

STARLAND COUNTY- ELECTION INFORMATION

LOCAL AUTHORITIES ELECTION ACT – NOMINATION PAPER AND CANDIDATE’S ACCEPTANCE
Section 21, 22, 23, 27, 32, 47, 147.2, 147.3 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 or a school board trustee 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.

(a) with respect to a candidate for election as a councillor, if a report has been transmitted under section 147.8(1)(a) respecting a campaign period beginning on or after January 1, 2014, and

(b) with respect to a candidate for election as a school board trustee, if a report has been transmitted under section 147.8(1)(b) respecting a campaign period beginning on or after January 1, 2019.

(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) – (f) repealed 2018 c23 s11;

(g) that the person is appointed to a position under the *Emergency Management Act*;

(h) repealed 2018 c23 s11;

(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) – (l) repealed 2018 c23 s11

(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; 2018 c23 s11

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 must

- (a) be in the prescribed form,
- (b) be signed by a least 5 persons who are electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination,
- (c) be accompanied with a written acceptance sworn or affirmed in the prescribed form by the person nominated, stating
 - (i) That the person is eligible to be elected to the office,
 - (ii) The name, address, and telephone number of the person's official agent, if one has been appointed,
 - (iii) That the person will accept the office if elected, that the person will read and comply with the municipality's code of conduct if elected, and
 - (iv) That the persons who have signed the nomination are electors who are eligible to vote in t that election and resident in the local jurisdiction on the date of signing the nomination, and
- (d) if required by bylaw, be accompanied with a deposit in the required amount.



(1.1) a person who files a nomination shall also submit, in the prescribed form, the following information to the returning officer:

- (a) the full name and contact information of the candidate;
- (b) the address of the place or places where records of the candidate are maintained and the of the place to which communications may be addressed;
- (c) the name and address of the financial institution to be used by or on behalf of the candidate for the candidate's campaign account, if applicable;
- (d) the names of the signing authorities f each account referred to in clause ©, if applicable.

(1.2) When there is any change in the information required to be provided under subsection (1.1), the candidate shall notify the local jurisdiction in writing within 48 hours after the change, and on receipt of the notice the local jurisdiction shall update the information accordingly.

(1.3) Notice under subsection (1.2) may be sent by fax or e-mail.

(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) repealed 2018 c23 s13.

RSA 2000 cL-21 s27;2003 c27 s10;2006 c22 s14; 2012 cE-0.3 s276; 2017 c13 s4; 2018 c13 s13; 2020 c22 s6

SECTION 32 - WITHDRAWAL OF A NOMINATION

Withdrawal of nomination

32(1) A person nominated as a candidate may withdraw as a candidate at any time during the nomination period.

(2) Subject to subsection (3), at any time within 24 hours after the close of the nomination period, if more than the required number of candidates for any particular office are nominated, any person so nominated may withdraw as a candidate for the office for which the candidate was nominated by filing with the returning officer a withdrawal in writing.

(3) If, after one or more candidates have withdrawn in accordance with subsection (2), 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; 2020 c22 s8

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) resides in Alberta and the person's place of residence is located in the local jurisdiction 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) Repealed 2018 c23 s19.

RSA 2000 cL-21 s47;2003 c27 s15;2006 c22 s23; 2018 c23 s19

SECTION 147.2 – LIMITATIONS ON CONTRIBUTIONS

Limitations on contributions

147.2(1) Only an individual ordinarily resident in Alberta may make a contribution to a candidate.

(2) No prohibited organization and no individual ordinarily resident outside Alberta shall make a contribution to a candidate.

(3) Subject to subsection (4), no individual ordinarily resident in Alberta shall contribute in any campaign period an amount that exceeds

- (a) \$5000 to any candidate for election as a councillor, and
- (b) \$5000 to any candidate for election as a school board trustee.

(4) A candidate may contribute an amount of up to \$10,000 that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period to the candidate's own campaign expenses.

(4) Any amount paid by a candidate for campaign expenses from the candidate's own funds that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period, including an amount referred to in subsection (4), is a contribution to the candidate's own campaign for the purposes of this Act.

(5) No candidate and no person acting on behalf of a candidate shall, directly or indirectly, solicit or accept a contribution if the candidate or person knows or ought to know that the



prospective contributor is a prohibited organization or an individual ordinarily resident outside Alberta.

(6) No candidate and no person acting on behalf of a candidate shall solicit or accept a contribution if the candidate or person knows or ought to know that the amount of the contribution will exceed the amounts referred to in subsection (3).

2009 c10 s3;2010 c9 ss1,2

SECTION 147.3 – DUTIES OF CANDIDATE

Campaign disclosure statements

147.3(1) A Candidate shall ensure that

(a) a campaign account in the name of the candidate or the candidate's election campaign is opened at a financial institution for the purposes of the election campaign at the time of nomination or as soon as possible after the total amount of contribution first exceeds \$1000 in the aggregate.

(b) if a campaign account has been opened in accordance with clause (a), all contribution of money are deposited into the campaign account,

(c) money in the campaign account shall only be used for the payment of campaign expenses,

(d) contributions of real property, personal property and services are valued,

(e) receipts are issued for every contribution and obtained for every expense,

(f) records are kept of contributions and campaign expenses and are retained by the candidate for a period of 3 years following the date on which disclosure statements were required to be filed under section 147.4, and

(g) proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign expenses and accept or solicit contributions on behalf of the candidate.

(2) A candidate shall not knowingly make a false or misleading statement in any disclosure statement or financial statement or other information required to be filed under this par.

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 s15

