

**LOCAL AUTHORITIES ELECTION ACT** (Selected sections 12, 21, 22, 23, 27, 47, 68.1, 147.11, 147.2, 147.21, 151 School Act, Section 44(4))

**Summer villages**

**12** The provisions of this Act that apply to municipalities apply to summer villages except that in respect of a summer village

- (a) election day
  - (i) in the case of a general election for council or for school representatives, shall be 4 weeks after nomination day for that election, and
  - (ii) in the case of a by-election or vote on a bylaw or question, shall be as established by resolution of the summer village council,
  
- b) a person is entitled to vote at an election if
  - (i) the person is eligible to vote under section 47,
  - (ii) the person is 18, a Canadian citizen and is named on a certificate of title as the person who owns property within the summer village, or
  
  - (iii) the person is 18, a Canadian citizen and is the spouse or adult interdependent partner of a person referred to in subclause (ii),
  
- (c) the nomination of candidates for election as councillors shall be in the form prescribed for use under section 27(1) and shall be signed by at least 5 electors eligible to vote at that election,
  
- (d) in the case of a general election, nominations for councillors shall be received by the returning officer in June or July or both June and July in the year in which an election is to be held at a date and place and between the hours established by council, and sections 25 and 28(1) do not apply,
  
- (e) in the case of a by-election, nominations for councillors and school representatives, if any, shall be received by the returning officer between the hours of 10 a.m. and 12 noon at a date and place established by council,
  
- (f) voting hours in an election or in a vote on a bylaw or question shall be between the hours of 10 a.m. and 7 p.m., and section 46 applies except as to hours,
  
- (g) the time limit for withdrawal of nominations shall be 48 hours and section 32 applies except as to hours, and
  
- (h) in order to qualify for nomination as a councillor, 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.

RSA 2000 cL-21 s12;2002 cA-4.5 s52;  
2003 c27 s4;2006 c22 s7

**Qualification of candidates**

**21(1)** A person may be nominated as a candidate in any election under this Act if on nomination day the person

- (a) is eligible to vote in that election,
  
- (b) has been a resident of the local jurisdiction and the ward, if any, for the 6 consecutive months immediately preceding nomination day, and
  
- (c) is not otherwise ineligible or disqualified.

**(2)** Notwithstanding subsection (1), in the case of a city, a resident of the ward in either a general election or a by-election, but must be a resident of the city.

**(3)** Notwithstanding subsection (1), a candidate for trustee of a board of a school district that is wholly or partly within the boundaries of a city 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 school district.

**(4)** If the boundaries of a local jurisdiction are altered by the addition of land, a person who has been a resident of the added land for at least the 6 months immediately preceding nomination day is deemed, for the purposes of this Act, to have been a resident, during that time, of the local jurisdiction to which the land was added.

1983 cL-27.5 s21;1985 c38 s6;1988 cS-3.1 s247;1990 c36 s52;  
1991 c23 s2(10)

## **Ineligibility**

**22(1)** A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day

- (a) the person is the auditor of the local jurisdiction for which the election is to be held;
- (b) the person is an employee of the local jurisdiction for which the election is to be held unless the person takes a leave of absence under this section;
- (c) the person is indebted to the municipality of which the person is an elector for taxes in default exceeding \$50, excluding from that amount
  - (i) any indebtedness for current taxes, and
  - (ii) any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of any money due under the agreement;
- (d) the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$500 and in default for more than 90 days;
  - (d.1) the person has, within the previous 10 years, been convicted of an offence under this Act, the *Élection Act* or the *Canada Elections Act* (Canada).
  - (e),(f) repealed 2006 c22 s13.

**(1.1)** A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by

- (a) a school district or division,
- (b) a charter school, or
- (c) a private school, in Alberta unless the person takes a leave of absence under this section.

**(1.2)** A person is not eligible to be nominated as a candidate for election as a councillor if

- (a) the secretary transmitted a report to council under section 147.8(1) in respect of the person,
- (b) the Court did not dispense with, or extend the time for, compliance with section 147.4 by an order under section 147.8(3), and
- (c) subject to subsection (1)(d.1), nomination day for the election occurs within
  - (i) the 8-year period following the day on which the secretary transmitted the report to council, or
  - (ii) where the disclosure statement required by section 147.4 has been filed with the municipality, the 3-year period following the day of filing, whichever period expires first.

**(1.3)** Subsection (1.2) applies where a report has been transmitted under section 147.8(1) respecting a campaign period beginning on or after January 1, 2014.

**(2)** Repealed 2006 c22 s13.

**(3)** Subsection (1)(b) to (d) do not apply to a candidate for election as a trustee of a school board.

**(4)** Subsection (1) does not apply to a person by reason only

- (a) that the person is a shareholder in a corporation having a contract or dealings with the local jurisdiction or elected authority for which the election is being held,
  - (i) unless the person holds or there is held by the person and the person's spouse or adult interdependent partner, parents, children, brothers and sisters more than 25% of the issued capital stock of the corporation, or
  - (ii) unless the contract or dealings are for the building or construction of a public work of the local jurisdiction;
- (b) that the person has a contract with the local jurisdiction for the supplying to the person, the person's spouse or adult interdependent partner or child of a service, utility or commodity that the local jurisdiction has statutory authority to supply;
- (c) that the person holds an interest in a publication
  - (i) in which official advertisements of the local jurisdiction appear, or
  - (ii) that is supplied to the local jurisdiction at the usual rates;
- (d) that the person sells or leases to the local jurisdiction land or interest in land that the local jurisdiction has authority to expropriate;
- (e) that the person supplies goods, merchandise or services to the local jurisdiction or to persons contracting with the local jurisdiction if they are supplied at competitive prices and in the ordinary course of the person's business or profession;
- (f) that the person renders
  - (i) services to indigents who are residents of the local jurisdiction and for which the local jurisdiction is or may become liable to pay, or
  - (ii) services for which the local jurisdiction has provided a subsidy;
- (g) that the person is appointed to a position under the *Emergency Management Act*;
- (h) that the person has rendered professional services as a lawyer to the local jurisdiction, if the fees for the services have been reviewed or assessed under the *Alberta Rules of Court*;
  - (i) that the person has received a gratuity or allowance for services on a committee or board appointed
  - (ii) by or responsible to the local jurisdiction;
- (i) that the person has received a gratuity or allowance for services on a committee or board appointed by or responsible to the local jurisdiction;
- (j) that the person is a member of an association under the Rural Utilities Act or is a member of a cooperative under the Cooperatives Act;
- (k) that the person is a vendor, purchaser, assignor or assignee of land bought or sold under the Agriculture Financial Services Act;
- (l) that the person is a party to a contract for the purchase or lease of real or personal property from the local jurisdiction entered into before nomination day;
- (m) that the person is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction or that the person is a volunteer for another purpose who performs duties under the direction of the local jurisdiction.

**(5)** An employee of a municipality who wishes to be nominated as a candidate in an election to be held for that municipality may notify his or her employer on or after July 1 in the year of a general election or on or after the day the council passes a resolution to hold a by-election but before the employee's last working day prior to nomination day that the employee is taking a leave of absence without pay under this section.

- (5.1)** An employee referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may notify his or her employer on or after July 1 in the year of an election but before the employee's last working day prior to nomination day that the employee is taking a leave of absence without pay under this section.
- (6)** Notwithstanding any bylaw, resolution or agreement of a local jurisdiction, every employee who notifies his or her employer under subsection (5) or (5.1) is entitled to a leave of absence without pay.
- (6.1)** Repealed 2012 c5 s107.
- (7)** An employee who takes a leave of absence under this section is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.
- (8)** If an employee who takes a leave of absence under this section is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after election day or, if the 5th day is not a working day, on the first working day after the 5th day.
- (9)** If an employee who takes a leave of absence under this section is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official.
- (10)** If an employee who takes a leave of absence under this section is declared elected but, after a recount under Part 4, is declared not to be elected, the employee may return to work on the first working day after the declaration is made, and subsections (7) and (8) apply.
- (11)** Subject to subsection (12), an employee who takes a leave of absence under this section and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's election is adjudged invalid.
- (12)** If, through no act or omission of the employee, an employee forfeits the elected office or the employee's election is adjudged invalid, the employee may return to work on the first working day after the office is forfeited or the election is adjudged invalid, and subsections (7) and (8) apply.

RSA 2000 cL-21 s22;2001 cC-28.1 s458;2001 c23 s1(11);  
 2002 cA-4.5 s52;2002 c23 s1;2006 c22 s13;2007 c12 s12;  
 2009 c53 s104;2010 c9 s1;2012 c5 s107

### **Ineligibility for nomination**

**23(1)** A person is not eligible to be nominated for more than one office of the same elected authority.

**(2)** A member who holds office on an elected authority is not eligible to be nominated for or elected to the same or any other office on the elected authority

(a) unless the member's term of office is expiring, or

(b) if the member's term of office is not expiring, unless the member has resigned that office effective 18 days or more before nomination day.

1983 cL-27.5 s23

### **Form of nomination**

**27(1)** Every nomination of a candidate shall be in the prescribed form and signed by at least 5 electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination, and shall be accompanied with a written acceptance signed in the prescribed form by the person nominated, stating

(a) that the person is eligible to be elected to the office,

(a.1) the name, address and telephone number of the person's official agent, and

(b) that the person will accept the office if elected, and if required by bylaw, it must be accompanied with a deposit in the required amount.

**(2)** Notwithstanding subsection (1), a city that is a local jurisdiction with a population of at least 10 000 or a board of

trustees under the School Act of a local jurisdiction with a population of at least 10 000 may, by a bylaw passed prior to June 30 of a year in which a general election is to be held, specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be at least 5 and not more than 100.

- (3) Notwithstanding subsection (1), if a system of wards is in effect, only an elector who is a resident of the ward for which a candidate for election is being nominated may sign the nomination of the candidate.
- (4) If a bylaw has been passed providing for a deposit, a nomination paper is not valid nor shall it be acted on by the returning officer unless it is accompanied with the deposit.

RSA 2000 cL-21 s27;2003 c27 s10;2006 c22 s14

### **Eligibility to vote**

**47(1)** A person is eligible to vote in an election held pursuant to this Act if the person

- (a) is at least 18 years old,
  - (b) is a Canadian citizen, and
  - (c) has resided in Alberta for the 6 consecutive months immediately preceding election day and the person's place of residence is located in the area on election day.
- (2) Subject to subsection (3) and sections 75, 77.1, 79, 81 and 83, an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on election day.
- (3) If a local authority establishes a voting station at a work site, the local authority may direct that those workers who are electors who wish to vote and who are required to work at the site during the hours for which the voting station is open shall vote at that voting station, notwithstanding that those workers do not reside in the voting subdivision in which that voting station is located.

### **Official agent**

**68.1(1)** Each person nominated as a candidate may, on the nomination form, appoint an elector to be the candidate's official agent.

- (1.1) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the contact information of the new official agent.
- (2) A person who has, within the previous 10 years, been convicted of an offence under this Act, the Election Act or the Canada Elections Act (Canada) is not eligible to be appointed as an official agent.
- (3) No candidate shall act as an official agent for any other candidate.
- (4) The duties of an official agent are those assigned to the official agent by the candidate.

2006 c22 s32; 2012 c5 s112

### **Candidate self-funded election campaign**

**147.11(1)** Any money up to and including \$10,000 paid by a candidate out of the candidate's own funds for the purposes of the candidate's election campaign is not a campaign contribution for the purposes of this Part.

### **Limitations on contributions**

**147.2(1)** Campaign contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed \$5000 in any year.

(1.1) Money paid by a candidate out of the candidate's own funds to the candidate's election campaign shall not exceed \$10 000 in any campaign period.

(2) Repealed 2010 c9 s2.

(3) No prohibited organization, person normally resident outside Alberta or trade union or employee organization other than a trade union or employee organization as defined in this Part shall make any campaign contribution to a candidate.

### Registration of candidates

**147.21(1)** No candidate may accept campaign contributions, including the funds of the candidate, unless the candidate is registered under this Act with the municipality in which the candidate intends to run.

(2) The municipality shall maintain a register of candidates in relation to each election and shall register in it any candidate who is eligible to be nominated at the time of registration and who files with the municipality an application for registration setting out

- (a) the full name and address of the candidate,
- (b) the addresses of the place or places where records of the candidate are maintained and of the place to which communications may be addressed,
- (c) the names and addresses of the financial institutions to be used by or on behalf of the candidate as depositories for campaign contributions made to that candidate, and
- (d) the names of the signing authorities for each depository referred to in clause (c).

(3) When there is any change in the information required to be provided under subsection (2), the registered candidate shall notify the municipality in writing within 48 hours after the change, and on receipt of the notice the municipality shall update the register of candidates accordingly.

(4) Notice under subsection (3) may be sent by fax or electronic mail.

(5) A candidate who contravenes subsection (1) or (3) is guilty of an offence and liable to a fine of not more than \$1000.

(6) This section does not apply to a candidate if the candidate's entire election campaign is funded exclusively out of the candidate's own funds up to a maximum of \$10 000.

### Offence

**151** A candidate for elective office who signs a candidate's acceptance form that contains a false statement is guilty of an offence and liable to a fine of not more than \$1000.

1983 cL-27.5 s151

### School Act

#### Resident student

**44(4)** Where a separate school district is established, an individual residing within the boundaries of the separate school district who is of the same faith as those who established that district, whether Protestant or Roman Catholic,

- (a) is a resident of the separate school district, and
- (b) is not a resident of the public school district.