



APPENDIX D

Implementation Fact Sheet

Accountability and Transparency Amendments *Local Authorities Election Act, 2018 and 2020*

Advertisement Distribution and Campaign Activities at a Voting Station

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 152, s. 152.1

Previous requirement:

1. The *LAEA* prohibited the distribution of pamphlets and materials inside the voting station as well as the display of these materials on the inside or outside of the voting station but did not prohibit the distribution of materials outside of the building, or any other campaign activities in or around a voting station.
2. The *LAEA* allowed for the removal of campaign advertising, and specified that the deputy returning officer is not liable for trespass or damages for carrying out the removal.

What has changed?

1. *The *LAEA* extends the prohibition of campaign activities and advertising within the boundaries of land on which a building is located for the use as a voting station. s. 152.

The *LAEA* also prohibits activities in and around a voting station that would involve soliciting votes or communicating for the purpose of influencing votes. s. 152.1

2. The *LAEA* was amended to clarify that the returning officer may request/require/instruct that campaign advertising be removed, and instruct those obstructing the voting process or taking part in campaign activities to leave the property. s. 152.1

What do prospective candidates need to know?

Candidates are prohibited from any type of campaign activities and any actions considered to be an attempt to solicit or influence votes in and on the property surrounding a building used as a voting station. Those found guilty may be subject to a fine of up to \$500.

What does the public need to know?

Your voting environment will be protected from outside influence. If an elector feels that there are campaign activities taking place at the voting station, they can report them to the Returning Officer who has the authority to stop the activity, require the individual(s) taking part in the activity to leave, or request that the individual(s) move locations.

The Returning Officer has the authority to request the assistance of a Peace Officer to aid in maintaining public access to the voting station or to remove a person who has refused to comply with the orders of the Returning Officer.

What do municipalities and school boards need to know?

The Returning Officer has the discretion to have advertising removed and instruct those considered to be obstructing the voting process or campaigning to leave the property. The Returning Officer may request the assistance of a Peace Officer if deemed necessary.

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

List of Candidates

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 28(10)

Previous requirement:

There was no requirement in the *LAEA* for a list of candidates to be posted following nomination day.

Municipalities were required to report nomination information to Municipal Affairs which then posts the information on the ministry website.

What has changed?

Municipalities and school boards are required to post the names of candidates within 48 hours following the close of nominations.

The returning officer must post or direct someone to post at the office of the local jurisdiction, the names of those nominated. s. 28(10)

What does the public need to know?

A List of Candidates will be made available by the municipality within 48 hours of Nomination Day. The list is required to be posted at the office of the local jurisdiction but municipalities and school boards may also choose to post the list on local websites or social media pages. It is recommended that the public check with their municipality to determine where they can find the list of candidates.

What do municipalities and school boards need to know?

The Returning Officer must ensure a List of Candidates is posted at the office of the local jurisdiction, within 48 hours of Nomination Day.

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

Implementation Fact Sheet

Campaign Finance and Contribution Disclosure Amendments *Local Authorities Election Act, 2018 and 2020*

Campaign Finance and Contribution Disclosure Requirements

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 2(4), s. 3(4),
s. 22 (1.2) (1.3), s.147.3 (1)(f) (g), s.147.3 (2),
s. 147.4, s. 147.7, s. 147.8, s. 147.12, s. 147.81, s.
147.82, s. 147.83, s. 147.84

Previous requirement:

1. The campaign finance rules contained in the *LAEA* did not apply to school boards and the school boards could set their own disclosure and surplus rules.
2. Candidates were required to disclose names and addresses of donors whose contributions exceed \$100.
3. *Candidates were not required to have financial statements audited or reviewed prior to filing disclosure statements.
4. Candidates who ran self-funded campaigns were not required to submit financial disclosure statements.

What has changed?

1. All campaign finance provisions apply to school board trustee candidates. s. 22 (1.2) (1.3), s. 147.12
2. Candidates are required to disclose names and addresses of donors whose contributions exceed \$50. s. 147.4
3. *A candidate who has incurred campaign expenses or contributions of \$50,000 or more, must file a review engagement (as defined by the *Chartered Professional Accountants Act*) with their disclosure statements. s. 147.2.
4. Financial disclosure statements are required from all candidates, included self-funded campaigns. s.147.12, s.147.3 (1)(f) (g),s. 147.3 (2), s. 147.4, s. 147.7, s. 147.8, s. 147.81, s. 147.82, s. 147.83, s. 147.84

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

What do School Boards need to know?

School Boards are no longer able to set their own disclosure and surplus rules and candidates must follow the rules in the *LAEA*.

What do prospective candidates need to know?

All candidates in municipal and school board elections must follow the Campaign Finance and Disclosure rules in the *LAEA*.

Candidates must disclose the names and addresses of donors whose contributions exceed \$50.

*Candidates who spend or receive \$50,000 or more must file a review engagement at the same time as they file disclosure statements.

All candidates, regardless of being self-funded or accepting contributions, are required to file a disclosure statement with the municipality and/or school division in which they sought election.

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018 and September 1, 2020.

Corporate and Union Donations

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 147.1 (1)(d) (e)(f) (g), s. 147.13, s. 147.2 (1)(2) (6), s. 147.23, s. 147.24, s. 147.32, s. 147.33

Previous requirement:

The *LAEA* previously allowed campaign donations from corporations, trade unions and employee organizations.

What has changed?

Prohibited organizations, including corporations and unincorporated organizations, including trade unions and employee organizations, are prohibited from contributing to municipal election campaigns.

What does the public need to know?

No corporation or unincorporated organization, including a trade union and employee organization, and no individual ordinarily residing outside Alberta, shall make a contribution to a candidate. s. 147.2(2)

What do prospective candidates need to know?

Only an individual ordinarily residing in Alberta may make a contribution to a candidate. s. 147.2(1)

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018.

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

Fundraising Contributions

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 147.1 (1)(c), s. 147.1 (2)(3), s. 147.2 (3)(4)(5), s. 147.31

Previous requirement:

1. *The *LAEA* set a \$4,000 contribution limit, in the aggregate, per donor to candidates for election as councillors, and \$4,000 in the aggregate per donor to candidates for school board elections.
2. *Candidates who eligible to contribute to their own campaign and the \$4,000 aggregate contribution limit applied.
3. The *LAEA* did not address fundraising functions in municipal/school board elections.

What has changed?

1. *Individual contributions are limited to \$5,000 per candidate for municipal candidates and \$5,000 per candidate for school board candidates.
2. *Candidates may contribute up to \$10,000 of their own funds for the purpose of their campaign. s. 147.2(4)
3. The donation portion of fundraising contributions is subject to general contribution restrictions and limits. s. 147.31(1)

What does the public need to know?

*No individual ordinarily residing in Alberta shall contribute in any campaign period an amount that exceeds;

- \$5,000 per candidate for election as councillors; and,
- \$5,000 per candidate for election as school board trustees. s. 147.2 (3)

*Thus, an individual may make as many contributions to as many school board and municipal candidates in Alberta as they wish so long as each contribution does not exceed \$5,000.

What do prospective candidates need to know?

It is the responsibility of the contributor/donor to ensure, before making a contribution under the *LAEA*, that the contributor/donor is not prohibited from making a contribution and is not making a contribution that is in excess of the \$5,000 limit. s. 147.13 (1)

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018 and September 1, 2020.

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

Campaign Spending Limits

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 147.34, 147.85, 147.91(1)(a)

Previous requirement:

The *LAEA* did not contemplate spending limits in municipal or school board elections.

What has changed?

The Minister of Municipal Affairs may make a regulation setting spending limits for municipal and school board elections and if a regulation is in place, municipalities and school boards are enabled to set a lower limit by bylaw. s. 147.91

What do prospective candidates need to know?

*There is no regulation in place and therefore there are no defined spending limits. This means that candidate may spend any amount they deem appropriate.

When do these changes take place?

The amendments to the *LAEA* enabling the creation of a spending limit regulation came into force December 11, 2018. There is no regulation in place for the 2021 municipal election.

Campaign Bank Accounts

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 147.3

Previous requirement:

The *LAEA* required that a candidate open a bank account once total contributions received reach \$5,000. Self-funded candidates were not required to open a bank account.

What has changed?

The *LAEA* requires all candidates, including self-funded candidates, to open a bank account when at least \$1,000 in total contributions is received, including money contributed by the candidate for their campaign. s. 147.3(1)

What do prospective candidates need to know?

A candidate, self-funded or not, **MUST** open a campaign bank account once total contributions to the candidate's campaign exceeds \$1,000.

If a candidate's contributions do not exceed \$1,000, they are **NOT** required to open a campaign bank account.

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018.

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

Nomination Period, Definition of a Candidate and Campaign Period

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 1(s.1), s. 12(a), s. 25, s. 27, s. 28, s. 1(e.1), s. 147.1 (1)(b), s. 147.22

Previous requirement:

1. Nomination day was defined in the *LAEA* as being four weeks prior to election day, between 10 a.m. and 12 noon.
2. A candidate had to register with the municipality in which they intend to run prior to accepting campaign contributions. Registration could occur at any time over the four year campaign period.
3. The *LAEA* identifies a ‘candidate’ as an individual nominated as a candidate for election as a councillor of a municipality under the *LAEA* or an individual who intends to be nominated as a candidate for such an election and accepts campaign contributions or incurs campaign expenses.
4. The *LAEA* defines ‘campaign period’ as being the period beginning January 1 immediately following a general election to December 31 following the next general election.
5. Requirements 2 to 4 did not apply to candidates for school boards, as they could set their own campaign finance rules by bylaw.

What has changed?

1. *Rather than nominations being restricted to a period of 2 hours, 4 weeks prior to election day, nomination papers will now be accepted by a jurisdiction at the beginning of the campaign period (January 1 in the year of an election) to 4 weeks prior to election day. s. 25(2)(a)

In the case of by-elections, the “nomination period” will commence the day following the resolution of council or school board setting the date of the by-election. Nominations will be accepted up until 4 weeks prior to the date of the by-election. s. 25(2)(b)

Nomination day (which is now the final day to accept nominations) is 4 weeks before election day. s. 25(1)

2. All individuals are required to be nominated in the municipality and/or school board they intend to run in prior to incurring campaign expenses or accepting campaign contributions. s. 147.22
3. *An individual may accept contributions outside of the campaign period to a limit of \$10,000 annually, out of the candidates own funds; and \$5,000 in the aggregate annually, from contributors. s.147.22(3)
4. The *LAEA* identifies a “candidate” as any person who is nominated for election as a councillor of a municipality or trustee of a school board. s. 1(e.1)
5. The definition of “campaign period” is now January 1-December 31 in the year of a general election. s. 147.1 (1)(b)

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

What do individuals already campaigning for the 2021 general elections need to know?

*Potential candidates may contribute \$10,000 out of their own funds, and accept up to \$5,000 in the aggregate prior to December 31, 2020.

Beginning on January 1, 2021, a person must be nominated prior to accepting campaign contributions and incurring campaign expenses.

What do prospective candidates need to know?

1. *The “nomination period” now begins January 1 of the year of the general election and ends on Nomination Day (4 weeks before the general election).
2. Once your nomination has been filed, you are considered a candidate and may begin to accept contributions.
3. The campaign period is January 1 – December 31 in the year of the general election and within that period of time you cannot accept campaign contributions or incur any campaign expenses until you have been nominated as a candidate.
4. *You can accept contributions of up to \$5000 annually from contributors, and \$10,000 annually of your own funds, as well as incur expenses outside of the campaign period. s.147.22(3).

What does the public need to know?

1. You may nominate an individual to become a candidate in a general election any time from the start of the campaign period (January 1 in the year of the general election) until Nomination Day (4 weeks prior to the election).
2. *You may contribute to an individual’s campaign outside of the campaign period. However, the person may not accept more than \$5000 annually from contributors.
3. *Within the defined campaign period (January 1 – December 31 in the year of the election), you cannot contribution to a candidate’s campaign until they have filed their nomination papers and have become a candidate.

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018 and September 1, 2020.

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

*Campaign Donation Surplus

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 147.5

Previous requirement:

1. Candidates who identified a surplus when filing their campaign disclosure were required to turn that surplus over to be held in-trust by the municipality.

The individual would have the surplus returned if they file nomination papers in the next general election or by-election.

2. Municipalities were required to hold campaign surpluses in trust but the funds were not subject to interest and could be held in one bank account.
3. If a candidate did not file nomination papers in the next general election, the candidate was required to, within six months, instruct the municipality to donate the surplus to a charity of their choice (in accordance with the *Income Tax Act*), or the municipality or school board. If no direction is received, the surplus becomes the property of the municipality.

What has changed?

1. The *LAEA* has been amended to require that candidates donate any amount that is \$1,000 or more in surplus funds to a registered charity within 60 days of filing the candidate's disclosure statement.
2. The donation of the surplus funds must result in the surplus being less than \$1,000.
3. Surpluses less than \$1,000 may be retained by the candidate or be donated to a registered charity.
4. Candidates must file an amended disclosure statement within 30 days of the expiration of the 60 day period, showing the surplus funds have been dealt with.

What does the municipality or school board need to know?

1. Candidates are required to donate surpluses in excess of \$1,000 to a registered charity.
2. Surplus funds less than \$1,000 may be retained by the candidate or be donated but it is up to the candidate to determine the approach.
3. Candidates must file amended disclosure statements with the municipality or school board showing that the surplus funds greater than \$1,000 have been dealt with.

What do prospective candidates need to know?

Candidates cannot hold surplus funds greater than \$1,000. If your disclosure statement shows a surplus greater than \$1,000, you have 60 days to donate an amount to a registered charity that results in the surplus being less than \$1,000.

If your surplus is less than \$1,000, you may choose to retain the funds or donate them to a registered charity of your choice.

If you have donated a surplus to a registered charity, you must file an amended disclosure statement with your municipality or school board within 30 days of the expiration of the 60 day period.

What do prospective candidates need to know if they have a surplus from a previous election?

If, on September 1, 2020, an amount is held in trust with a municipality or school board, and it is greater than \$1,000, you must donate an amount to a registered charity that will result in the surplus being less than \$1,000 prior to January 1, 2022.

If you show a surplus of less than \$1,000, you may retain the surplus or donate it to a registered charity.

If the municipality or school board do not receive direction on or before January 1, 2022, the money will become the property of either the municipality or school board (whichever is applicable).

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

*Campaign Deficits

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 147.52

Previous requirement:

1. If a candidate's disclosure statement showed a campaign deficit and the candidate did not run in the next general election, the candidate was required to eliminate the deficit within six months of the next general election.
2. *A payment made by the candidate to eliminate their deficit was not considered to be a contribution.
3. A candidate was required to file an amended disclosure statement within 30 days of the expiration of the six-month period, showing the deficit had been eliminated.

What has changed?

1. If a candidate's disclosure statement shows a deficit, the candidate is required to eliminate the deficit within 60 days after filing their disclosure statements.
2. A candidate may accept contributions during the 60-day period for the purpose of eliminating the deficit.
3. Contributions for the purpose of eliminating the deficit must not exceed \$5,000 from any individual contributor.
4. A candidate may make a contribution from the candidate's own funds to a maximum of \$10,000.
5. A candidate must file an amended disclosure statement within 30 days of the expiration of the 60-day period showing the deficit has been eliminated.

What does the municipality or school board need to know?

1. Candidates must eliminate deficits within 60 days of filing campaign disclosure statements.
2. Candidates may accept contributions (\$5,000 from contributors and \$10,000 out of their own funds) to eliminate the deficit.
3. Candidates must file amended disclosure statements with the municipality or school board showing that the deficit has been eliminated.

What do prospective candidates need to know?

Candidates are not permitted to carry a deficit and deficits must be eliminated within 60 days of filing campaign disclosure statements.

You may accept contributions not exceeding \$5,000 from an individual, as well as up to \$10,000 from your own funds, for the purpose of eliminating the deficit.

You must file an amended disclosure statement within 30 days of the expiration of the 60 day period, showing the deficit has been eliminated.

When did campaign surplus and deficit changes take place?

The amendments to the *LAEA* came into force September 1, 2020.

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

Definition of Campaign Expenses

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 147.1(1)(a)

Previous requirement:

The *LAEA* describes allowable election expenses as expenses that are lawfully incurred and payment is not a contravention of the *Act*; these include:

- the actual personal expenses of the candidate;
- the costs of acquiring premises, accommodation, goods, or services used for proper election campaign purposes;
- bona fide payments for the fair cost of printing and advertising; and,
- reasonable and ordinary payment to any person for the hire of transportation used by a candidate or speakers in travelling to and from public meetings, or by any person in connection with and for the proper purposes of an election.

What has changed?

“Campaign expense” means any expense incurred, or non-monetary contribution received.

The use of goods that were purchased in an election campaign in a second or subsequent election is considered to be a non-monetary contribution. Reusing these materials is considered to be a non-monetary contribution for the purposes of a campaign expense.

An election expense includes an expense incurred for, or a non-monetary contribution in relation to:

- the production of advertising or promotional material;
- the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during the election period, including by the use of a capital asset;
- 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;
- the securing of meeting space, or the conduct of election surveys or other surveys or research during an election period.

What do prospective candidates need to know?

It is the responsibility of the candidate to ensure that money in the campaign account shall only be used for the payment of campaign expenses as defined in section 147.1(1)(a).

When do these changes take place?

The amendments to the *LAEA* came into force December 11, 2018.

What resources are/will there be available to assist?

Running for Municipal Office in Alberta – A Candidate’s Guide – COMING SOON

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

Implementation Fact Sheet

Third Party Advertising Amendments

*Local Authorities Election Act, 2018 & 2020**

Third Party Advertising

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: Part 8

Previous Requirement

Prior to 2018, third party advertising in municipal and school board elections was not addressed in the LAEA.

What has changed?

Rules have been added governing the finances and accountability of third parties that advertise to promote or oppose the election of a candidate during the election period (May 1 – close of voting stations on Election Day in the year of an election).

The rules for contributions, receipting, handling of funds and disclosure for third party advertisers will generally parallel the rules that apply to municipal and school board candidates, as well as requirements set out for provincial campaigns, where possible.

Like the rules for provincial campaigns, certain prohibited corporations, non-residents and registered charities will be unable to make contributions to third party advertisers; however, Alberta corporations and trade unions will generally be able to make contributions for such advertising.

What does the public need to know?

Third parties interested in advertising during a municipal or school board election to oppose or promote a candidate will be required to register with the municipality or school board in which they intend to advertise.

Third party advertisers will be required to file disclosure statements detailing advertisements, expenses, and contributions received.

Third party advertisers will be required to know who is eligible to make a contribution, registration requirements and all reporting requirements to the municipality.

Third party advertisers who undertake advertising to promote or oppose a candidate in more than ten local jurisdictions may register directly with a Minister-appointed provincial registrar. If a third party is registered with the provincial registrar, they are not required to register with the local jurisdiction.

What do municipalities or school boards need to know?

Municipalities and school boards will be responsible for maintaining a register of all third parties that have incurred (or plan to incur) advertising expenses or accepted (or plan to accept) advertising contributions of at least \$1,000. They will also be responsible for collecting the required disclosure statements from the third parties per the relevant sections in Part 8 of the LAEA.

Local jurisdictions that make the register and disclosure statements available to the public may wish to consider developing a policy that addresses how the documents will be disclosed.

When do these changes take place?

The amendments to the LAEA came into force December 11, 2018 and September 1, 2020.

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

Frequently asked questions:

Local Authorities Election Act

2018 & 2020 Amendments

Why is the *Local Authorities Election Act* Changing?

- Municipalities, school boards and the public routinely bring forward suggestions for amendments to the *Local Authorities Election Act (LAEA)*.
- As a general practice, Municipal Affairs reviews the legislation following each municipal general election (most recently after the 2017 local elections).
- In 2018, Municipal Affairs conducted broad consultation with Albertans and key partners on a full suite of policy considerations. Amendments to the legislation occurred during the 2018 fall legislative session.
- *Following the 2018 amendments, Municipal Affairs heard from community partners and the public expressing concern that amendments over-regulated election financing and inadvertently provided a fundraising advantage to incumbents.
- *Municipal Affairs conducted a further review and analysis of the *LAEA* and amendments occurred during the 2020 spring legislative session.

What are the changes to Campaign Finance and Contribution Disclosure

- Campaign finance and contribution disclosure requirements will now also apply to School Board Elections.
- Corporations, trade unions and employee organizations are not allowed to contribute to candidates.
- *Contributions:
 - An individual Albertan may contribute up to \$5,000 per candidate for both municipal and school board trustee candidates during the campaign period.
 - A candidate may contribute up to \$10,000 to their own campaign during the campaign period.
 - A person may accept up to \$5,000 in the aggregate, per year, outside of the campaign period.
 - A person may contribute up to \$10,000 per year, outside of the campaign period.
- The donation portion of fundraising contributions are now subject to contribution limits and disclosure requirements.
- Candidates must be nominated before incurring any campaign expenses or accepting contributions.

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

- Campaign period is shortened from 4 years to one year (January 1 through December 31 of a general election year).
- *Nomination period will now align with beginning of the campaign period (nine months, January 1 of general election year until nomination day, occurring four weeks before election).
- *Candidates will not be permitted to carry over campaign surpluses.
 - Surpluses greater than \$1,000 must have an amount donated to charity that will result in the surplus being less than \$1,000.
 - Surpluses less than \$1,000 may be retained or be donated to a registered charity.
- *If a candidate's disclosure statement shows a deficit, the deficit must be eliminated within 60 days after filing the disclosure statement.
- The definition of "expense" aligns with the provincial legislation, and expense reporting will be more detailed (broken down by category).
- Candidates must open a dedicated campaign bank account when contributions reach \$1,000 (previously \$5,000), and must include monies contributed by the candidate for their campaign.
- Candidates must disclose names and addresses of all donations exceeding \$50 (previously was \$100).
- Financial disclosure statements are now required for all self-funded campaigns. (Previous rule had been for self-funded campaigns over \$10,000.)
- *Candidates who spend \$50,000 or more are required to file a review engagement, as defined under the *Chartered Professional Accountants Act*, with their campaign disclosure statements.

Are there any changes to voter accessibility requirements?

Yes, the following things have changed in the new LAEA:

- List of acceptable identification may be expanded.
 - The Minister of Municipal Affairs may create a list of acceptable identification, in addition to government issued identification and identification provided by the List of Acceptable Identification produced by the Chief Electoral Officer of Alberta.
- Vouching provisions will be expanded to allow for an elector who has shown valid identification and signs the appropriate declarations to vouch for an elector who does not have identification.
 - *An elector may only vouch for one person, unless multiple individuals share the same residence, in which case the elector may vouch for all persons residing in the same residence.
- The six-month Alberta residency requirement to be an eligible elector has been removed to align with provincial rules.
- Municipalities with populations of over 5,000 must provide advance voting.
- Municipalities with populations of less than 5,000, as well as all school boards, may on a voluntary basis provide for an advance vote.

*Amendments passed in July 2020 under Bill 29: *The Local Authorities Election Amendment Act*

Will elected officials and candidates be held more accountable and be more transparent?

Yes, the *LAEA* contains multiple restrictions regarding advertising and campaigning in and near voting stations, and provides more authority to Returning Officers to enforce these restrictions.

- Campaign activities and advertising on property surrounding voting stations will be prohibited.
- Returning Officers can enforce the restriction on campaign activities or advertising at voting stations by causing campaign advertising to be removed, and instruct those obstructing the voting process or taking part in campaign activities to leave the property.
- Third-party advertising is restricted in municipal and school board elections, including registration requirements and limits on expenses.
- The names of nominated candidates will be released by municipalities 48 hours following the close of nominations.

Are there any other changes that have occurred to the *LAEA*?

Numerous clarifying and technical amendments were approved, including:

- *Definition has been added for “nomination period” to reflect the nomination period from January 1 in the year of an election to four weeks prior to election day.
- A substitute returning officer must be appointed at the time a returning officer is appointed for general elections, by-elections, and votes on questions/bylaws.
- *The local jurisdiction may pass bylaws to allow for a returning officer to establish one or more locations, outside of the local jurisdiction office, to accept nomination papers.
- The returning officer can reject a nomination paper that does not have the correct number of signatures, has not been sworn/affirmed and/or is not accompanied by a deposit (if required).
- *Clarified the ability for withdrawal of nomination papers given the nomination period beginning on January 1st in the year of an election.
- Clarification that the role of ‘official agent’ is not mandatory.
- The Minister will no longer be required to be notified of the use of special ballots, or be required to appoint special ballot advisors.
- Age-related limitations for institutional votes in care facilities have been removed.
- Municipalities may choose to align their election notifications with a bylaw passed under Section 606.1 of the *Municipal Governance Act* that allows for electronic or other methods of advertising.
- The term “incapacitated elector” was amended to “persons with disabilities” or similar wording depending on the context.
- Clarification that if a recount has been requested in a municipality/school board that is divided into wards/divisions, the recount only has to occur in that

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ward/division where the recount has been requested, and not the entire municipality/school division.

- Notification of a by-election for advance vote and election day is only required to be given to the electors in the affected ward/division.
- *Clarified when election materials must be destroyed.

How will the
Government
enforce rules
established in the
LAEA?

The mandate of the Alberta Election Commissioner has been expanded to include certain elements of local authority elections, specifically pertaining to campaign finance and third-party advertising. This means the Election Commissioner can assess:

- Letters of reprimand
- Administrative penalties
- Compliance agreements
- Prosecution
- Candidates, contributors, third party advertisers, local jurisdictions (CAOs and ROs).

All other aspects of the *LAEA* continue to be enforced through the courts.

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Local Authorities Election Act: Question & Answers

Updated October 2020

Election Planning/Logistics

Given the length of the nomination period, who can accept the nomination papers during this time? Must a returning officer be available as of January 1? Can an assigned municipal employee (such as the CAO) accept the nomination papers in the beginning?

The *Local Authorities Election Act* (LAEA) allows returning officers to be appointed by council at any time prior to June 30 in the year of a general election. In the absence of council appointing a returning officer, the powers, duties and functions are the responsibility of the Chief Administrative Officer (CAO) (section 13).

Section 14 also allows the returning officer (CAO) to delegate any of their duties to a deputy returning officer. This means the CAO could appoint one or more deputy returning officer(s), to be able to accept nomination papers.

The requirement to keep election materials for a period of three months in the *Alberta Senate Election Act* does not align with the requirement to destroy local government election materials between 6 to 12 weeks following election day in the LAEA. Do you anticipate a regulation to reconcile this discrepancy?

Municipal Affairs is aware of the discrepancy between the timelines. Until Elections Alberta and Municipal Affairs review this matter further, there are different retention/destruction timelines for Senate Election Act material and LAEA materials.

Do joint election agreements need to be completed prior to January 1, 2020?

No. There is no legislative requirement to have joint agreements in place prior to January 1, 2021. The timing of when agreements are completed is up to each local jurisdiction. In the absence of an agreement, each local jurisdiction is responsible for the duties and functions as outlined in the LAEA.

Nomination Process/Candidate Eligibility

What is the rationale behind the seven month nomination period?

The LAEA was streamlined to reduce instances of multiple time periods, such as the notice of intent to run, a four-year “campaign period” and a single nomination day.

The nomination period now aligns with the beginning of the campaign period, the ability to accept contributions and incur expenses. It means candidates are no longer required to file a notice of intent to run.

If the nomination period starts January 1, 2021, when do nomination packages have to be ready for potential candidates?

Returning officers may determine what information is included in nomination packages and when they are made available to potential candidates.

Is a person pursuing civil litigation against the municipality eligible for nomination?

Yes. Sections 22 and 23 of the LAEA list the circumstances in which a person would not be eligible for nomination and does not include ongoing litigation matters.

What are the ramifications to council decisions when an existing member declares their nomination in January, or well before nomination day?

Until a general election has occurred and the newly elected individuals have taken their Oath of Office, councillors remain in office with full authority and responsibilities as outlined in the *Municipal Government Act*.

The code of conduct bylaws of municipalities may address campaign-related issues.

Is nomination day closed at 12:00 noon on September 20, 2021?

Yes.

Can candidates file and withdraw their nomination papers numerous times between January and September (during the nomination period)?

Nothing in the legislation prevents a candidate from submitting and withdrawing nomination papers between January 1, 2021 and 12:00 noon on September 20, 2021.

Will there be a prescribed form for nomination withdrawal?

No. The returning officer has the ability to determine the appropriate written format for how candidates may withdraw their nominations.

Our understanding from the LAEA is a nominee must be a resident for six months prior to January 1, 2021, so that would be June 1, 2020. Can someone be nominated as a candidate if they are not a resident as of January 1, but intend to reside in the municipality six months prior to September 20, 2021?

It is the position of Municipal Affairs that when a person signs their nomination paper they are eligible under section 21 and not otherwise ineligible under section 22 and 23 of the LAEA. That includes meeting the six month eligibility requirement. Candidates may seek independent legal advice if they are unsure of their eligibility under the LAEA.

The returning officer does not have the authority to challenge the validity of the information provided on the nomination papers. Electors have the responsibility to question the validity of the nomination papers and it also may be challenged through the court.

If self-funded candidates are spending zero dollars on campaigning, what is the trigger for filing nomination papers?

Candidates must be nominated before incurring any campaign expenses or accepting contributions. However, a person may accept up to \$5,000 in the aggregate or contribute up to \$10,000, per year, outside of the campaign period.

Candidates must be aware that section 147.1(1)(a) defines campaign expenses as any expense incurred (including a non-monetary contribution received) by a candidate to the extent that the property or service is used to directly promote or oppose a candidate during a campaign period.

If an individual does not intend to spend any money, or accept contributions (either monetary or in-kind), the decision to file nomination papers is the choice of the candidate.

January 1, 2021 is a statutory holiday. Do we need to be available to accept nominations that day?

No. The *Interpretation Act* states that if the time limited for registration or filing of an instrument expires or falls on a day on which the office in which the instrument is required to be registered or filed is not open during its regular hours of business, the instrument may be registered or filed on the day next following on which the office is open.

Local offices are not required to be open on the January 1 statutory holiday. The filing of nomination papers may begin on the next business day.

Can a municipality still require a fee for filing nomination papers?

Yes. An elected authority may still require every nomination to be accompanied by a deposit in an amount fixed by bylaw.

Is the candidate registry still needed?

No. The requirement for a candidate registry/notice of intent to run was removed from the LAEA during the 2018 amendments.

Will there be a process/procedure to confirm candidates that have filed nomination papers early are still eligible to run and/or interested in running?

No. It is the responsibility of each candidate to ensure they remain eligible for nomination throughout the nomination period.

When will the prescribed nomination forms be available?

Forms and other resource materials will be made available as soon as possible on Alberta.ca. The LAEA Forms Regulation will be available from [Queens Printer](#).

Can we require candidates to make an appointment to submit nomination papers to ensure the necessary staff are in the office to receive the forms?

The LAEA, section 28, states that nominations shall be submitted at the local jurisdiction office at any time during the nomination period and the legislation does not provide for altering this provision.

Election Day Logistics

Are there statutory forms for vouching?

Yes. Form 14, Statement of Voucher, must be completed when a person is relying on the vouching process to confirm identity.

Is a Hutterite Colony considered one household for purposes of vouching?

The household definition for a Hutterite Colony is not separately addressed in the LAEA. Independent legal advice should be obtained if this matter will impact your local election administration.

Will Municipal Affairs be working with Alberta Education to offer support around the use of schools as voting stations?

Each local jurisdiction, including school divisions and associated schools, are responsible for determining voting station locations. Municipalities have the autonomy to work with the local school divisions to determine the potential use of schools for voting stations.



Candidate Contributions and Financial Disclosure

Do self-funded candidates need to file a disclosure statement?

Yes. Section 147.4 requires that candidates file campaign disclosure statements. All candidates are required to file disclosure statements regardless of whether or not they were self-funded.

Can surplus funds be donated to a society or does it have to be a registered charity?

Section 147.5 states that campaign surpluses greater than \$1,000 must be donated to a registered charity (or a portion must be donated to result in the surplus being less than \$1,000).

Registered charity is defined under section 1(t.4) of the LAEA and means a registered charity within the meaning of subsection 248(1) of the Income Tax Act (Canada).

Would a candidate personally get the tax receipt from the charity if surplus funds were required to be donated?

The LAEA does not provide details regarding tax receipts from donating a campaign surplus to a registered charity. Candidates can contact their accountant or the Canadian Revenue Agency to obtain more information.

Does a candidate get a tax receipt or is it just a donation, no receipt expected?

Section 147.3(e) requires that candidates obtain receipts for all expenses incurred and every contribution received. The LAEA is not specific regarding a receipt for surplus funds being donated to a registered charity.

Can you please confirm: municipalities with surplus funds held in trust need to donate on behalf of candidates, and arrange tax receipts in their names?

Section 147.51 states that the candidate in respect of whom the amount is held in trust must dispose of their own surpluses if greater than \$1,000 (or donate an amount that will result in the surplus being less than \$1,000). Funds less than \$1,000 may be released and used as the candidate sees fit or be donated to a registered charity. Candidates have until January 1, 2022, and if no further instructions have been provided, the surplus becomes the property of the local jurisdiction.

Can surplus funds, currently held in-trust from previous elections, be returned to contributors?

Section 147.5 requires surplus funds to be donated to a registered charity as defined under the Income Tax Act.

Can candidates access their 2017 election surplus to fund their 2021 election campaigns?

Candidates who have surplus funds less than \$1,000 are permitted to retain their surplus funds to use as they see fit, or are able to donate them to a registered charity. Any surplus greater than \$1,000 must be donated to a registered charity or a portion of the surplus be donated to a registered charity that results in the surplus being less than \$1,000.

Can a campaign surplus be donated to the municipality?

Section 147.5 states that surplus funds are to be donated to a registered charity as defined by the *Income Tax Act*. The only instances where a surplus may become the property of the local jurisdiction is for surplus funds currently held in-trust and if the candidates do not dispose of those funds or provide instructions prior to January 1, 2022 (section 147.51).

Third-Party Advertising

Do third-party advertisers have to register with the municipality if they are advertising in less than 10 jurisdictions?

Yes, section 164 of the LAEA requires that a third-party must register with the local jurisdiction they intend to advertise in when it has incurred expenses (or intends to) or has accepted contributions (or intends to) of at least \$1,000.

A third-party register with the provincial registrar when it is registered in more than 10 local jurisdictions.

Senate Elections and Referendums

Can we can apply our voting procedures to the Senate Election and Referendum (e.g., advanced vote, institutional, special ballots, use of electronic voting equipment and combination of multiple ballots on one ballot card)?

Yes, all voting procedures used in conducting the municipal election apply to the Senate Election and Referendum Vote. If a municipality is offering advance voting, institutional voting and/or special ballots, then the senate and referendum ballot will also need to be provided to electors voting by those methods.

If electronic voting equipment is being used, it can also be used for the senate and referendum ballot. A consolidated ballot can also be used, provided the requirements for ballots under the legislation are followed (minimum font sizes, instructions, etc.). The longer retention period for senate election ballots will also apply, should municipal and senate election ballots be combined.

Is there a regulation on grant funding for referenda (different than Senate grant)?

No. There are currently no regulations under the *Referendum Act*. A grants regulation is required to provide Municipal Affairs with the formula for paying grants to municipalities for the conduct of a referendum vote.

The Senate Election Grants Regulation states that when an election is already occurring under the LAEA, we will receive \$1 per capita or \$1,000 whichever is greater. Is based on total population or eligible voters or per ballot cast?

This is a population-based formula.

Who is providing ballots for Senate and Referendum elections?

For the Senate Election, Elections Alberta will provide ballots to municipalities completing a hand count. Municipalities using electronic voting equipment will be responsible for supplying the ballots.

For the Referendum Vote, the responsibility for providing ballots is not outlined in the *Referendum Act*. Information will be disseminated in the event regulations are enacted under the *Referendum Act*.

If there is an acclamation in a jurisdiction or ward, will the municipality still be required to hold elections for Senate and/or referendum questions?

Yes, the Senate Election and Referendum Vote are provincial elections. All eligible electors in Alberta must have a voting opportunity for those two events. Municipalities with acclamations will still be required to provide voting opportunities in the jurisdiction or ward with the acclamation.

Will senate and referendum ballots be physically separate from municipal ballots?

For municipalities completing a manual count, these ballots will be separate from the municipal ballots and will be collected in separate ballot boxes. For municipalities using electronic voting equipment, the ballots can be together or physically separated, depending on the municipality's decisions around consolidating the ballots and tabulator set-up and post-event ballot storage.

How does the senate election apply to a summer village?

As the Senate Election (and Referendum Vote) are provincial elections, all eligible Alberta electors, including those in summer villages, need to be provided with a voting opportunity.

Municipal Affairs is responsible for arranging the conduct of the Senate Election and Referendum Vote in summer villages, so will be making arrangements for this to occur. Summer villages will be receiving additional information on the options available for conducting these votes.

If we are using electronic voting and a recount is requested, is the results tape the only item that will be requested?

Should a recount be applied for under the *Alberta Senate Election Act*, Elections Alberta will collect all ballots from municipalities that completed a hand count.

For municipalities using electronic voting equipment, Elections Alberta will collect the reports or materials used in determining the results in that jurisdiction. This could include the results tape, vendor reports, and/or ballot accounting forms. The tabulator ballots will not be collected.

What is the number of potential referendum questions?

Until the Order in Council is issued, the number or content of the questions is unknown.

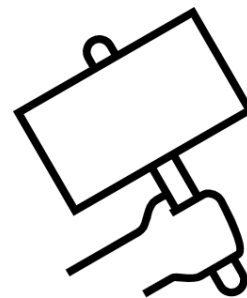
Will Elections Alberta provide advertising for municipalities for the Senate election and Referendum questions?

Elections Alberta is planning to have an informational advertising campaign during the Senate Election/Referendum period. The campaign will focus on informing electors about the additional events taking place with the municipal elections, where to access information, and to encourage electors to vote. Elections Alberta will share materials that are developed for online and social media use with municipalities.

Legislated advertising for senate elections, including the notice of election under section 35 of the LAEA, will be the responsibility of municipalities. Form 6 has been adjusted through the Senate Election and Local Authorities Election Forms Regulation.

Provincial election signage is permitted from the date the election is called until three days after election. What is the election call date now?

For questions specifically about when campaign signage is permitted under provincial elections, including senate elections and referendum questions, please contact Elections Alberta (780-427-7191 or info@elections.ab.ca).



COVID-19

Section 77 (special ballots) is only available for those who are disabled or out of the jurisdiction on election day. Will there be an order or special dispensation for those who may be in quarantine or self-isolation due to COVID-19?

Municipal Affairs is aware of concerns regarding the application of provisions of the LAEA, including special ballots, given COVID-19. The Ministry is committed to reviewing provisions of the LAEA in the event that COVID-19 continues throughout 2021.

Elections Canada brought forward a legislative amendment to allow two days of voting (Saturday & Sunday), rather than the usual Monday Election Day. This will allow voters more time to vote, assist with physical distancing, allow youth to work the polls, and open up using schools as polling stations. Will Elections Alberta consider doing something similar?

Municipal Affairs is monitoring election processes being implemented across Canada given a number of provincial and municipal elections occurring during COVID-19. The ministry will use this information to inform future decisions.

Will there be changes to the legislation to allow a municipality to turn away voters who are showing symptoms of COVID-19?

Municipal Affairs is committed to protecting fundamental rights of democracy, and that includes voting while also ensuring any recommendations or orders from the Chief Medical Officer of Health can be followed.

Will there be COVID-19 guidelines for polling stations (contact tracing forms, sanitizing poll booth after each voter, etc.)?

Municipal Affairs will rely on the expertise of Alberta Health Services and information relating to processes related to COVID-19. Information will be released when it becomes available.

Additional Information

Q: Will there be training or information resources for candidate and/or third-party advertisers and is there an anticipated timeframe?

Additional resources will be released on Alberta.ca in fall 2020.

Is there a "subscription" to receive notification for the training modules?

Information is sent directly to Chief Administrative Officers across Alberta. The ministry will continue to work with the provincial elected and administrative associations when additional training opportunities are scheduled and resources are available.

Will there be training for returning officers if they are not in place until June 30, 2021?

Resources for returning officers will be made available on Alberta.ca and continue to be available throughout 2021.

Is there a resource available outlining key dates for summer villages?

Resources will continue to be drafted and released through fall 2020 and spring 2021.

All resources will be made available on Alberta.ca when they become available.

Are there resources available for municipalities including updated FAQs, information sheets, manuals, and candidate information?

Resources, when available, will be posted to Alberta.ca and may be used by local jurisdictions.

Will there be candidate information sessions since nominations can be submitted after January 1, 2021?

Municipal Affairs is exploring options for candidate training and details will be released on Alberta.ca when information becomes available.

What should municipalities be doing now in preparation for January 1, 2021?

Local jurisdictions must be in a position to accept nomination papers beginning January 1, 2021. Before January 1, 2021 local authorities should have processes in place to facilitate this.

What is needed to be on municipal websites for January 1, 2021?

This is a local decision and each jurisdiction may make a variety of information available. There is no legislated requirement for information to be posted on websites prior to January 1, 2021.

Municipal Election Support

If you have municipal election questions, please contact us at:

780-427-2225 (or toll-free by first dialing 310-0000)

email: ma.lgsmail@gov.ab.ca