



A guide for: Municipal Returning Officers in Alberta

Module 1: Election considerations

Module 2: Nominations

Legal Notice:

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It is important to recognize that this guide has been developed as a reference for, and as an explanatory document to the *Local Authorities Election Act (LAEA)*. This guide is not legal advice, and it cannot be used in place of consulting with a lawyer. This guide cannot anticipate every aspect, circumstance or situation that municipalities or candidates may encounter while working through their specific election process. If a municipality or candidate needs help finding a lawyer, please visit the Law Society of Alberta website.

Should this guide conflict with the *Municipal Government Act (MGA)*, RSA 2000, Chapter M-26, or the *Local Authorities Election Act* in word or interpretation, the legislation shall prevail.

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Introduction

This manual has been developed to assist local jurisdictions in conducting an election in accordance with the *Local Authorities Election Act* (LAEA) and other relevant regulations and legislation. It is intended that this guide be used as a reference for returning officers who are planning an upcoming municipal election, by-election, or vote on a question or bylaw. For elections specific to school board trustees, please contact Alberta Education at 780-427-2055 (toll-free by dialing 310-0000 first).

As this manual does not have the force of law, we strongly recommend that users of this guide obtain a copy of the LAEA and other relevant statutes and regulations.

- This guide is not intended to be the sole source of information for municipal elections, but rather to be used as an introduction to the LAEA.
- This guide is intended to complement the LAEA and assist returning officers and other municipal election officials with planning and executing municipal elections.
- Not all information in the LAEA is covered in this guide.
- If you want advice about how the law applies to their specific factual situation, we recommend you seek independent legal advice.

All definitions, procedures and processes outlined in this guide are from the LAEA. Should you require further clarification on any definitions, procedures or processes, you are encouraged to review and consult the LAEA, call a Municipal Advisor, or seek an independent legal opinion.

For summer village elections, please be aware that different timelines, processes, procedures and residency requirements apply.

The LAEA also applies to school board trustee elections. However, this guide is not focused on school board trustee elections, and there are some important differences between the two types of elections that are not addressed in this guide. For school board specific information, readers are encouraged to seek information from Alberta Education.

Module 1: Election Considerations



Getting Started

Resources

There are a number of resources available to returning officers or Chief Administrative Officers who are planning an election or by-election.

Copies of any acts or regulations can be obtained through the Alberta Queen's Printer, qp.alberta.ca, 780-427-4952.

Municipal Government Act

Sections 160-166 of the *Municipal Government Act* (MGA) apply to vacancies on council and how municipalities must deal with them. This portion of the MGA is important to review if a vacancy occurs on council, as a by-election must be conducted within a specific time period after a vacancy occurs.

Local Authorities Election Act

The LAEA is the primary legislation that guides the conduct of a municipal or school board election, by-election or vote on a question or bylaw.

The LAEA is also used in Metis Settlement and Irrigation District elections; however, processes are modified to respond to the unique needs of these authorities. If you are seeking information about elections in Metis Settlements or Irrigation Districts, please contact Alberta Indigenous Relations or Alberta Agriculture and Forestry, respectively.

Regulations

There is one regulation made under the LAEA that pertains to all municipal and school board elections, the Local Authorities Election Forms Regulation. The regulation can be found on Alberta Queen's Printer and PDF versions can be found on Alberta.ca.

Your Municipal Election Bylaw

Some municipalities may have passed an election bylaw or various bylaws pursuant to the LAEA. A bylaw passed pursuant to the LAEA will remain in force until it is repealed or expires, so take a moment to see if there is an active election bylaw(s) in your municipality.

Alberta Municipal Affairs: Municipal Advisory Services

The Government of Alberta website has a section dedicated to municipal election information and forms. Information released by Municipal Affairs is referenced on this website, along with related documents and information on voter identification requirements.

municipalaffairs.alberta.ca/mc_elections

If you have any questions or require clarification of the provisions within the MGA or LAEA, Municipal Affairs has a team of advisors who are available to help. To access this resource, please contact the Municipal Services Branch at 780-427-2225 (toll-free in Alberta by first dialing 310-0000), and ask to speak with a municipal advisor.

Roles and Responsibilities

There are many people involved in running a successful municipal election. This section provides a brief description of the different roles and responsibilities of the various people and organizations that likely will be involved in your municipal election.

LAEA s. 14

Returning Officer

Planning an election is a complex process, and to ensure a successful election, there are a large number of details to take care of, in addition to the legislative requirements.

The council may appoint a returning officer by council resolution no later than June 30th in the year of a general election. If the council does not appoint a returning officer, the Chief Administrative Officer is deemed to have been appointed as the returning officer.

The returning officer has many responsibilities listed throughout the LAEA, including:

- Appointing election workers, including presiding deputy, deputies, constables and other persons as required;
- Establishing voting stations;
- Designating at least two deputies per voting station;
- Ordering all election supplies including, ballots, ballot boxes, voting screens, instruction for electors, all legislative forms, and stationary items and ensuring they are available at the voting stations;
- Giving notice of nominations;
- Receiving nomination papers for prospective candidates through the duration of the nomination period;
- Declaring acclamations;
- Giving notice of Election Day; and
- Doing all things necessary for the conduct of an election.

All things necessary could include answering questions for both the public and prospective candidates regarding election processes, responsibilities and information pertaining to candidate's campaign financing, and connecting candidates with other members of the municipality for further information, such as the placement of campaign signage outlined in municipal-specific bylaws.

LAEA s. 13.1

The returning officer must be independent and impartial when performing all official duties. This means that a returning officer must ensure that they treat all candidates equally, and cannot be influenced by candidates or voters. Further, a person may be convicted of an election offence if they attempt to influence a returning officer while he/she is carrying out their duties.

It is the returning officer's responsibility to ensure that the election is conducted in such a manner that is transparent and fair.

Returning officers may want to consider refraining from providing campaign advice to candidates and remain focused on what is prescribed through the LAEA or provided for through local bylaws/policies. Returning officers may also want to consider a way to provide information to all candidates, such as a frequently asked question document, or a local candidate's handbook.

LAEA s. 13(2.1)

Substitute Returning Officer

Municipal councils are required to appoint a substitute returning officer by resolution by June 30 of the year in which the election occurs. In the case of a by-election the substitute returning officer must be appointed in the resolution that fixes the day for the by-election.

If the returning officer is unable to fulfill their duties due to illness or other absence, the substitute returning officer may exercise all the duties, functions and powers of a returning officer for the purpose of conducting the election.

LAEA s. 6

Minister of Municipal Affairs

The Minister of Municipal Affairs has the overall responsibility for the *Municipal Government Act* (MGA) and the LAEA. The Minister may give special directions governing the conduct of elections where he or she considers that the provisions of the LAEA are insufficient. Before exercising these powers, the Minister reviews all

relevant and available information. These powers are considered extraordinary and are not entered into lightly.

The LAEA requires that the Minister receive information regarding municipal elections. Specifically, Municipal Affairs keeps a record of nominated candidates, municipal election results, elected officials and their contact information. This information is used for official correspondence from the Government of Alberta. It is also used to update election information and the municipal officials directory.

Municipal Councils

Some election processes require approval from the elected municipal council. Council resolutions are required for the appointment of a substitute returning officer, to provide for special ballots, advance votes in municipalities with a population of less than 5,000, at-home voting, and institutional voting. If the Chief Administrative Officer is not the returning officer, a council resolution is also required for the appointment of a returning officer.

An elected authority has the ability to pass a bylaw respecting the following:

Option	Timeline
Election Day <i>Section 11</i>	<p>A bylaw to move Election Day to the Saturday immediately before the third Monday in October must be passed prior to June 30 in the year of the general election.</p> <p>*Exceptions may apply when provincial senate elections and referendum questions are held in conjunction with municipal elections.</p>

Option	Timeline
Form of Nomination <i>Section 27(2)</i>	A bylaw to require more than five signatures but not more than 100 signatures on a candidate's nomination paper must be passed no later than December 31 in year prior to the general election. *Municipality must have a population greater than 10,000.
Location for filing nomination papers <i>Section 28(1.1)</i>	Bylaw must be passed before December 31 in the year prior to the general election.
Deposits <i>Section 29</i>	Bylaw must be passed no fewer than 30 days before nomination day.
Death of a Candidate <i>Section 33</i>	Bylaw must be passed prior to nomination day.
Voting Station Locations <i>Section 37(3)</i>	Bylaw must be passed prior to June 30 in the year of a general election.
Printing ballots in lots <i>Section 43(3)</i>	Bylaw must be passed two months before Election Day.
Voting station hours <i>Section 46(2)</i>	Bylaw must be passed prior to June 30 in the year of election to allow for voting stations to open prior to 10 a.m.
Permanent Electors Register <i>Section 49</i>	No legislative deadline.

Option	Timeline
List of Electors <i>Section 50</i>	No legislative deadline.
Provide for additional voter identification requirements. <i>Section 53.01</i>	Bylaw must be passed six months prior to Election Day.
Blind Voter Template <i>Section 78(4.1)</i>	If an elector has requested a blind voter template, a bylaw must be passed no later than June 30 in the year of the election. *Even if no request is made by an elector, section 78(4.2) allows a municipality to pass a bylaw to provide a blind voter template.
Use of Voting Machines <i>Section 84</i>	No legislative deadline.
Counting Centers <i>Section 85.1</i>	Bylaw must be passed prior to June 30 in the year of the election.

LAEA s. 19

Secretary (Chief Administrative Officer)

The Chief Administrative Officer has prescribed duties under the LAEA, even if they are not the appointed returning officer. Pursuant to section 19, the Chief Administrative Officer is charged with providing information and assistance if requested by the returning officer.

The Chief Administrative Officer is also responsible for the custody of election materials upon declaration of the election results, and for the destruction of election materials in accordance with the LAEA.

Preliminary Planning & Considerations

Counting from the required advertising of the notice of nomination day to Election Day, an election takes six (6) weeks to complete. The election day is four (4) weeks after nomination day. Significant planning and preparation takes place prior to nomination day, and the legislated responsibilities of a municipality and a returning officer do not simply end once the ballots are counted and the election results are declared.

The legislation allows for a degree of discretion on the part of the local jurisdiction to provide for additional election services and processes that may help facilitate accessibility, transparency and participation. This discretion is based on the premise that the local jurisdiction is in the best position to determine the unique needs of the community. To this end, advance voting in municipalities with populations under 5,000, at-home voting, institutional voting, additional voter identification requirements, the use of voting machines and special ballots, to name a few, are left to the discretion of the municipality. If decision-making authority is provided for in the legislation, it will also note whether the decision must be made by bylaw or resolution of council.

Many of these decisions need to be made well in advance as they have legislated time and process requirements. A calendar and sample supply lists have been created that include the legislated time requirements to assist Chief Administrative Officers, returning officers and municipal clerks who are tasked with planning an election or by-election.

Planning an election is a complex process. There are a number of details that need to be taken care of, in addition to the legislative requirements, to ensure a successful election such as:

- possibly hiring or appointing a Returning Officer, appointing a Substitute Returning Officer, Deputy Returning Officers, and other election officials;
- booking facilities that can be used as voting stations;
- conducting school board elections in conjunction with municipal elections (if applicable);
- determining whether you may wish to explore the use of voting machines;

- preparing voting materials, ordering ballots, ballot boxes and voting screens;
- creating nomination packages and providing information to prospective candidates; and
- if using a list of electors, conducting the legislated enumeration.

MGA s. 11(b)

Municipal By-election Dates

Although general election dates are set by legislation, municipalities must set their own election dates when a by-election or vote on a bylaw or question is required. There are a number of considerations to keep in mind when setting a by-election date. They include:

- ☐ Is nomination day or Election Day scheduled on a statutory holiday?
- ☐ Does the period between the notice of nomination day to Election Day occur during holidays or a time when a significant amount of electors will be away? (i.e. Easter, school spring break, or between Christmas and New Year)
- ☐ Does Election Day fall within 120 days after the vacancy occurred, as specified by section 165 of the MGA?

If you are conducting a municipal by-election, Election Day must be set by resolution of council. There are also a number of other decisions that must be made by resolution, so it may be helpful to bring the following items forward to council during the same meeting:

- Returning Officer appointment s. 13
- Substitute Returning Officer appointment s. 13
- Advance vote (if population is less than 5,000) s. 73
- Special ballots s. 77.1
- At-home vote s. 79
- Institutional vote s. 80

LAEA s. 12

Summer Village Election Dates

Summer villages conduct elections during the peak summer season. Some of the legislative requirements for summer villages are different from those of other municipalities across Alberta so it is extremely important to read over the LAEA and seek out any clarification that may be required.

Election Day must be held four weeks following the acceptance of nominations and must be held between the hours of 10:00 a.m. and 7:00 p.m.

The MGA, section 192(2), requires summer villages to hold their organizational meeting no later than August 31 of the general election year.

In the case of a by-election, summer villages are required to set the date of the by-election through a resolution of council. Nominations must be received by the returning officer between the hours of 10:00 a.m. and 12noon at a date and place established by council. Election day must be four (4) weeks after nomination day.

LAEA s. 3

Joint Elections

An elected authority may, by resolution, enter into an agreement for the conduct of an election with the authority of another jurisdiction. The elected authorities who wish to conduct joint elections must be within local jurisdictions that have areas in common (i.e., municipality and school board).

Any agreement made under section 3 of the LAEA must clearly specify which local authority is responsible to conduct the election. Each elected authority must appoint a returning officer for the election, and they may appoint one single person to act as returning officer (and substitute returning officer) for each authority.

LAEA s. 158.1

Methods of Notification

If a municipality has passed an advertising bylaw pursuant to section 606.1 of the MGA, the method(s) for advertising authorized by the bylaw may be used by that municipality for the purpose of notifications required for nomination day, election day, the bylaw regarding proof of elector eligibility, and advance votes.

List of Electors

If it is the desire of the municipality to establish a permanent list of electors, returning officers are encourage to review sections 49, 50, 51 and 52 in the LAEA prior to proceeding. The information below is a summary of the sections.

LAEA s. 49

Permanent Electors Register

A municipality may, by bylaw, direct the secretary (CAO) to prepare a permanent elector register of residents in the municipality who are entitled to vote in the elections.

The bylaw must prescribe the procedures and forms that will govern the enumeration of the electors in the municipality and must identify any other methods of compiling and revising a permanent elector registry.

If a bylaw is passed, the municipality may enter into an agreement with the Chief Electoral Officer of Alberta to receive information that will assist the secretary in compiling or revising the register. The agreement may also outline that the information revised or compiled by the municipality will be provided to the Chief Electoral Officer of Alberta for the purpose of compiling or revising the register of electors under the *Alberta Election Act*.

The information contained in the register may only include:

- the residential addresses (including postal code);
- mailing address (if different from residential address);
- surname, given name and middle initial;
- residential telephone number;
- gender;
- day, month and year of birth; and
- whether the person is a public or separate school resident.

LAEA s. 50

List of Electors

The municipality may direct the secretary (CAO), by bylaw, to prepare a list of electors who are entitled to vote in an election. In addition, the bylaw must set out the prescribed procedures and forms that will govern the enumeration of electors and provide for the use of information from a permanent elector register (if applicable).

When a candidate files nomination papers, the returning officer must provide the candidate, the day after nominations may be withdrawn, a copy of the list of electors that was prepared if any.

The list of electors may only be used by candidates for the purposes of campaigning, and to election officers for the purposes of carrying out duties under the LAEA.

The Permanent Electors Register, as described in the previous section is not the same as the List of Electors. The Permanent Electors Register may help to inform the List of Electors.

LAEA s. 51-52

Enumeration

If a municipality has passed a bylaw, it must appoint, or authorize the secretary or returning officer to appoint enumerators to complete an enumeration of electors residing in each voting subdivision or ward. Each enumerator must be provided with identification from the local jurisdiction.

An enumerator, candidate, official agent or campaign worker, who produces identification that meets the requirements of the LAEA regulations indicating their position, shall not be interfered or obstructed from entering a building containing two or more residences (condos and apartments) or to each residence in a mobile home park with identification.

Module 1 Addendum: Senate Election and Referendum Vote

The following information has been provided by Elections Alberta, regarding the anticipated Senate Election and Referendum Vote for the 2021 Municipal Elections. Additional information is also available online at: <https://www.elections.ab.ca/elections/senate-referendum/information-for-municipalities/>

Legislation

Alberta Senate Election Act (ASEA)

The ASEA outlines the requirements for the conduct of a senate election. A senate election can take place in conjunction with a municipal election. Parts I and III of the ASEA and the LAEA will apply to the conduct of the senate election.

Referendum Act

The *Referendum Act* outlines the requirements for the conduct of a referendum vote. A referendum vote can take place in conjunction with a municipal election and a senate election. The *Referendum Act* and the LAEA will apply to the conduct of the referendum vote.

Election Finances & Contributions Disclosure Act (EFCDA)

Requirements for senate candidate registration, contribution rules, expense limits and financial reporting are outlined in the EFCDA. Requirements for third-party advertisers, for both senate election and referendum advertising are also outlined in this legislation. Elections Alberta is responsible for all registration, financial review and compliance for participants regulated under the EFCDA.

Regulations

There are three regulations made under the ASEA:

- Senate Election and Local Authorities Election Forms Regulation
- Senate Election Grants Regulation
- Senate Nominee Regulation

The regulations can be found on Alberta Queen's Printer website.

Additional regulations are anticipated to be made under the *Referendum Act*.

Roles & Responsibilities

As a senate election and referendum vote are provincial in nature, all eligible electors in Alberta must be provided with the opportunity to cast a senate election and referendum vote during the municipal election, even if the municipality would not otherwise be holding an election. The roles and responsibilities applicable to the delivery of the senate election and referendum vote is a shared responsibility between the local municipality, Municipal Affairs, and Elections Alberta. Detailed information on the roles and responsibilities is available online at: <https://www.elections.ab.ca/wp-content/uploads/Senate-Information-for-Municipalities-October-2020.pdf>

Preliminary Planning & Considerations

When planning for the municipal election, local jurisdictions will want to consider how their plans and processes may need to adapt to include the addition of a senate election and referendum vote. Considerations include:

- Election required regardless of acclamations: All jurisdictions will be required to provide voting opportunities for the senate election and referendum vote on October 18, 2021. This requires an election to be held, even if the jurisdiction or ward has been acclaimed.
- Application to Summer Villages, Improvement Districts, Special Areas, Lloydminster, First Nations communities and Metis Settlements: Voting opportunities must be provided to all Albertans on October 18, 2021 for the senate election and referendum vote. Municipal Affairs is responsible to arrange for the conduct of an election in summer villages, improvement districts, special areas, Lloydminster, and First Nations communities.
- Voting Options: Any bylaw or resolution passed by the municipality under the LAEA also applies to the senate election and referendum vote. Where additional voting opportunities are provided (advance voting for jurisdictions with populations less than 5,000, institutional voting, special ballot, at-home voting), the senate election and referendum ballot must also be provided to the elector.

- Alternative Voting Equipment: Any bylaw passed for the use of alternative voting equipment will also apply to the senate election and referendum vote. Where a municipality uses alternative voting equipment, they will be responsible to provide the senate election and referendum ballots.
- On November 4, 2020, Bill 45: *Local Authorities Election Amendment Act, 2020* (No.2) was introduced. If enacted, one of the provisions of Bill 45 will be that a bylaw that changes election day to a Saturday will be of no force and effect for a general election held in conjunction with a Senate election or referendum vote.

Additional information is also available for municipalities at:

<https://www.elections.ab.ca/elections/senate-referendum/information-for-municipalities/>

Module 2: Nominations



Nomination Procedure

The nomination period for the 2021 general election begins on January 1, 2021 and runs until 12:00 p.m. on nomination day: Monday, September 20, 2021.

In the case of any by-elections, the nomination period begins the day following the resolution being made establishing Election Day and will continue until 12:00 p.m. four weeks prior to Election Day.

LAEA s. 21

Candidate Eligibility

A person may be nominated in any election under the LAEA if the person:

- is eligible to vote in the election;
- has resided in the municipality and the ward (if applicable) for 6 consecutive months immediately preceding nomination day; and
- is not otherwise ineligible.

In the case of a city, a candidate for councillor is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the city.

LAEA s. 22

A person is ineligible to be nominated as a candidate in any election under the LAEA if:

- the person is the auditor of the local jurisdiction;
- the person is an employee of the local jurisdiction for which the election is to be held unless the person has taken a leave of absence;
- the person is indebted to the municipality for taxes in default exceeding \$50 (excluding indebtedness on current taxes, and indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality);
- the person is indebted to the local jurisdiction for any debt exceeding \$500 and is in default for more than 90 days;

- the person has, within the previous 10 years, been convicted of an offence under the *LAEA*, the *Election Act*, the *Election Finances and Contributions Disclosure Act*, or the *Canada Elections Act (Canada)*.

If a person failed to comply with the campaign finance and disclosure requirements of the *LAEA* and the Chief Administrative Officer transmitted a report to council (and the Court did not dispense with, or extend the time for compliance), a person is deemed to be ineligible.

A person is deemed to be ineligible under these circumstances for either an eight-year period following the day that a report was transmitted by the secretary (CAO), or a three-year period following the day the disclosure statement was filed with the municipality (which ever period expires first).

LAEA s. 12(h)

Candidate Eligibility in Summer Villages

In order to qualify for nomination as a councillor in a summer village, a person is not required to be a resident of the summer village, but must be entitled to vote in the election and have been a resident of Alberta for the 12 consecutive months immediately preceding Election Day.

LAEA s. 26 LAEA s. 158.1

Notice of Nomination Day

Notice of nomination day must be provided within the municipality by publishing a notice in a newspaper or publication circulating in the area for at least once a week in each of the two consecutive weeks prior to nomination day. The Returning Officer may choose instead to mail or deliver a notice to every residence in the local jurisdiction at least one week before nomination day. Alternatively, if a municipality has passed an advertising bylaw under section 606.1 of the MGA, the provisions of that bylaw may apply to advertising nomination day.

In addition to the legislative requirements noted above, a returning officer may give additional notice by any other method, as many times as considered appropriate. This may include the additional use of municipal websites or social media pages, if applicable.

LAEA s. 27

Nominations

Candidates who seek nomination for office must complete Form 4 - Nomination Paper and Candidate's Acceptance (available on Alberta.ca).

Generally, nominations must be signed by a minimum of five electors. These electors must be residents of the local jurisdiction on the date they signed the form, and must be eligible to vote in the election.

However, the LAEA allows a municipality with a population of at least 10,000 (or a school board of a local jurisdiction of at least 10,000) to pass a bylaw prior to December 31 of the year before the general election, specifying the minimum number of electors required to sign the nomination of a candidate. The number of electors signing the nomination form must be between 5 and 100.

If the municipality has implemented a ward system, the electors who sign the nomination form must also be a resident of the ward for which the candidate is being nominated.

In addition to the Nomination Form and Candidate's Acceptance (Form 4), the candidate must also file Form 5 - Candidate Information (available on Alberta.ca).

LAEA s. 25

Nomination Day

Candidates can begin to file nomination papers with the returning officer on January 1 in the year of a general election.

For clarification, given the statutory holiday on January 1, the *Interpretation Act* permits the acceptance of nomination papers to begin on the next business day.

In the case of a by-election, candidates can begin to file their nomination papers the day after the resolution was passed setting the Election Day. For example, if a resolution setting the date of the election occurs on Monday, nomination papers can be accepted starting on Tuesday.

LAEA s. 28(4)

Candidates must have their nomination papers filed with the returning officer, at the local jurisdiction office by 12:00 p.m. on nomination day, which is four (4) weeks prior to Election Day.

The returning officer shall not accept the following for filing:

- a nomination that is not completed in the prescribed form;
- a nomination that is not signed by at least the minimum number of electors required to sign the form;
- a nomination that is not sworn or affirmed by the person nominated; or
- a nomination that is not accompanied by the required deposit established by the municipality (if applicable).

LAEA s. 28(5)

If the returning officer has not rejected a nomination form due to the reasons noted above, the returning officer must sign the form to indicate that the form has been accepted.

The returning officer does not have the authority to challenge the validity of the information provided on the nomination papers. The responsibility to question the validity of the nomination papers is left to the electors of the municipality, another candidate or the elected authority, and may be challenged through the Court.

LAEA s. 12(d)

Summer Village Nomination Day

In the case of a general election, nominations for councillor must be received by the returning officer in June or July (or both), in the year of the general election. The date, time, and location of where nomination papers will be accepted, must be established by council.

LAEA s. 29

Deposit

A municipality may establish by bylaw, passed no later than 30 days before nomination day, a deposit amount, which must accompany the nomination papers at the time of filing.

The deposit, in the case of a municipality with a population of more than 10,000, may not exceed \$1,000. In all other cases, the deposit may not exceed \$100.

LAEA s. 30

The returning officer shall accept the deposit, in cash, certified cheque or money order, at the time that the nomination papers are filed. The candidate will receive the deposit back if:

- the candidate is declared elected;
- the candidate obtains at least half the number of votes than the candidate elected to office with the least number of votes; or
- the candidate withdraws at any time within the nomination period or within 24 hours after the close of the nomination period, if more than the required number of candidates for any particular office are nominated.

If the candidate dies before the close of voting stations on Election Day, the sum deposited by the candidate must be returned to the candidate's estate.

If the candidate does not meet the criteria above, the deposit shall be paid into the general revenue of the municipality.

LAEA s. 32

Withdrawal of Nomination

A candidate may withdraw their nomination at any time during the nomination period and up to 24 hours after the close of nominations on nomination day (up until 12:00 p.m. the day after nomination day).

LAEA s. 12(g)

In the case of summer villages, a candidate may withdraw within 48 hours of the close of nominations. A candidate must withdraw in person and in writing to the returning officer of the municipality.

If, after one or more candidates have withdrawn, the number of remaining candidates does not exceed the number of vacancies available, the returning officer shall refuse to accept any further withdrawals.

If, at the close of nominations, the number of nominations received equal the number required to be elected, the returning officer shall not accept withdrawals.

LAEA s. 31

Insufficient Nominations

If the number of persons nominated do not meet the number of positions required to be elected, the returning officer is required to open and accept nominations at the local jurisdiction office the next day between the hours of 10:00 a.m. and 12:00 noon for the purpose of receiving further nominations for the elected office.

The returning officer shall continue to be open for nominations between the hours of 10:00 a.m. and 12:00 noon until of the day that the required number of nominations

are received, or for a total period of 6 days, including nomination day (excluding Saturday, Sunday, and any holidays).

In the case of a summer village, the returning officer will announce the time and place when further nominations will be received, and the period of 6 days includes Saturday and Sunday.

If sufficient nominations to fill the vacancies are not received, the secretary (CAO) is required to immediately notify the relevant minister.

LAEA s. 34

Election by Acclamation

At the close of nominations, if the number of nominations received by the returning officer is equal to the number of persons required to be elected, the returning officer shall declare the persons nominated to be elected to the offices that they filed nomination papers.

Immediately, the returning officer is required to provide the secretary (CAO) and the relevant Minister's deputy minister written notification signed by the returning officer, containing the names of the persons elected and the offices that they were elected to. In the case of municipalities, this notification will be provided to the Deputy Minister of Municipal Affairs. In the case of school boards, the notification will be provided to the Deputy Minister of Education.

The returning officer is required to provide to the secretary (CAO) all nomination papers and other related materials for retention as required under the LAEA.

LAEA s. 28(8)

Candidate Nomination Information

If there are more candidates nominated than there are vacant positions, 24 hours after the close of nomination day, the returning officer must provide to the relevant Deputy Minister (same as noted in the previous section), a signed statement that includes the name of each nominated candidate and any information about the candidate that they have consented to being disclosed.

The Candidate Nomination Information form (Form LGS1332 – Candidates Nomination Information - available on Alberta.ca) may be faxed, emailed, or submitted on the Election Database through MA Connect.

If the municipality does not have login information for MA Connect and the Election Database please contact Alberta Municipal Affairs at 780-427-2225 (toll-free in

Alberta by dialing 310-0000 first), and ask to speak with a Municipal Information Advisor who can assist you with your questions or direct you to the appropriate contact.

LAEA s. 28(10)

Posting of Names

Within 48 hours of the close of nomination day, the returning officer shall post or cause to be posted at the local jurisdiction office, the names of all candidates that have been nominated and the offices that they were nominated for.

LAEA s. 28(6)

LAEA s. 34(3)

Retention of Nomination Papers

The returning officer or the secretary (as the case may be), shall retain the nomination papers filed until the term of office to which the nomination papers relate has expired.

At any time after 12:00 p.m. on nomination day, until the term of office has expired, a member of the public may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy returning officer, or the secretary (CAO).

LAEA s. 35

Notice of Election

If more than the required number of persons remained nominated 24 hours after nomination day has closed, the returning officer will declare that an election will be held to fill that office.

The returning officer is required to give notice of the election in the prescribed form (Form 6 – Notice of Election or Form 7 – Notice of Election and Requirements for Voter Identification - available on Alberta.ca) by publishing a notice at least once a week in each of the two weeks before Election Day. The advertising must be done in a newspaper or other publication circulating in the local jurisdiction, or can be mailed or delivered to every resident a notice to every residence in the local jurisdiction at least one week prior to Election Day. Alternatively, if an advertising bylaw has been established under section 606.1 of the MGA, the provisions of the bylaw may be used for the purposes of advertising the notice of election.

If an election does not apply to an entire local jurisdiction, the notice published, mailed or delivered, is only required in the ward or voting subdivision where an election is required.

The returning officer may choose to publish, mail and/or deliver additional notices and provide for notice in any additional methods as many times as the returning officer considers necessary and appropriate.

Module 2 Addendum: Senate Election and Referendum Vote

The following information has been provided by Elections Alberta, regarding the anticipated Senate Election and Referendum Vote for the 2021 Municipal Elections. Additional information is also available online at: <https://www.elections.ab.ca/elections/senate-referendum/information-for-municipalities/>

Senate Nominations

Elections Alberta is responsible for all candidate management for the senate election. This includes:

- Providing forms and processes to prospective senate candidates,
- Reviewing and accepting nomination papers and collect nomination deposits,
- Publish the list of nominated candidates,
- Receive any candidate notification, such as withdrawal, disclaimer and notice of death, and
- Receive and review all financial reports.

Nomination Day

The nomination period will run from the issuance of the writ of senate election and end at 2:00 p.m. on nomination day: Monday, September 20, 2021.

Withdrawal of Nomination

A senate candidate may withdraw their nomination at any time up to 96 hours before the opening of the poll on Election Day (any time prior to 10:00 a.m. on October 14, 2021).

Should a senate candidate withdraw, Elections Alberta will provide municipalities with a withdrawal notice to post in the voting place.

LAEA s. 35

Notice of Election

Municipalities must include the election details for the senate election and referendum vote in their notice of election issued under s. 35(2) of the LAEA.

Module 2 Addendum: Role of the Election Commissioner

The following information has been provided by Elections Alberta, regarding the role of the Election Commissioner in the 2021 Municipal Elections. Additional information is also available online at: <https://www.elections.ab.ca/investigations/>

Compliance and Enforcement

The passage of Bill 22, on November 22, 2019, resulted in legislative changes that dissolved the Office of the Election Commissioner and transferred all responsibilities to Elections Alberta. Currently, the Chief Electoral Officer is also fulfilling the role and responsibilities of Election Commissioner.

LAEA s.191

Roles and Powers of the Election Commissioner

The Election Commissioner is authorized to investigate potential violations of the *Election Act*, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act*, and the *Alberta Senate Election Act*.

For the purpose of conducting an investigation, the Election Commissioner has all the powers of a commissioner under the *Public Inquiries Act*, as though the investigation were an inquiry under that Act. An investigation may be as a result of a complaint/allegation or on the Election Commissioner's own initiative.

The Election Commissioner has the authority to:

- conduct investigations
- enter into compliance agreements
- issue letters of reprimand
- levy administrative penalties
- apply to the Court for an injunction (during an election period)
- recommend prosecutions

Complaints

The Compliance and Enforcement unit accepts, reviews and conducts investigations on behalf of the Election Commissioner. Every complaint is initially reviewed to determine if the complaint is within our jurisdiction, if there is a violation, and whether an investigation is warranted.

When the Election Commissioner approves an investigation, the services of contracted investigators are used to conduct the investigations in a thorough and timely manner.

LAEA s.192 (2)

The Election Commissioner may also refuse to conduct or cease an investigation if a matter is frivolous or vexatious, or if there are insufficient grounds to warrant an investigation or the continuation of an investigation.

Investigation Process

When an investigation is conducted, it is performed by an investigator appointed by the Election Commissioner. Investigators, who receive this appointment, have the same powers and authority as the Election Commissioner.

At the conclusion of an investigation, the information and evidence gathered is compiled into a detailed report and presented to the Election Commissioner. The Election Commissioner, who has unfettered access to all documentation and material relevant to the investigation, reviews the matter and makes a finding and decision.

LAEA s.192 (1)

The Election Commissioner cannot make an adverse finding against any person or organization unless that person or organization has had reasonable notice of the substance of the allegations and a reasonable opportunity to present his or her or its views. To ensure reasonable notice, subjects of investigations are provided with a comprehensive notice outlining the investigative findings and are given 30 days to provide a response.

The duration and complexity of any investigation is determined by the evidence and nature of the allegation(s). A simple investigation can be completed in a matter of days, while the most complex can take several years.

LAEA s.194 (1)

The legislation requires all investigations to be completed, and any finding and decision to be issued, within three years of the date of the alleged contravention.

LAEA s.203 (2)

At the conclusion of an investigation and, if appropriate, the information collected may be disclosed to the following:

- local jurisdiction or returning officer
- subject person or organization who was subject of the investigation
- Court
- Minister of Justice and Solicitor General
- law enforcement agency of jurisdiction

Elections Alberta does not publicly comment on investigations it may or may not be conducting or has conducted.

LAEA s.203 (3)

Where the Election Commissioner issues an administrative penalty or a letter of reprimand, publication of the findings, decisions, and any additional information that the Election Commissioner considers to be appropriate will be published on the Election Commissioner's website.

Additionally, an individual who, at the conclusion of an investigation where there has been no violation of the investigation, may apply in writing to the Election Commissioner to have the findings of the investigation posted on the Elections Alberta website: <https://www.elections.ab.ca/>.

LAEA s.204 (1)

On the request of the Election Commissioner, a local jurisdiction, a returning officer or the Registrar shall disclose any documents that the Election Commissioner considers necessary to carry out his or her powers, duties and functions under this Act.

LAEA s.205

A local jurisdiction, a returning officer or the Registrar shall, within a reasonable time, refer any complaint or allegation it receives under Part 5.1 or 8 of the LAEA to the Election Commissioner.

This also applies for an act or omission that likely constitutes and offence under Part 5.1 or 8 of this Act.