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ELECTION FINANCES AND CONTRIBUTIONS DISCLOSURE ACT

Chapter E-2

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

- (a) “by-election” means an election other than a general election;
- (b) “campaign period” means the period commencing with the issue of a writ for an election and terminating 2 months after polling day;
- (c) “candidate” means
 - (i) with respect to an election under the *Election Act*, a person
 - (A) who is a member of the Legislative Assembly,
 - (B) who is nominated as a candidate for an electoral division in accordance with the *Election Act*,
 - (C) who is nominated by a constituency association of a registered party in an electoral division for endorsement as the official candidate of that party in the electoral division, or
 - (D) who, on or after the date of the issue of a writ for an election in an electoral division, declares the person’s candidacy as an independent candidate at the election in the electoral division;
 - (ii) with respect to an election under the *Senatorial Selection Act*, a person
 - (A) who is nominated as a candidate,
 - (B) who is nominated by a registered political party for endorsement as the official candidate of that party, or
 - (C) who, on or after the date of the issue of a writ for an election, declares the person’s candidacy as an independent candidate at the election;
- (d) “constituency association” with reference to an electoral division means the association or organization endorsed by a registered party or an elected independent member of the Legislative Assembly as the official association of that party or independent member in the electoral division;
- (e) “contribution” means any money or real or personal property that is provided
 - (i) to a political party, constituency association or candidate, or
 - (ii) for the benefit of a political party, constituency association or candidate with its or the candidate’s consent,without compensation from that political party, constituency association or candidate;
- (f) “election” means
 - (i) an election of a person as a Member of the Legislative Assembly conducted under the *Election Act*, and
 - (ii) an election of a person under the *Senatorial Selection Act*;
- (g) “employee organization” means any organization other than a trade union that bargains collectively for any employees in Alberta and for the purposes of this Act all branches in Alberta of an employee organization are deemed to be one organization;

- (h) “financial institution” means a bank, a treasury branch, a credit union, a loan corporation or a trust corporation;
- (i) “general election” means a general election as defined in the *Election Act* and includes an election under the *Senatorial Selection Act*;
- (j) “person” includes a candidate but does not include a corporation, employee organization or trade union;
- (k) “polling day” means the day fixed pursuant to the *Election Act* or the *Senatorial Selection Act* for voting at an election;
- (l) “prohibited corporation” means
 - (i) a Provincial corporation as defined in the *Financial Administration Act*, and includes a management body within the meaning of the *Alberta Housing Act* and a regional health authority and a subsidiary health corporation under the *Regional Health Authorities Act*,
 - (ii) a municipality,
 - (iii) a Metis settlement,
 - (iv) a school board under the *School Act*,
 - (v) a public post-secondary institution under the *Post secondary Learning Act*,
 - (vi) any corporation that does not carry on business in Alberta, or
 - (vii) any corporation designated by the Lieutenant Governor in Council as a prohibited corporation;
- (m) “registered candidate” means a candidate registered under this Act;
- (n) “registered constituency association” means a constituency association registered under this Act;
- (o) “registered party” means a political party registered under this Act;
- (p) “trade union” means a trade union as defined by the *Labour Relations Code*, the *Public Service Employee Relations Act* or the *Canada Labour Code* (Canada), and that holds bargaining rights for employees in Alberta and for the purposes of this Act all locals in Alberta of a trade union are deemed to be one trade union.

(2) For the purposes of this Act, a document that is required to be filed with the Chief Electoral Officer is filed when it is actually received by the Chief Electoral Officer.

(3) Corporations that are associated with one another under section 256 of the *Income Tax Act* (Canada) shall be considered as a single corporation for the purposes of this Act but in determining whether and at what time corporations are associated for the purposes of this Act, subsection 256(1) of the *Income Tax Act* (Canada) shall be read as though the words “at any time in the year” were struck out.

(4) Nothing done or omitted to be done by a corporation is a contravention of this Act solely because that corporation subsequently becomes associated with any other corporation.

RSA 2000 cE-2 s1;2001 c28 s9;2004 c23 s83

Application of Act

2 This Act does not apply to campaigns and conventions carried on or held in relation to the leadership of a registered party or in relation to constituency association nominations for endorsement of official party candidates.

RSA 1980 cE-3 s2;1992 c12 s47

Prohibited corporations

3 The Lieutenant Governor in Council may designate corporations to be prohibited corporations for the purposes of this Act.

1984 c48 s3

Part 1 The Chief Electoral Officer

Duties of Chief Electoral Officer

4(1) The Chief Electoral Officer, in addition to the Chief Electoral Officer's other powers and duties under this Act, the *Election Act* and the *Senatorial Selection Act*,

- (a) may examine all financial statements required to be filed with the Chief Electoral Officer;
- (b) may inquire into or conduct periodic investigations of the financial affairs and records of
 - (i) registered parties and constituency associations, and
 - (ii) registered candidates in relation to election campaigns;
- (c) shall prescribe forms necessary for use under this Act and provide for their printing and distribution;
- (d) shall cause a statement setting out the amount of the expenses in total based on the financial statement submitted by each candidate pursuant to section 43 to be published on the website of the Chief Electoral Officer within 30 days after the date on which the financial statement is approved by the Chief Electoral Officer.

(2) The Chief Electoral Officer shall after the end of each year prepare a report on the exercise of the Chief Electoral Officer's functions under this Act and shall transmit the report to the Speaker of the Legislative Assembly who shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting of the Assembly.

RSA 2000 cE-2 s4;2004 c23 s84

Powers of Chief Electoral Officer

5(1) For the purpose of carrying out an inquiry or conducting an examination under this Act, the Chief Electoral Officer has all the powers of a commissioner under the *Public Inquiries Act* as though the inquiry or examination were an inquiry under that Act.

(2) For the purpose of carrying out an inquiry or conducting an examination under this Act, a representative of the Chief Electoral Officer, on production of the representative's authorization from the Chief Electoral Officer, may at any reasonable time enter any premises referred to in the authorization in which books or documents of a political party, constituency association or candidate relevant to the subject-matter of the inquiry or examination are kept and may examine and make copies of the books or documents or remove them temporarily for the purpose of making copies.

(3) Any information with respect to the affairs of a registered party, registered constituency association or registered candidate that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act shall be provided by the registered party, constituency association or candidate within 30 days after receiving a written request for it from the Chief Electoral Officer or within an

extended period that the Chief Electoral Officer may determine.

(4) All records of a registered party, registered constituency association or registered candidate shall be retained by that registered party, registered constituency association or registered candidate for a period of 2 years following the date on which the financial statements required under this Act for the period to which the records relate were required to be filed.

RSA 1980 cE-3 s4

Part 2 Registration

Qualifications for registration

6(1) No political party and no person acting for a political party may accept contributions for the political party or for any constituency association of that party unless the political party is registered under this Act.

(2) Any political party that

- (a) held a minimum of 3 seats in the Legislative Assembly following the most recent election,
- (b) endorsed candidates nominated in at least 50% of the electoral divisions in the most recent general election,
- (c) endorses candidates in at least 50% of the electoral divisions following the issue of a writ of election for a general election, or
- (d) at any time, other than during a campaign period, provides the Chief Electoral Officer with the names, addresses and signatures of persons who
 - (i) represent 0.3% of the number of electors eligible to vote at the last general election,
 - (ii) are currently eligible to vote in an election, and
 - (iii) request the registration of that political party,

is, subject to subsection (3), qualified for registration in the register of political parties.

(3) A political party shall not be registered under this Act unless the Chief Electoral Officer is satisfied that prior to filing an application for registration the party has established a non-profit corporation or trust as a foundation for the purposes of receiving and managing the assets, except the premises, equipment, supplies and other such property required for the administration of the affairs of the party, held by the political party immediately prior to filing the application.

(4) The assets of a foundation established under subsection (3) shall consist of funds either on deposit with a financial institution or in authorized trustee investments.

(5) No funds or other property may be received by or transferred to a foundation after the filing of an application for registration of the political party that established the foundation except for interest on the funds on deposit or the income from the authorized trustee investments referred to in subsection (4).

(6) Each foundation shall file with the Chief Electoral Officer on or before April 1 in each year a report of the expenditures of that foundation during the previous year.

RSA 1980 cE-3 s5

Registration of political parties

7(1) The Chief Electoral Officer shall maintain a register of political parties and,

subject to this section, shall register in it any political party that is qualified to be registered and that files with the Chief Electoral Officer an application for registration setting out

- (a) the full name of the political party;
- (b) the political party name or the abbreviation of it to be shown in election documents;
- (c) the name of the leader of the political party;
- (d) the address of the place or places where records of the political party are maintained and of the place to which communications may be addressed;
- (e) the names of the principal officers of the political party;
- (f) the name of the chief financial officer of the political party;
- (g) the name and address of the financial institutions to be used by the political party as the depositories for all contributions made to that political party;
- (h) the names of the political party's signing officers responsible for each depository referred to in clause (g);
- (i) an indication of the provision of section 6(2) under which the political party qualified for registration;
- (j) a statement of the assets and liabilities of the political party as of a date not earlier than 90 days prior to the date of its application for registration attested to by its chief financial officer.

(2) On receipt of an application for registration of a political party, the Chief Electoral Officer shall examine the application and determine if the political party is entitled to be registered and

- (a) if the political party is entitled to be registered, enter it in the register of political parties and so inform the political party, or
- (b) if the political party is not entitled to be registered, so inform the political party with written reasons for the determination.

(2.1) The Chief Electoral Officer may refuse to register a political party that proposes to be qualified under section 6(2)(d) if the information provided under that clause is submitted to the Chief Electoral Officer less than 60 days before the start of a campaign period.

(3) The Chief Electoral Officer shall not register a political party if, in the Chief Electoral Officer's opinion,

- (a) the name or the abbreviation of the name of the applying party so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with the name or abbreviation of that registered party,
 - (a.1) the proposed name was the name of a registered political party whose registration was cancelled or whose name was changed since the last general election, or
- (b) the proposed name or abbreviation is unacceptable to the Chief Electoral Officer for any other reason.

(4) When there is any change in the information required to be provided by subsection (1)(a) to (i), the registered party shall notify the Chief Electoral Officer in writing within

30 days after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of political parties accordingly.

(5) Notice under subsection (4) may be sent by fax or electronic mail.

RSA 2000 cE-2 s7;2004 c23 s85

Registration of constituency associations

8(1) No constituency association of a registered party and no person acting for the constituency association shall accept contributions for the constituency association or for the registered party unless the constituency association is registered under this Act.

(2) The Chief Electoral Officer shall maintain a register of constituency associations and, subject to this section, shall register in it any constituency association of a registered party or of an independent member in an electoral division that files with the Chief Electoral Officer an application for registration setting out

- (a) the full name of the constituency association and of the registered party or independent member endorsing the constituency association;
- (b) the address of the place or places where records of the constituency association are maintained and of the place to which communications may be addressed;
- (c) the names of the principal officers of the constituency association;
- (d) the name of the chief financial officer of the constituency association;
- (e) the name and address of the financial institutions to be used by the constituency association as the depositories for all contributions made to that constituency association;
- (f) the names of the constituency association's signing officers responsible for each depository referred to in clause (e);
- (g) a statement of the assets and liabilities of the constituency association as of a date not earlier than 90 days prior to the date of its application for registration attested to by the chief financial officer.

(3) On receipt of an application for registration of a constituency association, the Chief Electoral Officer shall examine the application and determine if the constituency association is entitled to be registered and

- (a) if the constituency association is entitled to be registered, enter it in the register of constituency associations and so inform the constituency association, or
- (b) if the constituency association is not entitled to be registered, so inform the constituency association with written reasons for the determination.

(4) When there is any change in the information required to be provided by subsection (2)(a) to (f), the registered constituency association shall notify the Chief Electoral Officer in writing within 60 days after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of constituency associations accordingly.

(5) Notice under subsection (4) may be sent by fax or electronic mail.

RSA 2000 cE-2 s8;2004 c23 s86

Registration of candidates

9(1) No candidate at an election and no person acting on behalf of a candidate may

- (a) accept contributions pursuant to section 17, or
- (b) use any funds, including the funds of the candidate,

unless the candidate is registered under this Act.

(2) The Chief Electoral Officer shall maintain a register of candidates in relation to each election and, subject to this section, shall register in it any candidate who is qualified to be registered and who files with the Chief Electoral Officer an application for registration setting out

- (a) that, in the case of a candidate under the *Election Act*, the candidate
 - (i) is a member of the Legislative Assembly,
 - (ii) has been nominated as a candidate for a named electoral division in accordance with the *Election Act*,
 - (iii) has been nominated by a named constituency association of a named registered party in a named electoral division for endorsement as the official candidate of that party in the electoral division and enclosing with the candidate's application a statement to that effect attested to by one of the principal officers of the association, or
 - (iv) has, after the date of the issue of a writ for an election in a named electoral division, declared the candidate's candidacy as an independent candidate at the election in that electoral division;
- (b) that, in the case of a candidate under the *Senatorial Selection Act*, the candidate
 - (i) has been nominated as a candidate in accordance with the *Senatorial Selection Act*,
 - (ii) has been nominated by a named registered party for endorsement as the official candidate of that party and has enclosed with the candidate's application a statement to that effect attested to by one of the principal officers of the registered party, or
 - (iii) has, after the date of the issue of a writ for an election, declared the candidate's candidacy as an independent candidate at the election;
- (c) the full name and address of the candidate;
- (d) the political party affiliation, if any, of the candidate attested to by one of the principal officers of the constituency association;
- (e) the address of the place or places where records of the candidate are maintained and of the place to which communications may be addressed;
- (f) the name of the chief financial officer of the candidate;
- (g) the name and address of the financial institutions to be used by or on behalf of the candidate as depositories for contributions made to that candidate;
- (h) the names of the signing authorities for each depository referred to in clause (g).

(3) A candidate who files an application under subsection (2) after the issue of a writ for an election shall be registered on the date the application is approved by the Chief Electoral Officer.

(4) When there is any change in the information required to be provided by subsection (2), the registered candidate shall notify the Chief Electoral Officer in writing within 30 days after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of candidates accordingly.

(5) Notice under subsection (4) may be sent by fax or electronic mail.

RSA 2000 cE-2 s9;2004 c23 s87

Cancellation of registration

10(1) The Chief Electoral Officer may cancel the registration of

- (a) a registered party on application by the registered party, or
- (b) a registered constituency association on application by the constituency association and the registered party concerned.

(1.1) If after this subsection comes into force a registered party does not endorse a candidate in a general election, the Chief Electoral Officer shall cancel the registration of that party unless that registered party had endorsed a candidate at the most recent election under the *Senatorial Selection Act*.

(2) If

- (a) a registered candidate who was nominated in accordance with the *Election Act* or the *Senatorial Selection Act* withdraws the candidate's candidacy in accordance with that Act, or
- (b) a person who becomes a registered candidate before becoming nominated in accordance with the *Election Act* or the *Senatorial Selection Act* does not in fact become so nominated,

that person shall so notify the Chief Electoral Officer in writing and the Chief Electoral Officer shall cancel the registration of that person.

(3) If the chief financial officer of a registered party or registered constituency association fails to comply with section 42 or 43, the Chief Electoral Officer may cancel the registration of the registered party or constituency association, as the case may be.

(4) If a constituency association or a person acting for the constituency association accepts contributions in respect of an election under the *Senatorial Selection Act*, the Chief Electoral Officer may cancel the registration of the constituency association.

(5) If the Chief Electoral Officer is for any reason of the opinion that a registered party, constituency association or candidate

- (a) is no longer qualified to be registered, or
- (b) obtained registration on the basis of an application that was false in any material particular,

the Chief Electoral Officer may cancel the registration of the registered party, constituency association or candidate.

(6) If the Chief Electoral Officer cancels the registration of a political party, constituency association or candidate, the Chief Electoral Officer shall send written notice of the cancellation, together with the Chief Electoral Officer's reasons for the cancellation, by registered mail to

- (a) the political party, when the registration of that political party is cancelled,
- (b) the constituency association and the political party concerned, when the registration of that constituency association is cancelled, or
- (c) the candidate, when the registration of that candidate is cancelled,

and the cancellation is effective on and after the 3rd day following the date of mailing

the notice.

(7) A political party, constituency association or candidate notified under subsection (6) may, within 30 days after the mailing of the notice, request the Chief Electoral Officer in writing to review the cancellation.

(8) When the Chief Electoral Officer receives a written request under subsection (7), the Chief Electoral Officer shall, within 48 hours after that receipt, review the cancellation and give the political party, constituency association or candidate concerned an opportunity to make representations.

(9) Following the review of a cancellation, the Chief Electoral Officer may withdraw or confirm the cancellation of the registration of the political party, constituency association or candidate, as the case may be, and shall,

- (a) if the cancellation involves a political party, give written notification of the Chief Electoral Officer's decision to the political party,
- (b) if the cancellation involves a constituency association, give written notification of the Chief Electoral Officer's decision to the constituency association and the political party concerned, or
- (c) if the cancellation involves a candidate, give written notification of the Chief Electoral Officer's decision to the candidate.

(10) When the registration of a political party is cancelled, the registration of the registered constituency associations of that political party is accordingly also cancelled and the Chief Electoral Officer shall forthwith give written notification of the cancellations to those constituency associations.

(11) When the registration of a political party or constituency association is cancelled for failure to comply with section 42 or 43, it may not again apply for registration until the financial statements required by section 42 or 43 that were not filed have been filed with the Chief Electoral Officer.

(12) When the registration of a political party, constituency association or candidate is cancelled, all funds of the political party, constituency association or candidate not required to pay the outstanding debts of the political party, constituency association or candidate shall be paid over to the Chief Electoral Officer and held by the Chief Electoral Officer in trust for the political party, constituency association or candidate and, if that political party, constituency association or candidate does not again become registered under this Act within a period of one year following cancellation of the registration, the funds shall be paid into the General Revenue Fund.

RSA 2000 cE-2 s10;2004 c23 s88;2006 c23 s26

Access to documents

11(1) All documents filed with the Chief Electoral Officer are public records and may on request during normal office hours be inspected at the offices of the Chief Electoral Officer.

(2) Copies of any document referred to in subsection (1) may be obtained on payment for the preparation of the copies at the rates that the Chief Electoral Officer may determine.

RSA 1980 cE-3 s10

Part 3 Contributions

Continuing use of campaign funds

12(1) Any campaign funds held by a candidate at the end of a campaign period that include contributions received by the candidate for the purpose of the candidate's

campaign shall be held in trust to be expended for the candidate's candidacy at the next election.

(2) The trustee of a trust held pursuant to subsection (1) shall

- (a) deposit the funds in an account maintained by the trustee at a financial institution for that purpose or invest the funds in authorized trustee investments, and
- (b) permit only interest paid on the funds on deposit and income from the investments referred to in clause (a), if any, to be added to the funds on deposit.

(3) Funds held in trust under subsection (1) may, at the option of the candidate, be transferred or paid from time to time to

- (a) the registered party that proposed or supported the candidate's registration at the previous election,
- (b) the registered constituency associations of the registered party that proposed or supported the candidate's registration at the previous election,
- (c) the registered candidates of the registered party that proposed or supported the candidate's registration at the previous election, or
- (d) the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b) or (c).

(4) If a candidate is not nominated or does not declare the candidate's candidacy as an independent candidate for the next election, the candidate shall, not later than 7 days after the day fixed for nominations, transfer or pay the amount held by the candidate in trust pursuant to subsection (1) to

- (a) the registered party that proposed or supported the candidate's registration at the previous election,
- (b) the registered constituency associations of the registered party that proposed or supported the candidate's registration at the previous election, or
- (c) the registered candidates of the registered party that proposed or supported the candidate's registration at the previous election,

at the option of the candidate, or to the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b) or (c).

(5) Notwithstanding subsections (3) and (4), funds held in trust under subsection (1) in respect of a candidate under the *Senatorial Selection Act* may not be transferred or paid to a registered constituency association.

RSA 2000 cE-2 s12;2004 c23 s89

Exemptions

13(1) Funds transferred from

- (a) a foundation under section 6 or a trust under section 12, or
- (b) a trust under section 12 or 13(2) of chapter 18 of the Statutes of Alberta, 1977,

to a registered party, registered constituency association or registered candidate are not contributions for the purposes of this Act but shall be recorded as to amount and source by the recipient of the funds.

(2) Money or property provided by any person, corporation, trade union or employee

organization that does not exceed \$50 in aggregate is not a contribution for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the recipient unless the donor specifically requests that the amount be considered a contribution.

RSA 1980 cE-3 s12;1982 c17 s2;1992 c12 s50

Deposit of contributions

14(1) All financial contributions accepted by or on behalf of a registered party, registered constituency association or registered candidate shall be paid into an appropriate depository of record with the Chief Electoral Officer.

(2) When any contribution of other than money, accepted by or on behalf of a registered party, registered constituency association or registered candidate, is converted at any time into money, that amount shall be paid into an appropriate depository of record with the Chief Electoral Officer.

RSA 1980 cE-3 s13

Anonymous contributions

15(1) Any anonymous contribution in excess of \$50 received by a political party, constituency association or candidate registered under this Act shall not be used or expended, but

- (a) shall be returned to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, shall be paid over to the Chief Electoral Officer.

(2) Any amounts received under subsection (1) shall be paid into the General Revenue Fund.

RSA 2000 cE-2 s15;2006 c23 s26

Prohibition

16 No prohibited corporation, person normally resident outside Alberta or trade union or employee organization other than a trade union or employee organization as defined in this Act shall make any contributions to a registered party, registered constituency association or registered candidate.

1984 c48 s4

Limitation on contributions

17(1) For the purposes of an election under the *Election Act*, contributions by any person, corporation, trade union or employee organization to registered parties, registered constituency associations or registered candidates shall not exceed

- (a) in any year,
 - (i) \$15 000 to each registered party, and
 - (ii) \$1000 to any registered constituency association, and \$5000 in the aggregate to the registered constituency associations of each registered party,
- and
- (b) in any campaign period,
 - (i) \$30 000 to each registered party less any amount contributed to the party in that calendar year under clause (a)(i), and
 - (ii) \$2000 to any registered candidate, and \$10 000 in the aggregate to the registered candidates of each registered party.

- (2) If writs for 2 or more by-elections bear the same date and provide for the same polling day, all the by-elections are deemed to be one election for the purposes of subsection (1)(b).
- (3) Contributions may be made to a registered constituency association at any time except during a campaign period.
- (4) No contributions may be made to a candidate except during a campaign period.
- (5) Any money paid during a campaign period by a candidate out of the candidate's own funds for the purposes of the candidate's campaign
- (a) is a contribution for the purposes of this Act, and
 - (b) shall be paid into a depository of the candidate on record with the Chief Electoral Officer.

RSA 2000 cE-2 s17;2004 c23 s90

Limitation re Senatorial Selection Act

18(1) For the purposes of an election under the *Senatorial Selection Act*, contributions by any person, corporation, trade union or employee organization to registered parties or registered candidates shall not exceed

- (a) in any year, \$15 000 to each registered party, and
- (b) in any campaign period,
 - (i) in respect of a registered party, the maximum amount determined in accordance with subsection (3) less any amount contributed to the party in that calendar year under clause (a), or
 - (ii) in respect of a registered candidate, \$30 000 less, if the candidate was nominated by a registered political party for endorsement as the official candidate of that party, any amount contributed to that party in that calendar year under clause (a).

(2) For the purposes of subsection (1)(b), contributions may be made to both the registered party and the registered candidate or candidates of that party but the aggregate of the amounts contributed may not exceed the maximum amount determined under subsection (3) less any amount contributed to the party in that calendar year under subsection (1)(a).

(3) For the purposes of subsections (1)(b)(i) and (2), the maximum amount shall not exceed \$30 000 multiplied by the number of persons to be elected for which there is a candidate.

(4) Where there is more than one candidate endorsed as the official candidates of a registered party by virtue of the number of persons to be elected, the maximum amount that may be contributed in respect of registered candidates of that political party may not exceed \$30 000 multiplied by the number of persons to be elected for which there is a candidate but in no case may more than \$30 000 be contributed to any one candidate.

(5) No contributions may be made to a candidate except during a campaign period.

(6) Any money paid during a campaign period by a candidate out of the candidate's own funds for the purposes of the candidate's campaign

- (a) is a contribution for the purposes of this Act, and
- (b) shall be paid into a depository of the candidate on record with the Chief Electoral Officer.

1989 cS-11.5 s57

Excessive contributions

19(1) No registered party, registered constituency association or registered candidate and no person on its or the candidate's behalf shall knowingly accept any contributions in excess of the limits imposed by section 17.

(2) If the chief financial officer learns that a contribution was accepted by or on behalf of the registered party, registered constituency association or registered candidate for whom the chief financial officer acts in excess of the limits imposed by section 17, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

RSA 1980 cE-3 s16

Excessive contributions re Senatorial Selection Act

20(1) No registered party or registered candidate and no person on its or the candidate's behalf shall knowingly accept any contributions in excess of the limits imposed by section 18.

(2) If the chief financial officer learns that a contribution was accepted by or on behalf of the registered party or registered candidate for whom the chief financial officer acts in excess of the limits imposed by section 18, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

1989 cS-11.5 s57

Prohibition re Senatorial Selection Act

21(1) No registered constituency association or person acting for a constituency association may, in respect of an election under the *Senatorial Selection Act*, accept contributions for the registered party or for the candidate.

(2) If the chief financial officer of a registered constituency association learns that a contribution was accepted by the constituency association or by a person acting for the constituency association, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

1989 cS-11.5 s57

Valuing contributions other than money

22(1) The value of contributions other than money provided to a registered party, registered constituency association or registered candidate is the market value of the contribution at that time.

(2) If any real or personal property is provided to a political party, constituency association or candidate registered under this Act for a price that is less than the market value at that time, the amount by which the value exceeds the price is a contribution for the purposes of this Act.

RSA 1980 cE-3 s17

Fund-raising functions

23(1) In this section, "fund-raising function" includes any social function held for the purpose of raising funds for the registered party, registered constituency association or registered candidate by whom or on whose behalf the function is held.

(2) The gross income from any fund-raising function must be recorded by the chief financial officer of the registered party, registered constituency association or registered candidate that held the function or on whose behalf the function was held.

(3) If an individual charge by the sale of tickets or otherwise is made for a fund-raising function held by or on behalf of a registered party, registered constituency association or registered candidate, then, for the purposes of this Act,

- (a) if the individual charge is \$50 or less, it shall not be considered as a contribution unless the person who pays the charge specifically requests that it

be so considered, in which case 1/2 shall be allowed for expenses and 1/2 shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be, and

- (b) if the individual charge is more than \$50, \$25 shall be allowed for expenses and the balance shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be.

(4) The price paid by a person at a fund-raising function in excess of the market value at that time for goods or services received is considered to be a contribution to the registered party, registered constituency association or registered candidate, as the case may be.

(5) The price paid in excess of market value at that time for the goods or services received shall be considered a contribution.

RSA 2000 cE-2 s23;2004 c23 s91

General collections

24 When, at a meeting held on behalf of or in relation to the affairs of a registered candidate, registered party or registered constituency association, money is given in response to a general collection of money solicited from the persons in attendance at the meeting, individual amounts given of \$50 or less shall be considered not to be contributions for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the candidate, political party or association, as the case may be.

RSA 1980 cE-3 s19;1982 c17 s5;1992 c12 s53

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.

RSA 2000 cE-2 s25;2004 c23 s92

Payroll deductions

26(1) Contributions of not more than \$0.15 per month by any member of a trade union or employee organization through payroll deductions are not contributions from the member for the purposes of this Act, but any amounts contributed to a registered party, registered constituency association or registered candidate from the funds so collected are contributions from the trade union or employee organization, as the case may be.

(2) Contributions of more than \$0.15 per month by any member of a trade union or employee organization through payroll deductions are contributions by the member for the purposes of this Act.

RSA 1980 cE-3 s21;1982 c17 s7

Contributions from unincorporated groups

27(1) If a contribution to a registered party, registered constituency association or registered candidate is made through an unincorporated association or organization other than a trade union or employee organization, the unincorporated association or organization shall provide to the registered party, registered constituency association or registered candidate the individual sources and amounts making up the contribution.

(1.1) If an unincorporated association or organization fails to comply with subsection (1), the registered party, registered constituency association or registered candidate shall return the contribution to the unincorporated association or organization.

(2) The amounts making up a contribution under subsection (1) that are attributable to any person, corporation, trade union or employee organization are contributions of that person, corporation, trade union or employee organization for the purposes of this Act.
RSA 2000 cE-2 s27;2004 c23 s93

Indication re Act

28 A person who makes a contribution under this Act must indicate in writing whether the contribution is being made in respect of an election under the *Election Act* or an election under the *Senatorial Selection Act*.

1989 cS-11.5 s57

Part 4 Collection of Contributions

Chief financial officers

29(1) Every political party, constituency association and candidate shall, before filing its application for registration with the Chief Electoral Officer, appoint a chief financial officer.

(2) When a chief financial officer appointed pursuant to subsection (1) ceases for any reason to hold that office, the political party, constituency association or candidate, as the case may be, shall forthwith appoint another chief financial officer.

(3) A candidate may not be appointed as chief financial officer for a candidate under this section.

RSA 2000 cE-2 s29;2004 c23 s94

Duties of chief financial officers

30 The chief financial officer of a registered party, registered constituency association or registered candidate is responsible, with respect to the affairs of the party, constituency association or candidate that appointed the chief financial officer, for ensuring that

- (a) proper records are kept of all income,
- (b) contributions are placed in a depository on record with the Chief Electoral Officer,
- (c) proper receipts are completed and dealt with in accordance with this Act,
- (d) the financial statements as required by sections 42 and 43 are filed with the Chief Electoral Officer in accordance with this Act, and
- (e) contributions of other than money are valued and recorded in accordance with this Act.

RSA 1980 cE-3 s24

Acceptance of contributions

31 No contribution shall be accepted by a registered candidate otherwise than through the candidate's chief financial officer or other person on record with the Chief Electoral Officer as authorized to accept contributions.

RSA 1980 cE-3 s25

Records of contributions

32(1) When any person accepts contributions in any year on behalf of a registered party, registered constituency association or registered candidate, the chief financial officer shall record all the contributions, including the name and the address of the

contributor.

(2) All contributions referred to in subsection (1) accepted on behalf of a registered party or registered candidate during a campaign period shall be recorded separately from other contributions accepted during that year.

(3) Every registered party and registered candidate shall file with the Chief Electoral Officer within the period during which a financial statement must be filed relating to a campaign period, a return setting out

- (a) the total amount of all contributions received during the campaign period that did not exceed \$375 in the aggregate from any single contributor, and
- (b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the campaign period exceeded an aggregate of \$375.

(4) Every registered party and registered constituency association shall file with the Chief Electoral Officer within the period during which an annual financial statement must be filed, a return setting out

- (a) the total amount of all contributions received during the year that did not exceed \$375 in the aggregate from any single contributor, and
- (b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the year exceeded an aggregate of \$375,

but, in the case of a registered party, excluding any information included in a return under subsection (3).

(5) Separate returns must be filed for contributions made in respect of an election under the *Election Act* and those made in respect of an election under the *Senatorial Selection Act*.

RSA 1980 cE-3 s26;1982 c17 s8;1989 cS-11.5 s57;1992 c12 s54

Receipts

33 Every registered party, registered constituency association and registered candidate shall issue receipts as required by the Chief Electoral Officer for every contribution accepted and the receipts shall indicate whether they have been issued in respect of an election under the *Election Act* or an election under the *Senatorial Selection Act*.

RSA 1980 cE-3 s27;1989 cS-11.5 s57

Contributions not belonging to contributor

34(1) Subject to section 26, no person, corporation, trade union or employee organization shall contribute to any registered party, registered constituency association or registered candidate funds not actually belonging to that person, corporation, trade union or employee organization, or any funds that have been given or furnished to the person, corporation, trade union or employee organization by any persons or groups of persons or by a corporation, trade union or employee organization for the purpose of making a contribution of those funds to that registered party, registered constituency association or registered candidate.

(2) No registered party, registered constituency association or registered candidate and no person on its or the candidate's behalf shall solicit or knowingly accept any contribution contrary to subsection (1).

(3) If the chief financial officer learns that a contribution received by or on behalf of the registered party, registered constituency association or registered candidate for whom the chief financial officer acts was made contrary to subsection (1), the chief financial officer shall, within 30 days after learning that the contribution was made contrary to subsection (1), advise the Chief Electoral Officer in writing of the fact and

circumstances.

RSA 1980 cE-3 s28

Out-of-province contributions

35(1) No registered party, registered constituency association or registered candidate shall, directly or indirectly,

- (a) knowingly accept contributions from any person normally resident outside Alberta, from any prohibited corporation or from a trade union or employee organization other than a trade union or employee organization as defined in this Act, or
- (b) contribute or transfer funds to any political party, constituency association or candidate not registered under this Act, except that during an election under the *Canada Elections Act* (Canada) a registered party may transfer to a federal political party registered under the *Canada Elections Act* (Canada) an amount not exceeding, in the aggregate, \$150 for each candidate at a federal election in a federal electoral district in Alberta who is endorsed as a candidate by that federal party.

(2) In subsection (1), “during an election” has the meaning given to it in the *Canada Elections Act* (Canada).

(3) Notwithstanding subsection (1)(b), a registered party may not contribute or transfer to a federal political party any funds that were contributed in respect of an election under the *Senatorial Selection Act*.

(4) If the chief financial officer learns that a contribution was accepted by or on behalf of the political party, constituency association or candidate for whom the chief financial officer acts from a person normally resident outside Alberta or from a prohibited corporation, or from a trade union or employee organization other than a trade union or employee organization as defined in this Act, the chief financial officer shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

RSA 1980 cE-3 s29;1982 c17 s9;1984 c48 s5;
1989 cS-11.5 s57;1994 c23 s16

Funds from federal parties

36 No registered party, registered constituency association or registered candidate may accept funds from a federal political party, electoral district association or registered candidate registered under the *Canada Elections Act* (Canada), except that during a campaign period a registered party may accept from a registered federal political party an amount not exceeding, in the aggregate, \$150 for each registered candidate endorsed by that registered party and those funds are not contributions for the purposes of this Act but must be recorded as to source and deposited in an appropriate depository on record with the Chief Electoral Officer.

RSA 2000 cE-2 s36;2004 c23 s95

Prohibition re federal parties

37 Notwithstanding section 36, no registered party or registered candidate may accept funds from a federal political party or electoral district association registered under the *Canada Elections Act* (Canada) in respect of an election under the *Senatorial Selection Act*.

RSA 2000 cE-2 s37;2004 c23 s96

Transfers within parties

38 A registered party, and any of its registered constituency associations or registered candidates, may transfer to or accept from each other funds or that real or personal property and those funds or that real or personal property so accepted by the registered party, registered constituency association or registered candidate shall not be considered as contributions for the purposes of this Act but shall be recorded as to source and any

funds accepted shall be deposited in an appropriate depository on record with the Chief Electoral Officer.

RSA 1980 cE-3 s31

Prohibition re transfers

39 Notwithstanding section 38, no registered constituency association may transfer funds or real or personal property to or accept funds or real or personal property from a registered political party or registered candidate in respect of an election under the *Senatorial Selection Act*.

1989 cS-11.5 s57

Part 5 Loans

Borrowing

40(1) A registered party, registered constituency association or registered candidate

- (a) may borrow money only from a financial institution other than a treasury branch, and
- (b) shall record all loans and their terms and shall report accordingly to the Chief Electoral Officer.

(2) Any payment

- (a) in respect of a loan to which subsection (1) applies, and
- (b) made by other than the borrower

shall be considered a contribution by the person, corporation, trade union or employee organization or the unincorporated association or organization that made the payment unless that person, corporation, trade union or employee organization or the unincorporated association or organization is reimbursed by the borrower prior to the filing by the borrower of the financial statement next required to be filed pursuant to section 42 or 43.

(3) This section does not apply to the borrowing of money by a registered candidate for purposes unrelated to the candidate's campaign.

RSA 1980 cE-3 s32;1983 cL-10.1 s55

Guarantees

41(1) Any person, corporation, trade union, employee organization or unincorporated association or organization may sign, co-sign or otherwise guarantee or provide collateral security for any loan, monetary obligation or indebtedness on behalf of or in the interest of any registered party, registered constituency association or registered candidate.

(2) When a person, corporation, trade union, employee organization or any unincorporated association or organization acting pursuant to subsection (1) is required to make any payment on behalf of or in the interest of any registered party, registered constituency association or registered candidate, the payment is to be considered a contribution by the person, corporation, trade union or employee organization or the unincorporated association or organization that made the payment unless that person, corporation, trade union or employee organization or the unincorporated association or organization is reimbursed by the borrower prior to the filing by the borrower of the financial statement next required to be filed pursuant to section 42 or 43.

(3) This section does not apply to payments made on behalf of a registered candidate for purposes unrelated to the candidate's campaign.

RSA 1980 cE-3 s33

Part 6 Financial Statements

Filing of annual financial statements

42(1) On or before March 31 of each year,

- (a) the chief financial officer of each registered party shall file with the Chief Electoral Officer an audited financial statement setting out for the previous year the assets and liabilities, the income and transfers and the amount of the expenses in total excluding income, transfers and expenses relating to an election during a campaign period, and
- (b) the chief financial officer of each registered constituency association shall file with the Chief Electoral Officer a financial statement setting out for the previous year the income and transfers and the amount of the expenses in total, including a nil return where applicable.

(2) If a political party or constituency association becomes registered under this Act within the last 4 months of any year, the financial statement filed with its application for registration is deemed compliance with subsection (1) in relation to that year.

(3) The chief financial officer of each registered party shall file separate audited financial statements relating to the *Election Act* and the *Senatorial Selection Act*.

RSA 1980 cE-3 s34;1989 cS-11.5 s57

Filing of financial statements for election campaigns

43(1) Subject to subsection (6) and section 44(3), within 6 months after polling day the chief financial officer of a registered party shall file with the Chief Electoral Officer a financial statement setting out the income and transfers and the amount of expenses in total of the party for which the chief financial officer acts that relate to an election during the campaign period, including a nil return where applicable.

(2) Subject to subsection (6) and section 44(3), within 4 months after polling day the chief financial officer of a registered candidate shall file with the Chief Electoral Officer a financial statement setting out the income and transfers and the amount of expenses in total, including expenses paid on behalf of the candidate by a registered party or a constituency association, during the campaign period or that relate to the campaign period.

(3) In relation to a by-election, subsection (1) applies only to registered parties that received contributions or made payments or transfers in relation to that by-election and subsection (2) applies only to registered candidates at that by-election.

(4) This section also applies to any registered candidate

- (a) who withdraws the candidate's candidacy, or
- (b) who, having been registered before becoming nominated, does not in fact become nominated,

with respect to the period during which the candidate is registered.

(5) An audited financial statement and a copy of the auditor's report shall accompany each financial statement of a registered party submitted pursuant to subsection (1).

(6) If the polling day for a general election occurs within 6 months after the polling day for a previous general election, the time for compliance with subsection (1) in respect of the previous general election is extended to the expiration of the 6-month period after the 2nd general election.

(7) If an election is held to elect a member of the Legislative Assembly for an electoral

division and the polling day for that election occurs within 4 months after the polling day for the previous election in the same electoral division, the time for compliance with subsection (2) in respect of the previous election is extended to the expiration of the 4-month period after the 2nd election.

(8) If an election is held under the *Senatorial Selection Act* and the polling day for that election occurs within 4 months after the polling day for the previous election under the *Senatorial Selection Act*, the time for compliance with subsection (2) in respect of the previous election is extended to the expiration of the 4-month period after the 2nd election.

(9) A chief financial officer referred to in subsection (1) shall file separate financial statements relating to an election under the *Election Act* and an election under the *Senatorial Selection Act*.

RSA 1980 cE-3 s35;1983 cL-10.1 s55;1989 cS-11.5 s57;
1992 c12 s55;1996 c28 s15

Effect of non-compliance

44(1) Subject to subsections (2) and (3), if the chief financial officer of a registered candidate fails to file a financial statement as required by section 43, the Chief Electoral Officer shall transmit a report to that effect to the Speaker of the Assembly, who shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(2) If the Speaker lays a report before the Assembly under subsection (1), the registered candidate concerned or the candidate's chief financial officer, or both, may, within the 60-day period following the date on which the report was laid before the Assembly, apply to the Court of Queen's Bench for relief.

(3) On hearing the application, the Court may

- (a) dispense with compliance with section 43, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate or the chief financial officer, or both, and that it is not reasonably possible to comply with the section,
- (b) extend the time for compliance with section 43, or any provision of it, if it finds mitigating reasons for non-compliance with the section,
- (c) make any order that it considers appropriate to secure compliance with so much of section 43 as it considers reasonable in the circumstances, or
- (d) refuse the application.

(4) An application to the Court under this section is to be made by originating notice naming the Chief Electoral Officer as respondent.

(5) The decision of the Court is final and not subject to appeal.

RSA 1980 cE-3 s36;1983 cL-10.1 s55;1992 c12 s56

Part 7 Prohibitions, Offences and Prosecutions

Obstruction

45 No person shall obstruct any person carrying out an inquiry or examination under this Act or withhold from that person or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination.

RSA 1980 cE-3 s37

False documents

46 No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the Chief Electoral Officer under this Act.

RSA 1980 cE-3 s38

False statements

47 No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions.

RSA 1980 cE-3 s39

Failure to provide audited statements

48(1) The chief financial officer of a registered party, registered constituency association or registered candidate who contravenes section 42 or 43 is guilty of an offence and liable to a fine of not more than \$1000.

(2) When any contravention of section 42 or 43 is committed by a chief financial officer of a registered party, registered constituency association or registered candidate, the political party or constituency association or candidate for which the chief financial officer acts is also guilty of an offence and liable,

- (a) in the case of a registered party, to a fine of not more than \$5000, and
- (b) in the case of a registered constituency association or registered candidate, to a fine of not more than \$1000.

RSA 1980 cE-3 s40

Offences by corporations, etc.

49(1) A corporation, trade union, employee organization or prohibited corporation that contravenes this Act is guilty of an offence and liable to a fine of not more than \$10 000.

(2) Subsection (1) does not apply to a contravention of section 45, 46 or 47 by a person that constitutes a corrupt practice under section 176 of the *Election Act*.

RSA 1980 cE-3 s41;1984 c48 s6;1992 c12 s57

General offences

50 A person, political party or constituency association that contravenes any of the provisions of this Act, for which contravention no fine is otherwise provided, is guilty of an offence and liable to a fine of not more than \$1000.

RSA 1980 cE-3 s42

Penalties

51(1) When the Chief Electoral Officer is satisfied that any person, corporation, trade union or employee organization has made one or more contributions in excess of an amount permitted under this Act, the Chief Electoral Officer may by written notice require that person, corporation, trade union or employee organization to pay a penalty in an amount named in the notice and being equivalent to the amount by which the contribution or contributions exceeded the amount permitted under this Act.

(2) When the Chief Electoral Officer is satisfied that a prohibited corporation has made a contribution in contravention of section 16, the Chief Electoral Officer may by written notice require the prohibited corporation to pay a penalty in an amount named in the notice equivalent to the amount contributed.

(3) All penalties collected under this section shall be paid into the General Revenue Fund.

RSA 2000 cE-2 s51;2006 c23 s26

Prosecution

52(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association, trade union or employee organization in the name of the political party, constituency association, trade union or employee organization and for the purposes of prosecution, a political party, constituency association, trade union or

employee organization is deemed to be a person.

(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association, trade union or employee organization within the scope of the officer's, official's or agent's authority to act on behalf of the political party, constituency association, trade union or employee organization is deemed to be an act or thing done or omitted by the political party, constituency association, trade union or employee organization.

(3) A prosecution under this Act may be commenced within 2 years of the commission of the alleged offence but not afterwards.

RSA 2000 cE-2 s52;2004 c23 s97

Restrictions

53 No prosecution shall be instituted under this Act without the consent of the Chief Electoral Officer.

RSA 1980 cE-3 s45

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