

STARLAND COUNTY- ELECTION INFORMATION

LOCAL AUTHORITIES ELECTION ACT – NOMINATION PAPER AND CANDIDATE’S ACCEPTANCE
Section 21, 22, 23, 27, 32, 47, 147.11, 147.2, 147.4 and 151 (Information for Candidates)

SECTION 21- QUALIFICATION OF CANDIDATES

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 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.

(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)

SECTION 22 - INELIGIBILITY

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 is on a leave of absence granted 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 *Election 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 is on a leave of absence granted 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 taxed under the *Alberta Rules of Court*;
- (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 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 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.

(7) An employee who has been granted a leave of absence 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 has been granted a leave of absence 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 has been granted a leave of absence 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 has been granted a leave of absence 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 has been granted a leave of absence 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;2010 c9 s1; 2012 c5 s107

SECTION 23 – INELIGIBILITY FOR NOMINATION

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



SECTION 27 - FORM OF NOMINATION

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

SECTION 32 - WITHDRAWAL OF A NOMINATION

Withdrawal of nomination

32(1) Subject to subsection (2), if more than the required number of candidates for any particular office are nominated, any person so nominated may, at any time within 24 hours after the close of the nomination period, withdraw as a candidate for the office for which the candidate was nominated by filing with the returning officer a withdrawal in writing.

(2) If, after one or more candidates have withdrawn, the number of remaining candidates does not exceed the number of vacancies to be filled, the returning officer shall refuse to accept further withdrawals.

1983 cL-27.5 s32

SECTION 47 - ELIGIBILITY TO VOTE

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.

(4) In the case of the performance of any function or the exercise of any right under this Act, a person shall be a resident on the day on which that function is performed or that right is exercised in the area, ward or voting subdivision in respect of which that function is performed or that right is exercised and shall have been a resident of Alberta for the 6 consecutive months immediately preceding the day on which that function is performed or that right is exercised, unless otherwise required by this Act.

RSA 2000 cL-21 s47;2003 c27 s15;2006 c22 s23

SECTION 147.11 – CANDIDATE SELF FUNDED ELECTION CAMPAIGN

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.

(2) If a candidate's entire election campaign is funded exclusively out of the candidate's own funds, the candidate is not required to

(a) open and deposit the funds in a campaign account at a financial institution in the name of the candidate's election campaign or of the candidate,

(b) file a disclosure statement with the municipality setting out the total amount contributed by the candidate to the candidate's own election campaign, or

(c) file a disclosure statement with the municipality listing the campaign expenses incurred during the candidate's election campaign.

(3) This section does not apply if the candidate receives or accepts any campaign contribution from any other person, corporation, trade union or employee organization.

2010 c9 s1;2012 c5 s118

SECTION 147.2 – LIMITATIONS ON CONTRIBUTIONS

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 contributions to a candidate.

(4) A corporation, trade union or employee organization that contravenes this section is guilty of an offence and liable to a fine of not more than \$10 000.

(5) A person or a candidate who contravenes this section is guilty of an offence and liable to a fine of up to \$5000.

2009 c10 s3;2010 c9 ss1,2

SECTION 147.21 – REGISTRATION OF CANDIDATES

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) 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.



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

2012 c5 s119

SECTION 147.4 – CAMPAIGN DISCLOSURE STATEMENTS

Campaign disclosure statements

147.4(1) If a candidate's election campaign is funded exclusively from campaign contributions from any person, corporation, trade union or employee organization or is funded from a combination of money paid by the candidate out of the candidate's own funds and campaign contributions from any person, corporation, trade union or employee organization, then, on or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the municipality a disclosure statement in the prescribed form, which must include

(a) the total amount of all campaign contributions received during the campaign period that did not exceed \$100 in the aggregate from any single contributor,

(b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$100 in the aggregate,

(c) the total amount of money paid by the candidate out of the candidate's own funds,

(d) the total amount of any campaign surplus, including any surplus from previous campaigns, and

(e) a financial statement setting out the total amount of revenue and expenses.

(1.1) If a candidate does not file nomination papers before the next general election, the candidate shall, within 6 months after the date of the next general election,

(a) if there is a surplus, donate the amount of money disclosed under subsection (1)(d) to a registered charity within the meaning of subsection 248(1) of the Income Tax Act (Canada) or to the municipality where the candidate was declared elected in a previous general election, or

(b) if there is a deficit, eliminate the deficit.

(1.2) A candidate who has a deficit referred to in subsection (1.1)(b) shall, within 30 days after the expiration of the 6-month period referred to in subsection (1.1), file an amended disclosure statement showing any campaign contributions accepted and any other funds received to eliminate the deficit.

(2) If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) has changed or has not been completely or accurately disclosed, the candidate shall, within 30 days, submit a supplementary statement in the prescribed form to the municipality.



(3) The municipality must ensure that all documents filed under this section are available to the public during regular business hours.

(4), (5) Repealed 2010 c9 s1.

2009 c10 s3;2010 c9 s1;2012 c5 s121

SECTION 151 – OFFENCE

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

ADDITIONAL INFORMATION ON LEGISLATION

A current copy of the Local Authorities Election Act is available from the Administration Office upon request.

