

# Local Authorities Election Act - Frequently Asked Questions

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## **Before Election Day**

### **Can a person with a criminal record run in a local election?**

Yes, however, if that person has been convicted of an election offence (federal, provincial or local) within the previous 10 years, they are ineligible for nomination and to be a candidate (s. 22 *Local Authorities Election Act*).

### **Can I look at nomination papers on Nomination Day?**

After 12noon on Nomination Day, 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 (s. 28(4) *Local Authorities Election Act*).

### **Council is considering providing for the submission of a question to be voted on by the electorate. Does this vote bind council?**

If the question was not required to be put to a vote, then the decision does not bind council (s. 236 *Municipal Government Act*).

### **What happens if the nominations received meet, but do not exceed, the number of positions available?**

If the number of nominations does not exceed the number of positions available, after the close of nominations, the Returning Officer will declare the candidate(s) nominated for the position elected by acclamation (s. 34, *Local Authorities Election Act*).

## **What is your responsibility as a Federal public servant before you file nomination papers in a municipal election?**

Before a federal public servant employee can seek nomination as a candidate in a municipal election he/she must request and obtain permission from the Public Service Commission of Canada (PSC) to do so. For further information please contact the PSC directly or refer to the Public Service Employment Act.

- Toll-free number: 1-866-707-7152
- E-mail: pa-ap@psc-cfp.gc.ca

## **Can an employee file nomination papers to become a candidate?**

Yes. If an employee of a municipality or a school board who wishes to be nominated as a candidate for an election, may notify the employer on or AFTER July 1 and no later than Nomination Day, indicating that they are taking a leave of absence without pay (s. 22(5) *Local Authorities Election Act*). Every employee who notifies his or her employer is entitled to a leave of absence without pay (s. 22(6) *Local Authorities Election Act*).

If an employee who has taken a leave of absence, is not elected, the employee may return to work, in the position the employee had prior to the leave, on the 5<sup>th</sup> day following the election. If an employee is declared elected, the employee is deemed to have resigned the position as employee the day the employee takes the official oath of office (s. 22(8) & s. 22(9) *Local Authorities Election Act*).

## **Is a person who holds the position of Volunteer Fire Chief eligible to run for municipal office in that municipality?**

Yes, a person who is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction is not ineligible to be nominated (s. 22(4)(m) *Local Authorities Election Act*).

In addition, all other requirements for eligibility must be met under s. 21 of the *Local Authorities Election Act*:

- at least 18 years of age;
- a Canadian citizen;
- A resident of the local jurisdiction for 6 consecutive months; and

- Is not otherwise ineligible under the Act.

S. 22(1) of the Local Authorities Election Act titled 'Ineligibility' sets out provisions for persons who may not be eligible to run for council.

**The number of nominations is equal to the number of offices to be elected. Do I have to wait until after Election Day to hold an organizational meeting?**

No, the organizational meeting may be held when the returning officer declares those elected by acclamation (s. 10 & s. 34 *Local Authorities Election Act*).

**Can a candidate put up campaign signage prior to Nomination Day?**

The *Local Authorities Election Act* does not specify when a candidate can begin to put up campaign signage. However, some municipalities may have bylaws restricting when and where campaign signage may be placed. Candidates should contact their municipal office for details on signage restrictions. Alberta Transportation also has guidelines for campaign signage on Alberta highways, which can be found [here](#).

**Do I have to wait to start campaigning until I file my nomination papers?**

No, however, section 147.21 of the *Local Authorities Election Act* outlines that a candidate may not accept campaign contributions, including the funds of the candidate, until the candidate is registered under the Act with the municipality that the candidate intends to run.

We encourage potential candidates to contact their municipality and obtain the "Application for Registration of Notice of Intent to Become a Candidate for Municipal Office". The form may also be found [here on](#) the Alberta Municipal Affairs website.

**How many signatures are required on my nomination papers?**

You must have at least 5 signatures of eligible electors in that election, sign your nomination papers.

A city with a population of at least 10,000 may, by a bylaw passed no later than June 30, require the number of signatures on a nomination paper. The required signatures cannot be less than 5 and cannot exceed 100 (s. 27 of the *Local Authorities Election*

*Act*). It is important to confirm with your returning officer if more than 5 are required for your local jurisdiction

### **Can I fax my nomination papers?**

No. Original documents must be filed with the Returning Officer at the local jurisdiction office between 10:00 a.m. and 12noon, on Nomination Day (s. 28(1) *Local Authorities Election Act*).

A local authority may, by bylaw passed no later than June 30, receive nominations earlier than 10 a.m. (s. 28(2) *Local Authorities Election Act*). Candidates may check with their local authority to ensure time and location for receiving nomination papers.

### **I'm not around on Nomination Day between 10:00 a.m. and 12noon. Can I file my nomination papers earlier?**

Only if the elected authority has passed a bylaw allowing the returning officer to receive nominations earlier than 10:00 a.m. Any person may file your completed nomination papers on your behalf (s. 28 *Local Authorities Election Act*).

### **Do I have to pay a deposit when I file my nomination papers?**

Only if the elected authority has passed a bylaw, at least 30 days prior to nomination day, requiring a deposit. The amount of the deposit will be stated in the bylaw (s. 29 *Local Authorities Election Act*). Check with your municipality to determine if a deposit is required.

### **Do I get my nomination deposit back?**

Your deposit will be returned to you if, you:

- are elected; or
- withdraw your nomination in accordance with Section 32 of the *Local Authorities Election Act*; or
- receive at least half the number of votes as the candidate elected in your race with the least number of votes.

**Example:** If the winning candidates in your ward receive 10,000 and 8,000 votes, you need to receive at least 4,000 votes (half the votes of the second place winner) to reclaim your deposit.

If you do not meet any of these conditions, your deposit is paid into the general revenues of the local jurisdiction or the appropriate School District (s. 30 *Local Authorities Election Act*).

### **What if no nominations are received for a particular position?**

If the required number of nominations are not received for the number of positions available on Nomination Day, the Returning Officer will continue to receive nominations the following day, at the local jurisdiction, between 10 a.m. and 12noon. Nominations will continue to be received at the same place between the same times until the required number of nominations has been received or a period of six working days, including Nomination Day (s. 31 *Local Authorities Election Act*).

### **Is it possible to withdraw my nomination?**

You can withdraw within 24 hours after the close of nominations. Your notice of withdrawal must be submitted in person, in writing, to the Returning Officer at the local jurisdiction. Faxed notices of withdrawal are NOT accepted.

You can only withdraw your nomination if the number of candidates remaining, meet the positions in the race. In other words, if you are the only candidate running for School Board Trustee in your division or ward, you cannot withdraw your nomination. If you are running for councillor in a local jurisdiction with six (6) seats and there are only six (6) nominated candidates, no candidate may withdraw (s. 32 *Local Authorities Election Act*).

Your nomination cannot be withdrawn after the 24-hour deadline has passed, and your name will appear on the ballot.

### **What happens if a candidate dies after Nomination Day?**

A local jurisdiction may pass a bylaw, prior to Nomination Day, providing for the discontinuation of an election if a candidate dies prior to the opening of the voting stations on Election Day. If a candidate dies, the election for the position will be discontinued and a new election will be held.

If the candidate dies after being nominated and a bylaw has not been passed, the returning officer will post a notice of the death in a conspicuous location at all relevant voting stations. However, the deceased person's name will remain on the ballot (s. 33 *Local Authorities Election Act*).

### **Do you have to pass the special ballot resolution each year?**

If a municipality has an election bylaw that includes the provision of special ballots, then they don't have to pass a separate resolution for each election.

If there is a change in election personnel (returning officer), it might be difficult to find an existing resolution that was passed in a previous election, in this instance, it would be best to pass another resolution to allow for special ballots.

### **Are there limits to how much someone can contribute during an election?**

Yes. Campaign contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed \$5,000 in any year. A candidate may contribute up to \$10,000 out of their own funds during any campaign period (s. 147.2 *Local Authorities Election Act*).

### **What are allowable election campaign expenses?**

Allowable election expenses are (s. 118 *Local Authorities Election Act*):

- Actual personal expenses of the candidate;
- The cost of acquiring premises, accommodation, goods or services used for proper election campaign expenses;
- Payments for the fair cost 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.

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## **Election Day & Voting**

**Form 4A, Notice of Election with List of Electors requires that the acceptable forms of identification be shown. Does this mean that the entire list must be**

## **advertised?**

The municipality should list the most common types of identification required to vote and a statement indicating that other types of identification that may be acceptable to verify identity and address. The elector should check with the municipal office or on the municipal website to ensure they provide the proper identification on Election Day.

## **If a person has resided in a municipality 24 hours prior to the election, are they eligible to vote?**

A voter must be at least 18 years old, a Canadian Citizen, have been resided in Alberta for the 6 consecutive months immediately preceding Election Day and their place of residence must be located in the area on Election Day (s. 47 of the *Local Authorities Election Act*).

The rules of residency indicate that a person only has one place of residency at a time for the purposes of voting. Therefore, if a person is only visiting, they are not eligible to vote in that municipal election (s. 48 *Local Authorities Election Act*).

## **Do I need to be a Canadian citizen to vote in a municipal election?**

Yes, you must be a Canadian citizen. You must also have been a resident of Alberta for at least six (6) months immediately preceding Election Day and your place of residence must be located in the area on Election Day (s. 47 *Local Authorities Election Act*).

## **Do I need to show voter identification when I vote?**

Voter identification is required for local elections where a voters list is not prepared. The identification requirement sets a uniform standard of one piece of picture identification or other authorized identification as indicated for the purposes of section 95(1)(a)(ii) of the *Local Authorities Election Act* that establishes the elector's name and current address.

Local authorities may also pass a bylaw no later than six (6) months prior to Nomination Day which provides the opportunity to supplement the number and types of identification required to allow a person to vote. Check with your local authority as to whether a bylaw has been passed to ensure that you are aware of any additional voter identification requirements.

The general basic requirement for municipal elections is set out in section 53 of the *Local Authorities Election Act* and outlines a single piece of identification.

**I own property in more than one municipality, can I vote in both?**

No. A person may be a resident of only one place at a time for the purposes of voting (section 28 *Local Authorities Election Act*). An exception exists for summer villages. If you, your spouse, or adult interdependent partner is named on a certificate of title, you are also eligible to vote in a summer village.

**If I own a business in a municipality, but do not live in that municipality, can I still vote in the municipality where I own my business?**

No. You would not meet the eligibility requirements to vote. Your place of residence must be located in the municipality on Election Day. This also applies to a vote on a question in addition to the election of local offices (s. 47(1) *Local Authorities Election Act*).

**If I am a renter, not a property owner, am I entitled to vote?**

Yes, a renter can vote if they meet the eligibility requirements (s. 47 *Local Authorities Election Act*). A renter is also eligible to run for office if he/she meets the eligibility requirements (s. 21 *Local Authorities Election Act*).

**Are employees allowed to take time off of work to vote?**

Employees who are electors have the right to have three (3) consecutive hours to cast their vote while the voting station is open (s. 58 *Local Authorities Election Act*).

If the hours of the employee's employment do not allow for three consecutive hours (if the employee's normal employment hours end at 5:00 p.m., the employee would have three consecutive hours in which to vote, from 5:00 p.m. to 8:00 p.m.), the employer shall allow him or her any additional time for voting that is necessary to provide three consecutive hours, at the convenience of the employer, and the employer shall not make any deductions from pay or impose any penalty on the employee.

**Can anyone vote at an institutional vote if it is held with an advance vote?**

Section 80(2) of the *Local Authorities Election Act* states that only:

An elector who on Election Day

(a) is confined to a hospital, auxiliary hospital or nursing home in the local



jurisdiction, or

(b) is a resident in the local jurisdiction in a seniorsâ€™ accommodation facility, that is established as an institutional voting station for the election is allowed to vote at that institutional voting station.

Section 80(4) indicates that an advance vote can be held for any **residents** of seniorsâ€™ accommodation.

**Can a letter of attestation for residents in an institutional voting station e.g. seniors residence, be considered sufficient identification for the purposes of voting in a municipal election under the Local Authorities Election Act?**

Yes. The Chief Electoral Officer has included â€ˆAttestation of Identity and Residence issued by the authorized representative of a supportive living facility or treatment centreâ€™ as authorized identification with electorâ€™s name and address. Therefore an authorized representative of an institutional voting station (e.g. seniors facility) may issue a letter of attestation to each resident of the seniorâ€™s facility for the purposes of voting in an election under the *Local Authorities Election Act*.

**Are you allowed to campaign inside, outside or near a voting station on Election Day?**

No (s. 152 *Local Authorities Election Act*).

**Do I have to vote for the required number of candidates?**

No, however, you may only vote once for each candidate and only up to the number of candidates to be elected to the office (s. 57 *Local Authorities Election Act*).

**Can I vote for both a public and separate school board trustee?**

No. You may vote for either a public or separate school board trustee depending on residency. Residency is determined by faith. If you reside within the boundaries of a separate school district and share the same faith as those who establish the district, you are a resident of the separate school district, not the public school district (s. 44 *School Act*).

## **Who is eligible to observe the election process?**

One of the following can be present in the voting station:

- Candidate; or
- Official Agent; or
- Scrutineer.

A candidate, their official agent, or one of their scrutineers may not be present at the same voting station during voting hours.

## **Someone voted who shouldn't. What do I do?**

A note of objection can be made on the voting register, at the time a voter is making the prescribed statement. An objection to a voter can be made by the returning officer, candidate, official agent, or scrutineer on Advance Vote Date and on Election Day. The election staff will record the objection to the voter on the statement and file it appropriately. The voter is still permitted to cast a ballot once the objection has been recorded. Upon successful application to the courts, a person who votes knowing that they have no right to do so may be fined up to \$10,000 or may be imprisoned for not more than 6 months, or both (s. 54 *Local Authorities Election Act*).

## **I'm going to be out of town on Election Day. Can I vote in advance?**

All local authorities may choose to pass a resolution allowing for advance vote or special ballot opportunities. Please check with your local authority for availability of special ballots or dates and times of advance voting opportunities, if a resolution has been passed (s.73 & s. 77.2 *Local Authorities Election Act*).

## **I put my special ballot package in the mail. How do I know if my vote was counted?**

It is the responsibility of the voter to ensure that the special ballot is received by the returning officer before the deadline to return special ballots. It is up to the returning officer to determine if the special ballot certificate envelope is accepted or rejected (s. 77.2 *Local Authorities Election Act*).

## **What happens if there is a tie?**

In the event of a tie, the returning officer writes the names of those candidates on separate pieces of paper of the same size, colour and texture, and draws a name from a hat. The name on the withdrawn paper is considered to receive one more vote (s. 99 *Local Authorities Election Act*).

### **When are election results official?**

Election results are considered official at 12noon on the fourth day following Election Day, in this case, on October 20, 2017. The returning officer may publish unofficial election results (s. 97 *Local Authorities Election Act*).

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### **After Election Day**

#### **Who has the ability to ask for a recount?**

The returning officer may undertake a recount if a candidate, official agent, or scrutineer show grounds that the count of votes is inaccurate. The returning officer may also consider the number of rejected ballots, valid ballots objected to, or any administrative or technical errors. If a recount is requested, a recount application must be made by 4:00 pm on the Wednesday following Election Day (s. 98 *Local Authorities Election Act*).

#### **Who can challenge the validity of an election?**

If the validity of an election, of a member of an elected authority, or the member's right to hold the seat, is contested, or the validity of a vote on a bylaw or question is contested, the issue may be raised before the Court of Queen's Bench (s. 126 *Local Authorities Election Act*).

The issue may be raised by:

- A candidate;
- The elected authority;
- Any elector, if the right to sit is by acclamation or contested on the ground that a member of the elected authority is ineligible, disqualified, or has forfeited the member's seat since the election; or
- An elector who gave or tendered their vote at the election.

## **Do I have to report on contributions and expenses?**

Candidates are required to submit a campaign contribution and disclosure statement by March 1, immediately after Election Day. This disclosure statement must include:

- The total amount all contributions received that did not exceed \$100 from a single contribution;
- The name and address, along with the total amount contributed of any contribution exceeding \$100;
- The total money paid by the candidate;
- The total amount of any campaign surplus;
- A financial statement setting out the total amount of revenue and expenses.

A candidate must declare campaign contributions funded from any person, corporation, trade union, or employee organization by completing a Candidate Campaign Contribution and Disclosure Statement Form.

A candidate whose campaign is entirely self-funded is not required to file a campaign contribution and disclosure statement (s. 147.4 *Local Authorities Election Act*).

## **What if I do not collect campaign contributions?**

A candidate may spend up to \$10,000 of their own funds during any campaign period (s. 147.2(1.1) *Local Authorities Election Act*). If a candidate has entirely self-funded, they are not required to open a bank account or file a campaign contribution and disclosure statement (s. 147.11(2) *Local Authorities Election Act*).