

(2) The relevant Minister may decide any questions arising from the difficulty or impossibility of applying this Act and in so deciding the relevant Minister may by order alter dates prescribed by this Act for the doing of any matter or thing and may give other directions.

(3) If there are wards in an area, the provisions of this Act respecting a general election apply unless specifically varied in this Act, and if the bylaw, resolution or order establishing wards does not provide for any matter, the relevant Minister may by order give direction as to that or any other matter or thing requisite to the proper conduct of an election.

(4) The *Regulations Act* does not apply to directions given under this section.

1983 cL-27.5 s5

#### **Voting on bylaw or question**

7 If this or any other Act provides for the submission of a bylaw or question to the electors for their assent or approval, the bylaw or question shall be submitted to a vote in accordance with this Act.

1983 cL-27.5 s6;1994 cM-26.1 s642(42)

#### **First elections**

**8(1)** In a newly formed local jurisdiction,

- (a) nominations, and
- (b) the first election, if an election is required,

shall be held on the dates fixed by the relevant Minister and the persons elected hold office from the beginning of the first organizational meeting of the elected authority to immediately before the beginning of the organizational meeting of the elected authority after the next general election.

(2) The relevant Minister shall provide for the conduct of a first election.

(2.1) Parts 5.1 and 8 apply, with necessary modifications as determined by the relevant Minister, to a first election.

(3) Notwithstanding any other Act, if an Act or an order under an Act is passed to create a new municipality or a new school division as defined in the *Education Act*, the first election for the municipality or school division may be held on a date prior to the date on which the Act or order comes into force.

(4) A person elected at an election referred to in subsection (3) shall not be sworn into office before the effective date of the

formation of the municipality or school division, as the case may be.

RSA 2000 cL-21 s8;2012 cE-0.3 s276;2018 c23 s5

#### **Term of office**

**9(1)** A person elected under this Act, unless otherwise disqualified from remaining in office, holds office from the beginning of the organizational meeting of the elected authority following the general election to immediately before the beginning of the organizational meeting of the elected authority after the next general election.

**(2)** A person elected to an elected authority to fill a vacancy caused other than by the passage of time holds office from when the person takes the oath of office for the remainder of the period the person's predecessor would have held office had that predecessor continued in office.

1983 cL-27.5 s8;1994 cM-26.1 s642(42)

#### **General term of office**

**10(1)** Commencing with the year 2013,

- (a) the members of an elected authority elected at a general election hold office for a term of 4 years, and
- (b) a general election shall be held every 4th year.

**(2)** If a declaration is made under section 34(1) with respect to every office of the elected authority, those declared elected may hold an organizational meeting before the date of the general election.

**(3)** Despite subsection (1), an organizational meeting held pursuant to subsection (2) terminates the term of office of the members of the elected authority elected at the previous general election.

RSA 2000 cL-21 s10;2003 c27 s3;2006 c22 s6;2012 c5 s105

#### **Election day**

**11(1)** Election day for a local jurisdiction

- (a) in the case of a general election, if required, is to be the 3rd Monday in October, or
- (b) in the case of a by-election or vote on a bylaw or question, shall be the day fixed by a resolution of the elected authority.

**(2)** Notwithstanding subsection (1)(a), an elected authority may, by a bylaw passed prior to June 30 of a year in which a general

election is to be held, provide that the election day in the local jurisdiction is to be the Saturday immediately preceding the 3rd Monday in October.

1983 cL-27.5 s10;1991 c23 s2(3)

### **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 the day established by council for the receipt of nominations 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), (1.1) and (1.2) 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,

**Administration of oaths**

**20** The returning officer, a presiding deputy or a commissioner for oaths is authorized to administer an oath to a person making an oath that is authorized or required by this Act.

RSA 2000 cL-21 s20;2003 c27 s8;2006 c22 s12

**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 division 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 division.

**(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 section, to have been a resident, during that time, of the local jurisdiction to which the land was added.

RSA 2000 cL-21 s21;2012 cE-0.3 s276;2018 c23 s10

**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) subject to subsection (4), 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 *Election Act*, the *Election Finances and Contributions Disclosure 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 board of a school division if on nomination day the person is employed by

- (a) a school 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 or a school board trustee if

- (a) a report was transmitted 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 the school board, or
- (ii) where the disclosure statement required by section 147.4 has been filed with the secretary, the 3-year period following the day of filing,

whichever period expires first.

**(1.3)** Subsection (1.2) applies

- (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 board of a school division.

**(4)** Subsection (1)(b) 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)** A person who is an employee of a municipality and who wishes to be nominated as a candidate in an election to be held for

that municipality may notify that person's 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 person's last working day prior to nomination day that the person is taking a leave of absence without pay under this section.

**(5.1)** A person employed by an entity referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a board of a school division may notify that person's employer on or after July 1 in the year of an election but before the person's last working day prior to nomination day that the person is taking a leave of absence without pay under this section.

**(6)** Notwithstanding any bylaw, resolution or agreement of a local jurisdiction, every person who notifies an employer in accordance with 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 cE-0.3 s276;2012 c5 s107;2018 c23s11

#### 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

#### Re-election

**24(1)** A person who held office on a board of trustees under the *Education Act* and

- (a) who resigned that office to avoid making restitution for money the person received that disqualified the person from holding that office pursuant to this or any other Act and has been ordered by a judge to make restitution, or
- (b) who was declared by a judge to be disqualified to hold that office pursuant to this or any other Act,

is not eligible to become a member of that board of trustees until after 2 general elections have occurred after the date on which the person was ordered to make restitution or was declared to be disqualified.

**(2)** Notwithstanding that a by-election or general election has been held between the time when the disqualification of the member or former member arose and the time when the order or declaration has been made by the judge, subsection (1) applies and, if the person was re-elected, the person is not eligible to remain a member of the board of trustees.

**(3)** Notwithstanding subsections (1) and (2), a judge

- (a) who has made an order described in subsection (1)(a), or



(b) who has declared a person to be disqualified

may reduce the period of disqualification.

(4) An appeal against the decision of a judge under this section lies to the Court of Appeal.

RSA 2000 cL-21 s24;2012 cE-0.3 s276

#### **Nomination day**

**25(1)** Nomination day is 4 weeks before election day.

(2) A person may file a nomination to become a candidate

(a) for a general election, within the period beginning on January 1 in a year in which a general election is to be held and ending at 12 noon on nomination day, and

(b) for a by-election, within the period beginning on the day after the resolution or bylaw is passed to set election day for the by-election and ending at 12 noon on nomination day.

RSA 2000 cL-21 s25;2018 c23 s12;2020 c22 s5

#### **Notice of nomination day**

**26(1)** The returning officer shall give notice of nomination day in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before nomination day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before nomination day.

(2) On complying with subsection (1), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

RSA 2000 cL-21 s26;2003 c27 s9

#### **Form of nomination**

**27(1)** Every nomination of a candidate must

(a) be in the prescribed form,

(b) be signed by at 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,
- (iv) that the person will read and comply with the municipality's code of conduct if elected, and
- (v) that the persons who have signed the nomination are electors who are eligible to vote in 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 of the place to which communications may be addressed;
- (c) the name and address of the financial institutions 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 for each account referred to in clause (c), 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 *Education Act* of a local jurisdiction with a population of at least 10 000 may, by a bylaw passed prior to December 31 of the year before 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.

(b) who has declared a person to be disqualified

may reduce the period of disqualification.

(4) An appeal against the decision of a judge under this section lies to the Court of Appeal.

RSA 2000 cL-21 s24;2012 cE-0.3 s276

#### **Nomination day**

**25(1)** Nomination day is 4 weeks before election day.

(2) A person may file a nomination to become a candidate

(a) for a general election, within the period beginning on January 1 in a year in which a general election is to be held and ending at 12 noon on nomination day, and

(b) for a by-election, within the period beginning on the day after the resolution or bylaw is passed to set election day for the by-election and ending at 12 noon on nomination day.

RSA 2000 cL-21 s25;2018 c23 s12;2020 c22 s5

#### **Notice of nomination day**

**26(1)** The returning officer shall give notice of nomination day in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before nomination day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before nomination day.

(2) On complying with subsection (1), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

RSA 2000 cL-21 s26;2003 c27 s9

#### **Form of nomination**

**27(1)** Every nomination of a candidate must

(a) be in the prescribed form,

(b) be signed by at 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,
- (iv) that the person will read and comply with the municipality's code of conduct if elected, and
- (v) that the persons who have signed the nomination are electors who are eligible to vote in 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 of the place to which communications may be addressed;
- (c) the name and address of the financial institutions 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 for each account referred to in clause (c), 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 *Education Act* of a local jurisdiction with a population of at least 10 000 may, by a bylaw passed prior to December 31 of the year before 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 c23 s13;2020 c22 s6

### Nominations

**28(1)** Subject to subsection (1.2), nominations shall be submitted at the local jurisdiction office at any time during the nomination period.

(1.1) An elected authority may, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, provide that a returning officer may establish one or more locations, in addition to the local jurisdiction office, where a deputy may receive nominations.

(1.2) If an elected authority passes a bylaw referred to in subsection (1.1), nominations shall be submitted to the local jurisdiction office or any location established by the returning officer at any time during the nomination period.

(2) The person nominated as a candidate is responsible for ensuring that the nomination filed under this section meets the requirements of section 27.

(3) Any person may file a nomination described in section 27 in accordance with this section.

(4) A returning officer shall not accept the following for filing:

- (a) a nomination that is not completed in the prescribed form;
- (b) a nomination that is not signed by at least the minimum number of persons required to sign the nomination;
- (c) a nomination that is not sworn or affirmed by the person nominated;
- (d) if a bylaw has been passed under section 29(1), a nomination that is not accompanied by the deposit required by the bylaw.

(5) If the returning officer has not rejected a nomination form under subsection (4), the returning officer must sign the form to indicate that the form has been accepted.

(6) At any time after the commencement of the nomination period until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy or secretary.

(7) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the papers relate has expired.

(8) Twenty-four hours after the close of nominations on nomination day, the returning officer shall, as soon as practicable, forward a signed statement showing the name of each nominated candidate and any information about the candidate that the candidate has consented to being disclosed to the relevant Minister's Deputy Minister.

(9) A statement referred to in subsection (8) may be forwarded by electronic means, including by fax or e-mail.

(10) Within 48 hours of the close of nominations on nomination day, the returning officer shall post or cause to be posted at the local jurisdiction office the names of all candidates that have been nominated and the offices for which they were nominated.

RSA 2000 cL-21 s28;2003 c27 s11;2006 c22 s15;  
2012 c5 s108;2018 c23 s14;2020 c22 s7

#### **Material to be provided to candidate**

**28.1** The returning officer, on receiving a nomination paper, must, if requested by the candidate, provide to the candidate a sufficient number of copies of the prescribed form for the identification of an official agent, campaign workers and scrutineers for the purposes of identification under section 52.

2006 c22 s16

#### **Deposit**

**29(1)** An elected authority may, by bylaw passed not fewer than 30 days before nomination day, require that every nomination be accompanied with a deposit in the amount fixed in the bylaw.

(2) An amount fixed in a bylaw under subsection (1) may not exceed

(a) \$1000, in the case of a local jurisdiction with a population of more than 10 000, or

(b) \$100, in any other case.

RSA 2000 cL-21 s29;2006 c22 s17

**Form of ballot**

**44(1)** If there is to be a vote on a bylaw or question, the elected authority by resolution

- (a) must determine the wording to be used on the ballot, and
- (b) may determine the form of the ballot.

**(2)** If the elected authority does not determine the form of the ballot under subsection (1), the returning officer must do so.

1983 cL-27.5 s44;1997 c15 s12

**Instructions for voters**

**45(1)** Before the opening of the voting station, the presiding deputy at the voting station shall cause the printed instructions for the electors to be posted within each voting compartment and at a conspicuous location within the voting station and shall ensure that they remain posted there until the close of the voting station.

**(2)** The instructions shall be printed in clearly legible characters in the prescribed form.

**(3)** The local jurisdiction may authorize the presiding deputy to post the printed instructions in languages other than English at the voting stations as the local jurisdiction considers appropriate.

RSA 2000 cL-21 s45;2006 c22 s21

**Voting hours**

**46(1)** Every voting station shall be kept open continuously on election day from 10 a.m. until 8 p.m.

**(2)** Notwithstanding subsection (1), an elected authority may, by a bylaw passed prior to June 30 of a year in which an election is to be held, provide that the voting station is to be open before 10 a.m.

**(2.1)** Despite subsection (1), an elected authority that is responsible for the conduct of an election under an agreement referred to in section 2(2) or 3(1) may, by a bylaw passed before June 30 of a year in which an election is to be held, provide that voting stations in an area that is subject to the agreement are to be open before 10 a.m.

**(3)** Promptly at 8 p.m. on election day, the deputy shall declare the voting station closed.

**(4)** If, when the voting station is declared closed, there is an elector in the voting station who wishes to vote, the elector shall be permitted to do so, but no other person shall be allowed to enter the voting station for that purpose.

RSA 2000 cL-21 s46;2006 c22 s22

**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

**Rules of residence**

**48(1)** For the purposes of this Act, the place of residence is governed by the following rules:

- (a) a person may be a resident of only one place at a time for the purposes of voting under this Act;
- (a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (1.1), designate one place of residence as the person's place of residence for the purposes of this Act;
- (b) the residence of a person is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return;
- (c) a person does not lose the person's residence by leaving the person's home for a temporary purpose;
- (d) subject to clause (e), a student who
  - (i) attends an educational institution within or outside Alberta,



- (ii) temporarily rents accommodation for the purpose of attending an educational institution, and
- (iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institution

is deemed to reside with those family members;

- (e) if a person leaves the area with the intention of making the person's residence elsewhere, the person loses the person's residence within the area.

**(1.1)** For the purposes of subsection (1)(a.1), a person shall designate the person's place of residence in accordance with the following factors in the following order of priority:

- (a) the address shown on the person's driver's licence or motor vehicle operator's licence issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta;
- (b) the address to which the person's income tax correspondence is addressed and delivered;
- (c) the address to which the person's mail is addressed and delivered.

**(2)** A person who is a resident of a public school division or of a separate school division under the *Education Act* is deemed to be a resident of that public school division or that separate school division, as the case may be, under this Act.

**(3)** Repealed 2012 cE-0.3 s276.

RSA 2000 cL-21 s48;2003 c27 s16;2010 c9 s1;2012 cE-0.3 s276

#### **Permanent electors register**

**49(1)** Subject to this section, a municipality may, by bylaw,

- (a) direct the secretary to prepare a permanent electors register of residents in the municipality who are entitled to vote in elections,
- (b) prescribe procedures and forms governing the enumeration of electors and any other methods of compiling and revising a permanent electors registry, and
- (c) provide for the use of the permanent electors register to create a list of electors who are entitled to vote in an election.

(2) If a bylaw is enacted under subsection (1), the municipality may enter into an agreement with the Chief Electoral Officer under the *Election Act*

- (a) to receive from the Chief Electoral Officer information that will assist the secretary of the municipality in compiling or revising the permanent electors register, and
- (b) to provide to the Chief Electoral Officer information that will assist the Chief Electoral Officer in preparing or revising information for the purpose of compiling or revising the register of electors under the *Election Act*.

(3) In addition to the procedures, forms and methods prescribed by bylaw under subsection (1), with respect to compiling and revising a permanent electors register, the secretary may use any other information obtained by or available to the secretary.

(4) The permanent electors register may be compiled or revised manually or by means of any computer-based system and may be kept in printed form or may be stored in any computer-based system or any other information storage device that is capable of reproducing any required information in legible printed form within a reasonable time.

(5) The permanent electors register may contain only the following information about persons ordinarily resident in the municipality who are electors or may be eligible to be electors:

- (a) the residential address, including the postal code of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address,
- (b) the surname, given name and middle initial of the person,
- (c) the residential telephone number of the person,
- (d) the gender of the person,
- (e) the day, month and year of birth of the person, and
- (f) repealed 2018 c23 s20,
- (g) whether the person is a public school resident or a separate school resident.

(6) The information referred to in subsection (5)(d) and (e) obtained under this Act may be used only to verify the

identification of an elector when compiling or revising the permanent electors register.

(7) Persons are entitled to have access to information in the permanent electors register about themselves or about another person on whose behalf they are authorized to act, to determine whether the information is correct.

RSA 2000 cL-21 s49;2006 c22 s24;2018 c23 s20

#### **List of electors**

**50(1)** The elected authority if it so desires may, by bylaw,

- (a) direct the secretary or returning officer to prepare a list of electors who are entitled to vote in an election, and
- (b) prescribe procedures and forms governing the enumeration of electors and provide for the use of information from a permanent electors register, if any.

(2) When a candidate files a nomination paper the returning officer shall, on the request of the candidate, provide the candidate the day after nominations may be withdrawn under section 32, if the candidate has not withdrawn, with a copy of the list of electors prepared pursuant to subsection (1), if any.

(3) The list of electors may be used only by

- (a) candidates for the purposes of campaigning for election, and
- (b) officers for the purposes of carrying out their duties under this Act.

RSA 2000 cL-21 s50;2003 c27 s17;2006 c22 s25

#### **Enumerators' appointment and identification**

**51** If an elected authority passes a bylaw described in section 50, the elected authority shall

- (a) appoint, or authorize the secretary or returning officer to appoint, a sufficient number of enumerators to complete an enumeration of the electors residing in each voting subdivision or ward where an election is required, and
- (b) provide each enumerator with an identification badge.

1983 cL-27.5 s50

#### **Access for enumerators and campaigners**

**52(1)** A person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form indicating that the person is an

enumerator, a candidate, an official agent or a campaign worker, shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with,

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

(2) A municipality may issue photo identification to an enumerator and that photo identification is deemed to be identification of that enumerator in the prescribed form for the purposes of subsection (1).

RSA 2000 cL-21 s52;2003 c27 s18;2006 c22 s26;2018 c23 s21

#### **Proof of elector eligibility**

**53(1)** Every person who attends at a voting station for the purpose of voting must be permitted to vote if

- (a) the person's name appears on the list of electors, if any, or
- (b) the person
  - (i) makes a statement that the person is eligible to vote as an elector in the presence of an officer at the voting station, in the prescribed form,
  - (ii) validates the person's identity and address of the person's residence in accordance with subsection (3), and
  - (iii) where required by a bylaw passed under section 53.01, produces the number and types of identification permitted by the bylaw to verify the person's age.

(2) A statement referred to in subsection (1)(b)(i) must include the address of the person's residence.

(3) A person may validate the person's identity and the address of the person's residence for the purpose of subsection (1)(b)(ii)

- (a) if a bylaw has been passed under section 53.01, by producing the number and types of identification required by the bylaw, or
- (b) by producing one of the following:

- (i) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the person, the person's name and the address of the person's residence;
  - (ii) one piece of identification authorized by the Chief Electoral Officer under the *Election Act* for the purposes of section 95(1)(a)(ii) of that Act that establishes the person's name and current address;
  - (iii) one piece of other acceptable identification referred to in section 53.02.
- (4) Notwithstanding subsection (1)(b)(ii) and (iii), a person may validate the person's identity, the address of the person's residence and, if applicable, the person's age if the person is accompanied by an elector who
- (a) validates the elector's identity and the address of the elector's residence in accordance with subsection (3) and, if applicable, verifies the elector's age in accordance with subsection (1)(b)(iii), and
  - (b) vouches for the person in accordance with subsection (7).
- (5) A scrutineer shall not vouch for a person under subsection (4)(b).
- (6) An elector shall not vouch for a person if any of the following circumstances apply:
- (a) the elector has relied on the process described in subsection (4) to validate the elector's identity, address and, if applicable, age;
  - (b) subject to subsection (6.1), the elector has already vouched for another person.
- (6.1) An elector may vouch for more than one person if every person the elector vouches for shares the same place of residence.
- (7) For the purposes of subsection (4)(b), an elector who vouches for a person must make a statement, in the prescribed form, that
- (a) the elector knows the person,
  - (b) the elector knows that the person resides at the address indicated in the person's statement, and

(c) the elector has not relied on the process described in subsection (4) to validate the elector's identity, address and, if applicable, age.

(8) A person who attends at a voting station shall not be permitted to vote unless that person meets the requirements of this section.

RSA 2000 cL-21 s53;2006 c22 s27;2012 c5 s109;2018 c23 s22;  
2020 c22 s9

#### **Bylaws with respect to proof of elector eligibility**

**53.01(1)** An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person to verify the person's name and current address for the purpose of determining whether the person is eligible to vote.

(2) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person who wishes to vote by a special ballot to verify the person's name and current address for the purpose of determining whether the person is eligible to vote.

(3) A bylaw passed under subsection (1) or (2) must provide that a returning officer shall accept one piece of identification referred to in section 53(3)(b) for that purpose.

(4) A bylaw under subsection (1) or (2)

(a) may specify identification that a person may produce to validate the person's identity and the address of the person's residence in addition to the identification referred to in section 53(3)(b), and

(b) may provide for the number and types of identification that a person must produce to validate the person's age.

(5) Before passing a bylaw in accordance with subsection (1) or (2), an elected authority must

(a) advertise the proposed bylaw in accordance with section 53.1, and

(b) include in the notice of election day under section 35 the proposed number and types of identification to be required.

2018 c23 s22

#### **Other acceptable identification**

**53.02(1)** The relevant Minister may, by order,

- (a) establish other acceptable identification for the purpose of section 53(1)(b)(iii), and
  - (b) provide a process for establishing the address of a person's residence if the person produces identification under section 53(1)(b) that uses a non-residential address.
- (2) The *Regulations Act* does not apply to an order referred to in subsection (1).

2018 c23 s22

**Advertising a proof of elector eligibility bylaw****53.1(1)** Notice of a bylaw to be passed under section 53 must

- (a) be published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, or
  - (b) be mailed or delivered to every residence in the area to which the proposed bylaw relates.
- (2) A notice under subsection (1) must be advertised before second reading of the proposed bylaw.
- (3) A notice under subsection (1) must contain
- (a) a statement of the general purpose of the proposed bylaw and the proposed requirements for the number and types of identification that must be produced to verify elector name and current address and, if applicable, age,
  - (b) the address where a copy of the proposed bylaw may be inspected, and
  - (c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw, as provided for in the *Municipal Government Act*.
- (4) A certificate of a designated officer as defined in the *Municipal Government Act* certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in the certificate.
- (5) The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

2006 c22 s28;2012 c5 s110

**Person objected to****54(1)** If a candidate or the candidate's official agent or scrutineer objects to a person who makes a statement, a deputy shall note in

the elector register the reason for the objection and the name of the candidate or official agent or scrutineer making the objection and shall initial the objection.

(1.1) A candidate, official agent or scrutineer may only make an objection under subsection (1) at the time the person makes the statement under section 53(1)(b) or (2) or 78.

(2) If a returning officer on reasonable and probable grounds believes that a person is not eligible to be an elector, the returning officer must note in the elector register the reason for the belief and initial it.

RSA 2000 cL-21 s54;2003 c27 s19;2006 c22 s29;  
2012 c5 s111;2018 c23 s23

#### **Secrecy of vote**

**55(1)** Voting shall be by secret ballot.

(2) While an elector is in a voting compartment for the purpose of marking the elector's ballot, no other person may, except as permitted in section 78, enter the voting compartment or be in a position from which the person can see how the elector marks the elector's ballot.

(3) Except as provided in section 78, it is an offence for an elector to show the elector's ballot to any person so as to allow the elector's vote to be known.

(4) Notwithstanding subsections (2) and (3), an elector may be accompanied in a voting compartment by a minor if the deputy consents.

RSA 2000 cL-21 s55;2003 c27 s20

#### **Maintenance of secrecy**

**56** No person shall be required to disclose in any legal proceedings whether the person has voted for a particular candidate or voted for or against a particular bylaw or question.

1983 cL-27.5 s56

#### **Number of votes**

**57(1)** Subject to subsection (2), an elector in an election may vote once for each of the persons the elector chooses to vote for.

(2) An elector may not vote for more than the number of persons to be elected to the office.

(3) In an election an elector may vote once on each bylaw or question.

1983 cL-27.5 s57;1997 c15 s17



(2) Any person who, having received a ballot from the deputy, leaves the voting station without first delivering it to the deputy in the manner provided by this Act, forfeits the person's right to vote at that election and the deputy shall record in the elector register an entry to the effect that the person left the voting station without first delivering the ballot.

RSA 2000 cL-21 s68;2018 c23 s25

#### Option for 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*, the *Election Finances and Contributions Disclosure 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;2020 c22 s10

#### Candidate's scrutineer

**69(1)** If, at any time during voting hours, a person who is at least 18 years old presents to the presiding deputy a written notice, in a form acceptable to the returning officer,

- (a) signed by a candidate, and
- (b) stating that the person presenting the notice is to represent that candidate as the candidate's scrutineer at the voting station,

the person presenting the notice shall be recognized by the presiding deputy as the scrutineer of the candidate.

(1.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act*, the *Election Finances and Contributions Disclosure Act* or the *Canada Elections Act* (Canada) is not eligible to be recognized as a scrutineer.

- (2) Before a person is recognized as a scrutineer, the person shall make and subscribe before the presiding deputy at the voting station a statement in the prescribed form.
- (3) The presiding deputy shall not permit a candidate to have an official agent or a scrutineer present while the candidate is present in a voting station during voting hours.
- (3.1) The presiding deputy shall not permit a candidate to have both an official agent and a scrutineer present at the same time in a voting station during voting hours.
- (4) A candidate or official agent personally may
- (a) undertake the duties that the candidate's scrutineer may undertake, and
  - (b) attend any place that the candidate's scrutineer is authorized by this Act to attend.
- (5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure, and in designating the place or places, the presiding deputy shall ensure that the candidate, official agent or scrutineer can observe any person making a statement under section 53(1)(b) or (2) or 78.
- (6) When, in the provisions of this Act that relate to the election of a member of an elected authority, expressions are used requiring or authorizing an act or thing to be done or implying that an act or thing is to be done in the presence of an official agent, a scrutineer or a candidate, the expression is deemed to refer to the presence of those an official agents and scrutineers
- (a) that are authorized to attend, and
  - (b) that have in fact attended at the time and place where that act or thing is being done,

and if the act or thing is otherwise properly done, the non-attendance of an official agent or a scrutineer at that time and place does not invalidate it.

RSA 2000 cL-21 s69;2006 c22 s33;  
2012 c5 s113;2018 c23 s26;2020 c22 s10

#### **Bylaw scrutineers**

**70(1)** At any time fixed for a vote on a bylaw or question under this Act, the returning officer, if requested in writing by 2 or more electors, shall appoint, in writing, those persons named in the request as scrutineers to attend at the voting stations on behalf of

## Part 5.1 Election Finances and Contributions Disclosure

### Interpretation

**147.1(1)** In this Part,

- (a) “campaign expense” means any expense incurred, or non-monetary contribution received, by a candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a candidate during a campaign period, and includes an expense incurred for, or a non-monetary contribution in relation to,
  - (i) the production of advertising or promotional material,
  - (ii) the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during a campaign period, including by the use of a capital asset,
  - (iii) the payment of remuneration and expenses to or on behalf of a person for the person’s services as a chief financial officer or in any other capacity,
  - (iv) securing a meeting place,
  - (v) the conduct of election surveys or other surveys or research during a campaign period, or
  - (vi) the production of a review engagement required by this Act;
- (b) “campaign period” means
  - (i) in the case of a general election, the period of time from January 1 to December 31 in a year in which a general election is held, and
  - (ii) in the case of a by-election, the period of time set by bylaw or resolution to 60 days immediately following the by-election;
- (c) “contribution” means any money, personal property, real property or service that is provided to or for the benefit of a candidate’s election campaign without fair market value compensation from that candidate, but does not include a service provided by an individual who voluntarily performs

the services and receives no compensation, directly or indirectly, in relation to the services or time spent providing the services;

- (d) “employee organization” means an organization, other than a trade union, that bargains collectively for employees;
  - (e) “group” means an unincorporated group of individuals or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of individuals, corporations, trade unions or employee organizations;
  - (f) “prohibited organization” means a corporation and an unincorporated organization, including a trade union and an employee organization;
  - (f.1) “review engagement” means a review engagement as defined in the *Chartered Professional Accountants Act*;
  - (g) “trade union” means an organization of employees that has a written constitution, rules or bylaws and has as one of its objects the regulation of relations between employers and employees.
- (2) The value of a contribution, other than money, provided to a candidate is the fair market value of the contribution at the time it is provided.
- (3) If any personal property, real property or service or the use of personal property or real property is provided to a candidate for a price that is less than the fair market value at the time it is provided, the amount by which the value exceeds the price is a contribution for the purposes of this Part.
- (4) For the purposes of this section, the use of goods in a 2nd or subsequent election is a non-monetary contribution.
- (5) In this section, “expense incurred” means an expense that is incurred, whether it is paid or unpaid.

2009 c10 s3;2010 c9 s1;2018 c23 s51;2020 c22 s14

**147.11** Repealed 2018 c23 s51.

#### **Application of Part**

**147.12** This Part applies to candidates for election as a councillor in a municipality or as a trustee of a school board.

2018 c23 s51

**Responsibility of contributors**

**147.13(1)** A prospective contributor is responsible for ensuring, before making a contribution under this Act, that the contributor is not prohibited from making a contribution and is not making a contribution that is in excess of the limit prescribed by section 147.2(3).

(2) Every candidate and every person acting on behalf of a candidate shall make every reasonable effort to advise prospective contributors of the provisions of this Part relating to contributions.

2018 c23 s51

**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.

**(4.1)** 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;2018 c23 s51;2020 c22 s15

**147.21** Repealed 2018 c23 s51.

#### **Acceptance of contributions**

**147.22(1)** No person shall accept a contribution or incur a campaign expense unless the person has been nominated as a candidate.

**(2)** No candidate and no person acting for a candidate shall accept a contribution except during the campaign period.

**(3)** Subsections (1) and (2) do not apply to the following:

(a) a person who accepts not more than \$5000 in the aggregate per year in contributions outside the campaign period;

(b) a candidate who makes a contribution of not more than \$10 000 in the aggregate per year to the candidate's own campaign from the candidate's own funds.

2018 c23 s51;2020 c22 s16

#### **Anonymous and unauthorized contributions**

**147.23** Any anonymous contributions and any contribution or portion of a contribution made in contravention of this Part accepted by a candidate or a person acting on behalf of a candidate must not be used or expended, and the candidate or the person acting on behalf of the candidate shall

(a) return the contribution to the contributor if the contributor's identity can be established, or

(b) if the contributor's identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction for which the candidate is running for election.

2018 c23 s51

#### **Contributions not belonging to contributor**

**147.24(1)** No individual shall contribute to a candidate

(a) funds not belonging to that individual, or

(b) funds that have been given or furnished to the individual by another individual or a prohibited organization for the purpose of making a contribution of those funds to a candidate.

(2) No individual and no prohibited organization shall give or furnish funds to another individual for the purpose of having that other individual make a contribution of those funds to a candidate.

(3) 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 contribution is contrary to subsection (1).

2018 c23 s51

**Duties of candidate**

**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 contributions first exceeds \$1000 in the aggregate,
- (b) if a campaign account has been opened in accordance with clause (a), all contributions 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 Part.

2009 c10 s3;2010 c9 s2;2015 c5 s120;2018 c23 s51

**Fund-raising functions**

**147.31(1)** In this section, “fund-raising function” includes any social function held for the purpose of raising funds for the candidate’s election campaign by whom or on whose behalf the function is held.

(2) The gross income from any fund-raising function must be recorded by the candidate on whose behalf the function was held.

(3) If a fund-raising function is held by the sale of tickets by or on behalf of a candidate, the amount of the contribution is to be determined under clause (a) or under clause (b), at the option of the candidate:

(a) if the individual charge

(i) is \$50 or less, it is not considered to be a contribution unless the individual who pays the charge specifically requests that it be so considered, in which case 1/2 of the amount is allowed for expenses and 1/2 is considered to be a contribution,

(ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be a contribution, and

(iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be a contribution;

(b) the amount of the contribution is the difference between the price of the ticket and the fair market value of what the ticket entitles the bearer to obtain.

(4) The price paid at a fund-raising function in excess of the fair market value at that time for goods or services received is considered to be a contribution to the candidate’s election campaign.

2018 c23 s51

**Receipts**

**147.32** Every candidate or a person acting on behalf of the candidate shall issue a receipt for every contribution accepted in a form acceptable to the local jurisdiction.

2018 c23 s51

**Loans**

**147.33(1)** A candidate

(a) may borrow money only from a financial institution, and



(b) shall record all loans and their terms and shall report accordingly to the relevant local jurisdiction.

(2) Only a person ordinarily resident in Alberta may make a payment on behalf of the borrower in respect of a loan to which subsection (1) applies.

(3) Any payment in respect of a loan to which subsection (1) applies made by a person referred to in subsection (2) becomes, for the purposes of this Act, including, without limitation, section 147.2,

(a) a contribution by that individual, and

(b) a contribution accepted by the borrower,

if the individual is not reimbursed by the borrower before the borrower is next required to file a disclosure statement.

(4) This section does not apply to the borrowing of money for purposes unrelated to the candidate's election campaign.

2018 c23 s51

#### **Campaign expense limits**

**147.34** No candidate and no chief financial officer of a candidate shall incur campaign expenses that exceed, in the aggregate, the amounts determined by the regulations.

2018 c23 s51

#### **Campaign disclosure statements**

**147.4(1)** 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 secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form, which must include

- (a) the total amount of all contributions received during the campaign period that did not exceed \$50 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 \$50 in the aggregate,
- (c) the total amount of all contributions received as referred to in section 147.22(3),
- (d) the total amount from fund-raising functions,
- (e) the total amount of other revenue,

- (f) the total amount of campaign expenses,
  - (g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate,
  - (h) the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,
  - (i) the total amount of any campaign surplus, including any surplus from previous campaigns, and
  - (j) the amount of any deficit.
- (2) A candidate who has incurred campaign expenses or received contributions of \$50 000 or more shall file a review engagement with the disclosure statement referred to in subsection (1).
- (3), (4) Repealed 2020 c22 s17.
- (5) With respect to the period during which a candidate is nominated, this section applies to a candidate who withdraws as a candidate.
- (6) If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) or the review engagement required under subsection (2) 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 local jurisdiction.
- (7) The local jurisdiction must ensure that all documents filed under this section are available to the public during regular business hours for a period of 4 years after the election.
- (8) to (10) Repealed 2020 c22 s17.  
2009 c10 s3;2010 c9 s1;2015 c5 s121;2018 c23 s51;2020 c22 s17

**Campaign surplus**

**147.5(1)** If a candidate's disclosure statement shows a surplus, the candidate, within 60 days after filing the disclosure statement with the local jurisdiction,

- (a) shall, with respect to any amount that is \$1000 or more, donate an amount to a registered charity that results in the surplus being less than \$1000, and
- (b) may, with respect to any amount that is less than \$1000,
  - (i) retain all or any portion of that amount, and

(ii) donate all or any portion of that amount to a registered charity.

(2) A candidate who donates an amount to a registered charity in accordance with subsection (1)(a) or (b)(ii) shall, within 30 days after the expiration of the 60-day period referred to in subsection (1), file an amended disclosure statement showing that the surplus has been dealt with in accordance with this section.

(3) This section applies to a candidate whether or not the candidate is elected.

2009 c10 s3;2010 c9 s1;2015 c5 s122;2018 c23 s51;2020 c22 s18

#### **Transitional — campaign surplus**

**147.51(1)** Where, on September 1, 2020, an amount is held in trust under section 147.5(2) as it read on August 31, 2020, the candidate in respect of whom the amount is held in trust, no later than January 1, 2022,

(a) shall, with respect to any amount that is \$1000 or more, donate an amount to a registered charity that results in the surplus being less than \$1000, and

(b) may, with respect to any amount that is less than \$1000,

(i) retain all or any portion of that amount, and

(ii) donate all or any portion of that amount to a registered charity.

(2) If a local jurisdiction does not receive a direction under subsection (1) on or before January 1, 2022, the money becomes the property of the local jurisdiction.

(3) This section applies to money paid to a local jurisdiction pursuant to a court order under section 147.84(2).

2020 c22 s18

#### **Campaign deficit**

**147.52(1)** If a candidate's disclosure statement shows a deficit, the candidate shall eliminate the deficit within 60 days after filing the disclosure statement with the local jurisdiction.

(2) For the purpose of eliminating a deficit referred to in subsection (1), a candidate may, notwithstanding section 147.22(2), accept contributions in accordance with this Act during the period referred to in subsection (1).

(3) Subject to subsection (4), a candidate shall not accept a contribution of an amount that exceeds \$5000 from any individual for the purpose of this section.

(4) A candidate may make a contribution from the candidate's own funds that does not exceed \$10 000 to reduce a deficit shown on the candidate's disclosure statement for the purpose of this section.

(5) A candidate referred to in subsection (1) shall, within 30 days after the expiration of the 60-day period referred to in subsection (1), file an amended disclosure statement showing that the deficit has been eliminated.

2020 c22 s18

**147.6** Repealed 2012 c5 s123.

#### **Late filing**

**147.7(1)** In this section, "filing deadline" means the day by which a disclosure statement referred to in section 147.4 is required to be filed with a local jurisdiction.

(2) A candidate who is required to file a disclosure statement under section 147.4 and fails to file that document by the filing deadline must pay a late filing fee of \$500 to the relevant local jurisdiction.

(3) A local jurisdiction shall not transmit a report in relation to a candidate under section 147.8 if the return is filed no later than 10 days after the filing deadline.

(4) If the late filing fee is not paid within 30 days after the date the fee was payable, the local jurisdiction shall send a notice to the candidate, indicating the amount of the late filing fee that is required to be paid.

(5) If a candidate who is sent a notice by the local jurisdiction under subsection (4) fails to pay the late filing fee set out in the notice, the local jurisdiction may file a copy of the notice with the clerk of the Court of Queen's Bench, and, on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

2009 c10 s3;2012 c5 s124;2018 c23 s51

#### **Effect of non-compliance in relation to disclosure statements**

**147.8(1)** Subject to section 147.7, if a candidate fails to file a disclosure statement as required by section 147.4

- (a) in the case of an election of municipal councillors, the secretary shall transmit a report to that effect to council, which shall on its receipt make the report public, and
  - (b) in the case of an election of school board trustees, the secretary of the school board shall transmit a report to that effect to the school board, which shall on its receipt make the report public.
- (2) A candidate under subsection (1) may, within the 60-day period following the date on which the report under subsection (1) is made public, apply to the Court for relief.
- (3) On hearing the application, the Court may
- (a) dispense with compliance with section 147.4, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate and that it is not reasonably possible to comply with that section,
  - (b) extend the time for compliance with section 147.4, or any provision of it, if it finds mitigating reasons for non-compliance with the section,
  - (c) make any order that it considers appropriate to secure compliance with as much of section 147.4 as it considers reasonable in the circumstances, or
  - (d) refuse the application.
- (4) A candidate may apply to the Court under this section and name the municipality or the school board, as the case may be, as the respondent.
- (5) The decision of the Court is final and not subject to appeal.

2009 c10 s3;2010 c9 s1;2018 c23 s51

#### Prosecution

**147.81** A prosecution under this Part may be commenced within 3 years of the commission of the alleged offence but not afterwards.

2018 c23 s51

#### Offences relating to contributions

**147.82(1)** A prohibited organization or a person acting on its behalf that contravenes section 147.2 is guilty of an offence and liable to a fine of not more than \$10 000.

(2) An individual who contravenes section 147.2 is guilty of an offence and liable to a fine of not more than \$5000.

(3) A candidate who contravenes section 147.22(1) or (2) is guilty of an offence and liable to a fine of not more than \$1000.

(4) A candidate or a person acting on behalf of a candidate who fails to return or pay an amount referred to in section 147.23(a) or (b) is guilty of an offence and liable to a fine of not more than \$5000.

(5) A prohibited organization or a person acting on its behalf that contravenes section 147.24 is guilty of an offence and liable to a fine of not more than \$10 000.

(6) An individual who contravenes section 147.24 is guilty of an offence and liable to a fine of not more than \$5000.

2018 c23 s51

#### **Failure of candidate to comply with duties**

**147.83** A candidate who contravenes section 147.3 is guilty of an offence and liable to a fine of not more than \$1000.

2018 c23 s51

#### **Failure to file**

**147.84(1)** A candidate who fails to comply with section 147.4(1) or (2) by April 1 in the year following a general election, or, in the case of a by-election, within 150 days after the by-election, is guilty of an offence and liable to a fine of not more than \$5000.

(1.1) A candidate who fails to comply with the following sections within 30 days after the expiration of the period referred to in that section is guilty of an offence and liable to a fine of not more than \$5000:

- (a) section 147.4(6);
- (b) section 147.5(1) and (2);
- (c) section 147.52(1) and (5).

(2) If a candidate is found guilty of contravening section 147.4, the Court may, in addition to the penalty provided for in subsection (1), order the candidate to pay any surplus to the local jurisdiction as soon as possible.

(3) Repealed 2020 c22 s19.

2018 c23 s51;2020 c22 s19

#### **Expenses more than maximum**

**147.85** A candidate who contravenes section 147.34 is guilty of an offence and liable to a fine of not more than \$10 000.

2018 c23 s51

**147.9** Repealed 2010 c9 s2.

**Regulations and bylaw**

**147.91(1)** The Minister may make regulations

- (a) determining campaign expense limits for the purpose of section 147.34;
- (b) respecting transitional matters relating to the coming into force of *An Act to Renew Local Democracy in Alberta* not otherwise provided for in that Act, including remedying any confusion, difficulty, inconsistency or impossibility resulting from the enactment of that Act.

(2) An elected authority may pass a bylaw determining campaign expense limits for the purpose of section 147.34 in an amount that is less than the amount determined by regulation under subsection (1)

- (a) with respect to a general election, prior to December 31 of the year before the general election is held, and
- (b) with respect to a by-election, at least 180 days before the by-election at which the bylaw is to take effect.

2009 c10 s3;2018 c23 s51

**147.92** Repealed 2018 c23 s51.

**Transitional — definitions**

**147.93** In sections 147.94 to 147.96,

- (a) “former Act” means the *Local Authorities Election Act* as it read immediately before the Bill received first reading;
- (b) “the Bill” means the Bill to enact *An Act to Renew Local Democracy in Alberta*.

2018 c23 s51

**Transitional — all candidates**

**147.94(1)** In this section, “candidate” means a candidate for election as a municipal councillor and, subject to subsection (2), for election as a school board trustee.

(2) For the purpose of this section, an individual is a candidate for election as a school board trustee if, before the Bill receives first reading, the individual accepted contributions or incurred campaign expenses on or after January 1, 2018, for the purposes of a school board election campaign.

(3) Subject to subsection (4), section 147.95(4) and 147.96(4), if a candidate or a person acting on behalf of a candidate received a contribution on or after January 1, 2018 but before the date the Bill receives Royal Assent, other than a contribution used to eliminate a deficit shown on the candidate's disclosure statement for the most recent election campaign, the contribution is deemed to be collected in the next campaign period.

(4) If a candidate or a person acting on behalf of a candidate receives a contribution from a prohibited organization, trade union or employee organization within the meaning of section 147.1 of the former Act on or after the date the Bill receives first reading but before the date it receives Royal Assent, the candidate, no later than 30 days after the Bill receives Royal Assent, shall

- (a) return the contribution to the contributor if the contributor's identity can be established, or
- (b) if the contributor's identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction in which the individual is a candidate.

(5) If a candidate fails to comply with subsection (4), the candidate is deemed to have contravened section 147.2(5) as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*.

(6) A candidate who fails to comply with subsection (4) is guilty of an offence and liable to a fine of not more than \$5000.

2018 c23 s51

#### **Transitional — municipal candidates**

**147.95(1)** In this section, "candidate" means a candidate for election as a municipal councillor.

(2) If during the campaign period that commenced January 1, 2018, money paid by a candidate in accordance with section 147.11 of the former Act before the Bill receives first reading equalled or exceeded \$4000, the candidate is not entitled to make any further contributions under section 147.2, as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*.

(3) An individual ordinarily resident in Alberta who, before the Bill receives first reading, made contributions in 2018 to one or more candidates in accordance with section 147.2 of the former Act that in the aggregate equalled or exceeded \$4000 shall not make any further contributions to a candidate in 2018 under section 147.2, as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*, and no candidate shall accept those contributions.



(4) On or after the day the Bill receives first reading but before the day it receives Royal Assent, if a candidate receives a contribution from a person who has, on or after January 1, 2018, already contributed \$4000 or more to one or more candidates, the candidate, no later than 30 days after the Bill receives Royal Assent, shall return any contribution in excess of \$4000 to the contributor, or pay an amount equivalent to the excess beyond \$4000 to a registered charity or to the local jurisdiction in which the individual is a candidate.

(5) If a candidate fails to comply with subsection (2), (3) or (4), or an individual fails to comply with subsection (3), the candidate or the individual, as the case may be, is guilty of an offence and liable to a fine of not more than \$5000.

2018 c23 s51

**Transitional — school board trustee candidates**

**147.96(1)** In this section, subject to subsection (2), “candidate” means a candidate for election as a school board trustee.

(2) For the purpose of this section, an individual is a candidate for election as a school board trustee if, before the Bill receives first reading, the individual accepted contributions or incurred campaign expenses on or after January 1, 2018, for the purposes of a school board election campaign.

(3) An individual ordinarily resident in Alberta who, before the Bill receives first reading, made contributions in 2018 to one or more candidates for school board trustee under the former Act that in the aggregate equalled or exceeded \$4000 shall not make any further contributions to a candidate in 2018 under section 147.2, as enacted by section 51 of *An Act to Renew Local Democracy in Alberta*, and no candidate shall accept those contributions.

(4) On or after the day the Bill receives first reading but before the day it receives Royal Assent, if a candidate receives a contribution from a person who has, since January 1, 2018, already contributed \$4000 or more to one or more candidates, the candidate, no later than 30 days after the Bill receives Royal Assent, shall return any contribution in excess of \$4000 to the contributor, or pay an amount equivalent to the excess beyond \$4000 to a registered charity or to the local jurisdiction in which the individual is a candidate.

(5) A candidate shall, no later than 90 days after the Bill receives Royal Assent,

- (a) file with the local authority a statement disclosing the total amount of all campaign contributions held by the candidate, and

(b) pay any campaign surplus held by the candidate to the local authority.

(6) If an individual fails to comply with subsection (3), or a candidate fails to comply with subsection (4) or (5), the candidate or the individual, as the case may be, is guilty of an offence and liable to a fine of not more than \$5000.

(7) A bylaw made under section 118 of the former Act applies only with respect to campaign expenses accepted and campaign expenses incurred before the Bill receives first reading, and section 118(2.2) of the former Act continues to apply with respect to the examination of the statements of contributions and campaign expenses made under that section.

(8) Despite the repeal of section 118 of the former Act, a school board may make bylaws respecting the transition from its bylaw passed under section 118(2) of the former Act and the coming into force of *An Act to Renew Local Democracy in Alberta*, for the purposes of reporting contributions.

2018 c23 s51

*(NOTE: Sections 147.93 to 147.96 are deemed to have come into force on November 5, 2018.)*

## Part 6 Offences

### Prohibitions

**148(1)** No person shall

- (a) without authority supply a ballot to any person,
- (b) fraudulently put into a ballot box any paper other than a ballot that the person is authorized by this Act to deposit,
- (c) fraudulently take a ballot out of the voting station,
- (d) without authority destroy, take, open or otherwise interfere with any ballot box or packet of ballots then in use for the purpose of an election.

**(2)** No person shall

- (a) request a ballot in the name of some other person, whether the name is that of a person living or dead or of a fictitious person, or
- (b) having voted once, request at the same election a ballot in the person's own name.

(9) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term not exceeding 2 years or to both fine and imprisonment.

RSA 2000 cL-21 s150;2006 c22 s57

#### **Offence — candidate's acceptance**

**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

#### **Advertisement distribution**

**152(1)** Subject to subsection (2), a person who, at an advance vote or on election day,

- (a) displays within a building used for a voting station or within the boundaries of the land on which a building used for a voting station is located, or
- (b) distributes within a building used for a voting station or within the boundaries of the land on which the building used for a voting station is located,

an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than \$500.

(2) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area used as a voting station.

(3) Repealed 2018 c23 s53.

(4) Where a person displays an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper contrary to subsection (1), the deputy may cause it to be removed, and neither the deputy nor any person acting under the deputy's instructions is liable for trespass or damages resulting from or caused by the removal.

RSA 2000 cL-21 s152;2006 c22 s58;2018 c23 s53;2020 c22 s20

#### **Campaign activities at a voting station**

**152.1(1)** Subject to subsection (2), a person who, at an advance vote or on election day, canvasses or solicits votes, or communicates with any person for the purpose of influencing that person's vote, in a voting station or within the boundaries of the

land on which a building used for a voting station is located is guilty of an offence and liable to a fine of not more than \$500.

(2) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area used as a voting station.

(3) If a person contravenes this section, the deputy may issue one or more of the following directions to the person:

- (a) to cease all conduct that constitutes a contravention;
- (b) to leave a location referred to in subsection (1) or (2);
- (c) to move to a location specified by the deputy.

(4) A person who, on receiving a direction under subsection (3), fails to immediately comply with the direction is guilty of an offence and liable to a fine of not more than \$500.

(5) If a person contravenes this section, the deputy may request the assistance of a peace officer

- (a) to aid the deputy in maintaining unobstructed public access to the voting station, and
- (b) to remove a person who has refused to comply with a direction referred to in subsection (3) from a location referred to in subsections (1) and (2).

2018 c23 s54;2020 c22 s21

#### **Interference with posted documents**

**153** A person who, without authorization, takes down, covers up, mutilates, defaces or alters any notice or other document required to be posted under this Act is guilty of an offence and liable

- (a) if the person is an officer, to a fine of not more than \$1000, and
- (b) in any other case, to a fine of not more than \$200.

1983 cL-27.5 s155;1997 c15 s36

#### **Improper appointment**

**154** A person who

- (a) procures an appointment as a returning officer, deputy or constable by false pretence, deceit or other improper means, or