

Local Authorities Election Act Discussion Guide

Local Authorities
Election Act
Discussion
Guide

JUNE 2018



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Local Authorities Election Act

What is the *Local Authorities Election Act*?

The *Local Authorities Election Act* (LAEA) establishes the framework for local authority (cities, towns, villages, specialized municipalities, school boards, for example) elections in the province. Métis Settlements and Irrigation Districts also rely on the LAEA to conduct their elections.

Why is Alberta reviewing the *Local Authorities Election Act*?

In 2009, changes to improve accountability and transparency were added to the Act through a private member's bill. This included sections on municipal election finance and contribution disclosure (Part 5.1 - Municipal Election Finance and Contribution Disclosure). Further changes to the Act were made in 2012 that increased the term of council from three to four years, added minimum requirements for voter identification, and required candidates to register with the municipality before accepting campaign contributions.

Since the 2013 elections, citizens, candidates, municipalities and municipal associations have continued to ask for a number of changes to improve fairness in campaign practices and to clarify and improve the consistency of the legislation. In 2016, Alberta Municipal Affairs considered a number of potential changes including campaign finance, accessibility and additional administrative changes to strengthen readability. Due to the proximity of the 2017 election, amendments were not pursued to ensure returning officers and potential candidates had enough time to plan and execute the election.

After the 2017 elections, the ministry continued to receive feedback requesting amendments to the Act. In order to address stakeholder concerns, Alberta Municipal Affairs is conducting a review of the Act before the next general election, which will occur in October 2021.

In addition, there have been recent amendments to the legislation governing provincial elections, the *Election Act* and the *Election Finances and Contributions Disclosure Act*. This provides the opportunity to review the legislation and determine where, if applicable, there is alignment with provincial elections.

What is included in this discussion guide?

On the following pages you will find:

- a brief discussion and description of emerging topics and how the Act could be amended to address them; and
- a listing of proposed general technical amendments.

Emerging issues were identified through the 2016 limited-scope review, during and immediately following the 2017 municipal general election, and in recent amendments to the *Elections Act* and *Election Finances and Contributions Disclosure Act*.

This discussion paper will be available for Albertans' feedback until July 31, 2018.

WHAT DO YOU THINK? SHARE YOUR INPUT.

Please share your views and perspectives on policy items affecting municipal elections by completing this discussion paper. When you have completed your response, please submit your input to the Government of Alberta at:

ma.lgsmail@gov.ab.ca

Or via regular mail to:

Alberta Municipal Affairs
17th Floor, Commerce Place
10155-102 Street
Edmonton, AB, T5J 4L4
Fax: 780-420-1016

All input is valuable. The Government of Alberta will consider all feedback when developing draft amendments. Thank you for your input.

FOIP Notice

Your personal information is being collected for the purpose of gathering input on provincial legislation governing municipal elections, which will be used to develop recommendations concerning this legislation. The collection of personal information is authorized under section 33(c) of the *Freedom of Information and Protection of Privacy Act* and will be managed in accordance with the privacy provisions in the Act. If you have questions about the collection of your personal information, please contact:

LaRae Ellis, Senior Election Advisor
Alberta Municipal Affairs
780-638-3056
larae.ellis@gov.ab.ca

Please identify the stakeholder group(s) you represent [Select one or more that apply]:

- | | |
|--|--|
| ☐ Municipality | ☐ Elected Official |
| ☐ School Division | ☐ Returning Officer |
| ☐ Irrigation District | ☐ Individual Albertan |
| ☐ Metis Settlement | ☐ Other _____ |
| ☐ Municipal Association | |

If you selected "Individual Albertan" above, please answer the following questions:

Please indicate your gender:

- ☒ Male
☒ Female
☒ Other
☒ Prefer not to say

Please select your age category:

- ☒ 18-24
- ☒ 25-34
- ☒ 35-44
- ☒ 45-54
- ☒ 55-64
- ☒ 65 and over
- ☒ Prefer not to answer

Which best describes the area of Alberta where you live?

- ☒ Calgary and region
- ☒ Edmonton and region
- ☒ Central Alberta
- ☒ Southern Alberta
- ☒ Northern Alberta

Which best describes the municipality that you live in?

- ☒ City larger than 20,000
- ☒ Summer, Village, Village, Town, or City with less than 20,000
- ☒ County or Municipal District
- ☒ Metis Settlement
- ☒ Special Area/Improvement District
- ☒ School Division
- ☒ Irrigation District

Discussion Topic:
Campaign Finance
&
Contribution Disclosure

1. Campaign Contributions and Finance Disclosures

Background:

1.1 Campaign Bank Accounts and Disclosure Statements

The *Local Authorities Election Act* does not require a candidate to open a separate campaign bank account until he/she has collected at least \$5,000 in donations. In addition, the Act does not require candidates who do not receive contributions and spend less than \$10,000 of personal funds to open a bank account at a financial institution separate from their personal funds.

Concerns have been raised about candidates who are not required to open a bank account or file disclosure statements at the conclusion of the campaign. In the absence of a filed report, a municipality, specifically the returning officer and electors, may be guessing whether the candidate is compliant with the disclosure requirements or if they are self-funded.

1.2 Corporate and Union Donations

The *Local Authorities Election Act* allows corporations, trade unions, employee organizations, and any other persons, resident in Alberta, to contribute to municipal election campaigns.

Amendments to the *Election Act* in Bill 1: *An Act to Renew Democracy in Alberta* (June 2015) prohibited contributions from corporations, trade unions, and employee organizations to candidates in provincial elections.

Provinces such as British Columbia and Ontario permit in-province corporations and unions to contribute to campaigns. Saskatchewan permits municipal discretion through local bylaws, and Manitoba permits individuals only to make campaign contributions.

Clarification may be required to ensure that the donation portion of ticket sales for fundraising events are also subject to contribution restrictions and limits. The Alberta *Election Finances and Contributions Disclosure Act* defines a fundraising function and establishes the dollar value and percentages of the contribution on ticket purchases for fundraising events:

- If the individual charge is \$50 or less, it is not considered a contribution unless the person who pays the charge specifically requests that it be considered a contribution; if this is the case, half of the amount is allowed for expenses and half is considered to be a contribution.
- If the individual charge is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be a contribution.
- If the individual charge is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be a contribution.
- Alternatively, the contribution value may be calculated simply by calculating the difference between the price of the ticket and the market value of what the ticket entitles the individual to obtain.

1.3 Contribution Limit

The *Local Authorities Election Act* currently limits the amount an individual can contribute per year to \$5,000

to each candidate. If contributions were made to a candidate in each year, this could equate to \$20,000 per four-year campaign period for any one candidate.

Since the current limit applies on a per-candidate basis, a contributor could annually donate \$5,000 to numerous candidates in the same election, or to candidates running in other municipal elections.

Campaign contributions are vital to election campaigns, as they provide candidates with the means to inform the public of their intentions in running for office. However, limits are often recommended to support a level playing field among candidates and to reduce the potential influence contributors may have on a candidate. Some stakeholders have expressed support for aligning municipal campaign limits with the limits established for provincial elections, while others have expressed concern that establishing any specific dollar amount is unlikely to work for all sizes of municipalities.

Recent amendments made in 2016 to the *Election Act*, which governs provincial elections, included lowering contribution limits to \$4,000.

Discussion:

Topic	Current Status	For Consideration
Disclosure Statements	The <i>Local Authorities Election Act</i> does not require candidates who fund their own campaigns and spend less than \$10,000 to provide disclosure statements.	Require financial disclosure statements from candidates who fund their own municipal campaigns.
Campaign Bank Account	The <i>Local Authorities Election Act</i> does not require campaign bank accounts to be opened until a threshold of \$5,000 has been collected.	Require all candidates to open a campaign bank account.
Corporate and Union Donations	Permits corporate and union donations, subject to contribution limits, provided they are not a "prohibited organization" under the Act. "Prohibited organization" – municipality, municipally controlled corporation, non-profit organization (received grants, real property or personal property since the last general election from the municipality), a Provincial corporation, Metis Settlement, School Board, a public post-secondary institution, any corporation that does not carry out business in Alberta, any organization designated by the Lieutenant Governor in Council as a prohibited organization.	Ban corporate and union donations to allow only individual residents in Alberta to make campaign contributions in a municipal election. Make the donation portion of fundraising contributions subject to the general contribution restrictions and limits, to align with the <i>Alberta Election Finances and Contributions Disclosure Act</i> .
Contribution Limit	The <i>Local Authorities Election Act</i> sets contribution limits by donors at \$5,000 per year to a candidate and self-funded candidates at \$10,000 per campaign period.	Reduce municipal election contribution limit to \$4,000 per donor, per year. "Per donor, per year" means that an individual may donate a total of \$4,000 per year, regardless of how many candidates an individual

Topic	Current Status	For Consideration
		donates to. Also, apply the \$4,000 annual limit on municipal election campaign contributions to candidates who are self-funding.

Discussion Questions:

- 1.1. Candidates who fund their own election campaigns should be required to disclose their campaign finances, regardless of amount of money funded.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

- 1.2. All municipal election candidates, including self-funded campaigns should be required to open a campaign bank account.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

- 1.3. Unions and corporations should not be allowed to donate to municipal election campaigns.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

- 1.4. Donations from fundraising functions should be subject to contribution limits.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

- 1.5. Fundraising functions should be defined the same as fundraising functions in provincial elections.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

1.6. The dollar values and percentages for ticket sales, considered to be a contribution, should be the same as in provincial elections

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

1.7. Annual individual contribution limits should be the same as the individual limits for provincial elections at \$4,000.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

1.8. The contribution limit for municipal elections should be applied "per donor, per year".

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

1.9. Do you have anything to add regarding campaign accounts, disclosure statements, contribution limits or banning corporate and union donations?

[Click here to enter text.](#)

2. Campaign Expenses

Background:

2.1 Candidate Registration

Candidate registration with the municipality is required to ensure campaign finance rules apply consistently, and to ensure accountability from individuals who collect contributions and incur expenses for the purposes of an election campaign.

Candidates who are not self-funded must register prior to accepting campaign contributions. There is currently no registration requirement for individuals who intend to finance their campaign entirely from their own funds. With the proposed change to require financial disclosures for these campaigns, registration of all candidates would ensure broad accountability for submitting financial disclosures after each election.

2.2. Campaign Spending Limits

The *Local Authorities Election Act* does not impose spending limits in local elections. Spending limits are sometimes used to ensure that the cost of running a campaign does not deter candidates from filing nomination papers, and to ensure that all candidates are on a level playing field.

Discussion:

Topic	Current Status	For Consideration
Candidate Registration	A candidate must register prior to accepting campaign contributions; however, there is no registration requirement for individuals who intend to finance their campaign entirely from their own funds.	Require all candidates, including those who finance their own campaign to register prior to incurring campaign expenses or accepting contributions.
Campaign Spending Limits	The Act does not impose spending limits on candidates running in municipal elections.	Require municipalities to establish limits on campaign spending.

Discussion Questions:

2.1 All prospective candidates should be required to register before they spend campaign funds or accepting campaign contributions.

[Click here to select level of support.](#)

[Please explain or provide your comments:](#)

[Click here to enter text.](#)

2.2 Municipalities should be required to set campaign spending limits.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

2.3 Do you have anything to add regarding candidate registration or campaign spending limits?

[Click here to enter text.](#)

3. Third Party Advertising

Background:

Advertising by parties not directly involved in the election, or "third-party advertising" is not addressed in the *Local Authorities Election Act*. The *Election Finances and Contributions Disclosure Act*, which applies to provincial elections, has rules and procedures regarding third-party advertisers. It also defines third-party advertisers, loans as they relate to third-party advertising, anonymous and unauthorized contributions, allowable expenses, and the identification of third parties on advertising.

In 2016, the government reviewed the limits and requirements for third-party advertising in the *Election Act*. The most recent amendments to the *Election Finances and Contributions Disclosure Act* further clarify limits on advertising spending, restrict third-party activities, and prohibit collusion between third parties and candidates.

Provincial elections in Alberta are subject to third-party advertising rules and three provinces address third-party advertising in municipal elections (British Columbia, Ontario, and Quebec).

Province	Current Status
Alberta (provincial elections)	• Defines a "third party" as any person, corporation or group that is not a registered party, constituency association, candidate, nomination or leadership contestant. • Differentiates between "political advertising" and "election advertising". • Requires third party registration with Elections Alberta if the third party has, or plans to incur, expenses of at least \$1,000 for election advertising; or the third party has accepted or plans to accept, at least \$1,000 in election advertising contributions. • Requires a chief financial officer for the third party advertiser to incur expenses and/or accept contributions. • Sets out the definition of "election advertising", "contribution", "advertising expense" and "expense". • Enacts a third party spending limit of \$150,000 in the aggregate between December 1 in the year before the election, and the day before the writ is issued. In addition, no third party shall spend over \$3,000 to promote or oppose the election of one or more registered candidates in a single electoral division during the same time period. • Enacts a third party spending limit of \$150,000 in the aggregate between the day the writ is issued and the end of polling day. • Requires official contribution receipts be issued to contributors. • Requires regular reports, including financial information and lists of contributors be filed with Elections Alberta.
British Columbia (municipal elections)	• Enacted a third-party financing framework in 2014. • Defines third-party advertising as "election advertising other than election advertising conducted by a candidate or an elector organization as part of their election campaign" and individuals and organizations that conduct third-party advertising as "third party sponsors." • Recognizes two types of third-party advertising: direct and indirect. • Third-party sponsors are required to register, value the advertising, and file disclosure statements to Elections BC.

Ontario (municipal elections)	- Enacted a framework for third-party advertising that will come into effect April 1, 2018, to be in place for the 2018 municipal election. - Eligibility of third-party advertisers is defined. - Requires third-party advertisers to register with the clerk of the municipality. - Time and expense limits for advertisers are calculated using a prescribed formula. - Formula can vary based on the number of electors. - The calculations must be completed by the clerk no later than September 25th in the year of the election. - Provisions outline mandatory and prohibited information for broadcasters.
Quebec (municipal elections)	Does not allow third-party advertising during municipal elections.

Discussion:

Topic	Current Status	For Consideration
Third Party Advertising	The <i>Local Authorities Election Act</i> does not address third-party advertising.	Align third-party advertising requirements (including definition of third-party advertiser, registration, spending limits, receipts, and reporting) with the <i>Alberta Election Finances and Contributions Disclosure Act</i> .

Discussion Questions:

3.1 The *Local Authorities Election Act* should include rules on third-party advertising.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

3.2 If the answer to question 3.1 was Agree or Strongly Agree, the rules for third-party advertising should align those used in the *Election Finances and Contributions Disclosure Act* for Alberta provincial elections (including definition of third-party advertiser, registration, spending limits, receipts, and reporting).

[Click here to select level of support.](#)

Please explain or provide your comments

[Click here to enter text.](#)

3.3 If the answer to question 3.1 was Disagree or Strongly Disagree, please explain.

[Click here to enter text.](#)

3.4 Do you have anything to add about third-party advertising?

[Click here to enter text.](#)

3.5 Do you have alternate suggestions to address third-party advertising?

[Click here to enter text.](#)

4. School Board Trustee Elections

Background:

School boards are enabled to establish campaign finance and disclosure rules by bylaw.

The requirements in the *Local Authorities Election Act* pertaining to election finance and disclosure do not currently apply to school board trustee candidates.

Applying the election finance and disclosure requirements to school board trustee elections would ensure all candidates, whether school trustee candidates or municipal candidates, comply with campaign finance rules. It would establish consistency between requirements for municipal and school board elections and provide greater transparency in school board trustee elections.

The addition of campaign finance and disclosure requirements in school board elections would create additional administrative requirements and associated liabilities for candidates running for trustee of a school board.

Discussion:

Topic	Current Status	For Consideration
School Board Trustee Elections	School boards may pass a bylaw requiring campaign disclosure.	Apply the Election Finance and Disclosure rules of the <i>Local Authorities Election Act</i> to school board trustee elections, including: • Campaign finance disclosure • Union and Corporate donations • Contribution and spending limits

Discussion Questions:

4.1 School board trustee candidates should be subject to the same campaign finance and disclosure rules as municipal candidates.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

4.2 Do you have anything to add about the application of campaign finance and disclosure requirement to school board trustee candidates?

[Click here to enter text.](#)

5. Campaign Finance General Clarifying and Technical Amendments

Discussion:

Current Status	For Consideration	Rationale
Donating Campaign Surplus Confusion exists regarding whether all candidates can donate their campaign surplus or only the candidates that have been elected.	Clarify that all candidates who do not run in the next general election can donate their campaign surplus to the municipality.	The intent is to provide former candidates the option of donating their campaign surplus to the municipality instead of a registered charity. The wording of the current provision implies that only elected candidates can do so.
Campaign Surplus A candidate must turn over surplus funds to the custody of the municipality.	Clarify the process by identifying: How the funds must be kept in trust (one account versus separate accounts); The interest rate or how to determine the interest rate; and When the surplus funds must be released to candidates by the municipality.	Addresses concerns from elected officials and candidates over access to funds during campaign periods. Addresses concerns from municipalities over additional administrative requirements.
Election Expenses The legislation is vague about what is permitted as an election expense.	Align definition of "campaign expense" with the <i>Alberta Election Finances and Contributions Disclosure Act</i> (which includes the following campaign expenses: 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 a "campaign 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, securing a meeting place, or the conduct of election surveys or other surveys or research during a campaign period).	It is currently unclear whether an allowable election expense includes hiring of staff. Current legislation can be widely interpreted to include such items as haircuts or clothing. Many questions are received from candidates, electors, and municipal administrators.
Election Expenditure Reports A candidate who received	Require candidates who received campaign contributions <u>or</u> funded their own campaign to file a statement that itemizes campaign contributions, and	Requiring a self-funded candidate to report expenses by category would further increase transparency and

Current Status	For Consideration	Rationale
campaign contributions or funded their own campaign with an amount exceeding \$10,000 must file a statement that itemizes campaign contributions, and identifies the total amount of revenue and expenses. It is not required that the expenses identified be itemized or categorized in the report.	identifies the total amount of revenue and expenses by category.	accountability of candidates.
Candidate Registration Forms Form 3A – Registration of Notice of Intent is not prescribed by the LAEA.	Amend the regulations to prescribe Form 3A – Registration of Notice of Intent in support of the new requirement for candidates to register with the municipality prior to accepting campaign contributions.	Consequential to the proposed amendment that would require all candidates to register.

Discussion Questions:

5.1 Do you have any additional comments/suggestions regarding campaign surpluses specifically, surpluses donated to the municipality?

[Click here to enter text.](#)

5.2 Do you have any additional comments/suggestions regarding campaign surpluses, generally?

[Click here to enter text.](#)

5.3 Do you have any additional comments/suggestions regarding the definition of campaign “expenses”?

[Click here to enter text.](#)

5.4 Do you have any additional comments/suggestions regarding campaign expense reporting?

[Click here to enter text.](#)

5.5 Do you have any additional comments/suggestions regarding candidate registration during municipal elections?

[Click here to enter text.](#)

5.6 Do you have anything to add about campaign finance and disclosure?

[Click here to enter text.](#)

Discussion Topic:

Voter Eligibility
&
Accessibility

6. Advance Votes

Background:

Many local authorities in Alberta provide additional opportunities for electors to cast their vote in an election before general Election Day. The *Local Authorities Election Act* allows for a municipal council or school board to pass a resolution allowing an advance vote.

The legislation does not require a municipality or school board to conduct an advance vote. Electors have contacted Municipal Affairs and local jurisdictions, expressing that they feel disenfranchised when additional opportunities to vote are unavailable.

Discussion:

Topic	Current	For Consideration
Populations over 5,000	Municipalities may, but are not required to, conduct an advance vote.	Require advance votes for municipalities with a population over 5,000. Municipalities less than 5,000 will be enabled to choose to hold an advance vote through a resolution of council allowing for the Returning Officer to establish dates, times and location of the advance vote(s).
Notification of Advance Vote	The <i>Local Authorities Election Act</i> requires notification of an advance vote in accordance with the notification for election day but does not provide that the two can be included together in the same advertisement.	Allow for the notice of advance vote to be included in the notice of Election Day

Discussion Questions:

6.1 Municipalities greater than 5,000 should be required to hold an advance vote(s).

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

6.2 Small municipalities (under 5,000) should have the option to hold an advance vote(s).

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

6.3 Do you have anything to add about the proposed changes to the rules for advance votes?

[Click here to enter text.](#)

7. Residency Requirements

Background:

7.1 Residency Requirement

The *Local Authorities Election Act* sets out that to be eligible to vote in a municipal election, an elector must be a resident of Alberta for the six consecutive months immediately preceding Election Day and must be a resident of the municipality on election day.

Recent amendments to the Alberta *Elections Act* removed the requirement for Alberta residency six months before Election Day. Amending the residency requirements in the *Local Authority Election Act* to align with these recent amendments would alleviate possible confusion by electors.

Discussion:

Topic	Current Status	For Consideration
Residency Requirements	An elector must be a resident of Alberta for six months prior to election day and a resident of the municipality on election day.	Remove six month Alberta residency requirement.

Discussion Questions:

7.1 An elector should not need to reside in Alberta for six months before Election Day to be eligible to vote in elections under the *LAEA*.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

7.2 Do you have anything to add about residency requirements?

[Click here to enter text.](#)

8. Voter Identification

Background:

8.1 Identification Requirements

The *Local Authorities Election Act* requires identification that proves both name and current residence. This has posed challenges for many electors whose identification reflects a post office box rather than the street address of their residence, in addition to residents who may not have a permanent address, or identification as required under the act.

A complete list of acceptable identification can be found here:

<http://www.elections.ab.ca/wp-content/uploads/Authorized-Identification-Poster.pdf>

8.2 Vouching

If the municipality or school board has prepared a list of electors (voters list), an individual without identification may be permitted to vote if another person whose name appears on the list of electors vouches for them. However, very few municipalities or school boards prepare a list of electors, so this option is rarely available.

The matter of identification is pressing as it is a source of confusion for both voters and returning officers. Potential amendments may minimize the instances of disenfranchising electors in the event they do not have an acceptable identification as prescribed.

Discussion:

Topic	Current Status	For Consideration
Identification Requirements	Electors are required to provide one piece of identification with name and address. This can either be government issued identification or one piece of approved identification from the Chief Electoral Officer of Alberta under the <i>Election Act</i> .	Create a list of authorized identification that is independent from the list provided by Elections Alberta. Extend authority of the Minister to expand the list of acceptable identification to meet needs of municipalities.
Vouching	Vouching can only occur if an elector's name appears on a list of electors. If this is the case, the elector may vouch for another person who does not appear on the list of electors.	Expand vouching provisions to include the ability of an elector who has shown appropriate identification to vouch for another elector.

Discussion Questions:

8.1 Are there any additional forms of voter identification that should be accepted on Election Day?

[Click here to enter text.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

8.2 An elector who has shown appropriate identification and signed the required statement should be able to vouch for another elector, regardless of the list of electors.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

8.3 Do you have anything to add about voter identification or the proposed changes to vouching?

[Click here to enter text.](#)

Discussion Topic:

Accountability
&
Transparency

9. Substitute Returning Officers

Background:

The *Local Authorities Election Act* authorizes a council or board of trustees to appoint a returning officer. If a returning officer is appointed, but is unable to fulfill their duties, the Mayor, Reeve, or Board Chair may appoint a substitute returning officer.

Some stakeholders argue that this is an inappropriate power for a chief elected official to have during an election and that, given the entire elected authority appointed the initial returning officer, the entire elected authority should appoint a substitute returning officer.

Discussion:

Topic	Current Status	For Consideration
Substitute Returning Officers	The Mayor/Reeve/Board Chair may appoint a substitute returning officer.	Require the council/board to appoint a substitute returning officer.

Discussion Questions:

9.1 The council/board (e.g., council or board of trustees), rather than the Mayor/Reeve/Board Chair, should appoint a substitute returning officer if the returning officer is unable to fulfill their duties.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

9.2 Do you have anything to add about the proposed changes to substitute returning officer appointments?

[Click here to enter text.](#)

10. Nomination Day and Nomination Papers

Background:

The *Local Authorities Election Act* sets out that if a nomination paper has not been signed by the required number of eligible electors or if it is not accompanied by a deposit (if required by bylaw) the returning officer must refuse to accept the nomination paper.

Provisions do not allow the returning officer to refuse a nomination paper if it has not been sworn/affirmed by a candidate. The candidate's nomination paper includes a statement of candidate's acceptance, which includes a statement regarding the candidate accepting the office if elected, and confirmation that the candidate has read and understands the sections of the *Local Authorities Election Act* as they relate to eligibility and ineligibility.

Instances have arisen in previous elections of individuals not swearing/affirming nomination papers. In such instances, it is difficult to know if the candidate actually intended to run for office, or if the candidate has read and understands the requirements of the Act relating to eligibility. Some stakeholders have suggested that the inability for the returning officer to refuse a nomination paper leads to confusion of the role and responsibilities of the returning officer as it relates to the enforcement of the legislative requirements of the *Local Authorities Election Act*.

Discussion:

Topic	Current Status	For Consideration
Nomination papers	Returning officers can only refuse papers if they have not been signed by the required number of electors or if they are not accompanied by a deposit, if established by bylaw.	Allow returning officers to refuse nomination papers if the paper is not sworn/affirmed.

Discussion Questions:

10.1 Returning officers should be able to refuse nomination papers that are not sworn/affirmed by a potential candidate.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

10.2 Do you have anything to add about nomination day?

[Click here to enter text.](#)

11. Election Campaign Advertising at Voting Stations

Background:

The *Local Authorities Election Act* prohibits campaign activities, such as canvassing or soliciting votes where a voting station is located, but not in the surrounding area, such as a parking lot. The Act also prohibits the display and distribution of campaign material inside the building where a voting station is located, or on the outside of a voting station.

The *Election Act* establishes that no person may display election materials (except those required to be posted by the returning officer) on the inside or on the outside of a building used for a polling station, or distribute within a building used for a polling place, or within the boundaries of the land on which the building is located. If election advertising is present, the returning officer may remove it or instruct a deputy to remove it and neither the returning officer or deputy are liable for trespass or damages resulting from the removal.

Discussion:

Topic	Current	For Consideration
Campaign Advertising Rules	The Act prohibits campaign activities such as canvassing or soliciting votes in a building where a voting station is located, but not in the surrounding area, such as a parking lot.	Establish a distance around the voting station where campaign activities are not permitted.
Enforcement of Election Campaign Advertising at Voting Stations	The Act authorizes the returning officer and/or deputies to remove campaign materials if displayed within a voting station, but does not extend outside of the voting station.	Establish provisions that allow the returning officer to request persons engaged in campaign activities in the voting station or within 100m of the of the voting station to leave;

Discussion Questions:

11.1 Please choose one of the following. Campaign activities should be prohibited:

Choose one of the following.

Please explain or provide your comments:

[Click here to enter text.](#)

11.2 The returning officer should have the authority to enforce campaign advertising at voting stations.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

11.3 Do you have anything to add about campaigning at voting stations?

[Click here to enter text.](#)

12. Candidate List

Background:

The *Local Authorities Election Act* does not require municipalities to make public a list of candidates for an election following nomination day.. Municipalities are required to send names of candidates to the provincial government once the deadline for withdrawal has passed (24 hours after the close of nominations, 48 hours for summer villages). The province posts the names of municipal candidates who have filed nomination papers online for public information. Municipalities are required to release post-vote information.

Discussion:

Topic	Current Status	For Consideration
Public Posting of Candidate List	Municipalities and School Boards are not required to post a list of candidates following the period for withdrawal after nomination day.	Require municipality to release or make public a list of candidates immediately after the time limit for withdrawal of nominations has passed.

Discussion Questions:

12.1 Municipalities should be required to release a list of candidates immediately after the time limit for withdrawal of nominations has passed.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

12.2 Do you have anything to add about posting information during an election?

[Click here to enter text.](#)

13. Special Ballots

Background:

The *Local Authorities Election Act* enables municipalities to allow for special ballots based on the unique needs of each municipality. Municipalities must also advise the Minister of the use of special ballots (mail in ballots).

Applications for special ballots must be made available to the public the day after a council decides to use special ballots. Of the 342 municipalities in Alberta, between 15 and 20 municipalities used special ballots during the 2017 municipal election.

A provision exists in the *Local Authorities Election Act* that requires the minister to appoint special ballot advisors to review questionable special ballots. This is inconsistent with the returning officer's responsibility for all other ballots and is impractical.

Discussion:

Topic	Current Status	For Consideration
Review of Special Ballots	The minister is required to appoint special ballot advisors to review questionable special ballots	Remove the requirement for special ballot advisors, as well as the requirement to notify the Minister of the use of special ballots.
Returning Officer Responsibility	The Minister of Municipal Affairs appoints special ballot advisors who may accept or reject a special ballot in instances where the local returning officer feels unable to make a determination.	Expand authority for the returning officer to accept or reject a special ballot, in accordance with the provisions of the <i>Local Authorities Election Act</i> , rather than requiring the Minister to appoint a special ballot advisor to make a determination.

Discussion Questions:

13.1 The Minister of Municipal Affairs should not appoint special ballot advisors.

[Click here to select level of support.](#)

[Please explain or provide your comments:](#)

[Click here to enter text.](#)

13.2 The Returning Officer should have the authority to accept or reject a special ballot.

[Click here to select level of support.](#)

[Please explain or provide your comments:](#)

[Click here to enter text.](#)

13.3 Municipalities should not have to notify the Minister of the use of special ballots.

[Click here to select level of support.](#)

[Please explain or provide your comments:](#)

[Click here to enter text.](#)

13.3 Do you have anything to add about the proposal or alternate suggestions?

[Click here to enter text.](#)

14. Additional Items for Consideration

Discussion:

Current Status	For Consideration	Rationale
Election Regulations Regulations currently exist that outline specific processes for Calgary, Edmonton and Red Deer. The modified voting procedure allows for ministerial power and bylaws to adjust certain processes in the <i>Local Authorities Election Act</i> .	Repeal the modified voting procedure regulation, ballot box regulation, City of Edmonton Regulation, City of Calgary Regulation, and City of Red Deer Regulation and incorporate provisions into the <i>Local Authorities Election Act</i> .	Reduces regulatory burden on municipalities and reduces complications. Regulated procedures would benefit any large election process and will be of value to other municipalities.
Cell Phone Use <i>Local Authorities Election Act</i> does not address the use of cell phones in voting stations.	Allow municipalities to create rules regarding the use of cell phones, such as restricting voice calls, photography or social media, while in the voting station.	Provides flexibility to municipalities to determine their specific needs for regulating the use of cellphones.
Definition of "Candidate" and "Campaign Period" <i>Local Authorities Election Act</i> does not clearly define when a person officially becomes a candidate. The definition of "campaign period" does not align with the definition of "candidate."	Amend the definition of "candidate" to mean an individual who has filed a registration of notice under section 147.21. Amend the definition of "campaign period" to be January 1 in the year of a general election to December 31 in the year of a general election. In the case of a by-election, beginning when the vacancy occurred to 180 days following the date of the by-election.	Ensures consistency with definitions to eliminate confusion and increase clarity.

Discussion Questions:

14.1 Do you have anything to add about the regulations under the *Local Authorities Election Act*?

[Click here to enter text.](#)

14.2 Municipalities should have the authority to create rules regarding the use of cell phones in voting stations.

[Click here to select level of support.](#)

Please explain or provide your comments:

[Click here to enter text.](#)

14.3 Do you have anything to add about the use of cell phones in voting stations?

[Click here to enter text.](#)

14.4 Do you have anything to add about the definitions of "candidate" and "campaign period"?

[Click here to enter text.](#)

14.5 Do you have any other comments or suggestions to add regarding the proposed changes to the *Local Authorities Election Act*?

[Click here to enter text.](#)