(5) 29
8 EFCDA ss.10.1, 14, 22,30, 31, 33, 43
9 EFCDA s.10.1
10 ASEA ss. 8, 10
11 LAEA s.25(1)
12 ASEA s.10(2)
13 ASEA s.10(3)
14 ASEA s. 18(2)(a)-(b)
15 ASEA ss.9(3),9(4)
16 ASEA s. 15, EFCDA s. 10(2)
17 ASEA s.3, Senate Nominee Regulation, Alta Reg 105/2020, s. 3
18 EFCDA ss. 15.1, 16(1), 17(0.1), 18(1)-(5), 20, 30(2), 41.42, 41.5 48.11
19 EFCDA ss. 1(1) (1.01), 16, 20, 21.1, 34, 35, 37
20 EFCDA ss.13(2), 14, 24, 33
21 EFCDA ss.13(2), 22, 24, 33
22 EFCDA s.23(3)(a)
23 EFCDA s.23(3)(b)
24 EFCDA s.33
25 EFCDA ss.4(1)(f), 11, 32
26 EFCDA s. 48.1(2)
27 EFCDA ss.1(1) (f.1), 41.1(1)(a), 41.1(3), 41.3, 41.5, 48.1(2)
28 EFCDA ss.1(1)(b), 1.1(1)(a), 1.1(3)
29 EFCDA ss.38(2.1), 38(2.2), 21(1), 21(3), 41.2(1.1), 41.3(3)
30 EFCDA s.43(2)
31 EFCDA s.43
32 ASEA s.11
33 EFCDA s.12(6)
34 EFCDA s.43.1



Under Review



**Suite 100, 11510 Kingsway NW
Edmonton, Alberta T5G 2Y5**

**Toll Free: 310-0000 Phone: 1-877-422-VOTE (8683)
www.elections.ab.ca info@elections.ab.ca**

2021