

# Frequently asked questions:

# *Local Authorities Elections Act*

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## *Why is the Local Authorities Elections Act Changing?*

- Municipalities, school boards and the public routinely bring forward suggestions for amendments to the LAEA.
- As a general practice, Municipal Affairs reviews the legislation following each municipal general election (most recently after the 2017 local elections).
- In July 2018, Municipal Affairs conducted broad consultation with Albertans and key stakeholders on a full suite of policy considerations.
- Municipal Affairs reviewed all consultation feedback and brought forward proposed amendments to the legislation during the 2018 Fall Legislative Session.

## *What are the changes to Campaign Finance Contribution and Disclosure?*

- Campaign finance and contribution disclosure requirements will now also apply to School Board Elections
- Corporations, trade unions and employee organizations are not allowed to contribute to candidates.
- Contributions may only be accepted in the year of the general election or during the period of time established for a by-election.
- Contribution limit is reduced from \$5,000 to \$4,000 (per jurisdiction and in aggregate to all candidates, not per candidate).
- The donation portion of fundraising contributions are now subject to contribution limits and disclosure requirements.
- There will now be regulated campaign spending limits.
- Candidates must be nominated before incurring any campaign expenses or accepting contributions.
- Campaign period is shortened from 4 years to one year (January 1 through December 31 of a general election year).
- Nomination period will now align with beginning of the campaign period (Nine months, January 1 of general election year until the day occurring six weeks before election).
- Prior campaign surpluses will be returned to candidates at time of nomination (up to nine months before an election).

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- The definition of expense will align with the provincial legislation, and expense reporting will be more detailed (broken down by category).
- Candidates must open a dedicated campaign bank account when contributions reach \$1,000 (previously \$5,000), and must include monies contributed by the candidate for their campaign.
- Municipalities are no longer required to pay interest on surplus funds held in trust for candidates between elections (no interest rate had been established under the previous legislation), and municipalities may keep surplus funds for all candidates in one bank account.
  - Individual candidates will receive their surplus, if any, when they file nomination papers in the next election or by-election, or may choose to donate their surplus funds to the municipality or a registered charity of their choosing.
- Candidates must disclose names and addresses of all donations exceeding \$50 (previously was \$100).
- Financial disclosure statements are now required for all self-funded campaigns. (Previous rule had been for self-funded campaigns over \$10,000.)

Are there any changes to voter accessibility requirements?

Yes, the following things have changed in the new *LAEA*:

- List of acceptable identification may be expanded.
  - The Minister of Municipal Affairs may create a list of acceptable identification, in addition to government issued identification and identification provided by the List of Acceptable Identification produced by the Chief Electoral Officer of Alberta.
- Vouching provisions will be expanded 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.
  - Expanding the vouching provisions will limit the instances of disenfranchising electors and create a more accessible local election process.
- The six-month Alberta residency requirement to be an eligible elector has been removed to align with provincial rules.
- Municipalities with populations of over 5,000 must provide advance voting.
  - Municipalities with populations of less than 5,000, as well as all school boards, may on a voluntary basis provide for an advance vote.

Will elected officials and candidates be held more accountable and be more transparent?

Yes, the new *LAEA* contains multiple restrictions regarding advertising and campaigning in and near voting stations, and provides more authority to Returning Officers to enforce these restrictions.

- Campaign activities and advertising on property surrounding voting stations will be prohibited.
- Returning Officers can enforce the restriction on campaign activities or advertising at voting stations by causing campaign advertising to be removed,

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and instruct those obstructing the voting process or taking part in campaign activities to leave the property.

- Third-party advertising is restricted in municipal and school board elections, including registration requirements and limits on expenses.
- The names of nominated candidates will be released by municipalities 48 hours following the close of nominations.

Are there any other changes that have occurred to the LAEA?

Numerous clarifying and technical amendments were approved, including:

- A substitute returning officer must be appointed at the time a returning officer is appointed.
- The returning officer can reject a nomination paper that does not have the correct number of signatures, has not been sworn/affirmed and/or is not accompanied by a deposit (if required).
- Clarification that the role of 'official agent' is not mandatory.
- The Minister will no longer be required to be notified of the use of special ballots, or be required to appoint special ballot advisors.
- Age related limitations for institutional votes in care facilities have been removed.
- Municipalities may choose to align their election notifications with a bylaw passed under Section 606.1 of the *Municipal Governance Act* that allows for electronic or other methods of advertising.
- The term "incapacitated elector" was amended to "persons with disabilities" or similar wording depending on the context.
- Clarification that if a recount has been requested in a municipality/school board 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/school division.
- Notification of a by-election for advance vote and election day is only required to be given to the electors in the affected ward/division.

How will the Government enforce the new rules?

The mandate of the Alberta Election Commissioner has been expanded to include certain elements of local authority elections, specifically pertaining to campaign finance and third-party advertising. This means the Election Commissioner can assess:

- Letters of reprimand
- Administrative penalties
- Compliance agreements
- Prosecution
- Candidates, contributors, third party advertisers, local jurisdictions (CAOs and ROs).
- All other aspects of the LAEA continue to be enforced through the courts.