



## STAFF REPORT

**Title:** Amendments to the Local Authorities Election Act

**Meeting Date:** March 19, 2019

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### Executive Summary:

There have been several recent amendments to the *Local Authorities Election Act*, RSA 2000, c L-21. All changes will be in effect for the next municipal election in October 2021.

### Background:

The *Local Authorities Election Act*, RSA 2000, c L-21 sets out the rules for elections in municipalities, school boards, Metis Settlements, and irrigation districts. On November 5, 2018, following a review of the *Act* and consultations after the 2017 municipal election, the Government of Alberta introduced *Bill 23: An Act to Renew Local Democracy in Alberta* to propose amendments to the *Local Authorities Election Act*. The proposed changes mirror changes made to provincial election laws. Bill 23 was passed on December 5, 2018 and received Royal Assent on December 11, 2018.

The following changes to the *Local Authorities Election Act* will impact the City of Cold Lake municipal election in 2021:

	Specific Change	Effective
<b>Campaign Finance and Contribution Disclosure Amendments</b>		
Campaign Finance and Contribution Disclosure Requirements	<ul style="list-style-type: none"><li>• Candidates are required to disclose names and addresses of donors whose contributions exceed \$50</li><li>• Financial disclosure statements are required from all candidates including self-funded campaigns.</li></ul>	Effective date: December 11, 2018
Corporate and Union Donations	<ul style="list-style-type: none"><li>• No corporation or unincorporated organization, including a trade union and employee organization, and no individual ordinarily residing outside Alberta, shall make a contribution to a candidate.</li></ul>	Effective date: December 11, 2018
Fundraising Contributions	<ul style="list-style-type: none"><li>• The contribution limit has been lowered to \$4000 per campaign period for municipal elections (an individual can make as many contributions to municipal</li></ul>	Effective date: December 11, 2018



	<p>candidates in their jurisdiction as they wish as long as the total combined amount of all those contributions does not exceed \$4,000 per municipality).</p> <ul style="list-style-type: none"> <li>• Individual contributions are limited to \$4000 for municipal 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> </ul> <p>It is the responsibility of the <u>contributor/ donator</u> to ensure, before making a contribution under the Act, that the contributor/donator is not prohibited from making a contribution and is not making a contribution that is in excess of the \$4000 limit.</p>	
Campaign and Spending Limits	<ul style="list-style-type: none"> <li>• 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.</li> <li>• A candidate who exceeds the limits determined by the regulation is liable to a fine of not more than \$10,000.</li> </ul>	<p>Effective date:</p> <p>December 11, 2018 the Act's amendments come into force but no limits will apply until the regulations is developed.</p>
Campaign Bank Accounts	<ul style="list-style-type: none"> <li>• A candidate, self-funded or not, <b>MUST</b> open a campaign bank account once total contributions to the candidate's campaign exceeds \$1,000.</li> <li>• If a candidate's contributions do not exceed \$1,000, they are <b>NOT</b> required to open a campaign bank account.</li> </ul>	<p>Effective date:</p> <p>December 11, 2018</p>
Nomination Period, Definition of a Candidate and Campaign Period	<ul style="list-style-type: none"> <li>• The "nomination period" now begins January 1 of the year of the general election and ends on Nomination Day (6 weeks before the general election).</li> <li>• Once your nomination has been filed, you are considered a candidate and may begin to accept contributions.</li> <li>• The campaign period is January 1 – December 31 in the year of the general election and you <b>CANNOT</b> accept campaign contributions or incur any campaign expenses until you have been nominated as a candidate.</li> <li>• You can accept nominal contributions or incur expenses outside of the campaign</li> </ul>	<p>Effective date:</p> <p>December 11, 2018</p>



	period so long as the total amount of contributions or expenses does not exceed \$2,000.	
Campaign Donation Surplus	<ul style="list-style-type: none"> <li>The municipality or school board may hold all surplus funds from all candidates in one bank account and that those monies are not subject to interest.</li> <li>A municipality or school board may accept the donation of the surplus of a candidate who does not run in a subsequent election.</li> </ul>	Effective date: December 11, 2018
Definition of Campaign Expenses	<ul style="list-style-type: none"> <li>It is the responsibility of the candidate to ensure that money in the campaign account shall only be used for the payment of campaign expenses as defined in section 147.1(1)(a).</li> </ul>	Effective date: December 11, 2018
<b>Accountability and Transparency Amendments</b>		
Advertisement Distribution and Campaign Activities at a Voting Station	<ul style="list-style-type: none"> <li>Candidates are prohibited from any type of campaign activities and any actions considered to be an attempt to solicit or influence votes in and on the property surrounding a building used as a voting station. Those found guilty may be subject to a fine of up to \$500.</li> </ul>	Effective date: January 1, 2019.
List of Candidates	<ul style="list-style-type: none"> <li>Municipalities and school boards are required to post the names of candidates within 48 hours following the close of nominations.</li> <li>The returning officer must post or direct someone to post at the office of the local jurisdiction, the names of those nominated.</li> </ul>	Effective date: January 1, 2019.
<b>Voter Accessibility Amendments</b>		
List of Acceptable Identification	<ul style="list-style-type: none"> <li>The Minister of Municipal Affairs and the Minister of Education are empowered, through Ministerial Order, to create a list of acceptable identification in addition to the list provided by the Chief Electoral Officer of Alberta.</li> </ul>	Effective date: January 1, 2019.
Vouching	<ul style="list-style-type: none"> <li>Expanded vouching provisions to allow for an elector who has shown valid identification and signs the appropriate declarations to vouch for an elector who does not have identification.</li> </ul>	Effective date: January 1, 2019.



Residency Requirement	<ul style="list-style-type: none"> <li>The six-month residency requirement has been removed.</li> </ul> <p>Now, in order to be an eligible voter, one must be:</p> <ul style="list-style-type: none"> <li>18 years old</li> <li>A Canadian Citizen</li> <li>Resident of Alberta and electors place of residence must be located in the local jurisdiction on Election Day.</li> </ul>	Effective date: January 1, 2019.
Advance Votes	<ul style="list-style-type: none"> <li>Local jurisdictions with populations greater than 5,000 <u>are required to</u> hold an advance vote for municipal councilors or for votes on a bylaw/question.</li> </ul>	Effective date: January 1, 2019.
<b>Third Party Advertising</b>		
Third Party Advertising	<ul style="list-style-type: none"> <li>Rules have been added governing the finances and accountability of third parties that advertise to promote or oppose the election of a candidate, or to take a position on an issue with which a candidate is associated.</li> <li>The rules for contributions, receipting, handling of funds, and disclosure reporting of activities will generally parallel the rules that apply to municipal and school board candidates, and also parallel requirements set out for provincial campaigns where possible.</li> <li>Like the rules for provincial campaigns, certain prohibited corporations, non-residents, and registered charities will be unable to make contributions to third party advertisers, but Alberta corporations and trade unions will generally be able to make contributions for such advertising.</li> <li>Expense limits for election period advertising are being considered.</li> </ul>	Effective date: December 11, 2018
<b>General Clarifying and Technical Amendments</b>		
Substitute Returning Officer	<ul style="list-style-type: none"> <li>All municipalities and school boards must appoint a substitute returning officer at the same time the returning officer has been appointed, regardless of whether the chief administrative officer or secretary of a school board has assumed the role of returning officer.</li> </ul>	Effective date: January 1, 2019.



Rejection of Nomination Paper	<ul style="list-style-type: none"> <li>The returning officer is required to refuse a nomination paper if it is not signed by at least five electors (or more if required by bylaw), is not accompanied by a deposit (if required by bylaw), or is not sworn/affirmed by the candidate.</li> </ul>	Effective date: January 1, 2019.
Official Agent	<ul style="list-style-type: none"> <li>You may, at the time of submitting your nomination paper, also submit written affirmation of the name, address and telephone number of your official agent. This appointment is not required.</li> </ul>	Effective date: January 1, 2019.
Non-Age Related Institutional Voting	<ul style="list-style-type: none"> <li>The <i>Act</i> has been amended to allow for institutional voting in locations that reflect level of care rather than age.</li> </ul>	Effective date: January 1, 2019.
Notification Requirements	<ul style="list-style-type: none"> <li>Municipalities are able 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. Many municipalities refer to these bylaws as “advertising bylaws” or “Public notification bylaws”</li> </ul>	Effective date: January 1, 2019.
Incapacitated Electors	<ul style="list-style-type: none"> <li>Amend the term to “persons with disabilities”, or similar wording such as “elector who is unable to vote in the usual manner” depending on the context.</li> </ul>	Effective date: January 1, 2019.
Recounts in a Ward	<ul style="list-style-type: none"> <li>The <i>Act</i> was amended to clarify that 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 (s.98).</li> </ul>	Effective date: January 1, 2019.
Tie Votes on a Bylaw or Question	<ul style="list-style-type: none"> <li>The <i>Act</i> clearly states that 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.</li> </ul>	Effective date: January 1, 2019.
Notification of By-Election for a Ward/Division	<ul style="list-style-type: none"> <li>Clarify that 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.</li> </ul>	Effective date: January 1, 2019.



**Alternatives:**

This report is provided as information.

**Recommended Action:**

This report is provided as information.

**Budget Implications (Yes or No):**

No.

**Submitted by:**

Kevin Nagoya, Chief Administrative Officer