

# Frequently asked questions:

## *Local Authorities Election Act*

## 2018 & 2020 Amendments

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### Why is the *Local Authorities Election Act* Changing?

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

### What are the changes to Campaign Finance and Contribution Disclosure

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

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

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

Are there any changes to voter accessibility requirements?

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

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

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

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

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

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

Numerous clarifying and technical amendments were approved, including:

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

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

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

How will the  
Government  
enforce rules  
established in the  
*LAEA*?

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

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

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

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