

Completion of Nomination

The person nominated as a candidate is responsible for ensuring that the filed nomination meets all requirements of the *Local Authorities Election Act, s.27*:

1. All nominations must be completed in the prescribed form (see sample). The nomination must be signed by at least 5 electors who are:
 - eligible to vote in that election; and
 - a resident in the ward or electoral subdivision on the date of signing.
2. The nomination shall be accompanied with a written acceptance signed in the prescribed form by the person nominated stating:
 - that the person is eligible to be elected to the office; and
 - the name, address and telephone number of the person's official agent; and
 - that the nominee will accept the office, if elected
 - That the nominee will read and comply with the Division's Code of Conduct if elected

Nominations shall be received by the returning officer by 12 noon on September 20th, at the following location*:

Location	Address
St. Thomas Aquinas RCSR No. 38 Board Office	4906 – 50 Avenue Leduc, Alberta

* Additional locations will be made available closer to Nomination Day.

Nomination papers may be handed in by any person, not necessarily by candidates, but the affidavit must be complete at the time of submission.

All nominations received may be examined by any elector during regular business hours and in the presence of the returning officer, deputy or corporate secretary.

On receiving a nomination paper, the returning officer must, if requested by the candidate, provide to him/her a sufficient number of copies of the prescribed form for the identification of an official agent, campaign workers and scrutineers.

Recent changes to the Local Authorities Election Act are outlined in the attached FAQ's.

In addition to completion of the nomination form, we ask that you consider and complete the releases for the Archdiocese and Candidate Release Authorization forms, so that we can release your name and contact information in accordance with Alberta's privacy legislation.

If you have any further questions related to the Division or your potential role as a trustee, please contact Edward Latka, Secretary-Treasurer at edward.latka@starcatholic.ab.ca or 780-986-2500 extension 216 or (toll free at 1-800-583-0688 extension 216). Note that we are updating our election information, and we ask that you regularly return to our website at www.starcatholic.ab.ca for information up to nomination day.

Yours in Catholic Education

Edward Latka
Returning Officer

Sample Nomination Form

Sample

FORM 4

Nomination Paper and Candidate's Acceptance

Local Authorities Election Act
(Sections 12, 21, 22, 23, 27, 28, 47,
68.1, 151, Part 5.1)
Education Act (Section 4(4), 74)

Note: The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under section 21 and 27 of the *Local Authorities Election Act* and section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information will be managed in compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions concerning the collection of this personal information, please contact

Secretary-Treasurer _____ 780-986-2500 _____
(Title of the Responsible Official) (Business Phone Number)

LOCAL JURISDICTION: St. Thomas Aquinas R.C.S.S.D. _____, PROVINCE OF ALBERTA

We, the undersigned electors of St. Thomas Aquinas R.C.S.S.D., Ponoka Ward, Subdivision 1, nominate
(Name of local jurisdiction and ward, if applicable)

Windsor _____ Victoria _____ of
(Candidate Surname) (Given Names)

12 Grimmauld Place, Herald, Alberta A1B 2C3 _____ as a candidate at the election
(Complete Address and postal code)

about to be held for the office of Trustee _____
(Office Nominated for)

of St. Thomas Aquinas R.C.S.S.D. _____
(Name of Local Jurisdiction)

Signatures of at least **5 ELECTORS ELIGIBLE TO VOTE** in this election in accordance with sections 27 and 47 of the *Local Authorities Election Act* and sections 4(4) and 74 of the *Education Act* (if applicable). If a city or a board of trustees under the *Education Act* passes a bylaw under section 27(2) of the *Local Authorities Election Act*, then the signatures of up to 100 electors eligible to vote may be required.

Printed Name of Elector	Complete Address and Postal Code of Elector	Signature of Elector
John Bello	221B Baker Street, Bethany, AB A1B 2K1	<i>JBello</i>
Ann Gupta	32 Windsor Gardens, Capernaum, AB A1B 3G7	<i>Ann Gupta</i>
Ronald Nilsson	7 Eccles Street, Capernaum, AB A1B 3G8	<i>Ronald Nilsson</i>
Francis Martinez	420 Paper Street, Bethany, AB A1B 4S9	<i>FMartinez</i>
Noah Smith	57230 RGE RD 85, Anotonia County, AB A1B 2D3	<i>NSmith</i>

Candidate's Acceptance

I, the above named candidate, solemnly swear (affirm)

- THAT I am eligible under sections 21 and 47 (and section 12, in the case of summer villages) of the *Local Authorities Election Act* and section 4(4) and 74 of the *Education Act* (if applicable) to be elected to the office;
- THAT I am not otherwise disqualified under section 22 or 23 of the *Local Authorities Election Act*;
- THAT I will accept the office if elected;
- THAT I have read sections 12, 21, 22, 23, 27, 28, 68.1, and 151 and Part 5.1 of the *Local Authorities Election Act* and section 4(4) and 74 of the *Education Act* (if applicable) and understand their contents;
- THAT I am appointing

(Name, Contact Information or Complete Address and Postal Code and Telephone Number of Official Agent) (if applicable)
as my official agent.

- That I will read and abide by the municipality's code of conduct if elected (if applicable); and
- That the electors who have signed this nomination paper are eligible to vote in accordance with the *Local Authorities Election Act* and the *Education Act* and resident in the local jurisdiction on the date of signing the nomination.

Print name as it should appear on the ballot

Windsor Vicky
(Candidate's Surname) (Given Names (may include nicknames, but not titles, i.e., Mr., Mrs., Dr.))

SWORN (AFFIRMED) before me

at the _____ of _____,

in the Province of Alberta,

this _____ day of _____, 20 ____.



(Candidate's Signature)

Signature of Returning Officer or Commissioner for Oaths
or Notary Public in and for Alberta
(Also include printed or stamped name and expiry date)



RETURNING OFFICER'S ACCEPTANCE

Returning Officer signals acceptance by signing this form:

Signature of Returning Officer

**IT IS AN OFFENCE TO SIGN A FALSE AFFIDAVIT OR A FORM THAT
CONTAINS A FALSE STATEMENT**

Nomination Paper and Candidate's Acceptance

Sample

Local Authorities Election Act
(Sections 12, 21, 22, 23, 27, 28, 47,
68.1, 151, Part 5.1)
Education Act (Section 4(4), 74)

Note: The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under section 21 and 27 of the *Local Authorities Election Act* and section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information will be managed in compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions concerning the collection of this personal information, please contact

Secretary-Treasurer _____ 780-986-2506 _____
(Title of the Responsible Official) (Business Phone Number)

LOCAL JURISDICTION: St. Thomas Aquinas R.C.S.S.D _____, PROVINCE OF ALBERTA

We, the undersigned electors of St. Thomas Aquinas R.C.S.S.D., Ponoka Ward, Subdivision 1, nominate _____
(Name of local jurisdiction and ward, if applicable)

Windsor _____ Victoria _____ of _____
(Candidate Surname) (Given Names)

12 Grimmauld Place, Herald, Alberta A1B 2C3 _____
(Complete Address and postal code)

about to be held for the office of Trustee _____
(Office Name)

of _____ as R.C.S.S.D. _____
(Municipality Name)

Signature of the _____
of the _____
of the _____

Confirm Ward & Subdivision

Full Legal Name

Legal, Municipal or 911 Address

Name of Nominator (Please Print)

Legal, Municipal or 911 Address

Nominator's Signature

Printed Name of Elector	Complete Address and Postal Code of Elector	Signature of Elector
John Bello	221B Baker Street, Bethany, AB A1B 2K1	<i>JBello</i>
Ann Gupta	32 Windsor Gardens, Capernaum, AB A1B 3G7	<i>Ann Gupta</i>
Ronald Nilsson	7 Eccles Street, Capernaum, AB A1B 3G8	<i>Ronald Nilsson</i>
Francis Martinez	420 Paper Street, Bethany, AB A1B 4S9	<i>FMartinez</i>
Noah Smith	57230 RGE RD 85, Anotonia County, AB A1B 2D3	<i>NSmith</i>

This form serves as an affidavit, which is a statement made under oath. It contains statements that are verified by the oath of the person, in this case the candidate, making the statement. Legal rights are therefore established. The importance of the affidavit is reflected in the Criminal Code which provides a maximum penalty of 14 years imprisonment for any person making a false affidavit.

The form also serves as a vehicle for the electors nominating the candidate to record their name, address, and signature. The reverse of the form may be used if more than five electors are nominating the candidate.

The upper portion of the form should be complete when the form is submitted and that the names, addresses and signatures of at least five electors has been recorded. Section 28(4) requires the form be refused if not signed by the minimum number of electors. The person who is nominated as a candidate is responsible for ensuring the nomination meets the requirements of the Act.

Note: Because there is a requirement in section 28(6) to provide candidate information to the Deputy Minister, the returning officer will need to collect the mailing addresses for each candidate if different from their physical address.

Candidate's Acceptance

I, the above named candidate, solemnly swear (affirm)

- THAT I am eligible under sections 21 and 47 (and section 12, in the case of summer villages) of the *Local Authorities Election Act* and section 4(4) and 74 of the *Education Act* (if applicable) to be elected to the office;
- THAT I am not otherwise disqualified under section 22 or 23 of the *Local Authorities Election Act*;
- THAT I will accept the office if elected;
- THAT I have read sections 12, 21, 22, 23, 27, 28, 68.1, and 151 and Part 5.1 of the *Local Authorities Election Act* and section 4(4) and 74 of the *Education Act* (if applicable) and understand their contents;
- THAT I am appointing

(Name, Contact Information or Complete Address and Postal Code and Telephone Number of Official Agent) (if applicable)
as my official agent.
- That I will read and abide by the municipality's code of conduct if elected (if applicable); and
- That the electors who have signed this nomination paper are eligible to vote in accordance with the *Local Authorities Election Act* and the *Education Act* and resident in the local jurisdiction on the date of signing the nomination.

Official Agent's Name, address and contact

Candidate's Name as it is to appear on the Ballot

The candidate should sign the affidavit in the presence of a commission of oaths or returning officer.

Print name as it should appear on the ballot

Windsor Vicky
(Candidate's Surname) (Given Names (may include nicknames, but not titles, i.e., Mr., Mrs., Dr.))

SWORN (AFFIRMED) before me

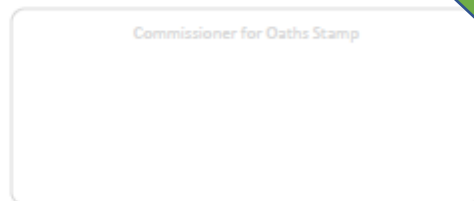
at the _____ of _____,

in the Province of Alberta,

this _____ day of _____, 20 ____.



(Candidate's Signature)



Signature of Returning Officer or Commissioner for Oaths or Notary Public in and for Alberta
(Also include printed or stamped name and expiry date)

RETURNING OFFICER'S ACCEPTANCE

Returning Officer signals acceptance by signing this form:

Signature of Returning Officer

IT IS AN OFFENCE TO SIGN A FALSE AFFIDAVIT OR A FORM THAT CONTAINS A FALSE STATEMENT

Each person nominated as a candidate may appoint an elector to be the candidate's official agent. The duties of the official agent are assigned by the candidate. Any person who has, within the previous 10 years, been convicted of an offence under the Act, the Election Act or the Canada Elections Act is not eligible to be appointed as an official agent. In addition, no candidate may act as an official agent for any other candidate.

The candidate is to print their name in the space provided as they wish it to appear on the ballot. The name printed is the exact name that will be printed on the ballot. A nickname, initials, or the true given name of the candidate is acceptable.

Each Candidate must either swear or affirm the affidavit above before signing the Candidates' Acceptance.

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

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

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.

*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, the *LAEA* did not address third-party advertising in municipal and school board elections.

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 reporting of activities will generally parallel the rules that apply to municipal and school board candidates, and also parallel 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, but 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 they intend to advertise in.

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 ensuring that a register of all third party advertisers that have registered is available to the public during regular business hours. They will also be responsible for collecting disclosure statements from third party advertisers and making them available to the public during regular business hours.

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*

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*