Running for Municipal Office in Alberta

A Guide for Candidates

Alberta Municipal Affairs

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Government of Alberta

Alberta Municipal Affairs

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Introduction

This guide is designed to give prospective candidates an understanding of the process and legislative requirements for running for municipal office in Alberta.

This guide has no legislative sanction and therefore we recommend that you obtain a copy of the *Local Authorities Election Act* and other relevant statutes and regulations.

Local Authorities Election Act

The *Local Authorities Election Act (LAEA)* is the primary legislation that guides the conduct of a municipal or school board election or by-election. Copies can be obtained through the Alberta Queen's Printer, http://www.qp.alberta.ca, 780-427-4952.

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*, ask the returning officer in your municipality, call a Municipal Advisor, or seek an independent legal opinion.

All forms, including the notice of intent to run, nomination form and candidate's acceptance, and campaign disclosure statement can be found on the Alberta Municipal Affairs website, or by contacting your municipality.

Municipal Government Act

The *Municipal Government Act (MGA)* is the primary legislation that governs municipalities. Copies can be obtained through the Alberta Queen's Printer, http://www.qp.alberta.ca, 780-427-4952.

Candidate Registration, Contributions & Expenses

Candidates are strongly encouraged to read and understand Part 5.1 of the *Local Authorities Election Act* as it pertains to Municipal Election Finance and Contribution Disclosure

Candidate Registration

LAEA s. 147.21

Beginning in 2014, candidates **may not** accept campaign contributions, including their own funds, unless they are registered with the municipality in which they intend to run. It is very important that candidates check with their municipality to learn where to find the registration information and how to become registered prior to accepting any campaign contributions.

If a candidate has funded their campaign exclusively from their own funds, up to $10,000, they are not required to register with the municipality.

For more information about registering as a candidate you are encouraged to speak with the returning officer or chief administrative officer in your municipality. The municipality will have the required forms that you will need to complete.

Contributions and Expenses

What are allowable campaign expenses?

LAEA s. 118

The payments of the following expenses, related to the election campaign, are not considered a contravention of the legislation:

- Your personal expenses;
- Cost of acquiring premises, accommodation, goods or services for proper election campaign expenses;
- Payments for the costs of printing and advertising;
- Reasonable payment to any person for the hire of transportation used by a candidate or speakers in travelling to and from public meetings or by any person in connection with and for the proper purposes of an election.

Candidate Self-funded Contributions

LAEA s. 147.1

A candidate may entirely self-fund their campaign up to and including $10,000. If a candidate self-funds their campaign, there is no need for the candidate to open a bank account specifically for campaign contributions.

Contributions to Candidates

LAEA s. 147.2

Candidates may accept contributions from any person, corporation, trade union or employee organization up to $5,000.

A candidate must open a bank account in the name of the candidate or in the name of the campaign as soon as possible after the amount of contributions exceeds $5000 in the aggregate **or** the amount of contributions and any amount of the candidate's own funds exceeds $5,000.

It is important to know that contributions of real property, personal property, goods and services have a value. Receipts must be issued for every contribution received and be obtained for every expense throughout the duration of the campaign.

All campaign records of contributions and expenses should be kept for a minimum of two (2) years following the general election.

Anonymous & Ineligible Contributions

If a candidate receives an anonymous contribution, the candidate must return the contribution to the contributor immediately (if the identity of the contributor is known) or pay the total contribution to the municipality.

Before You File Your Nomination Paper

This section provides a brief overview of what to take into consideration prior to running for municipal office.

Are you Qualified?

LAEA s. 21(1)

To become a candidate you must be at least 18 years of age on nomination day, a Canadian citizen, and you must have been a resident of the local jurisdiction for the 6 consecutive months immediately preceding Nomination Day.

Qualification Requirements in a Ward System

In a municipality with a ward system, you must be a resident of the ward or the electoral division in which you intend to run for the 6 consecutive months immediately preceding nomination day.

Qualification Requirements in a City with a Ward System

In a city with a ward system, it is required that you have been a resident of the city for 6 months immediately preceding nomination day, not necessarily the ward in which you wish to run.

Qualification Requirements in a Summer Village

LAEA s. 12

In a summer village, you must meet the requirements for eligibility to vote in the election and have been a resident of Alberta for the 12 consecutive months immediately preceding Election Day.

Note: Nomination Day is 4 weeks prior to Election Day, unless a municipality has passed a bylaw under section 11(2) of the *Local Authorities Election Act*.

In the case of a general election, Election Day occurs on the 3rd Monday of October every 4 years. In the case of a by-election, Election Day will be set through a resolution of council.

In the case of a summer village, nomination day must occur in June and/or July and Election Day occurs 4 weeks following nomination day. Nomination day is set by council resolution.

Ineligibility for Nomination

LAEA s. 22

You are <u>not</u> eligible to become a candidate under any of the following circumstances:

- if you are the auditor of the municipality;
- if your current property taxes are more than $50 in arrears;
- if you are in default for any other debt to the municipality in excess of $500 for more than 90 days; or
- if within the previous 10 years you have been convicted of an offense under the *Local Authorities Election Act*, or the *Canada Elections Act*.

If you are a judge, Member of Parliament, Senator, or Member of the Legislative Assembly, you must resign that position before you take office as a member of council.

If a person failed to comply with the requirements in the *LAEA* as they relate to campaign finance and disclosure and the secretary (chief administrative officer) transmitted a report in respect to that person, and/or the Court did not dispense with, or extend the time for compliance with respect to campaign finance and disclosure, a person is deemed to be ineligible. A person is deemed to be ineligible under these circumstances for either an 8 year period following the day that a report was transmitted by the secretary, or a 3 year period following the day the disclosure statement was filed with the municipality (which ever period expires first).

NOTE: If you are a municipal employee and you wish to run for municipal office, you must take a leave of absence as outlined in the *LAEA.* You may notify your employer on or after July 1 in the election year (on or after the day council passes a resolution setting Election Day in the case of a by-election) but before the last working day prior to Nomination Day.

Other Considerations

Time Commitment

The demands on your time while being an elected official will be heavy. You will be elected for a four-year term of office and during that time you will be required to attend:

- regular and special meetings of council;
- council committee meetings;
- meetings of other boards and agencies to which you are appointed as a council representative;
- conferences, conventions, seminars and workshops for training and discussion; and
- other events promoting your municipality.

Time must also be spent reading agenda material and talking with residents, the chief administrative officer (CAO) and other relevant stakeholders. This will all be part of the necessary preparation for meetings so that you can make informed decisions.

Remuneration

Elected officials generally receive remuneration or other financial compensation for the time and energy they have devoted to their community. The remuneration varies in each municipality, so check with your local municipal office to find out about remuneration for elected officials in your jurisdiction.

Roles and Responsibilities of an Elected Official

As a member of council you will have the opportunity to significantly influence the future of your community. Your effectiveness as a member of council depends on your ability to persuade the other members of council to adopt and support your view. Decisions of council may only be made by resolution or bylaw and must be made at public meetings, at which a quorum is present.

As an individual member of council you will not have the power to commit your municipality to any expenditure or to direct the activities of the municipal employees. Any promise you make as a part of your election campaign that involves municipal expenditures or the activities of the employees can only be carried out if you can convince a majority of council that it is a good idea.

The Canadian Constitution delegates responsibility for municipal institutions to the provinces. Through a variety of legislation, the Alberta Legislative Assembly has delegated some of its authority to municipal councils. The legislation you will refer to most often is the *Municipal Government Act*.

In accordance with the *Municipal Government Act*, a municipal council may pass legislation in the form of municipal bylaws. These bylaws remain in effect until they are amended or repealed. You will not be starting with a blank slate and creating your ideal municipality from scratch. If you are running with some kind of reform in mind, you will have to become familiar with what exists, how it has been created – by bylaw, resolution or policy – and why it exists before you will be able to start discussing your changes.

Municipalities often make local bylaws available to the public through their municipal websites.

Administration of a Municipality

As a member of council, it will be your duty to **establish** policy for your municipality. It is the job of the administration to **implement** the policy direction. Alberta municipalities have competent and dedicated administrators. The chief administrative officer is the only employee of Council, and you will rely on the support, advice, and assistance of your CAO if you are to be an effective member of council. The CAO's training, experience, and understanding of how and why things have developed the way they have will be an important resource for you.

How Else Can I Prepare?

The best way to find out what the job is all about is to spend some time reading council agendas and minutes, and talking to current members of council.

- Familiarize yourself with local bylaws and municipal legislation;
- Read council agendas and minutes;
- Sit in the gallery at council meetings; and
- Talk to municipal staff to find out what other information is available.

It is common practice in many municipalities to publish a prospective candidate's information guide. These guides will provide valuable insight into time commitments, practices, and expectations of holding office in that municipality.

Researching now will help you in your campaign and prepare you for assuming office.

Nomination Papers

This section provides a brief overview of the information included on the nomination paper and the nomination day process.

Form of Nomination

LAEA s. 27

Your nomination must be filed using the prescribed form (Form 3 – Nomination Paper and Candidate's Acceptance). Contact the local municipal office to determine where to get the nomination form and to seek advice on filling out the form accurately. The CAO, returning officer, or municipal clerk will be able to help you.

What is included in the Form of Nomination?

Your nomination paper must be signed by at least five (5) voters eligible to vote in the election. The signatures collected must be of people who are resident in the municipality on the date of signing the nomination, and include the voter's name, address (street address or legal description of residence) and signature.

- Cities with a population of at least 10,000 may pass a bylaw increasing the number of signatures required to a maximum of 100. Ensure that you check with the municipality to determine the number of signatures that you require.
- If you are seeking election in a municipality with a division or ward system, the voters signing your nomination form must be residents in the ward or division that are you running in.

LAEA s. 12

In Summer Villages, the nominators must:

- Be eligible to vote in the election;
- Be 18 years of age;
- A Canadian Citizen; and
- Named on the certificate of title as the person who owns property within the summer village or is the spouse or adult interdependent partner of the person named on the title.

In addition to the signatures, the nomination paper must also be complete with the written acceptance signed in the prescribed form by the person nominated.

If you do not have the required number of signatures on your nomination form, your form will not be accepted by the returning officer.

What is included in the Candidates Written Acceptance?
The candidate's written acceptance includes:

- That the person is eligible to be elected to the office;
- The name, address and telephone number of the person's official agent (if applicable);
- That the person will accept the office if elected.

The acceptance is an affidavit that must be sworn or affirmed before a Commissioner for Oaths or the returning officer.

Note: Under the Criminal Code (Canada), it is an offence to make a false affidavit and is punishable by up to 14 years imprisonment.

Nomination Day

Filing the Nomination Form

Once you have completed the nomination form, the next step is to ensure that you file the form on Nomination Day.

How do I file my Nomination Form?

LAEA s. 28

Completed nomination forms can be filed with the returning officer between 10am and 12noon on Nomination Day, four (4) weeks prior to Election Day. Municipalities may pass a bylaw prior to June 30th stating that the returning officer may receive nominations earlier than 10am and establish other locations where nominations may be received.

Municipalities will advertise a "Notice of Nomination Day" at least once a week for two weeks prior to Nomination Day that will indicate where and when the returning officer will receive the nominations. It is important to check the advertisement or with your municipality for the time and location to file your nomination papers.

Do I have to file my nomination form in person?

Nomination forms must be hand delivered. It is always a good idea to deliver your nomination form to the returning officer in person; however, anyone may file your nomination paper on your behalf. If you are unable to file your nomination paper yourself, ensure that the nomination paper is completed fully prior to Nomination Day. You, as the candidate, are responsible for ensuring that the nomination form is fully completed and meets the requirements for filing under section 27 of the *Local Authorities Election Act*.

Do I have to pay a deposit to file my nomination form?

LAEA s. 29

Municipalities may pass a bylaw requiring a deposit to accompany nominations. The amount fixed in bylaw may not exceed:

- $1,000 in municipalities with a population over 10,000; and
- $100 in all other municipalities.

When you inquire or pick up the nomination form from the municipality, ensure that you seek clarification on whether a deposit is required and the amount of the deposit.

If a deposit is required, it must be paid, in full, at the time you file your nomination form. A deposit must be payable to the municipality and may be paid using:

- Cash;
- Certified cheque; or

- Money Order,

Will I get my deposit back?

LAEA s. 30

Your deposit will be returned to you if you are:

- Elected; or
- If you get at least one-half the number of votes of the person elected to office, with the least number of votes.

Withdrawing Nominations

LAEA s. 32

Candidates may withdraw their nomination form within 24 hours (48 hours in a summer village) from the close of nominations, provided the number of candidates nominated exceeds the number of positions for the office you are seeking.

If candidates choose to withdraw, they must provide written notice, in person, to the returning officer.

Insufficient Nominations

LAEA s. 31

In the event that the number of nominations filed is less than the number of vacancies in the municipality, the returning officer will be available to receive nominations the next day (and for a period of up to 6 days, if required) from 10am to 12noon.

Nominations Equal Number of Vacancies

If, by noon on any of the days, the number of candidates nominated equals the number of vacancies in the municipality, nominations will be closed and the returning officer will declare the candidates elected by acclamation (no elected will be held).

Nominations Exceed Number of Vacancies

If more than the required nominations are received by noon on any of the days, nominations will be closed and the election will be held according to process.

Summer Villages

In the case of a summer village, the returning officer will announce the time and place when further nominations will be received.

Late Filing of Nominations

The returning officer **CANNOT** accept nominations after 12 noon on Nomination Day. Ensure that you check with your municipality on the time and location for filing nomination forms and ensure that you file your nomination paper on time at the location available.

Campaigning

Once you have filed your nomination form and your candidate's acceptance, there are several things to remember as you campaign to Election Day.

How do I Campaign?

There is no "standard" in campaigning when it comes to municipal elections. A candidate's campaign style will want to match the uniqueness of the municipality to the candidate's personality and available resources.

The purpose of campaigning is to convince the electors that you are the best candidate for the position in the municipality. Candidates have used various strategies including but not limited to:

- Door-knocking;
- Signage;
- Brochures or posters;
- Social media pages (Facebook, Twitter, Instagram) or websites; and
- Host a meet and greet event.

Is There Anything I Cannot Do During a Campaign?

There are a variety of offence provisions included in the *Local Authorities Election Act*; it is encouraged that candidates review and understand all offence provisions in the Act.

In addition to the offence provisions, it is essential that candidates seek additional clarification from municipal returning officers relating to campaign activities. Municipalities may have local bylaws that may address campaign activities including but not limited to the use and placement of campaign signage throughout the municipality.

If candidates require additional interpretation or clarification, they are encouraged to seek independent legal services if required.

Bribery

LAEA s. 116

As a candidate, you cannot give, or promise to give, money or any other valuable consideration (such as an office or job) to anyone in return for their vote, or to agreeing not to vote.

It addition, an elector or resident of the municipality cannot accept money or any other valuable consideration in return for voting or not voting during an election.

Undue Influence

LAEA s. 117

As a candidate, you cannot use, or threaten to use, violence, injury, damage or intimidation to compel a person to vote or refrain from voting at an election. You cannot obstruct the voting process or obstruct a person from accessing a voting station to vote during an election.

Canvassing on Election Day

LAEA s. 152

Candidates, official agents, or campaign volunteers cannot canvass or solicit votes in or immediately adjacent to, a voting station on Election Day. In addition, campaign materials (posters, pins, signage, etc.) cannot be displayed or distributed inside or on the outside of a building used as a voting station.

Election Day

You have filed your nomination papers, you've campaigned, and now you've reached Election Day! It is important that you understand the process for Election Day and seek clarification on any questions you may have.

How long are voting stations open on Election Day?

LAEA s. 46

Voting stations are open between the hours of 10am and 8pm on Election Day. Municipalities may pass a bylaw permitting voting stations to open earlier. It is advised that you confirm voting hours with your municipality.

Who is eligible to vote?

LAEA s. 47

A person is eligible to vote in a municipal election if the person:

- Is at least 18 years of age;
- Is a Canadian Citizen;
- Has resided in Alberta for the 6 consecutive months preceding election day;
- The person's place of residence is located in the area on Election Day.

LAEA s. 12

In the case of a summer village, a person is eligible to vote in a municipal election if the person:

- The person is eligible to vote under section 47;
- Is at least 18 years of age;
- Is a Canadian Citizen;
- Has resided in Alberta for the 6 consecutive months preceding election day;
- Is named on a certificate of title as the person who owns property within the summer village; or
- Is the spouse or adult interdependent partner of a person who owns property with the summer village.

Can people observe Election Day?

LAEA s. 69

Candidates, or official agents, or a candidate's scrutineer, may observe the processes at the voting station(s) on Election Day. The returning officer in your municipality will have details on how to appoint official agents and scrutineers. As well, the returning officer will explain the role and responsibilities of a candidate, official agent or scrutineer observing the election processes.

Is there a voters list?

LAEA s. 50

Municipalities may pass a bylaw allowing for the enumeration and use of a voters list. You may wish to confirm with your municipality; currently, there are no municipalities that use a voters list in municipal elections in Alberta.

Maintaining the Secrecy of the Vote

LAEA s. 55&56

All ballots, forms, ballot boxes, and voting machines (if applicable), are in the custody and control of the returning officer. Forms and statements made by the electors cannot be viewed by any person observing the election due to privacy reasons. All voter compartments are equipped with voting screens and instructions for electors to ensure secrecy.

At the close of the voting station and at the conclusion of the count, the ballot boxes are sealed and retained in a protected area for six (6) weeks following Election Day.

Are results made official on Election night?

LAEA s. 97

At the conclusion of the count, the returning officer may make unofficial results available. The official results are not posted or announced until 12 noon on the fourth day following Election Day.

Recount

Who can ask for a recount?

LAEA s. 98

The returning officer may call for a recount of the votes cast at one or more of the voting stations if:

- a candidate or official agent or scrutineer shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count at any voting station is inaccurate;
- the returning officer considered that the number of valid ballots objected to or rejected ballots other than those on which no vote was cast, was sufficient to affect the result of the election; or
- the returning officer is of the opinion that there may have been an administrative or technical error that may have caused an error in the count of votes.

When can a recount happen?

An application for a recount may be made within 44 hours immediately following the closing of voting stations on Election Day. No applications for recount will be accepted by the returning officer after the prescribed 44 hours has passed.

How will I know if a recount is happening?

If the returning officer calls for a recount they must, within 12 hours of the recount, notify any candidates who may be affected and those election officers that the returning officer deems necessary to conduct the recount.

Election Results

Are results made official on Election night?

LAEA s. 97

At the conclusion of the count, the returning officer may make unofficial results available. Due to the ability for the returning officer to call a recount, official results are not posted or announced on election night.

When are election results official?

The returning officer is required to announce or post the official election results in the statement of results at 12 noon on the 4th day following Election Day, at the municipal office.

Campaign Financing

As noted above, Candidates are responsible for reading and understanding Part 5.1 of the *Local Authorities Election Act* as it pertains to Municipal Election Finance and Contribution Disclosure.

Campaign Disclosure Statements

Deadline to File

LAEA s. 147.4

Campaign disclosure statements (Form 21) must be filed with the returning officer or municipality on or before March 1 following a general election. In the case of a by-election, the disclosure statement must be filed within 180 days of the date that the by-election occurred.

What is included on the Disclosure?

The campaign disclosure statement contains information about the contributions received, any additional sources of funding, campaign expenditures, campaign deficits, or campaign surpluses.

The disclosure will include the name and address of those contributors whose donations exceeded $100 in the aggregate, and the total amount of all contributions received that did not exceed $100 in the aggregate.

Campaign Deficits

A candidate who incurs a deficit during an election and does not run the next general election, must clear that deficit and file an amended disclosure statement with the municipality showing the deficit has been eliminated.

Campaign Surplus

LAEA s. 147.5

A candidate who incurs a surplus during an election is required to provide all surplus funds to the municipality to be held in-trust until the next general election Nomination Day.

If the candidate does not run in the next general election, the candidate must direct the municipality to pay all surplus funds to the charity of the candidate's choice. If the municipality does not receive direction from the candidate, the surplus funds will become the property of the municipality.

Conclusion

Congratulations on taking the step to become a candidate in your municipal election!

In addition to this handbook, you are encouraged to review the *Local Authorities Election Act (LAEA)* in detail. If you have any questions about anything in the handbook or in the *LAEA*, you are encouraged to seek out additional clarification from your municipality (CAO or returning officer), legal counsel, or Alberta Municipal Affairs.

If you are elected, congratulations! You are encouraged to read "Now That You Are Elected."

Good luck and enjoy the journey to becoming a candidate in Alberta municipal elections!