

Bill 29: Local Authorities Election Amendment Act, 2020

August 31, 2020

Summary

On June 24, 2020, the Government of Alberta introduced [Bill 29](#), the *Local Authorities Election Amendment Act, 2020* (The Act), in the Alberta Legislature and it received Royal Assent on July 23, 2020. The Act comes into force on September 1, 2020.

This summary of the changes in Bill 29 is provided for convenience of reference only. Candidates and third party advertisers are subject to further requirements in the *Local Authorities Election Act* (LAEA). Candidates and third party advertisers are advised to refer to the LAEA and obtain legal advice regarding the full extent of their obligations.

Highlights of the changes introduced in the legislation are:

- **Nomination Day changed.** Nomination day will now occur four weeks before Election Day, rather than six weeks as it was previously.
- **Pre-election disclosure eliminated.** Authority for municipalities to pass a pre-election disclosure bylaw has been removed.
- **Individual contribution amount increased.** The individual contribution limit increased to \$5,000 per candidate during the campaign period from January 1 to December 31 in the year of a general election, with no limits on the number of candidates that an individual can contribute to. Previously, an individual contribution amount was limited to \$4,000 in the aggregate during the campaign period.
- **Self-fund amount increased.** The limit for candidates' own contribution (self-fund) increased from \$4,000 to \$10,000 per year.
- **Contribution amount outside the campaign period increased.** The contribution limit to a candidate outside the campaign period increased from \$2,000 to \$5,000 in the aggregate per year.
- **Campaign surpluses no longer held in trust.** Candidates may retain any surplus amount under \$1,000. Any amount over \$1000 must be donated to a registered charity. Previously, campaign surpluses were held in trust by The City of Calgary (The City).

Transitional note: Elections Calgary will notify individuals with campaign surpluses held in trust. Individuals must return a letter with instruction for The City to donate amounts over \$1,000 to a registered charity of their choice no later than January 1, 2022. Amounts under \$1,000 may be retained by the individual.

- **Registration of political third party advertisers eliminated.** Third party advertisers engaged in political advertising are not required to register with Elections Calgary; however, registration continues for third party advertisers engaged in election advertising. The removal of political third party advertisers from the LAEA means that advertising related to an election that takes place

outside the election period (May 1 to Election Day) is no longer regulated. Previously, third party advertisers for both political and election advertising had to register with the local jurisdiction.

Transitional note: Elections Calgary will notify third parties registered as political advertisers of the updated legislation. The political advertiser registry will be removed from the Elections Calgary website.

Highlights of Bill 29 amendments

The following information represents a selection of changes included in Bill 29. For the complete list of amendments, please view [Bill 29 on the Legislative Assembly of Alberta's website](#).

Election procedure

Bill 29 section 5, LAEA section 25(1) -- Changes nomination day from six weeks to four weeks before Election Day. The nomination period is therefore extended by two weeks.

Bill 29 section 8, LAEA section 32 -- Allows candidates to withdraw their nomination, if there are multiple nominations filed for a given position, at any time during the nomination period. Previously, the withdrawal period was 24 hours after the close of the nomination period.

Election finances and contributions disclosure

Bill 29 section 15, LAEA section 147.2 -- An individual can contribute a maximum of \$5,000 per candidate during the "campaign period" (January 1 to December 31 in the year of a general election). Previously, individual contributions to candidates were limited to \$4,000 in the aggregate per year. Also, a candidate can self-fund an amount of up to \$10,000 that is not reimbursed to the candidate from the candidate's campaign account. Previously, candidates' self-funding was limited to \$4,000.

Bill 29 section 16, LAEA section 147.22 -- A candidate can accept contributions up to \$5,000 in the aggregate per year outside the campaign period. Previously, a person was not able to accept more than \$2,000 in the aggregate in contributions or incurred expenses more than \$2,000 in the aggregate.

Bill 29 section 17(c), LAEA section 147.4 -- Subsections (8), (9) and (10) are being repealed, eliminating the authority of a local jurisdiction to pass a bylaw requiring candidates to file pre-election disclosure statements.

Bill 29 section 18, LAEA section 147.5 -- Candidates can only retain a campaign surplus up to \$1,000. Amounts \$1,000 and above must be donated to a registered charity. Candidates must file an amended disclosure statement showing that the surplus has been dealt with in accordance with this section. The City is no longer authorized to hold surpluses in trust for candidates.

Bill 29 section 18, LAEA section 147.51 -- Transitional note: Candidates with surpluses held in trust will be allowed to retain amounts less than \$1,000. Amounts of \$1,000 or more must be donated to a registered charity. Candidates must provide Elections Calgary with direction regarding a surplus on or before January 1, 2022, or the money becomes the property of the local jurisdiction.

Third party advertising

Bill 29 section 24, LAEA section 162 -- Removes reference to political advertising in the LAEA. As a result, advertising outside of the election advertising period is no longer regulated.

Previously, the LAEA regulated two forms of third party advertising: (1) election advertising during the "election advertising period" (May 1 to Election Day); and, (2) political advertising outside of the election advertising period.

Third party advertisers are required to register with the local jurisdiction (The City), submit a financial disclosure statement and comply with advertising identification requirements. As well, only advertising that promotes or opposes the election of a candidate will be regulated during the election advertising period. Third party advertisers are also prohibited from colluding with a candidate to circumvent contribution and expense limits.

Bill 29 section 25 and 26 and LAEA sections 162.1 and 163 -- A new "Registrar for Third Party Advertising," position is created and will be appointed to the Minister. Where a third party advertiser is registered in more than 10 local jurisdictions, it may register with the Registrar. If it does so, it no longer needs to be registered with local jurisdictions (existing local registrations are cancelled). Subsequent amendments in Bill 29 modify related rules so that they apply whether registered with a local jurisdiction or the Registrar.

Bill 29 section 45, LAEA section 188.1 – A transitional provision deals with disposition of political advertising funds held in trust by a local jurisdiction, prior to the election advertising period. No later than May 1, 2021, a registered third party that operates a political advertising account shall deal with any remaining funds by either donating them to charity, returning funds to contributors or paying the funds to The City.

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