

Amendments to the *Local Authorities Election Act*

As you know, over the past year, Municipal Affairs led a review of the *Local Authorities Election Act (LAEA)*, which included a consultation in the summer of 2012. This review resulted in a number of amendments to the *LAEA* that were included in Bill 7 - the *Election Accountability Amendment Act*. Bill 7 is a combination of amendments to both the *Election Act* (provincial) and the *Local Authorities Election Act* (municipal). This Bill was proclaimed on December 10, 2012. The most significant amendments to the *LAEA* include:

Section 10(1) – General Term of Office

The term of office for local authorities (municipal councillors and school board trustees) will change to four years. This change will come into effect for elections following the 2013 general election. Candidates running in the 2013 election are running for a four year term.

Section 22(1.2) - Ineligibility

Municipal candidates will not be eligible for nomination if they have not met the campaign reporting requirements from a previous election campaign. This change will apply to all campaign periods beginning on or after January 1, 2014. The change will not apply to campaign reporting for by elections in 2013 or for the 2013 general election.

Section 28(3.01) – Nominations

Returning officers will be required to refuse a candidate's nomination form if it has not been signed by the required number of eligible electors. This change came into force on December 10, 2012.

Section 53 – Proof of Elector Eligibility

Voter identification will be required for local authority elections where a list of electors is not prepared. The identification requirement sets a uniform standard of one piece of picture identification or one piece of identification authorized by the Chief Electoral Officer under the *Election Act* as indicated for the purposes of section 95(1)(a)(ii) of that Act that establishes the elector's name and current address (copy attached). Local authorities may also pass a bylaw no later than six months prior to nomination day which provides the opportunity to supplement the number and types of identification required to allow a person to vote. This change came into force on December 10, 2012.

Section 147.21(1) – Registration of Candidates

Potential municipal candidates will be required to register with the municipality before they accept any campaign contributions prior to nomination day. Potential candidates will be able to register at any time, and the form of the registration process will be at the discretion of each local authority. This change will apply to campaign periods beginning on or after January 1, 2014. This change will not apply to campaigns for by-elections in 2013 or for the 2013 general election.

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Section 147.4(1.1) – Campaign Disclosure Statements



Municipal candidates will be required to donate all surplus municipal campaign funds, including amounts of \$500 or less, to a charity or the municipality if they do not run in the next general election. This change came into force on December 10, 2012. Compliance with this requirement is due within 6 months after the date of the next general election.

Section 147.4(1.2) – Campaign Disclosure Statements

Municipal candidates will be required to clear campaign deficits if they are not running in the next general election. This change came into force on December 10, 2012. Compliance with this requirement is due within 6 months after the date of the next general election.

Bill 7 also contains a number of technical amendments to the *LAEA* that clarify intent and ensure consistency with the *Election Act* and the *Election Finances and Contributions Disclosure Act*.

Sections 2(4) and 3(4) section 118 has been added to clarify that a bylaw made by an elected authority that is responsible for the conduct of an election under a joint election agreement with respect to allowable election expenses under section 118 does not apply to the other elected authority that has entered into the agreement.

Section 16(1) An official agent is no longer required to take an official oath.

Section 22 A number of changes have been made to section 22 to clarify that a person who is an employee of a municipality, school district or division, charter school, or private school and who wishes to be nominated as a candidate for an election to be held for that respective municipality or school board is entitled to take a leave of absence without pay.

Section 54(1.1) has been added to clarify that an objection may only be made at the time the person makes the statement.

Section 68.1(1) clarified that the official agent information must be included on the nomination form and subsection (1.1) requires the candidate to notify the returning officer if a new official agent is appointed.

Section 69(5) has been clarified to ensure that the designated place or places at the voting station allow the candidate, official agent or scrutineer to observe a person making a statement.

Section 77.1 now allows the resolution for special ballot to be passed at any time prior to nomination day and allows an elector to request a special ballot from the day after the resolution is passed. Notification to the Minister of the resolution must be made by nomination day.

Section 77.2 has been updated to align the special ballot provisions with the changes to Section 53 – Proof of Elector Eligibility, and to make consistent reference to “elector” rather than “voter”.

Section 98(1) has been updated to clarify that a recount can be made for one or more voting stations.

Section 147.3(1) has been updated to allow a candidate to open a campaign account at a financial institution in their own name.

Section 147.5(1) and 147.7(2) will apply on or after December 1, 2015 to all surplus amounts, including amounts of \$500 or less.

Section 147.5(4) The meaning of a registered charity has been updated.

Section 147.6 This transitional provision has been removed as it no longer applies.

Sections 147.92(1), 147.5, 147.7(2) and (3), and 147.91(b) replace Ministerial Order L:200/11 which defers the application of these provisions to campaign funds on or after December 1, 2015.

It is suggested that you acquire the new *Local Authorities Election Act* as soon as Queens Printer has it available to help with election planning and processes.

Returning Officer Workshops will be offered in the Spring.