

# Election Procedural Manual

A Guide for Returning Officers in Alberta

Alberta Municipal Affairs

Updated 2017

*Alberta Municipal Affairs*

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**Capacity Building, Municipal Services Branch  
Election Procedural Manual – A Guide for Returning Officers in Alberta  
Alberta Municipal Affairs  
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# Introduction

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This manual has been developed to assist you in conducting an election in accordance with the *Local Authorities Election Act (LAEA)* and other relevant regulations and legislation. It is intended that this guide be used as a reference for returning officers who are planning an upcoming municipal election, by-election, or vote on a question or bylaw.

As this manual has no legislative sanction, we strongly recommend that you obtain a copy of the *Local Authorities Election Act (LAEA)* and other relevant statutes and regulations. Not all information in the *LAEA* is covered in detail in the guide. This guide is intended to compliment the *LAEA* and assist returning officers and other municipal election officials with planning and executing municipal elections. This guide is not intended to be the sole source of information for municipal elections but rather to be used in conjunction with the *LAEA*.

All definitions, procedures and processes outlined in this guide are from the *LAEA*. Should you require further clarification on any definitions, procedures, or processes you are encouraged to review and consult the *LAEA*, call a Municipal Advisor, or seek an independent legal opinion.

For those of you involved in conducting an election for a summer village, please note that different timelines, process, procedures and residency requirements apply.

# Roles and Responsibilities

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There are many people involved in running a successful municipal election. This section provides a brief description of the different roles and responsibilities of the various people and organizations that likely will be involved in your municipal election.

## Returning Officer

LAEA s.14

Planning an election is a complex process, and there are a large number of details that need to be taken care of, in addition to the legislative requirements, to ensure a successful election. This individual has many responsibilities listed throughout the *LAEA*, and section 14(1) prescribes the main duties:

- Appoint election workers, including presiding deputy, deputies, constables and other persons as required;
- Establish voting stations;
- Designate deputies to work at all voting stations;
- Order election supplies, ballots, and ballot boxes and ensure they are available at the voting stations,
- Give notice of nomination day,
- Receive nomination papers for prospective candidates,
- Give notice of election day,
- Do all things necessary for the conduct of an election.

What are “all things necessary”? This could include answering questions for both the public and prospective candidates regarding election processes, specific requirements such as campaign financing, and connecting candidates with other members of the municipality for further information, such as signage requirements.

The returning officer must be independent and impartial when performing these duties. This means that a returning officer cannot favor one candidate over another, and cannot be influenced by candidates or voters. Further, a person may be convicted of an election offence if they attempt to influence a returning officer while he/she is carrying out their duties.

It is the returning officer’s responsibility to ensure that the election is conducted in such a manner that is transparent and fair.

## Minister

LAEA s. 6

The Minister of Municipal Affairs is has the overall responsibility for the *Municipal Government Act* and the *Local Authorities Election Act*. The

Minister may give special directions governing the conduct of elections, but only when it is demonstrated that the provisions outlined within the *LAEA* are deemed to be insufficient.

In certain circumstances, the Minister can alter the dates and timelines prescribed by the legislation. An example would be if, after a resignation of an elected official, the municipality is unable to conduct its election within 90 days as prescribed by Section 165 of the *MGA*. The reason would have to have merit, and of course, it is up to the Minister to determine if the extension is granted. The Minister also is given the power to decide any questions arising from the difficulty or impossibility of applying the Act.

The *Local Authorities Election Act* requires that the Minister receive information regarding municipal elections. Specifically, Municipal Affairs keeps a record of municipal election results, elected officials and their contact information. This information is used for official correspondence from the Government of Alberta. It is also helpful for our municipal advisors to have updated election information so that they may be well prepared to field questions from returning officers, municipal officials, municipal candidates and residents alike.

### Municipal Councils

Some election processes require approval from the elected municipal council. Council resolutions are required for the appointment of a returning officer and to provide for special ballots, advance votes, incapacitated elector at home voting, and institutional voting.

An elected authority must pass a bylaw if they wish to provide additional requirements for voter identification (6 months prior to Election Day), voting machines, and if they wish to have the ballots printed in lots (2 months prior to Election Day).

### Secretary (Chief Administrative Officer)

**LAEA s. 19**

The chief administrative officer has prescribed duties under the *Local Authorities Election Act*, even if a returning officer is appointed. Pursuant to section 19, the chief administrative officer is charged with providing information and assistance if requested by the returning officer.

The chief administrative officer is also responsible for the custody of election materials upon declaration of the election results, and for the destruction of election materials in accordance with the *LAEA*.

# Getting Started

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## Resources

There are a number of resources available to returning officers or chief administrative officers who are planning an election or by-election.

## The Municipal Government Act

Sections 160-166 of the *Municipal Government Act (MGA)* discuss vacancies on council and how municipalities must address them. This section of the *MGA* is important to review if a councillor has resigned or passed away, as it is prescriptive in timelines in which an election must be conducted after a resignation is received.

## Local Authorities Election Act

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

## Regulations

There are six regulations made under the *Local Authorities Election Act* that are filed as Alberta Regulations. Three are specific only to the individual municipalities of Calgary, Edmonton and Red Deer; however, the remaining three pertain to all municipal and school board elections. These regulations include the Ballot Box Regulation, Local Authorities Election Forms Regulation, and Modified Voting Procedure Regulation. Copies of the regulations may be obtained through the Alberta Queen's Printer, <http://www.qp.alberta.ca>, 780-427-4952.

## Your Municipal Election Bylaw

Some municipalities may have passed an elections bylaw. A bylaw passed pursuant to this Act will remain in force until it is repealed, so take a moment to see if there is an active election bylaw in your municipality.

## Alberta Municipal Affairs: Municipal Election Information and Forms

The Alberta Municipal Affairs website has a section dedicated to municipal election information and forms. Information bulletins are referenced on this website, along with related documents and information on voter identification requirements.

[http://www.municipalaffairs.alberta.ca/mc\\_elections](http://www.municipalaffairs.alberta.ca/mc_elections)

### Alberta Municipal Affairs: Advisory Services

If you have any questions or require clarification of the provisions within the *MGA* or *LAEA*, Municipal Affairs has a team of advisors who are available to help. To speak with a municipal advisor, please contact the Municipal Services Branch at 780-427-2225, toll-free in Alberta by dialing 310-0000, and ask to speak with a municipal advisor.

# Preliminary Planning and Considerations

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From the notice of nomination day to Election Day, an election takes six (6) weeks to complete. Significant planning and preparation takes place prior to nomination day, and the legislated responsibilities of a municipality and a returning officer do not simply end once the ballots are counted and the election results are declared.

The legislation allows for a degree of discretion on the part of the local jurisdiction to provide for additional election services and processes that may help facilitate accessibility, transparency and participation. This discretion is based on the premise that the local jurisdiction is in the best position to determine the unique needs of the community. To this end, advance voting, incapacitated elector at home voting, institutional voting, additional voter identification requirements, and special ballots are left to the discretion of the municipality. If decision-making authority is provided for in the legislation, it will also note whether the decision must be made by bylaw or resolution of council.

Many of these decisions need to be made well in advance as they have legislated time and process requirements. A calendar and sample supply lists have been created that include the legislated time requirements to assist chief administrative officers, returning officers and municipal clerks who are tasked with planning an election or by-election.

Planning an election is a complex process. There are a number of details that need to be taken care of, in addition to the legislative requirements, to ensure a successful election such as:

- Hiring of a Returning Officer, Deputy Returning Officers, and other election officials;
- Booking voting stations;
- Conducting school board elections in conjunction with municipal elections (if applicable);
- Preparing materials, ordering ballots, ballot boxes and privacy screens;
- Creating packages and providing information to prospective candidates;
- Maintaining a register of candidates in accordance with Campaign Finance provisions under S. 147.2.

## Municipal By-Election Dates

MGA – s. 11 (b)

Although general election dates are set through legislation, municipalities must set their own election dates when a by-election is required. There are a number of considerations to keep in mind when setting a by-election date. They include:

LAEA – s. 25

- Is nomination day or Election Day scheduled on a statutory holiday?
- Does the six week election period occur during holidays or a time when a significant amount of electors will be away? (I.e. – Easter, Spring Break, Christmas, etc)
- Does Election Day fall within 90 days after the vacancy occurred, as specified by Section 166 of the *Municipal Government Act*?

If you are conducting a municipal by-election, Election Day must be set by resolution of council. There are also a number of other items that must be done by resolution, so it may be helpful to bring the following items forward to Council during the same meeting:

- Returning officer appointment s. 13
- Advance Vote s. 73
- Special Ballots s. 77.1
- Incapacitated Elector At Home s. 79
- Institutional Vote s. 80

## Summer Village Election Dates

LAEA – s. 12

Summer Villages are authorized to conduct their elections during peak seasons. Some of the legislative requirements for summer villages are different than those of other municipalities across Alberta so it is extremely important to read over the *LAEA* and seek out any clarification that you may require.

Summer Villages must accept nominations in June or July, or both, of the election year. Council must establish the date, time and location that the returning officer will accept nominations. Candidates may withdraw their nominations up to 48 hours after filing.

Election Day must be held four weeks following the acceptance of nominations and must be held between the hours of 10am and 7pm.

A person is entitled to vote in a summer village if they are:

- Eligible to vote under section 47;
- 18 years of age or older;
- A Canadian citizen;

- Named on the certificate of title as the person who owns the property within the summer village; or
- The spouse or adult-interdependent partner of the person who is named the certificate of title as the person who owns the property within the summer village.

Summer Villages must also ensure that their organizational meeting is completed no later than August 31 of the general election year.

### Joint Elections

#### **LAEA – s. 3**

An elected authority may, by resolution, enter into an agreement for the conduct of an election with the authority of another jurisdiction. The elected authorities who wish to conduct joint elections must be within local jurisdictions that have areas in common.

Any agreement made under section 3 of the *LAEA* must clearly specify which local authority is responsible to conduct the election. Each local authority must appoint a returning officer for the election, and they may appoint one single person to act as returning officer for each authority.

## Election Officials

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**LAEA s. 13**

An elected authority may appoint a returning officer. If a returning officer has been appointed for the purpose of the election or by-election, they are responsible for the conduct of the election. In the absence of a returning officer appointment, the secretary (chief administrative officer) of a municipality will be responsible for any returning officer duties outlined within the *LAEA*.

**LAEA – s. 17**

If at any time the returning officer that has been appointed by council becomes incapable of carrying out their duties, the chief elected official of the municipality, or school board, may appoint another person to act in the position of returning officer.

The returning officer is responsible for appointing presiding deputy returning officers, deputies, constables and any other election officials as required.

# List of Electors

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If it is the desire of the municipality to establish a permanent list of electors, Returning Officers are encouraged to review the appropriate sections in the *LAEA* prior to proceeding. The information below is a summary of the sections.

## Permanent Electors Register

**LAEA – s. 49**

A municipality may, by bylaw, direct the secretary to prepare a permanent elector register of residents in the municipality who are entitled to vote in the elections.

The bylaw must prescribe the procedures and forms that will govern the enumeration of the electors in the municipality and must identify any other methods of compiling and revising a permanent elector registry.

If a bylaw is enacted, the municipality may enter into an agreement with the Chief Electoral Officer of Alberta to receive information that will assist the secretary in compiling or revising the register. The agreement may also outline that the information revised or compiled by the municipality will be provided to the Chief Electoral Officer of Alberta for the purpose of compiling or revising the register of electors under the *Alberta Election Act*.

The information contained in the register may only include:

- the residential addresses (including postal code);
- mailing address (if different from residential address);
- surname, given name and middle initial;
- residential telephone number;
- gender;
- day, month and year of birth;
- if not a resident of Alberta for 6 months, the date the person became a resident of Alberta; and
- whether the person is a public or separate school resident.

## List of Electors

**LAEA – s. 50**

The municipality may direct the secretary, by bylaw, to prepare a list of electors who are entitled to vote in an election. In addition, the bylaw must set out the prescribed procedures and forms that will govern the enumeration of electors and provide for the use of information from a permanent elector register (if applicable).

When a candidate files nomination papers, the returning officer must provide the candidate, the day after nominations may be withdrawn, a copy of the list of electors that was prepared.

The list of electors may only be used by candidates for the purposes of campaigning and election officers for the purposes of carrying out duties under the *LAEA*.

### Enumeration

**LAEA – s. 51-52**

If a local jurisdiction has passed a bylaw, they must appoint, or authorize the secretary or returning officer to appoint, enumerators to complete an enumeration of electors residing in each voting subdivision or ward. Each enumerator must be provided with identification from the local jurisdiction.

An enumerator, candidate, official agent, or campaign worker, who produces identification that meets the requirements of the *LAEA* regulations, indicating their position, shall not be interfered or obstructed from entering a building containing two or more residences or to each residence in a mobile home park.

# Candidate Registration

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**LAEA – s. 147.21**

No candidate may accept campaign contributions, including the funds of the candidate, unless the candidate is registered with the municipality that they intend to run. If candidates entirely self-fund their campaign up to and including \$10,000, they are not required to file a notice of intent to run with the municipality.

If at any time the information filed with the municipality changes, the candidate must notify the municipality in writing within 48 hours. The municipality must update the register of the candidate accordingly.

Forms for the notice of intention are available through the Alberta Municipal Affairs website.

# Nomination Procedure

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**LAEA – s. 25**

Nomination day for the 2017 general municipal elections is Monday September 18, 2017.

If an elected authority has passed a bylaw prior to June 30 in an election year, nomination may occur on Saturday, September 16, 2017.

In the case of any by-elections that may occur between the 2017 general election and the 2021 general election, nomination day must occur 4 weeks prior to Election Day.

## Candidate Eligibility

**LAEA – s. 21**

A person may be nominated in any election under the *LAEA* if the person:

- Is eligible to vote in the election;
- Has resided in the municipality and the ward (if applicable) for 6 consecutive months immediately preceding nomination day; and
- Is not otherwise ineligible.

**LAEA – s. 22**

A person is ineligible to be nominated as a candidate in any election under the *LAEA* if:

- The person is the auditor of the local jurisdiction;
- The person is an employee of the local jurisdiction for which the election is to be held unless the person has taken a leave of absence;
- The person is indebted to the municipality for taxes in default exceeding \$50 (excluding indebtedness on current taxes, and indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality);
- The person is indebted to the local jurisdiction for any debt exceeding \$500 and is in default for more than 90 days;
- The person has, within the previous 10 years, been convicted of an offence under the *LAEA*, the *Election Act*, or the *Canada Elections Act*.

If a person failed to comply with the requirements in the *LAEA* as they relate to campaign finance and disclosure and the secretary (chief administrative officer) transmitted a report in respect to that person, and/or the Court did not dispense with, or extend the time for compliance with respect to campaign finance and disclosure, a person is deemed to be ineligible. A person is deemed to be ineligible under these

circumstances for either an 8 year period following the day that a report was transmitted by the secretary, or a 3 year period following the day the disclosure statement was filed with the municipality (which ever period expires first).

It is important to check section 22(4) of the *LAEA* to understand how this section does not apply and to whom this section does not apply. For further information on candidate eligibility you may seek further clarification from Alberta Municipal Affairs advisors or through legal counsel.

### Notice of Nomination Day

**LAEA – s. 28**

Notice of nomination day must be provided to the electors within the municipality by publishing a notice in a newspaper or publication circulating in the area for at least once a week in each of the two consecutive weeks prior to nomination day. Alternatively, the returning officer may mail or deliver a notice to every residence in the local jurisdiction at least one week before nomination day.

In addition to the legislative requirements noted above, a returning officer may give additional notice by any other method, as many times as considered appropriate. This may include the additional use of municipal websites or social media pages, if applicable.

### Nominations

**LAEA – s. 27**

Candidates who seek nomination for office must complete Form 3, Nomination Paper and Candidate's Acceptance (available through the Alberta Municipal Affairs website).

Nominations must be signed by a minimum of five electors. These electors must be residents of the local jurisdiction on the date they signed the form, and must be eligible to vote in the election. If the municipality has implemented a ward system, the electors must also be a resident of the ward for which the candidate is being nominated.

The *LAEA* allows an elected authority to implement a number of additional requirements to the nomination process if a bylaw is passed. If a bylaw is passed prior to June 30<sup>th</sup>, an authority may require up to 100 electors to sign a candidate's nomination papers. This only applies to a city with a population of at least 10,000 or a school board of a local jurisdiction with a population of at least 10,000.

LAEA – s. 28

## Nomination Day

Candidates must have their nomination papers filed with the returning officer on nomination day, 4 weeks prior to Election Day, between the hours of 10am and 12noon at the office of the local jurisdiction.

A municipality may wish to pass a bylaw prior to June 30<sup>th</sup> of the election year that allows the returning officer to accept nominations prior to 10am, as well as to establish additional locations where a deputy may receive nominations.

The returning officer may refuse nomination papers **only** if:

- The papers are not signed by at least the minimum number of electors required; or
- The papers are not accompanied by the required deposit established by the municipality (if applicable).

The returning officer does not have the authority to challenge the validity of the information provided for on the nomination papers. The responsibility to question the validity of the nomination papers is left to the electors of the municipality and may be challenged through the Court.

## Deposit

LAEA – s. 29

A municipality may establish by bylaw, passed no later than 30 days before nomination day, that a deposit must accompany the nomination papers at the time of filing.

The deposit, in the case of a municipality with a population of more than 10,000, may not exceed \$1,000. In all other cases, the deposit may not exceed \$100.

LAEA – s. 30

The returning officer shall accept the deposit, in cash, certified cheque or money order, at the time that the nomination papers are filed. The candidate will receive the deposit back if:

- The candidate is declared elected;
- The candidate obtains at least half the number of votes than the candidate elected to office with the least number of votes;
- The candidate withdraws within 24 hours of filing the nomination papers.

If the candidate does not meet the qualifications above, the deposit shall be paid into the general revenue of the municipality.

LAEA – s. 32

### Withdrawal of Nomination

A candidate may withdraw their nomination within 24 hours of the end of nomination day, up to 12noon on the day after nomination day. A candidate must withdraw in person and in writing to the returning officer of the municipality.

If, after one or more candidates have withdrawn, the number of remaining candidates does not exceed the number of vacancies available, the returning officer shall refuse to accept any further withdrawals.

If, at the close of nominations, the number of nominations received equal the number required to be elected, the returning officer shall not accept withdrawals.

LAEA – s. 31

### Insufficient Nominations

If the number of persons nominated do not meet or exceed the positions required to be elected, the returning officer is required to open and accept nominations at the local jurisdiction office the next day between the hours of 10am and 12noon for the purpose of receiving further nominations for the elected office.

The returning officer shall continue to remain open and be adjourned in the same way from day to day until 12noon of the day that the required number of nominations are received or a period of 6 days, including nomination day, but not including Saturday, Sunday and holidays.

If a bylaw has been passed the returning officer must be open to accept nominations that comply with the hours specified in the bylaw.

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

If insufficient nominations to fill the vacancies are not received, the secretary is required to immediately notify the relevant minister.

LAEA – s. 34

### Election by Acclamation

At the close of nominations, if the number of nominations received by the returning officer is equal to the number of persons required to be elected, the returning officer shall declare the persons nominated to be elected to the offices that they filed nomination papers.

The returning officer is required to provide the secretary and the relevant Minister's deputy minister written notification signed by the returning officer,

containing the names of the persons elected and the offices that they were elected to.

The returning officer is required to provide to the secretary all nomination papers and other related materials for retention as required under the *LAEA*.

### Candidate Nomination Information

**LAEA – s. 28(6)**

At the completion of nomination day and following the 24 hour withdrawal period, the returning officer must provide to the Deputy Minister of Municipal Affairs, a signed statement that includes the name and address of each of the nominated candidates and the position that they are nominated for.

The Candidate Nomination Information form is available on the Municipal Affairs website and may be faxed or emailed. The information may also be submitted through the Election Database through MA Connect.

If you do not have login information for MA Connect and the Election Database please contact Alberta Municipal Affairs at 780-427-2225, toll-free in Alberta by dialing 310-0000 first, and ask to speak with a Municipal Information Advisor who can assist you with your questions or direct you to the appropriate contact.

### Retention of Nomination Papers

**LAEA – s. 28(4)  
s.28(5)**

The returning officer or the secretary (as the case may be), shall maintain the nomination papers filed until the term of office to which the nomination papers relate has expired.

At any time after 12noon on nomination day until the term of office has expired, a member of the public may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy returning officer, or the secretary.

### Notice of Election

**LAEA – s. 35**

If more than the required number of persons remained nominated 24 hours after nomination day has closed, the returning officer will declare that an election will be held for the filling of that office.

The returning officer is required to give notice of the election in the prescribed form (available on the Municipal Affairs website) by publishing a notice at least once a week in each of the 2 weeks before Election Day. The advertising must be done in a newspaper or other publication circulating in the local jurisdiction, or can be mailed or delivered to every resident a notice

to every residence in the local jurisdiction at least one week prior to Election Day.

The returning officer may choose to publish, mail and/or deliver additional notices and provide for notice in any additional methods as many times as the returning officer considers necessary and appropriate.

# Voter Eligibility

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Returning Officers are encouraged to review the *LAEA* and the sections responsible for voter eligibility, rules of residence and proof of elector eligibility.

Additional information may be released through information bulletins or other communication through Municipal Affairs. Check the Alberta Municipal Affairs website regularly to ensure that you have the most up to date information.

## Eligibility

**LAEA – s. 47**

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

- 18 years of age;
- A Canadian Citizen;
- Has resided in Alberta for 6 months immediately preceding Election Day; and
- The person's place of residence is located in the area on Election Day.

**LAEA s. 12**

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

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

## Rules of Residence

**LAEA – s. 48**

Residence is governed by the following rules:

- A person may be a resident of only one place at a time for the purposes of voting;
- If a person has more than one residence in Alberta, they must designate one place of residence as their permanent residence;

- A residence is the place where the person lives and sleeps and where they intend to return following an absence;
- A person does not lose the person's residence by leaving the person's home for a temporary purpose.

A student who attends an education institution within or outside of Alberta, temporarily rents accommodation for the purpose of attending an education institution and has family members who are resident in Alberta and the student resides with them when not attending an education institution, are deemed to reside with those family members.

A person will lose their place of residence if they leave without the intention of returning to their residence within the area.

To help to determine a person's place of residence, the following can be used in order of priority:

- The address shown on the person's driver's license issued on behalf of the Government of Alberta or an identification card issued on behalf of the Government of Alberta; or
- The address to which the person's income tax correspondence is addressed and delivered; or
- The address to which the person's mail is addressed and delivered.

### Proof of Elector Eligibility

LAEA – s. 53

Municipalities may pass a bylaw no later than 6 months prior to nomination day providing 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. The bylaw must provide that the returning officer will accept one piece of identification described below. The bylaw must be advertised in accordance with section 53.1 of the *LAEA* and must be included in the notice of Election Day, as prescribed (available on the Alberta Municipal Affairs website).

Every person who arrives and attends a voting station must be permitted to vote if:

- The person's name appears on the list of electors (if applicable);
- The person makes a statement in the presence of an officer at the voting station, in the prescribed form (available on the Municipal Affairs website) and produces for inspection proof of identity and current residence, and where a bylaw has been passed, age.

Identification that will be accepted includes the following:

- One piece of identification issued by a Canadian Government (federal, provincial or local), or an agency of that government, that contains a photo of the elector and his/her name and current address; or
- One piece of identification authorized by the Chief Electoral Office under the Alberta *Election Act* that establishes the electors name and current address.

The authorized list made available through the Chief Electoral Officer is available on the Alberta Municipal Affairs website.

# Before Election Day

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The following are responsibilities of the returning officer and must be established and completed prior to Election Day.

## Voting Subdivisions

LAEA – s. 36

The elected authority, by resolution, or, the returning officer if authorized by a resolution, may divide the local jurisdiction into voting subdivisions. These voting subdivisions and their boundaries may be altered prior to the notice of an election being delivered or advertised.

If voting subdivisions are not established, the area or the ward (if applicable) is considered to be one voting subdivision.

## Voting Stations

LAEA – s. 37

The returning officer is responsible for determining and designating the location of one voting station for each voting subdivision. The voting station for the voting subdivision may be outside of the area depending on the circumstances and available locations in the municipality.

If a situation arises and a voting station is no longer suitable or able to be used on Election Day, the returning officer will be required to designate another voting station in the vicinity and is required to post a notice at the original voting station to direct electors to the other station.

## Compartments for Voting

LAEA – s. 38

Each voting station must have one or more voting compartments. This is to ensure secrecy of the vote, ensure the electors are screened from observation, and that the electors may mark their ballot without interference or interruption.

Each compartment is required to have a table or desk for the elector to mark their ballot, as well as a suitable marking instrument such as a pen or pencil. It is important the returning officer or deputy returning officer check the voting compartments throughout the day to ensure that the pen or pencil is still in the compartment and that the voting screen does not contain any written material that may have been posted by an elector.

## Ballot Boxes

LAEA – s. 39

The secretary is responsible for providing the returning officer with a sufficient number of ballot boxes to be used at each of the voting stations.

The ballot boxes must be designed to the standards as outlined in the Ballot Box Regulation that can be found on the Municipal Affairs website or on the Alberta Queen's Printer website.

## Printing of Ballots

LAEA – s. 41

The returning officer is required to ensure that there are a sufficient number of ballots available and to ensure that the printing of all ballots occurs at the expense of the local jurisdiction.

## Names on Ballot

LAEA – s. 42

Returning officers are required to ensure that a separate ballot is used for all elected offices that an election is being held for, this includes the election of the chief elected official, councillor, and school trustees.

The returning officer is required to ensure that the names of candidates for each elected office appear on the ballot in the prescribed form (available on the Alberta Municipal Affairs website). In addition to the names of each candidate, the ballot must include a brief explanatory note describing the maximum number of candidates that can be voted for, as well as a note that clearly indicates a voter cannot be marked for more than one candidate in the case of the chief elected official.

## Contents of Ballot

LAEA – s. 43

The returning officer is responsible for ensuring that each ballot contains the names of each of the candidates nominated for an election, and that the names appear alphabetically in order of surnames. In the case where two or more candidates have the same surname, the names shall appear alphabetically in the order of given name.

An elected authority may pass a bylaw two (2) months prior to the election that provides for the printing of ballots in lots. The procedure to print lots is outlined in the *LAEA* and should be consulted when the elected authority has authorized the printing of the ballots in lots.

## Form of Ballot

LAEA – s. 44

In the case where the elected authority has confirmed a vote on a bylaw or question, they must determine through resolution, the wording to be used on

the ballot and the form of ballot to be used. However, if the elected authority does not determine the form of ballot, the returning officer is required to do so.

The form of ballot to be used for elected authorities is prescribed in the *LAEA* (downloadable on the Alberta Municipal Affairs website).

# Voting Opportunities

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This section outlines the legislative options for voting opportunities available to municipalities when conducting an election. If it is the desire of the municipality to provide for these opportunities, returning officers should review the relevant sections of the *LAEA*.

## Advance Vote

**LAEA – s. 73-74**

An elected authority, by resolution, may provide for the holding of an advance vote on any vote to be held in an election. The returning officer must ensure that no advance vote is held within 24 hours of Election Day and determine the days and hours when the advance vote opportunity is to be held.

The notice of an advance vote must be provided for in the prescribed form (available on the Alberta Municipal Affairs website) by publishing a notice at least one week before the date set for the advance vote, in a newspaper or publication circulating in the area, or by mailing or delivering a notice to every residence at least one week before the date set for advance vote.

## Special Ballots

**LAEA – s. 77.1**

The special ballot provisions are established under the *LAEA* and should be reviewed if it is the desire of the municipality to make special ballots available. The information contained in this section does not contain all of the information established under the Act but is designed to provide a summary of the processes associated with special ballots.

An elected authority may, by a resolution passed prior to nomination day, provide for special ballots and provide that applications may be made by any one or more of the following methods:

- in writing;
- by telephone;
- by telecopier;
- in person; or
- by email.

If the elected authority has passed a resolution allowing special ballots, the minister must be notified of the resolution prior to nomination day.

An elector who is unable to vote at an advance vote or at the voting station on Election Day because of a physical incapacity, absence from the local

jurisdiction or being a returning officer, deputy returning officer, constable, candidate, official agent or scrutineer located at a voting station other than the one designated for their place of residence, may apply to vote by special ballot.

If a resolution has been passed allowing for the use of special ballots, any elector may apply for a special ballot at any time between the day after the resolution is passed and the closing of voting stations on Election Day.

An application must include:

- First and last name of elector;
- Municipal address of the residence of the elector;
- School elector status (if the elector is voting for a school board trustee);
- Mailing address to which the special ballot is to be sent;
- Contact telephone number;
- Contact email address (if the elector is unavailable by phone); and
- Reason why a special ballot is being requested.

After receiving the application, the returning officer must enter the special ballot elector information into a register and ensure that the appropriate forms be provided to the applicant.

The returning officer must make available to any candidate or official agent or scrutineer, the names and addresses of those electors in the voting station who have applied for and been provided with the appropriate special ballot forms.

After marking the appropriate forms, the elector must:

- Place the ballot in the ballot envelope;
- Seal the ballot envelope;
- Place the ballot envelope in the certificate envelope;
- Complete and sign Part 1 of the certificate and seal the certificate envelope;
- Attach a copy of the elector's identification that meets the requirements;
- Place the certificate envelope in the outer envelope and;
- Seal the outer envelope.

The outer envelope must reach the returning officer no later than the close of the voting stations on Election Day **or** by the time and date set out in a resolution.

Upon receiving the sealed envelope the returning officer must open the outer envelope and remove the certificate envelope. The returning officer must determine:

- Whether the name on the certificate envelope is the same as that of an individual already recorded in the register;
- Whether the certificate envelope is properly completed; and
- Whether the elector attached a copy of their identification.

The Minister of Municipal Affairs is required to appoint one or more persons to be available to review questionable special ballot certificates and to declare them valid or rejected. In the event that returning officers have questionable certificates, the person(s) appointed will review the certificates and complete the prescribed form declaring the certificate to be valid or rejected and submit the completed form to the returning officer

If an outer envelope is received **after** the close of the voting station on Election Day or by the time and date set out in a resolution, the ballot must be considered rejected and the outer envelope must be retained unopened by the returning officer, who must record on it the reason for its rejection.

### Incapacitated Elector at Voting Station

LAEA – s. 78

The deputy returning officer, at the request of an elector who is incapacitated by blindness or another physical condition, and cannot mark their ballot in the usual manner, must mark the vote of the elector on the elector's ballot in the manner directed by the elector and must immediately deposit the ballot in the ballot box.

The deputy must ensure that prior to marking the elector's ballot the elector has completed the prescribed statement (available on the Alberta Municipal Affairs website).

In the event that the elector is accompanied by a friend or relative who is at least 18 years of age, the deputy must permit that friend or relative on making the prescribed statement (available on the Alberta Municipal Affairs website), to accompany the elector into the voting compartment and to assist in marking the elector's ballot. Upon marking of the ballot, the ballot must then be delivered by the elector or the friend or relative, to the deputy returning officer responsible for the ballot box and be deposited into the ballot box.

If an elector is blind and is not accompanied by a friend or relative, the elector may request no later than 3 months before Election Day, a blind voter template and instructions on the use of the template.

If an elector is unable to physically enter the voting compartment, the deputy returning officer may set up a voting compartment for the elector elsewhere in the voting station that the elector is able to attend.

### Incapacitated Elector at Home

LAEA – s. 79

An elected authority may, by resolution, provide for two deputy returning officers to attend the home of an elector, during the hours an advance voting station is open, or other times as fixed by resolution, in order to take the votes of an elector who is unable to attend a voting station due to a physical incapacity.

If the returning officer is satisfied that an elector is unable to attend a voting station because of a physical incapacity, the returning officer must include the electors name and address on the list for two deputy returning officers to attend.

The returning officer must advise each applicant whether or not their application has been accepted or rejected and inform the electors of the date and the time of when the two deputy returning officers will be attending the residence.

It is important that the returning officer ensure that they have an adequate number of deputy returning officers to attend to the residences.

The ballot boxes used must be sealed on completion of the voting to ensure that no ballots can be deposited in it without breaking the seal. The box must remain sealed until opened to allow the deposit of ballots in each residence that is attended.

### Institutional Vote

LAEA – s. 80-82

An elected authority may, by resolution, allow for the designation of the location of one or more institutional voting station(s) for an election. An elector is who confined to a hospital, auxiliary hospital or nursing home or is a resident in a seniors' accommodation facility that is established as an institutional voting station, is eligible to vote at that institutional voting station.

The returning officer must fix the times on Election Day that the votes in the institutions will be taken. Candidates, official agents or scrutineers may only attend the institutional vote in the event that the location is fixed in a public area of the institution. If the vote is conducted in the room of resident, the candidate, official agent or scrutineer is not permitted to attend.

## Voting Machines

An elected authority may, by bylaw, provide for the taking of votes by means of voting machines, vote recorders or automated voting systems.

The bylaw must prescribe:

- The form of ballot;
- Directions for making the ballot by an elector;
- Directions for the voting procedures to be used including the procedures to be followed
  - in the taking of the votes;
  - in the examination of the ballots, by machine or otherwise, to determine which votes should be declared void;
  - in the counting, by machine or otherwise, of the votes taken;
  - if a returning officer makes a recount pursuant to the *LAEA*, in the recounting, by machine or otherwise, of the votes taken.

# Election Day

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## Voting Hours

**LAEA – s. 46**

The returning officer and presiding deputy returning officers are responsible for ensuring that all voting stations located in the local jurisdiction during Election Day are open continuously between the hours of 10am and 8pm.

The local jurisdiction does have the authority to pass a bylaw prior to June 30<sup>th</sup> of the election year to allow for the voting stations to open before 10am.

Promptly at 8pm on Election Day, the returning officer or presiding deputy returning officer must declare the voting station closed. If there are electors that are in line and in the voting station at the time of closing, they are allowed to vote, however no other person arriving at the voting station after close are allowed to vote.

## Voting Times for Employees

**LAEA – s. 58**

An employee who is also an elector of a local jurisdiction must have 3 consecutive hours for the purposes of voting while the voting stations are open on Election Day. If the employee's hours of employment do not allow for 3 consecutive hours, the employer must allow the employee any additional time necessary for voting. The time granted must at the convenience of the employer.

Although the time allowed must be granted at the convenience of the employer, the employer cannot make any deduction of pay from the employee and must not impose any penalty on the employee's absence from work during the 3 consecutive hours.

## Sealing the Ballot Box

**LAEA – s. 40**

It is the responsibility of the presiding deputy returning officer at each voting station to immediately, after the opening of the voting station, show each ballot box to the persons present at the voting station to ensure that the ballot box is empty. The ballot box is required to be closed and sealed, ensuring it cannot be opened without breaking the seal, and placed in the view of the presiding deputy for the deposit of ballots.

The presiding deputy returning officers are required to keep the ballot box closed and sealed during voting hours and in the view of all those present in the voting station. The ballot box should be visible by any candidates, scrutineers or official agents observing the process.

If additional ballot boxes are required during voting hours, each ballot box should be shown to all those present to ensure that the ballot box is empty. The boxes should then be closed and sealed in accordance with the above process and be kept in view of all those present at the voting station for the duration of voting hours.

### Secrecy of the Vote

LAEA – s. 55

All voting during elections must be done by secret ballot. When an elector is in a voting compartment for the purposes of marking their ballot, no other person may enter the voting compartment or be in a position to see how an elector marks their ballot.

### Instructions for Voters

LAEA – s. 45

The returning officer and the responsible presiding deputy returning officers located at each voting station are responsible for ensuring that the instructions for voters as set out in Form 7 (downloadable on the Alberta Municipal Affairs website) are displayed. The instructions must be printed in a clearly legible and readable format and posted in the voting station and all voting compartments for the duration of Election Day.

If it is the desire of the local jurisdiction, the instructions may be posted in languages other than English.

### Number of Votes

LAEA – s. 57

An elector may vote once for each person the elector chooses but may not vote for more than the number of persons to be elected to an office. In addition, an elector may vote once on each bylaw or question.

### Persons Objected To

LAEA – s. 54

If a candidate, official agent or scrutineer objects to a person who makes a statement, a deputy is required to note in the voting register the reason for the objection and the name of the candidate, official agent, or scrutineer who is making the objection.

The objection is only allowed to be made at the time that the elector is making their statement.

If the returning officer, on reasonable and probable grounds, believes that a person is not an eligible elector, the returning officer must make a note in the voting register, indicating the reason and initial.

It is an offence under the *LAEA* for an elector to show their ballot to any person that will allow the elector's vote to be known.

In the event that a minor is accompanying an elector, the deputy returning officer may permit the minor to go into the voting compartment with the elector.

### Voting Register & Issuing the Ballot

**LAEA – s. 59-61**

The deputy returning officer must record on the voting register that an elector received a ballot for the purposes of voting for the elected offices necessary.

At the time the deputy is issuing the ballot, they must ensure that the ballot is folded and initialled by the deputy so that the initials are visible without opening the ballot.

The deputy may, or at the request of the elector, explain as concisely as possible, the proper method of voting in accordance with the instructions of electors.

### Interpreter

**LAEA – s. 72**

If an elector is unable to read or does not understand the English language, the deputy returning officer may allow an interpreter to read or to translate the statement and the elector's response. Prior to the interpreter acting in this capacity, they must complete the statement in the prescribed form (available on the Alberta Municipal Affairs website).

### Marking and Disposal of Ballots

**LAEA – s. 62-64**

On receiving a ballot from the deputy returning officer, an elector must proceed to the voting compartment and shall mark the ballot:

- By placing an "X" on the right hand side opposite the name of the candidate of the electors choice; or
- In the case of a ballot for a bylaw or question, by placing an "X" within the division of the paper marked "for" or "against" or within the division of the paper marked "yes" or "no".

After an elector has marked their ballot, the elector must fold their ballot in a way that will conceal the names of the candidates and the marks ballot, as well as to expose the initials of the deputy returning officer that issued the ballot at the voting station.

After leaving the voting compartment the elector must immediately proceed to the deputy returning officer responsible for the ballot box. The deputy

must, without unfolding the ballot, verify the initials on the ballot and deposit the ballot into the ballot box. The deputy may also allow the elector to deposit their ballot into the ballot box if the elector chooses.

After the elector has deposited the ballot into the ballot box, the elector must immediately exit the voting station.

A person whose ballot is deposited into the ballot box is officially deemed to have voted.

### Replacement of Spoiled Ballots

**LAEA – s. 65**

An elector who inadvertently made an error on their ballot or made an error that cannot be conveniently used (ie: marked their ballot for more than the number of candidates required to be elected), may return it to the deputy returning officer who provided the ballot to the elector. The elector must establish to the deputy returning officer of the error made to the ballot. The deputy returning officer must provide the elector with another ballot in place of the ballot returned.

The deputy returning officer must immediately write the word “SPOILED” on the returned ballot and shall preserve it in the appropriate envelope.

### Elector Declining to Vote

**LAEA – s. 66**

If an elector returns a ballot and states that the elector is declining to vote, the elector is no longer entitled to another ballot for that elected office. The deputy returning officer who is supervising the ballot box must deposit the declined ballot into the ballot box.

### Prohibited Removal of Ballots

**LAEA – s. 68**

No person who has received a ballot for the purposes of voting shall take the ballot out of the voting station. A person who received a ballot from the deputy returning officer and who leaves the voting station without delivering the ballot to the deputy forfeits their right to vote in the election. The deputy must record on the voting register that the person left the voting station without first delivering their ballot to the ballot box.

### Persons at the Voting Station

**LAEA – s. 67**

The only individuals permitted at the voting station for the purposes of the election are the returning officer, deputy returning officers, constables, candidates, official agents or scrutineers (who are authorized to attend) and the electors who are engaged in voting.

The returning officer or presiding deputy returning officer may authorize a person to temporarily observe the voting procedures from a location designated in the voting station. The designated location must not allow for the observation of how electors have marked their ballots.

Any person who has been permitted to be in the voting station must leave on the request of the presiding deputy returning officer.

### Official Agents

LAEA – s. 68.1

Each person nominated as a candidate may appoint an elector to be the candidate's official agent. The duties of the official agent are assigned by the candidate.

The candidate may appoint a new official agent by immediately notifying the returning officer in writing of the contact information for the new official agent.

Any person who has, within the previous 10 years, been convicted of an offence under the Act, the *Election Act* or the *Canada Elections Act* is not eligible to be appointed as an official agent. In addition, no candidate may act as an official agent for any other candidate.

### Candidate's Scrutineers

LAEA – s. 69

Candidates may appoint scrutineers for the purposes of observing the voting process during advance vote and Election Day. To be a scrutineer, the person must be at least 18 years of age and must present to the presiding deputy returning officer a written notice, in the acceptable form (available on the Alberta Municipal Affairs website), signed by the candidate and stating that the person is representing the candidate as the candidate's scrutineer at the voting station.

Prior to the scrutineer observing the process, they must make and subscribe, in the presence of the returning officer or presiding deputy returning officer, a statement in the prescribed form (available on the Alberta Municipal Affairs website).

Only one of a candidate, official agent or scrutineer may be present at the voting station at a time.

Any person who has, within the previous 10 years, been convicted of an offence under the Act, the *Election Act* or the *Canada Elections Act* is not eligible to be appointed as a scrutineer.

# Post-Vote Procedures

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Promptly at 8pm on Election Day, the returning officer or presiding deputy returning officer must declare the voting station closed. If there are electors that are in line and in the voting station at the time of closing, they are allowed to vote, however no other person arriving at the voting station after close are allowed to vote.

## Counting of Votes

LAEA – s. 85

The returning officer or presiding deputy returning officer at the voting station must, immediately after the close of the voting station, in the presence of at least one additional officer and the candidates, or official agents, or scrutineers (if any) ensure that each ballot box is opened and that the votes are counted.

A deputy returning officer must not permit more than the candidate or the official agent or the scrutineer to be present at the same time in a voting station during the counting of the votes.

## Void Ballots

LAEA – s. 86

A deputy returning officer must examine the ballots and reject any ballot:

- that does not have the initials of an election officer;
- on which more votes are cast than an elector is entitled to vote for;
- on which anything is written or marked by which an elector can be identified;
- that has been torn, defaced or otherwise dealt with by an elector so that the elector can be identified;
- that is not marked by an “X”; or
- on which no vote has been cast by an elector.

The rejected ballots must not be counted and must have the term “rejected” written on the back. If a candidate or official agent or scrutineer objects to the rejected ballot, the deputy returning officer must write “rejection objected” on the back. The deputy returning officer must initial the ballot.

In the event that a ballot has been incorrectly marked but clearly indicates for whom or what the elector intended to vote for, the deputy returning officer may count the ballot.

## Note of Objection

LAEA – s. 87

In the instance where a candidate, official agent or scrutineer has objected to a ballot, the deputy returning officer shall make a note of the objection in the prescribed form (available on the Alberta Municipal Affairs website). Every objection must be numbered and a corresponding number must be placed on the back of the ballot and initialled by the deputy returning officer.

## Ballot Account

LAEA – s. 88-89

The deputy returning officer must count the ballots marked for each candidate on the ballots not rejected and the presiding deputy returning officer shall prepare a ballot account in the prescribed form (available on the Alberta Municipal Affairs website).

At the completion of the ballot account, two deputy returning officers involved in the count must sign the ballot account form. In addition, the ballot account may be signed by those of the candidates or their official agents or scrutineers present who wish to sign it.

Upon completion and as soon as possible, the deputy returning officer shall provide a copy of the ballot account to the persons authorized to sign the ballot account.

## Certificate of Voting Register

LAEA – s. 90

Every presiding deputy returning officer at the close of the voting station must certify, in words and in the prescribed form (available on the Alberta Municipal Affairs website), the number of persons who registered to vote at the voting station.

In addition, the presiding deputy returning officers must make a copy of each voting register that has been objected to and from any time after the close of voting stations to the date of disposition of election materials, in the presence of the secretary or returning officer during regular business hours, a person may view a copy of the voter register on which objections have been noted.

## Packets of Ballots

LAEA – s. 91

At the completion of the count, the presiding deputy must ensure that the ballots are separated into packets for:

- valid ballots;
- valid ballots objected to together with the notes of objection ;
- rejected ballots, including those with no vote cast by an elector;

- spoiled ballots;
- unused ballots;
- voting register; and
- list of electors (if applicable).

Each of the packets of ballots must be sealed and must be clearly marked on the outside with the contents of the packet, the date of the election, the name of the deputy returning officer and the voting subdivision name or number.

### Securing & Delivering Election Documents

LAEA – s. 93-94

The presiding deputy returning officer shall place all packets containing ballots, the voting register, the special ballot certificate envelopes, copies of the special electors' identification, all statements made on voting day and the list of electors (if applicable) in the ballot box. The ballot box must be closed and sealed with a deputy returning officers seal so that it cannot be opened without breaking the seal. The ballot box must be marked on the outside with the voting station name and number.

The sealed ballot box, the ballot account and the copies of objected to voters must be delivered to the returning officer as soon as practicable. If the presiding deputy returning officer cannot deliver the supplies, they must appoint a person responsible for this and shall obtain a receipt of delivery.

# Election Results

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**LAEA – s. 95**

At any general election or by-election the candidate or candidates receiving the highest number of votes are declared elected. In the case of a vote on a bylaw or question, if more than 50% of the persons voting vote in favour of the bylaw or question, the bylaw or question is deemed to be approved by the electors.

## Tie Vote

**LAEA – s. 99**

In the event that two or more candidates for any office receive the same number of votes, and it is necessary for determining which candidate is elected, the returning officer must write the candidate's names separately on blank sheets of paper of equal size, shape and of the same colour and texture, and fold the sheets of paper in a uniform manner. The papers are then placed in a receptacle and the returning officer must direct a person to withdraw one of the pieces of paper. The returning officer must declare the candidate whose name was drawn as the candidate that received one more vote than the other candidate(s).

## Declaration of Results

**LAEA – s. 97**

The returning officer may publish unofficial results after an election as the results are received from voting stations.

At 12noon on the 4<sup>th</sup> day following Election Day, the returning officer at the local jurisdiction office, must announce or post a statement of the results, including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected. If the returning officer announces the results, they must post a statement signed by the returning officer showing the number of votes for each candidate.

The returning officer must forward a signed statement showing the number of votes for each candidate to the secretary and the Deputy Minister of Municipal Affairs. The statement may be faxed or emailed or entered through the Election Database on MA Connect.

If you are unsure if you have login credentials for MA Connect or the Election Database, please contact Alberta Municipal Affairs at 780-427-2225, toll-free in Alberta by dialing 310-0000 first, and ask to speak with a Municipal Information Advisor who can assist you with your questions or direct you to the appropriate contact.

# Recount

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## Returning Officer's Recount

In the event that a recount is necessary, review the sections of the *LAEA* to ensure that you are following appropriate processes.

### LAEA – s. 98

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

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

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

All seals on the ballot boxes may be broken and all ballots contained in the ballot box must be counted in the same manner as the deputy returning officer counted the ballots on Election Day.

Following the recount, the returning officer must correct the ballot account if necessary and return all materials and documents back into the ballot box, close and seal the ballot box.

If a candidate, official agent or scrutineer wishes to make an application to the returning officer, it must be completed within 44 hours of the close of voting on Election Day.

## Judicial Recount

### LAEA – s. 103

At any time within 19 days after the close of the voting station(s) on Election Day, an elector may apply to the Court for a recount. After the elector has filed an affidavit alleging that the returning officer or another election officer improperly counted or rejected ballots, the elector must deposit to the Court \$300 to cover costs and expenses.

# Election Materials

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**LAEA – s. 100**

As soon as practicable, the returning officer must deliver the sealed ballot boxes, the ballot account and the nomination papers to the secretary. The secretary is required to retain the ballot account and the nomination papers until the term of office for which they relate has expired.

The ballot account and the nomination papers may be inspected by an elector during regular business hours and in the presence of the secretary.

## Disposition of Materials

**LAEA – s. 101**

The secretary, unless otherwise ordered by a judge, must retain copies of the voting registers (if any) and the ballot boxes with their seals unbroken for a period of 6 weeks following the date of the election. At the conclusion of the 6 weeks, the ballot box seals may be broken and opened and all contents destroyed in the presence of two witnesses. At the conclusion of the disposition, the two witnesses must complete an affidavit that they witnessed the destruction of the contents of the ballot boxes.

## Order for Inspection of Ballots

**LAEA – s. 102**

Unless ordered by a judge, no person may inspect the contents of the ballot box in the custody of the secretary. An order may be granted of evidence, satisfactory to the judge, that the inspection or production of the contents of the ballot box is required for maintaining the prosecution of an offence related to the election, contesting the election, or preparing an application for a recount.

# Municipal Election Finance and Contribution Disclosure

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Municipal finance and disclosure pertains to those candidates seeking election to municipal office. This part of the *LAEA* does not pertain to candidates seeking election on school boards. If municipalities have entered into joint election agreements, returning officers may want to connect with the school boards to understand if any bylaws are in place governing the financial disclosure of candidates for school trustee.

Returning officers must review all definitions under Part 5.1 being the Municipal Election Finance and Contribution Disclosure to ensure they understand definitions and application.

## Candidate Self-Funded Election Campaign

**LAEA – s. 147.11**

Any money up to and including \$10,000, paid by a candidate, out of the candidate's own funds, are not considered a campaign contribution. If the candidate's entire campaign is self-funded, the candidate is not required to register a notice of intent to run with the municipality, open and deposit funds into a campaign account, or file a disclosure statement with the municipality.

## Limitations on Contributions

**LAEA – s. 147.2**

Campaign contributions by any person, corporation, trade union, or employee organization must not exceed \$5,000 in any year.

Money paid out of the candidate's own funds to a candidate's election campaign must not exceed \$10,000 in any campaign period.

Individuals normally resident outside of Alberta are not permitted to contribute to any candidate's campaign.

## Allowable Election Expenses

**LAEA – s. 118**

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

- Your personal expenses;
- Cost of acquiring premises, accommodation, goods or services for proper election campaign expenses;
- Payments for the costs of printing and advertising;

- Reasonable payment to any person for the hire of transportation used by a candidate or speakers in travelling to and from public meetings or by any person in connection with and for the proper purposes of an election.

### Duties of a Candidate

LAEA – s. 147.3

A candidate must ensure that:

- a campaign account in the name of the candidate's election campaign or of the candidate is open at a financial institution for the purposes of the election campaign;
- if a campaign account has been opened, all contributions of money are deposited into the account;
- money in the account shall only be used for the payment of campaign expenses;
- contributions of real property, personal property, and services are valued;
- receipts are issued for every contribution and obtained for every expense;
- disclosure statements are filed;
- records are kept of contributions and expenses and are retained for a period of 2 years following the date that the disclosure statement was to be filed;
- proper direction is provided to the official agent and any other person who is authorized to incur campaign expenses and to accept campaign contributions;
- a contribution received in contravention of the *LAEA* is returned to the contributor as soon as possible; and
- an anonymous contribution, which cannot be returned to the contributor, is provided to the municipality in which the election is held.

### Campaign Disclosure

LAEA – s. 147.4

Every candidate who has accepted contributions from any person, corporation, trade union, or employee organization or has funded their campaign in a combination of contributions and funds provided for by the candidate is required to file a disclosure statement with the municipality on or before March 1 immediately following the general election.

In the case of a by-election, the disclosure statement must be filed no later than 120 days after the date of the by-election.

The disclosure statement must include:

- the total amount of all campaign contributions received during the campaign period that did not exceed \$100 in the aggregate from any single contributor;
- the total amount contributed, together with, the contributors name and address, for each contributor whose contributions during the campaign period exceeded \$100 in the aggregate;
- the total amount of money paid by the candidate;
- the total amount of any surplus, including any surplus from previous campaigns;
- a financial statement setting out the total amount of revenue and expenses.

If a candidate does not file nomination papers in the next general election, the candidate must within 6 months after the date of the general election, donate the surplus to a charity of their choice, or provide the surplus to the municipality. In the case of a deficit, the candidate must eliminate the deficit.

### Campaign Surplus

**LAEA – s. 147.5**

On or before March 1 following the general election (120 days in the case of a by-election), if the candidate’s disclosure statement shows a surplus, the candidate must provide the surplus to the municipality.

The municipality must hold any money received by any candidate, in trust for the candidate at a financial institution. If the candidate files nomination papers in the next general election, the money held in trust must be provided to the candidate for use in the general election.

If a candidate does not file nomination papers in the next general election, the candidate must, within 6 months direct the municipality to donate the money and any interest earned to a registered charity. If the municipality does not receive direction, the surplus and any interest earned becomes the property of the municipality.

### Late Filing

**LAEA – s. 147.7**

A candidate who contravenes the sections relating to campaign disclosure and campaign surplus and who fails to comply with the sections within 30 days after the time period provided and fails to pay the municipality a late filing fee of \$500 is guilty of an offence and liable to a fine of up to \$5000.

In addition, if a candidate is found to be guilty for failing to comply with campaign surplus provisions, the court may also order the candidate to pay the surplus to the municipality as soon as possible.

# Controverted Elections & Election Offences

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It is important for returning officers and other election officials to review all offences under the *LAEA*. The procedural manual does not detail each offence or grounds for controverted elections but all election officials are responsible for understanding each of the sections.

Controverted elections are addressed under section 116 to section 147 of the *LAEA*.

Offences are addressed under section 148 to section 158 of the *LAEA*.

If you have any questions about controverted elections or election offences, you are encouraged to call Alberta Municipal Affairs or seek a legal opinion.

# Conclusion

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As returning officers and municipal election officials you always have resources available to assist you with any questions you may have.

You can use this manual, the *LAEA*, other returning officers in the province and Alberta Municipal Affairs to assist you in preparing and completing the election process.

In the event that you need further clarification on the interpretation of the *LAEA* you are encouraged to seek out legal opinion.

Good luck with your elections!