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**MÉTIS VOICES. OTIPEMISIWAK MÉTIS GOVERNMENT.**

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# **CAMPAIGN FINANCE REGULATION**

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**Journey to Otipemisiwak Métis Government**

**JUNE 2023**

**Campaign Finance Regulation for the  
Otipemisiwak Métis Government Elections and Referenda Act**

**PREAMBLE**

**WHEREAS** the purpose of the Otipemisiwak Métis Government includes providing fair, responsible, transparent, and accountable governance to the Citizens of the Métis Nation within Alberta;

**WHEREAS** section 18.1 of the Otipemisiwak Métis Government Constitution provides that the Otipemisiwak Métis Government shall maintain a law governing the conduct of its elections and referenda;

**WHEREAS** section 31.1 of the Otipemisiwak Métis Government Constitution provides that, prior to the coming into force of the Otipemisiwak Métis Government Constitution, the Métis Nation of Alberta Association's Provincial Council shall adopt by resolution all laws required by the Constitution;

**WHEREAS** the Métis Nation of Alberta Association's Provincial Council has adopted by resolution the Otipemisiwak Métis Government Elections and Referenda Act;

**AND WHEREAS** the independent Chief Electoral Officer has made recommendations to the Métis Nation of Alberta Association's Provincial Council to inform the development of Regulations for the good and efficient operation and enforcement of the Otipemisiwak Métis Government Elections and Referenda Act;

**NOW THEREFORE** the Otipemisiwak Métis Government enacts the following Regulation in accordance with the Otipemisiwak Métis Government Elections and Referenda Act:

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## PART I—INTRODUCTORY PROVISIONS

### Short title

1 This regulation may be cited as the *Campaign Finance Regulation*.

### Application

2 This regulation is enabled by the *Otipemisiwak Métis Government Elections and Referenda Act* and applies to declared candidates for election as a President, Women’s Representative, Youth Representative, Citizens’ Representative, or District Captain as defined in the Act and this Regulation.

### Interpretation

3 (1) In this Regulation:

(a) “**Act**” means the *Otipemisiwak Métis Government Elections and Referenda Act*, including any amendments to the Act;

(b) “**campaign expense**” means any expense incurred, or non-monetary contribution received, by a declared candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a declared candidate during an election year, and includes an expense incurred for, or a non-monetary contribution in relation to:

(i) the production of advertising or promotional material,

(ii) the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during an election year, including by the use of a capital asset,

(iii) the payment of remuneration and expenses to or on behalf of a person for the person’s services as a chief financial officer or in any other capacity,

(iv) securing a meeting place,

(v) the conduct of election surveys or other surveys or research during an election year, or

(vi) any other expense incurred by a declared candidate during the election year which upon review is deemed by the Chief Electoral Officer to be directly related to campaign activity of any declared candidate as defined in accordance with the Act;

(c) “**Chief Electoral Officer**” means a person appointed in accordance with the Act;

- (d) “**citizen**” means a Citizen of the Métis Nation within Alberta as defined under the Constitution;
- (e) “**contribution**” means any money, personal property, real property or service that is provided to or for the benefit of a declared candidate’s election campaign without fair market value compensation from that declared candidate, but does not include a service provided by an individual who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or time spent providing the services;
- (f) “**declared candidate**” means either a person who has publicly declared their intent to seek election to office within the Otipemisiwak Métis Government during an election year, or any person whose nomination for an elected office is confirmed by Act;
- (g) “**election year**” means
- (i) in the case of a general election, the period of time from January 1 to December 31 in a year in which a general election is held, and
  - (ii) in the case of a by-election, the period of time set out in the Notice of Vote, up to 60 days immediately following the by-election;
- (h) “**group**” means an unincorporated group of individuals or corporations acting in consort for a common purpose or any combination of individuals, and/or corporations;
- (i) “**prohibited organization**” means
- (i) an Indian “band” as defined in the *Indian Act* (R.S.C., 1985, c. I-5), including any corporation, unincorporated group, agent, assign or subsidiary, owned or controlled by the same,
  - (ii) a Tribal Council or other formal or informal association of Indian “bands”,
  - (iii) any affiliated corporation, Local Council, and/or Regional Council, of the Métis Nation of Alberta,
  - (iv) a “Metis Settlement” and/or “Metis Settlements General Council” as defined by the *Métis Settlements Act* (RSA 2000, c M-14), and/or including any corporation, unincorporated group, agent, assign or subsidiary, owned or controlled by the same, and
  - (v) any unincorporated group of individuals or corporation which presents itself as, or holds itself out to be, a Métis governing body or institution, whether affiliated or unaffiliated with the Métis Nation of Alberta.
- (2) Except where otherwise noted, words and phrases in this Regulation have the meaning given to them in the Act.

4 The value of a contribution, other than money, provided to a declared candidate is the fair market value of the contribution at the time it is provided.

5 If any personal property, real property or service or the use of personal property or real property is provided to a declared candidate for a price that is less than the fair market value at the time it is provided, the amount by which the value exceeds the price is a contribution for the purposes of this Regulation.

6 In this Regulation, “expense incurred” means an expense that is incurred, whether it is paid or unpaid.

## **PART II—CONTRIBUTIONS**

### **Limitations on Contributions**

7 (1) Contributions to a declared candidate must only be made by:

- (a) individuals, aged 16 or older on the date of the contribution, who are normally resident in Alberta, or
- (b) corporations registered in Alberta, or corporations registered in Canada with physical operations in Alberta.

(2) No prohibited organization and no individual ordinarily resident outside Alberta shall make a contribution to a declared candidate.

(3) Except as set out in subsection (4), no individual, corporation, or group shall contribute to any Declared candidate, an amount that exceeds fifty percent (50%) of the maximum campaign expense limit set out herein during any election year.

(4) A declared candidate may contribute an amount of up to one hundred percent (100%) of the maximum campaign expense limit set out herein that is not reimbursed to the declared candidate from the declared candidate’s campaign account.

(5) No declared candidate and no person acting on behalf of a declared candidate shall, directly or indirectly, solicit or accept a contribution if the declared candidate or person knows or ought to know that the prospective contributor is a prohibited organization or an individual ordinarily resident outside Alberta.

(6) No declared candidate and no person acting on behalf of a declared candidate shall solicit or accept a contribution if the declared candidate or person knows or ought to know that the amount of the contribution will exceed the amounts referred to in subsection (3).

(7) No person shall accept a contribution or incur a campaign expense outside of the Election year.

(8) No declared candidate and no person acting for a declared candidate shall accept a contribution except during the Election year.

### **Anonymous Contributions**

8 Any contributions made in accordance with this Regulation and accepted by a declared candidate or a person acting on behalf of a declared candidate must be reported by the declared candidate to the Chief Electoral Officer. Where a contributor wishes to not have their name and identifying information made public:

(a) the Declared candidate must provide the contributor with a contribution receipt in a form approved by the Chief Electoral Officer, and

(b) the contributor must initial a copy of the contribution receipt in the area which indicates that they wish not to have their identifying information released publicly, which shall be provided to the Chief Electoral Officer by the Declared candidate.

### **Contributions Not Belonging to Contributor**

9 (1) No Declared candidate shall accept from an individual or corporation, any contribution of:

(a) funds not belonging to that individual or corporation, or

(b) funds that have been given or furnished to the individual or corporation by an individual not resident within Alberta, or by a prohibited organization for the purpose of making a contribution of those funds to a declared candidate.

(2) No declared candidate and no person acting on behalf of a declared candidate shall solicit or accept a contribution if the declared candidate or person knows or ought to know that the contribution is contrary to subsection (1).

### **Duties of Declared candidates**

10 (1) A declared candidate shall ensure that:

(a) a campaign account in the name of the declared candidate or the declared candidate's election campaign is opened at a financial institution for the purposes of the election campaign at the time of nomination or as soon as possible after the total amount of contributions first exceeds \$1000 in the aggregate,

(b) once a campaign account has been opened in accordance with clause (a), all contributions of money must be deposited into the campaign account,

- (c) money in the campaign account shall only be used for the payment of campaign expenses,
- (d) contributions of real property, personal property and services are valued,
- (e) receipts are issued in the form approved by the Chief Electoral Officer for every contribution and obtained for every expense,
- (f) records are kept of contributions and campaign expenses and are retained by the declared candidate for a period of not less than 3 years following the last day of the Election year, and
- (g) proper direction is given to the declared candidate's official agent and any other person who is authorized to incur campaign expenses and accept or solicit contributions on behalf of the declared candidate.

### **Fund-raising Functions**

11 In this section, "fund-raising function" includes any social function held for the purpose of raising funds for the declared candidate's election campaign by whom or on whose behalf the function is held.

12 The net income from any fund-raising function which generates funds through ticket-sales, auction, or other cost for value transaction, must be recorded by the declared candidate on whose behalf the function was held.

## **PART III—CAMPAIGN EXPENSE LIMITS**

### **Campaign Expense Limits**

13 No declared candidate and no chief financial officer of a declared candidate shall incur campaign expenses that exceed, in the aggregate, the following amounts:

- (a) \$75,000 for any declared candidate for President, Women's Representative, or Youth Representative;
- (b) \$15,000 for any declared candidate for Citizens' Representative; and
- (c) \$15,000 for any declared candidate for District Captain.

## **PART IV—FINANCIAL REPORTING**

### **Receipts**

14 Every declared candidate or a person acting on behalf of the declared candidate shall issue a receipt for every contribution accepted in a form approved by the Chief Electoral Officer.



### **Campaign Disclosure Statements**

15 (1) Within 60 days after any election, a declared candidate shall file with the Chief Electoral Officer a disclosure statement in the prescribed form, which must include:

- (a) the total amount of all contributions received during the election year that did not exceed \$100 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the election year exceeded \$100 in the aggregate,
- (c) the total amount from fund-raising functions,
- (d) the total amount of other revenue,
- (e) the total amount of campaign expenses,
- (f) an itemized campaign expense report setting out the campaign expenses incurred by the declared candidate,
- (g) the total amount paid by the declared candidate out of the declared candidate's own funds not reimbursed from the declared candidate's campaign fund,
- (h) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (i) the amount of any deficit.

(2) This section applies to any declared candidate who withdraws as a declared candidate at any time during the Election year.

(3) If a declared candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) has changed or has not been completely or accurately disclosed, the declared candidate shall, within 30 days, submit a supplementary statement in the prescribed form to the Chief Electoral Officer.

(4) The Chief Electoral Officer must establish a policy and procedure for making all documents filed under this section available to citizens for a period of 4 years after the election.

(5) A document made available to the public under subsection (4) must be made available in a partial or redacted form as necessary to ensure that the following are not disclosed:

- (a) the physical and mailing address of the declared candidate;
- (b) any address provided for a contributor, except any portion of an address that names a municipality or a province; and

(c) any identifying or contact information of a contributor where the contributor has requested such information to be kept anonymous in accordance with this Regulation.

### **Campaign Surplus**

16 (1) If a declared candidate's disclosure statement shows a surplus, the declared candidate, within 30 days after filing the disclosure statement with the Chief Electoral Officer shall donate the amount of the surplus to a registered charity that results in the surplus being \$0.

(2) A declared candidate who donates an amount to a registered charity in accordance with subsection (1) shall, within 30 days after the expiration of the 30-day period referred to in subsection (1), file an amended disclosure statement showing that the surplus has been eliminated.

### **Campaign Deficit**

17 (1) If a declared candidate's disclosure statement shows a deficit, the declared candidate shall eliminate the deficit within 60 days after filing the disclosure statement with the Chief Electoral Officer.

(2) For the purpose of eliminating a deficit referred to in subsection (1), a declared candidate may accept contributions in accordance with this Regulation during the period referred to in subsection (1).

(3) Subject to subsection (4), a declared candidate shall not accept a contribution of an amount that exceeds \$5000 from any individual or corporation for the purpose of this section.

(4) A declared candidate may make a contribution from the declared candidate's own funds that does not exceed the limits prescribed in this Regulation to reduce a deficit shown on the declared candidate's disclosure statement for the purpose of this section.

(5) A declared candidate referred to in subsection (1) shall, within 30 days after the expiration of the 60-day period referred to in subsection (1), file an amended disclosure statement showing that the deficit has been eliminated.

### **Verification**

18 (1) The Chief Electoral Officer may request such additional information and make such investigations as they consider necessary to verify the accuracy of information contained in any filing made under this Regulation.

(2) Declared candidates shall comply with any information request made by the Chief Electoral Officer in the manner, form, and within any timeline prescribed by the Chief Electoral Officer as set out in the request.

(3) Failure by any declared candidate to comply with any information request made by the Chief Electoral Officer in accordance with this section may be deemed by the Chief Electoral Officer to be either a late filing as set out in subsection 20(1), and/or a failure to file a disclosure statement as set out in subsection 21(1), and the Chief Electoral Officer may make such order as appropriate under the circumstances, in accordance with this Regulation.

## **PART V—COMPLIANCE**

### **Compliant Filing**

19 If after review of all filings required of a declared candidate by this Regulation, the Chief Electoral Officer is satisfied that those filings are compliant with this Regulation, the Chief Electoral Officer shall return to the declared candidate any nomination deposit(s) paid as required by the Act.

### **Late Filing**

20 (1) In this section, “filing deadline” means the day by which a disclosure statement referred to herein is required to be filed with the Chief Electoral Officer.

(2) A declared candidate who is required to file a disclosure statement by this Regulation, and who fails to file that document by the filing deadline, shall forfeit any nomination deposit(s) paid as required by the Act.

### **Effect of Non-compliance in Relation to Disclosure Statements**

21 (1) Where a declared candidate fails to file a disclosure statement as required by this Regulation within 180 days of the filing deadline; on the first business day immediately thereafter:

(a) the Chief Electoral Officer shall transmit a report to that effect to the Citizens Council, which shall on its receipt make the report public; and

(b) the Chief Electoral Officer shall issue an order and provide notice to the declared candidate which sets out that they shall be prohibited from holding office in any position within the Otipemisiwak Métis Government for a period of up to ten (10) years from the date of the order.

(2) A declared candidate named in a report and issued an order under subsection (1) may, within the 60-day period following the date on which the report under subsection (1) is made public, apply to the Chief Electoral Officer for relief.

(3) The Chief Electoral Officer upon such application shall refer the matter to the Judicial Branch, which may:

(a) dispense with compliance with Regulation, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the declared candidate and that it is not reasonably possible to comply with that section,

(b) extend the time for compliance with the Regulation, 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 as much of the Regulation as it considers reasonable in the circumstances, or

(d) refuse the application.

(4) The decision of the Judicial Branch shall be final and is not subject to appeal.

### **Major Violations**

22 A declared candidate who accepts any contribution from a prohibited organization, or any person acting on its behalf that contravenes this Regulation, is guilty of a major violation, upon finding of which the Chief Electoral Officer shall issue an order and provide notice to the declared candidate which sets out that they shall be prohibited from holding office in any position within the Otipemisiwak Métis Government for a period of up to ten (10) years from the date of the order.

23 A declared candidate who exceeds any expenditure limit set out in this Regulation is guilty of a major violation, upon finding of which the Chief Electoral Officer shall issue an order and provide notice to the declared candidate which sets out that they shall be prohibited from holding office in any position within the Otipemisiwak Métis Government for a period of up to ten (10) years from the date of the order.

24 A declared candidate who violates any provision of this Regulation as set out in section 20 or 21, and who is subsequently elected to office, shall be removed from office immediately upon issuance of any order of the Chief Electoral Officer as set out therein.

### **Other Violations**

25 A declared candidate who fails to comply with any other provision of this Regulation shall be guilty of violation, upon finding of which the Chief Electoral Officer may issue any order deemed appropriate and necessary, up to, but not exceeding prohibiting the declared candidate from holding office in any position within the Otipemisiwak Métis Government for a period of ten (10) years from the date of the order.

### **Appeals**

26 A declared candidate subject to an order of the Chief Electoral Officer under sections 20, 21, 22, 23 or 24 of this Regulation may appeal the order to the Judicial Branch within 30 days of the date of the order.

27 For greater certainty, operational decisions of the Chief Electoral Officer made in the course of conducting an election, shall not be considered orders and shall not be appealable to the Judicial Branch.

## **PART VI—REVIEW & TRANSITION**

### **Review of Regulation**

28 (1) No later than 365 days following a General Election held in accordance with the Act, this Regulation must be referred to the Chief Electoral Officer who shall empanel and chair a commission, which must include unelected citizens, for the purpose of reviewing this Regulation.

(2) Not less than 365 days following its empaneling, the Chief Electoral Officer’s Commission to which this Regulation is referred, shall submit a report on the review to the Citizens’ Council, including any proposed amendments to the Regulation for consideration by the Citizens’ Council and any designated committee thereof in accordance with the Act.

### **Transition**

29 (1) This Regulation applies to the general election in 2023.

(2) Notwithstanding any other provision in the Act, the Provincial Council of the Métis Nation of Alberta Association must perform the duties of the Cabinet and Citizens’ Council under the Act and this Regulation that are essential to conducting the general election in 2023.

(3) The Provincial Council and the Chief Electoral Officer may modify the dates or deadlines provided for in the Act and this Regulation for the general election in 2023 as necessary, except for the date of the general election.

(4) If, prior to the coming into force of this Regulation, a declared candidate received a contribution that does not comply with the Regulation, they may not use that contribution in the conduct of any campaign and must return that contribution as soon as possible. If the contribution cannot be returned, it must be donated to a registered charity.

(a) Contributions received by any declared candidate that do not comply with this regulation, must be reported to the Chief Electoral Officer by the declared candidate, as soon as practicable with documentation showing the return or donation of the contribution as required in this subsection.

(5) For the purposes of the General Election in 2023, all references in this regulation to the Judicial Branch will be read as references to the Métis Judicial Council.

## **Commencement**

30 (1) This Regulation binds the Métis Nation of Alberta on the date it is adopted by the Provincial Council by resolution.

(2) On the date the Constitution comes into force, the Otipemisiwak Métis Government becomes the successor of Métis Nation of Alberta and this Regulation will come into force as a Regulation of Otipemisiwak Métis Government Law through the *Otipemisiwak Métis Government Election and Referenda Act*.

