

# Implementation Checklist

## Amendments to the *Local Authorities Election Act, 2018*

\*Amendments came into force January 1, 2019

Campaign Finance and Contribution Disclosure – Part 5		
Subject Matter	Description of the Change	Section Numbers
Campaign Finance and Contribution Disclosure Requirements  (Application to School Board Trustee Candidates)	<ol style="list-style-type: none"> <li>All campaign finance provisions apply to school board trustee candidates.</li> <li>Candidates are required to disclose names and addresses of donations exceeding \$50.</li> <li>Financial disclosure statements are required from all candidates, included self-funded campaigns.</li> </ol> <p><b><u>What Does A School Board Need to Know</u></b> School Boards are no longer enabled to set their own disclosure and surplus rules and candidates must follow the rules in the <i>LAEA</i>.</p>	<p>s. 22 (1.2) (1.3) s. 147.12</p> <p>s. 147.4</p> <p>s. 147.12 s.147.3 (1)(f) (g) s. 147.3 (2) s. 147.4 s. 147.7 s. 147.8 s. 147.81 s. 147.82 s. 147.83 s. 147.84</p>
Corporate and Union Donations	<p>Corporations, trade unions and employee organizations are prohibited from contributing to municipal election campaigns.</p> <p><b><u>What Does a Municipality Need to Do</u></b> Clarify, when necessary, for the public and candidates that only an individual ordinarily resident in Alberta may make a contribution to a candidate.</p>	<p>s. 147.1 (1)(d) (e)(f) (g) s. 147.13 s. 147.2 (1)(2) (6) s. 147.23 s. 147.24 s. 147.32 s. 147.33</p>
Contribution Limit	<ol style="list-style-type: none"> <li>The contribution limit has been lowered to \$4,000 per campaign period for municipal elections and \$4,000 per campaign period for school board elections.</li> <li>Individual contributions are limited to \$4,000, in the aggregate, to all candidates, for all municipalities, and a separate \$4,000 maximum for school board candidates. The same limit applies to self-funded campaigns.</li> <li>The donation portion of fundraising contributions is subject to general contribution restrictions and limits.</li> </ol>	<p>s. 147.2(3)</p> <p>s. 147.2(3)</p> <p>s. 147.31</p>

	<p><b><u>What Does a Municipality Need to Do</u></b></p> <p>Clarify, when necessary, for the public and candidates that an individual may make as many contributions to as many candidates in their jurisdiction as they wish as long as the total combined amount of all of those contributions does not exceed \$4000.</p> <p>Advise it is the responsibility of the donor to ensure a contribution is not made in excess of the limit.</p>	
<b>Spending Limits</b>	By way of a future regulation, spending limits for municipal and school board elections will be established and municipalities/school boards will be enabled to set a lower limit by bylaw.	s. 147.91
<b>Campaign Bank Accounts</b>	All candidates, including self-funded candidates, are required to open a bank account when at least \$1,000 in total contributions is received, including money contributed by the candidate for their campaign.	s. 147.3(1)
<b>Definition of Candidate and Campaign Period</b>	<p>A “candidate” is any person who is nominated for election as a councillor of a municipality or trustee of a school board.</p> <p>The “campaign period” is now January 1-December 31 in the year of a general election.</p> <p>The “campaign period” in the case of a by-election, begins the day after the bylaw or resolution has been passed, setting the date of the by-election. The campaign period ends 60 days immediately following the by-election.</p> <p><b><u>For Individuals already campaigning for the 2021 General Elections</u></b></p> <p>No additional contributions may be received and no campaign spending may occur until January 1, 2021 to align with amendments to the campaign period.</p>	<p>s. 1(e.1)</p> <p>s. 147.1 (1)(b)</p> <p>s.147.94 s.147.95 s.147.96</p>
<b>Nomination Day and Nomination Papers</b>	<p>Nomination papers may be accepted by a jurisdiction at the beginning of the campaign period (January 1 in the year of an election) and any time after until 6 weeks prior to election day.</p> <p>In the case of by-elections, the “nomination period” will commence the day following the resolution of council setting the date of the by-election. Nominations will be accepted up until 6 weeks prior to the date of the by-election.</p>	<p>s. 25(2)(a)</p> <p>s. 25(2)(b)</p>

	<p>Nomination day (the last day on which nominations can be accepted) is 6 weeks before election day.</p> <p>All individuals are required to be nominated in the municipality and/or school board they intend to run in prior to incurring campaign expenses or accepting campaign contributions.</p> <p>An individual may accept contributions or incur expenses outside of the campaign period so long as the total amount of contributions or expenses does not exceed \$2,000.</p>	<p>s. 25(1)</p> <p>s. 147.22</p> <p>s.147.22(3)</p>
<p><b>Campaign Donation Surplus</b></p>	<ol style="list-style-type: none"> <li>1. Money held in-trust may be kept in one bank account rather than specified accounts for each candidate.</li> <li>2. Money held in-trust is not subject to interest.</li> <li>3. Candidates who do not run in a subsequent election may choose to donate their surplus funds to the municipality instead of a registered charity.</li> </ol> <p><b><u>What Does a Municipality Need to Do</u></b>  A municipality may hold all surplus funds from all candidates in one bank account; those monies are not subject to interest.</p> <p>A municipality may accept the donation of the surplus of a candidate who does not run in a subsequent election.</p>	<p>s. 147.5</p>
<p><b>Clarification of Allowable Election Expenses</b></p>	<ol style="list-style-type: none"> <li>1. “Campaign expense” means any expense incurred, or non-monetary contribution received.</li> <li>2. The use of goods in a 2nd or subsequent election is a non-monetary contribution.</li> <li>3. A campaign expense includes an expense incurred for, or a non-monetary contribution in relation to: <ul style="list-style-type: none"> <li>• the production of advertising or promotional material;</li> <li>• the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during a campaign period, including by the use of a capital asset;</li> <li>• the payment of remuneration and expenses to or on behalf of a person for the person’s services as a chief financial officer or in any other capacity;</li> <li>• securing meeting space, or the conduct of election surveys or other surveys or research during a campaign period.</li> </ul> </li> </ol>	<p>s. 147.1(1)(a), (4)</p>

## Voter Accessibility

Subject Matter	Description of the Change	Section Numbers
<p><b>List of Acceptable Identification</b></p>	<p>The relevant Minister (Municipal Affairs or Education), through Ministerial Order, may create a list of acceptable identification in addition to the list provided by the Chief Electoral Officer of Alberta's list.</p> <p><b><u>What Does A Municipality Need to Know</u></b> Electors can provide government issued identification (either municipal, provincial or federal), any one piece of identification approved by the Chief Electoral Officer of Alberta, or any other type of identification allowed for by the relevant Minister (Municipal Affairs or Education).</p>	<p>s. 53.02</p>
<p><b>Vouching</b></p>	<p>Expanded vouching provisions allow for an elector who has shown valid identification and signed the appropriate declarations to vouch for an elector who does not have identification.</p> <p><b><u>What Does A Municipality Need to Know</u></b> A scrutineer shall not vouch for a person.</p> <p>An elector who has relied on vouching to validate their identity and address cannot vouch for a person.</p>	<p>s. 53(4)</p> <p>s. 53(5)</p> <p>s. 53(6)</p>
<p><b>Residency Requirement</b></p>	<p>The six-month residency requirement has been removed.</p> <p><b><u>What Does A Municipality Need to Know</u></b> All residents of Alberta who meet all other requirements are eligible to vote on election day.</p>	<p>s. 4, s. 49(5)</p> <p>s. 47</p>
<p><b>Advance Votes</b></p>	<p>Local authorities with populations greater than 5,000 are required to hold an advance vote for municipal councillors or for votes on a bylaw/question.</p> <p>Municipalities with populations of less than 5,000, as well as all school divisions, continue to be enabled to pass a resolution allowing for an advance vote.</p> <p><b><u>What Does A Municipality Need to Know</u></b> Municipalities greater than 5,000 must provide for an advance vote.</p> <p>Municipalities less than 5,000 may provide for an advance vote through a resolution of council.</p>	<p>s. 73(3)</p> <p>s. 73(4)</p>

## Accessibility and Transparency

Subject Matter	Description of the Change	Section Numbers
<p><b>Advertisement Distribution and Campaign Activities at a Voting Station</b></p>	<p>1. Campaign activities and advertising are prohibited on the property surrounding a building used as a voting station.</p> <p>Activities in and around a voting station that would involve soliciting votes or communicating for the purpose of influencing votes are also prohibited.</p> <p>2. The returning officer may cause campaign advertising to be removed, and instruct those obstructing the voting process or taking part in campaign activities to leave the property.</p> <p><b><u>What Does A Municipality Need to Know</u></b>                      The Returning Officer has the discretion to have advertising removed and instruct those considered to be obstructing the voting process or campaigning to leave the property.</p> <p>The returning officer may request the assistance of a Peace Officer if deemed necessary.</p>	<p>s. 152.1</p> <p>s. 152.1</p>
<p><b>List of Candidates</b></p>	<p>Municipalities and school boards MUST post the names of candidates within 48 hours following the close of nominations.</p> <p><b><u>What Does A Municipality Need to Know</u></b>                      The returning officer must post or cause to be posted the names of those nominated at the municipal office.</p>	<p>s. 28(10)</p>

## General Clarifying and Technical Amendments

Subject Matter	Description of the Change	Section Numbers
<b>Substitute Returning Officer</b>	<p>A substitute returning officer <b>MUST</b> be appointed by the municipal council or school board at the time a returning officer is appointed.</p> <p>In the instance where a chief administrative officer (CAO) or a secretary of a school board assumes the responsibility of the returning officer, a council must make a resolution identifying a substitute returning officer in the event the CAO is unable to fulfill the duties of returning officer.</p> <p><b><u>What Does A Municipality Need to Do</u></b></p> <p>All municipalities must appoint a substitute returning officer at the same time the returning officer has been appointed, regardless of whether the chief administrative officer has assumed the role of returning officer.</p>	s. 13 s. 17 (repealed)
<b>Rejection of Nomination Paper</b>	<p>The returning officer <b>MUST</b> refuse a nomination paper if it is not signed by at least five persons (or more if required by bylaw), is not accompanied by a deposit (if required by bylaw), or is not sworn/affirmed by the candidate.</p> <p><b><u>What Does A Municipality Need to Do</u></b></p> <p>The returning officer <b>MUST</b> reject a nomination not completed as prescribed, including if the paper has not be sworn/affirmed by the person wishing to become a candidate.</p>	s. 28(4)
<b>Official Agent</b>	<p>The role of “official agent” is not mandatory.</p>	s. 27(1) (c)(ii)

<p><b>Non-Age Related Institutional Voting</b></p>	<p>The <i>LAEA</i> enables institutional voting in locations that reflect level of care rather than age.</p> <p><b><u>What Does A Municipality Need to Know</u></b>  A “supportive living facility” is defined as:  (i) a lodge accommodation as defined in the <i>Alberta Housing Act</i>, or  (ii) a facility for adults or senior citizens that provides assisted living and accommodation but does not include a treatment centre</p> <p>A “treatment centre” is defined as:  (i) a hospital or a facility under the <i>Mental Health Act</i>, or  (ii) any facility not referred to in subclause (i) providing medical treatment or care on an in-patient basis.</p>	<p>s. 1(y) (repealed)  s. 1(z.2)  s. 1(z.3)  s. 80</p> <p>s. 1(z.2)</p> <p>s. 1(z.3)</p>
<p><b>Notification Requirements</b></p>	<p>Municipalities are enabled to align their election notifications with a bylaw passed under Section 606.1 of the <i>Municipal Government Act (MGA)</i> that allows for electronic or other methods of advertising.</p> <p><b><u>What Does A Municipality Need to Do</u></b>  A municipality must pass a bylaw in accordance with section 606.1 of the <i>MGA</i>, should the municipality wish to allow for and use electronic or other methods of advertising authorized by that bylaw.</p>	<p>s.158.1</p>
<p><b>Incapacitated Electors</b></p>	<p>The term was amended to “persons with disabilities”, or similar wording depending on the context.</p>	<p>s. 77.1,  s. 77.2(5)(f)  s. 79(1) (3)</p>
<p><b>Recounts in a Ward</b></p>	<p>If a recount has been requested in a municipality/school division that is divided into wards/divisions, the recount only has to occur in that ward/division where the recount has been requested and not the entire municipality.</p>	<p>s. 98</p>
<p><b>Tie Votes on a Bylaw or Question</b></p>	<p>To be considered approved by electors, a vote on a question or bylaw must receive 50% plus one of votes cast on the question or bylaw.</p>	<p>s. 95(2)</p>
<p><b>Notification of By-Election for a Ward/Division</b></p>	<p>Notification of a by-election for advance vote and election day is only required to be given to the electors in the ward/division where the by-election is occurring.</p> <p><b><u>What Does A Municipality Need to Do</u></b>  For a by-election, the municipality is only required to provide notice of advance voting and election day details to those electors who reside in the ward/division where the by-election is occurring.</p>	<p>s. 35  s 74(1.2)</p>

### Consequential Amendments to other Legislation – Municipal Government Act (MGA)

Sections	Description of the Change
<b>MGA s. 144</b>	A bylaw to change the number of councillors must be passed by December 31 of the year before the next general election.
<b>MGA s. 149</b>	A bylaw to change wards or divisions must be passed by December 31 of the year before the next general election
<b>MGA s. 151</b>	A bylaw to choose whether to appoint or elect the chief elected official must be passed by December 31 of the year before the next general election.
<b>MGA s. 174</b>	A councillor is disqualified from council for failure to file a disclosure statement by the end of the time period referred to in s. 147.7 of the LAEA.

### Consequential Amendments to other Legislation – *Northland School Division Act*

Sections	Description of the Change
<b>NSD s. 8(2)</b>	Removes requirement to have resided in Alberta for the 6 months preceding election day.
<b>NSD s. 8(6)</b>	Requires a bylaw to be passed prior to December 31 of the year before the next general election.

### Consequential Amendments to other Legislation – *School Act*

Sections	Description of the Change
<b>SA s. 256(1)(a)(v)</b>	Removes requirement to have resided in Alberta for the 6 months preceding election day.



## Regulations

Sections	Description of the Change
37(3), 39(2), 52(2), 77.1(2)(f), 77.1(2.1), 78, 79(3.1), 84, 85.1, 93.1	<p>Elevate provisions of the following regulations into the <i>LAEA</i>, as the provisions are still required/relevant:</p> <ul style="list-style-type: none"><li>• Ballot Box Regulation</li><li>• Modified Voting Procedure Regulation</li><li>• City of Edmonton Election Regulation</li><li>• City of Calgary Election Regulation</li><li>• City of Red Deer Election Regulation</li></ul> <p>Amend the Local Authorities Election Forms Regulation to align with the amendments being proposed to the <i>LAEA</i>.</p>

### Document information:

**Title:** Municipal Government Act Amendments – Legislative Checklist  
**Date of publication:** April 2019  
**Copyright:** © 2019 Government of Alberta