



Candidates Information Package

2023 Municipal By-Election

Monday, November 20, 2023

The material that follows is provided for information only it has no legislative sanction. This summary is not intended to replace the candidate's responsibility for reading and understanding this legislation, or to seek appropriate legal or accounting advice from professionals as required. The candidate is responsible for ensuring that his or her campaign complies with all provincial laws.

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APPENDIXES

- “A” Nomination Paper and Candidate’s Acceptance (Form 4)
- “B” Release of Candidate Information (Form 5)
- “C” Enumerator, Candidate or Official Agent Worker Proof of Identification or Section 52 Access (Form 11)
- “D” Campaign Worker Proof of Identification (Form 12)
- “E” Statement of Scrutineer or Official Agent (Form 16)
- “F” List of Village Committees
- “G” Candidates Guide – Running for Municipal Office in Alberta

Additional Information:

- i) Pecuniary Interest for Municipal Councillor’s Guideline
http://www.municipalaffairs.alberta.ca/documents/Pecuniary_interest_%202017.pdf
- ii) What Every Councillor Needs to Know!
<https://open.alberta.ca/dataset/99f3a22d-1c4a-4ea0-937f-59277245f23e/resource/a5a1e60c-2ecf-4950-8046-18ea139d19e3/download/what-every-councillor-needs-to-know.pdf>

INTRODUCTION

This handbook has been developed to assist you in your decision to run for the office of Mayor and Councillor in the Village of Clyde and to help candidates in preparing for the **Municipal By-Election on November 20, 2023**.

This handbook is intended to provide a GENERAL overview of basic information candidates should know about legislation governing general municipal elections and the election process. It is NOT a substitute for the actual legislation. It is the candidate's responsibility to become familiar with the applicable legislation.

Running for Municipal Office in Alberta; A Candidate's Guide is attached or can be found electronically at www.municipalaffairs.alberta.ca; Municipal Government Tab; Municipal Elections Tab.

Additional questions can also be answered by calling Alberta Municipal Affairs: 310-0000 or toll free 780-427-2225.

2023 MUNICIPAL BY-ELECTION

The Village of Clyde conducts a general municipal election every four (4) years for the following municipal offices:

- Councillor (5) positions

The Councillors are elected "at-large", meaning each person elected represents the Village as a whole and not a particular ward or section of the Village.

As a result of a resignation causing vacancy on Council, the Village of Clyde is holding a municipal by-election to fill one (1) Councillor position.

All general municipal elections in Alberta are conducted under the authority of the *Local Authorities Election Act*. **You should be aware of the contents of this Act, as there may be severe penalties (including fines, imprisonment, and disqualification from elected office) if you are found to be in breach of its provisions.**

As this information is not inclusive of all the information contained within the relevant pieces of legislation, any person wishing a complete copy of the *Local Authorities Election Act*, the *Municipal Government Act*, the *School Act*, or any other piece of legislation should contact:

Alberta King's Printer
10611 – 98 Avenue
5th Floor, Park Plaza
Edmonton, Alberta T5K 2P7
Telephone: 780-427-4952
Fax: 780452-0668
Website: www.qp.alberta.ca

If you have any questions respecting this material or the election process, please contact:

Megan Brill, Returning Officer
Village of Clyde
4810 – 50 Street
PO Box 190
Clyde, Alberta T0G0P0
Telephone: 780-348-5356
Fax: 780-348-5699
E-mail: advisor@villageofclyde.ca

Jaye Parrent, Substitute Returning Officer
Village of Clyde
4812 – 50 Street
PO Box 190
Clyde, Alberta
Telephone: 780-348-5356
Fax: 780-348-5699
E-mail: finance@villageofclyde.ca

Please note that this is an information package only and it has no legislative sanction. For certainty relevant statutes, bylaws or legal counsel should be consulted.

NOMINATIONS

Nomination Day

Nomination day for the office of Councillor is Monday, October 23, 2023.

Nomination Form

Every nomination of a candidate, according to Section 27 and 47 of the *Local Authorities Election Act*, shall be in the prescribed form and signed by at least 5 electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination. To ensure validity of nominations, a candidate may submit more than the required 5 electors' signatures.

An elector is someone who:

- is at least 18 years old;
- is a Canadian citizen; and
- has resided in Alberta for the 6 consecutive months immediately preceding election day and the person's place of residence is the Village of Clyde on By-Election day.

The nomination shall be accompanied with a written acceptance signed in the prescribed form by the person nominated, stating:

- that the person is eligible to be elected to the office;
- the name, address and telephone number of the person's official agent; and
- that the person will accept the office if elected.

In accordance with Section 151 of the *Local Authorities Election Act* it is an offence for a candidate to sign a candidate's acceptance form that contains a false statement. The offence is subject to a fine of not more than \$1,000.

A Nomination Paper and Candidate's Acceptance (Form 4) has been attached as Appendix "A".

Filing of Nomination – nominations do not require a deposit.

Nominations for the offices Councillor will be received by the Returning Officer between Monday, **September 11, 2023 and 12:00 noon on nomination day Monday, October 23, 2023** at the Municipal Office located at PO Box 190, 4812 – 50 street, Clyde Alberta, T0G0P0

Ensure forms, Form 4: Nomination Paper & Candidate's Acceptance and Form 5: Candidate Information, are filled out. Form 4: Nomination Paper & Candidate's Acceptance must be sworn or affirmed by a Commissioner for Oaths to be valid.

The person who is nominated as a **candidate is responsible for ensuring that the nomination filed meets the requirements of the *Local Authorities Election Act*. Facsimiles will not be accepted.** Be sure nomination papers are filed on time.

Any person may file a nomination with the Returning Officer.

After 12:00 noon on nomination day, a person may request to examine the filed nomination papers during regular business hours in the presence of the Returning Officer. Business hours are from 8:30 a.m. until 4:30 p.m. Monday through Friday.

Withdrawal of Nomination

A person nominated as a candidate may withdraw as a candidate at any time during the nomination period.

Within **24 hours** after the close of the nomination period, a candidate may withdraw their nomination, provided that more than the required number of candidates has been nominated for the office the candidate is seeking. The Returning Officer cannot accept a withdrawal if it would result in less than the required number of candidates for that office.

If a candidate wishes to withdraw, a written notice must be provided to the Returning Officer no later than **12:00 noon, Tuesday, October 24, 2023.**

Election by Acclamation

If at the close of nominations, the number of persons nominated for any office is the same as the number required to be elected, the Returning Officer shall declare the persons nominated to be elected to the offices for which they were nominated.

RELEASE OF INFORMATION TO THE PUBLIC

Candidates

Throughout the election campaign, the Returning Officer receives numerous requests for candidates' contact information. These come from the news media, organizers of election forums, and the general public. In addition, the Deputy Minister of Municipal Affairs requires contact information for candidates.

In order for the Returning Officer to release contact information, candidates are asked to complete a Release of Candidate Information form (Form 5, attached as Appendix "B") and provide it to the Returning Officer with their nomination paper.

The contact information provided by candidates on this form will be released to the news media upon request and provided in response to any inquiries.

QUALIFICATION OF A CANDIDATE

Section 21 of the *Local Authorities Election Act* outlines qualification of a candidate. Generally, a person is eligible to be nominated as a candidate if on nomination day the person:

- is eligible to vote in that election;
- has been a resident of the Village of Clyde for the 6 consecutive months immediately preceding nomination day of October 23, 2023; and
- is not otherwise ineligible or disqualified.

The nomination form requires the candidate to make an affidavit saying that the candidate is eligible to be elected, not disqualified from office, that the candidate will accept the office if elected and that relevant sections of the *Local Authorities Election Act* have been read and understood. The candidate must swear or affirm the affidavit before the Returning Officer or a Commissioner for Oaths.

The person who is nominated as a **candidate is responsible for ensuring that the nomination filed meets the requirements of the *Local Authorities Election Act***. The Returning Officer is not responsible for reviewing the validity of information contained in nomination papers. The Returning Officer is required to refuse a candidate's nomination form if it has not been signed by the required number of eligible electors. If a nomination is challenged, the courts will assess eligibility.

In accordance with Section 151 of the *Local Authorities Act* it is an offence for a candidate to sign a candidate's acceptance form that contains a false statement. The offence is subject to a fine of not more than \$1,000.

Under the *Criminal Code of Canada*, it is an offence to make a false affidavit and it is punishable by up to two (2) years imprisonment.

Ineligibility for Nomination as a Candidate

Sections 22 and 23 of the *Local Authorities Election Act* detail instances a person is not eligible to be nominated as a candidate in a general municipal election.

A person is not eligible to be nominated as a candidate in any local authority election if on nomination day:

- the person is the auditor for the Village of Clyde;
- the person is an employee of the Village of Clyde, unless on a granted leave of absence;
- the person's property taxes are more than \$50.00 in arrears;
- the person is indebted to the Village of Clyde for any debt exceeding \$500 for more than 90 days; and/or
- the person has, within the previous 10 years, been convicted of an offence under the *Local Authorities Election Act*, the *Election Act* or the *Canada Elections Act* (Canada).

As the foregoing information does not detail all instances of ineligibility, candidates are encouraged to consult the *Local Authorities Election Act*. **It is the candidate's responsibility to ensure the candidate is not in violation of conditions of eligibility.**

CAMPAIGN ADVERTISING

Advertising

In accordance with Section 148(5) of the *Local Authorities Election Act*, candidates are not permitted to use a facsimile or representation of the ballot produced for election day in their advertising. The use of only the candidate's name and an "X" beside it does not constitute a form of the ballot.

Violations under Section 148 of the *Local Authorities Election Act* could result in a fine of not more than \$10,000.00 or to imprisonment for not more than 6 months or to both fine and imprisonment.

Candidate advertising on election day is not permitted inside or on the outside of a voting station. The Returning Officer or Deputy Returning Officer at the voting station will remove advertising, which contravenes Section 152 of the *Local Authorities Election Act*.

Violations under Section 152 of the *Local Authorities Election Act* could result in a fine or not more than \$500.

Placement of Signage

For further information respecting the placement of election signage, please contact the Village of Clyde at 780-348-5356

"Guidelines for the Installation of Election Signs" requirements of Alberta Transportation. (Appendix "D")

CAMPAIGN CONTRIBUTIONS

Local Authorities Election Act

Part 5.1 Municipal Election Finance and Contribution Disclosure

Section 147 of the *Local Authorities Election Act* addresses the rules for dealing with campaign financing and disclosure. It can be accessed by visiting www.qp.alberta.ca.

The legislation is binding on all candidates running for municipal election in Alberta.

The material that follows is provided for information only. This summary is not intended to replace the candidate's responsibility for reading and understanding this legislation, or to seek appropriate legal or accounting advice from professionals as required. The candidate is responsible for ensuring that his or her campaign complies with all provincial laws.

In accordance with Part 5.1 of the *Local Authorities Election Act*.

Limitations on contributions

147.2 (1) Only an individual ordinarily resident in Alberta may make a contribution to a candidate

(2) No prohibited organization and no individual ordinarily reside outside Alberta shall make a contribution to a candidate.

(3) Subject to subsection (4), no individual ordinarily resident on Alberta shall contribute in any campaign period an amount that exceeds:

a) \$5000 to any candidate for election as a councillor,

(4) A candidate may contribute an amount of up to \$10,000 that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period to the candidate's own campaign expenses.

(4.1) Any amount paid by a candidate for campaign expenses from the candidate's own funds that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period, including an amount referred to in subsection (4), is a contribution to the candidate's own campaign for the purposes of this Act.

Acceptance of Contributions

147.22(1) No person shall accept a contribution or incur a campaign expense unless the person has been nominated as a candidate.

(2) No candidate and no person acting for a candidate shall accept a contribution except during the campaign period.

(3) Subsections (1) and (2) do not apply to the following:

(a) a person who accepts not more than \$5000 in the aggregate per year in contributions outside the campaign period.

- (b) a candidate who makes a contribution of not more than \$10 000 in the aggregate per year to the candidate's own campaign from the candidate's own funds.

Duties of candidate

147.3 (1) A candidate shall ensure that

- (a) a campaign account in the name of the candidate or the candidate's election campaign is opened at a financial institution for the purposes of the election campaign at the time of nomination or as soon as possible after the total amount of contributions first exceeds \$1000 in the aggregate.

Campaign disclosure statements

147.4 (1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form, which must include

- (a) the total amount of all contributions received during the campaign period that did not exceed \$50 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$50 in the aggregate,
- (c) the total amount of money of all contributions received as referred to in section 147.22(3);
- (d) the total amount from fund-raising functions,
- (e) the total amount of other revenue,
- (f) the total amount of campaign expenses,
- (g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate,
- (h) the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,
- (i) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (j) the amount of any deficit.

For information purposes only the prescribed form noted above is Form 26; Campaign Disclosure Statement and Financial Statement.

Campaign surplus

147.5(1) If a candidate's disclosure statement shows a surplus, the candidate, within 60 days after filing the disclosure statement with the local jurisdiction,

- a) shall, with respect to any amount that is \$1000 or more, donate an amount to a registered charity that results in the surplus being less than \$1000, and
- b) may, with respect to any amount that is less than \$1000,
 - (i) retain all or any portion of that amount, and
 - (ii) donate all or any portion of that amount to a registered charity.

(2) A candidate who donates an amount to a registered charity in accordance with subsections (1)(a) or (b)(ii) shall, within 30 days after the expiration of the 60-day period referred to in subsection (a), file an amended disclosure statement showing that the surplus has been dealt with in accordance with this section.

(3) This section applies to a candidate whether or not the candidate is elected.

Advance Polls

There will be no advance polls for the municipal by-election on November 20, 2023.

ELECTION DAY

Election Day

Election Day is **Monday, November 20, 2023**.

Voting

The Voting station will open at 10:00 a.m. and remain open continuously until 8:00 p.m.

When the voting station is declared closed at 8:00 p.m., any elector in the voting station who wishes to vote shall be permitted to do so, but no other person shall be allowed to enter the voting station.

At the time of publication of this document, the location of the polling station on Election Day has not yet been determined.

Institutional Station Location

There will be no institutional voting stations for the municipal by-election on November 20, 2023.

Eligibility to Vote

47(1) A person is eligible to vote in an election held pursuant to the *Local Authorities Election Act* if the person

- is at least 18 years old;
- is a Canadian citizen; and
- resides in Alberta and the person's place of residence is located in the local jurisdiction on election day.

An elector is eligible to vote only at the voting station established. Every person who attends a voting station for the purpose of voting shall make a statement, in the prescribed form that the person is eligible to vote as an elector before being given a ballot.

The Village of Clyde does not compile a voters list. Voter identification will be required. An Elector may vote after producing government issued identification containing the elector's photograph, current address and name, or one piece of identification authorized by the Chief Electoral Officer that establishes the elector's name and current address.

OPTION FOR OFFICIAL AGENT

68.1(1) Each person nominated as a candidate may, on the nomination form, appoint an elector to be the candidate's official agent.

(1.1) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the contact information of the new official agent.

(2) A person who has, within the previous 10 years, been convicted of an offence under the *Local Authorities Election Act*, the *Election Act*, the *Election Finances and Contributions Disclosure Act* or the *Canada Elections Act* (Canada) is not eligible to be appointed as an official agent.

(3) No candidate shall act as an official agent for any other candidate.

(4) The duties of an official agent are those assigned to the official agent by the candidate.

The official agent must present identification (Form 11 Enumerator, Candidate or Official Agent Proof of Identification for Section 52 Access), attached as Appendix "E", provided by the candidate and signed by the Returning Officer to the Deputy Returning Officer at each voting station attended.

The Returning Officer will provide the required number of Form 11, if requested by the candidate.

CAMPAIGN WORKER

Section 52 of the *Local Authorities Election Act* states a person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form indicating that the person is an enumerator, a candidate, an official agent or a campaign worker shall not

(a) obstruct or interfere with, or

(b) cause or permit the obstruction or interference with

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

The required Campaign Worker Proof of Identification (Form 12) has been attached as Appendix "F". This form, once completed, must be signed by the candidate.

CANDIDATE'S SCRUTINEER

69(1) If, at any time during voting hours, a person who is at least 18 years old presents to the presiding deputy a written notice, in a form acceptable to the returning officer,

(a) signed by the candidate, and

(b) stating that the person presenting the notice is to represent that candidate as the candidate's scrutineer at the voting station,

the person presenting the notice shall be recognized by the presiding deputy as the scrutineer of the candidate.

(1.1) A person who has, within the previous 10 years, been convicted of an offence under the *Local Authorities Election Act*, the *Election Act*, the *Election Finances and Contributions Disclosure Act* or the *Canada Elections Act* (Canada) is not eligible to be recognized as a scrutineer.

(2) Before a person is recognized as a scrutineer, the person shall make and subscribe before the presiding deputy at the voting station a statement in the prescribed form (Statement of Scrutineer or Official Agent (Form 16) attached as Appendix "G").

VOTING STATION ATTENDANCE

Voting Hours

As stated in Section 69(3) of the *Local Authorities Election Act*, the presiding deputy shall not permit a candidate to have an official agent or a scrutineer present while a candidate is present in a voting station during voting hours.

Section 69(3.1) states the presiding deputy shall not permit a candidate to have both an official agent and a scrutineer present at the same time in a voting station during voting hours.

The same official agent or scrutineer does not have to remain at the same voting station during the whole of voting hours. Official agents and scrutineers may change voting stations throughout the day.

Section 69(5) states the presiding deputy may designate the place or places at a voting station where a candidate, official agent or scrutineer of a candidate may observe the election procedure.

The candidate, official agent or scrutineer are not permitted to observe the marking of a ballot by an elector.

A candidate, official agent or scrutineer may make objections to an elector being permitted to vote as per Section 54(1). A deputy shall note in the elector register the reason for the objection and the name of the candidate, official agent or scrutineer making the objection and shall initial the objection; however, the elector is permitted to cast a vote.

In accordance with Section 81; Attendance at an Institutional Vote, official agents and scrutineers are permitted to attend at institutional voting stations. However, they may attend only if the vote is conducted at a fixed location in a public area of the institution and may not attend voting conducted in the room of a resident of the institution. As at voting stations, a candidate, an official agent or a scrutineer cannot be present at the institution at the same time. A candidate may not have both an official agent and a scrutineer attend an institutional vote at the same time.

Ballot Count Attendance

Candidates, agents or scrutineers observing the counting of ballots must be present in the voting station before 8:00 p.m., the close of voting. No one is permitted to enter the voting station after 8:00 p.m.

Candidates, official agents or scrutineers are permitted to observe the process of counting the ballots; however, Section 85(2) stipulates that **only one is permitted to be present at each voting station.**

Candidates, official agents or scrutineers are permitted to make objections to a ballot being counted as valid or a ballot being rejected. The deputy records the objection.

ELECTION RESULTS

Unofficial Election Results

Following the close of voting stations at 8:00 p.m., unofficial election results will be available for the convenience of candidates and the public through the following sources:

- a) posted in the entrance of the Village Office; and
- b) the Village of Clyde website located at: www.villageofclyde.ca

As it is difficult to determine when the unofficial election results will be available, your patience is requested while the election staff work towards providing the most timely and accurate results possible.

Official Election Results

At **noon on Friday, November 24, 2023** the Returning Officer will post the official election results at the Village Office and on the Village's website.

RECOUNTS

Recounts Before Official Results

Request for Recounts must be made prior to Tuesday, November 22, 2023, 4:00 p.m.

Returning Officer Recount

On Wednesday, following election day, the Returning Officer examines the ballot account from every voting station in conjunction with the unofficial results. If there are sufficient "valid ballots objected to" or "rejected ballots other than those on which no vote has been cast" 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 cause an error in the count of votes, then the Returning Officer may make a recount. Candidates who may be affected by a recount will receive 12 hours notice of the recount.

Candidate or Agent Recount Request

A candidate, official agent or scrutineer may make application to the Returning Officer within 44 hours **(4:00 p.m. Tuesday, November 22, 2023)** of the close of voting stations and no later. The application must show grounds that the Returning Officer considers reasonable for alleging that the record of the result of the count of votes at any voting station is inaccurate.

If the candidate, official agent or scrutineer feels that a recount should be made under these circumstances, it is requested that contact be made with the Returning Officer as soon as possible.

Candidate Notification on Recount

Candidates who may be affected by a recount will receive 12 hours notice of the recount.

Recounts Procedures

The procedure for a recount is the same as for election day. After completion of the recount, if necessary, the Returning Officer will adjust the ballot account for the voting station.

Judicial Recount

At any time within 19 days after the close of the voting stations on election day, any elector may apply to the Court by notice of motion for a recount. Sections 103 to 110 and Sections 112 to 115 of the *Local Authorities Election Act* outline the recount procedure. It is suggested that legal advice be consulted on these sections if a judicial recount request is considered, as the Village of Clyde will not provide guidance on these sections of the Act.

DEPUTY MAYOR

Term of Office

The term of office for a Deputy Mayor is **one (1) year**. The Village of Clyde Deputy Mayor is nominated by, voted on and appointed by Council at the annual organizational meeting.

Duties of a Deputy Mayor

Section 152 of the Municipal Government Act outlines general duties of the Deputy Chief Elected Official. Generally, in the event the Mayor, through illness, absence or other cause, is unable to perform the duties of the Mayor's office, each member of Council (other than the Mayor) is appointed as the Deputy Mayor for a period of 4 months, rotating in the four-year term. In the absence of the Mayor, the Deputy Mayor chairs Council meetings, attends ceremonies, banquets, speaking engagements and the like. If the Deputy Mayor is not available, another member of Council may be called upon to carry out these public relation duties.

Remuneration

As of January 1, 2023, remuneration is \$550.00 monthly.

OFFICE OF COUNCILLOR

Term of Office

The term of office for a councillor is **four (4) years**.

Number of Councillors

1 positions are available for the office of councillor.

Duties of a Councillor

Section 153 of the *Municipal Government Act* outlines general duties of councillors, which are as follows:

- consider and promote the welfare and interests of the Village of Clyde;
- develop and evaluate policies and programs of the Village of Clyde;
- participate in council meetings, council committee meetings and meetings of other bodies as appointed by Council;
- obtain information about the operation or administration of the Village of Clyde from the Chief Administrative Officer;
- keep matters discussed in private at a council or council committee meeting confidential until discussed at a public meeting; and
- perform other duties and functions imposed by the *Municipal Government Act*, or any other enactment or by Council.

Remuneration

As of January 1, 2023, remuneration is \$550.00 monthly.

GENERAL INFORMATION FOR ELECTED OFFICE

Time Commitment

The *Municipal Government Act* provides an outline of duties for members of Council; however, the Act does not indicate the number of hours per week members should spend in performing their duties. In fact, the number of hours per week will vary from municipality to municipality and from time to time throughout the year. The amount of time spent varies from one member of Council to another depending on the number of boards, committees and commissions he or she represents and the scope or breadth of work for each one. There are certain minimum duties that need to be performed should a candidate be elected to Council. These include:

Council Orientation Training

In order for the new Council to become fully acquainted with the scope of the Village of Clyde, an orientation will be scheduled. At the time of publication of this document, the exact date and location of Council Orientation is not yet confirmed. Potential candidate will be advised once confirmed.

Section 201 of the *Municipal Government Act* (MGA) states:

201.1(1) A municipality must, in accordance with the regulations, offer orientation training to each councillor, to be held within 90 days after the councillor takes the oath of office.

(2) The following topics must be addressed in orientation training required under subsection (1):

- (a) role of municipalities in Alberta;
- (b) municipal organization and functions;
- (c) key municipal plans, policies and projects;
- (d) roles and responsibilities of council and councillors;
- (e) the municipality's code of conduct;
- (f) roles and responsibilities of the chief administrative officer;
- (g) budgeting and financial administration;
- (h) public participation;
- (i) any other topic prescribed by the regulations.

This is a comprehensive session and is a must attend as it will assist those elected in the decision-making process.

Attendance to Council Meetings

Regular meetings of Council are held every second Monday of the month commencing at 6:00 p.m. and ending most times by 9:00 – 9:30 p.m. A Policy and Priorities Meeting is held the third Monday of the month, commencing at 6:00 p.m.

In preparation for the meeting, an electronic agenda package is prepared for Council members and is generally available by 4:30 p.m. on the Friday prior to the meeting to allow time for reading and reviewing the issues.

Reading and reviewing the agenda package beforehand allows members of Council to prepare for discussions of the issues at the meeting. Refer to Bylaw 2022-12-01 Council Procedural Bylaw for additional information on council meetings.

Attendance at Council Budget Meetings

Each year, in addition to the regular Council meetings, Council meets to review annual financial policies and resources for the upcoming fiscal year and Village department budgets. The schedule for the 2024 budget meetings will be set with the new council. An annual operating budget must be adopted by Council no later than December 31st of the preceding year in which it relates.

As well there will be several budget meetings as we move into the Fall, a Council Planning Retreat will be discussed with Council as a whole.

Attendance at Committee Meetings

Annually, at the organizational meeting, Council makes appointments of members of Council to a number of boards, committees and commissions. These boards, committees and commissions may be Council committees (that is, established by Village Council) or external committees (entities which are established externally but to which Council has the authority to make appointments to).

Council members are each expected to sit on a number of committees. The time commitment will vary depending on each committee. See Appendix “H, List of Village Committees”

Alberta Municipalities

Alberta Municipalities (formerly AUMA) was founded in 1905 and has a two-pronged mandate: as an advocate for urban Alberta municipalities and as a service provider for its members. The Village of Clyde is a member of Alberta Municipalities.

The mission of Alberta Municipalities states that they will provide leadership in advocating local government interests to the provincial government and other organizations.

In order to achieve this mandate, the Association is dedicated to enhancing leadership in municipal governance by developing and maintaining responsive and professional relations with member municipalities, the provincial government and the general public, and by providing services to member municipalities that support and strengthen their contributions to the well-being of urban communities. Alberta Municipalities represents a unified voice to the provincial government on behalf of urban municipalities.

Every fall an Alberta Municipalities convention is held that attracts approximately 1,200 delegates from urban councils and administration. The convention held during election years is strongly geared towards newly elected Council members. For this reason, all successful candidates are strongly encouraged to set aside time to attend this convention.

Information from Alberta Municipal Affairs

Also included in this package is a booklet published by Alberta Municipal Affairs. Much of the information has already been provided however it is advisable that this be reviewed as well.

- Running for Municipal Office in Alberta, A Candidate's Guide (Appendix "I")

For more information, visit the following website:

<https://www.alberta.ca/municipal-elections.aspx>

Nomination Paper and Candidate's Acceptance

Local Authorities Election Act
 (Sections 12, 21, 22, 23, 27, 28, 47,
 68.1, 151, Part 5.1)
Education Act (Sections 4(4), 74)

Note: The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under sections 21 and 27 of the *Local Authorities Election Act* and section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information will be managed in compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions concerning the collection of this personal information, please contact

Returning Officer 780-348-5356
 Title of the Responsible Official Business Phone Number

LOCAL JURISDICTION: Village of Clyde, PROVINCE OF ALBERTA

We, the undersigned electors of Village of Clyde, nominate
Name of Local Jurisdiction and Ward (if applicable)

_____ of
Candidate Surname Given Names

_____ as a candidate at the election
Complete Address and postal code

about to be held for the office of Council
Office Nominated for

of Village of Clyde.
Name of Local Jurisdiction

Signatures of at least **5 ELECTORS ELIGIBLE TO VOTE** in this election in accordance with sections 27 and 47 of the *Local Authorities Election Act* and sections 4(4) and 74 of the *Education Act* (if applicable). If a city or a board of trustees under the *Education Act* passes a bylaw under section 27(2) of the *Local Authorities Election Act*, then the signatures of up to 100 electors eligible to vote may be required.

Printed Name of Elector	Complete Address and Postal Code of Elector	Signature of Elector

Candidate's Acceptance

I, the above named candidate, solemnly swear (affirm)

- THAT I am eligible under sections 21 and 47 (and section 12, in the case of summer villages) of the *Local Authorities Election Act* and sections 4(4) and 74 of the *Education Act* (if applicable) to be elected to the office;
- THAT I am not otherwise disqualified under section 22 or 23 of the *Local Authorities Election Act*;
- THAT I will accept the office if elected;
- THAT I have read sections 12, 21, 22, 23, 27, 28, 47, 68.1, and 151 and Part 5.1 of the *Local Authorities Election Act* and sections 4(4) and 74 of the *Education Act* (if applicable) and understand their contents;
- THAT I am appointing

_____ Name, Contact Information or Complete Address and Postal Code and Telephone Number of Official Agent (if applicable) as my official agent.

- THAT I will read and abide by the municipality's code of conduct if elected (if applicable); and
- THAT the electors who have signed this nomination paper are eligible to vote in accordance with the *Local Authorities Election Act* and the *Education Act* and resident in the local jurisdiction on the date of signing the nomination.

Print name as it should appear on the ballot

_____ Candidate's Surname _____ Given Names (may include nicknames, but not titles, i.e., Mr., Ms., Dr.)

SWORN (AFFIRMED) before me

at the _____ of _____,
 in the Province of Alberta,
 this _____ day of _____, 20_____.



_____ Candidate's Signature

 Signature of Returning Officer or Commissioner for Oaths
 or Notary Public in and for Alberta
 (Also include printed or stamped name and expiry date)

Commissioner for Oaths Stamp

RETURNING OFFICER'S ACCEPTANCE

Returning Officer signals acceptance by signing this form:

 Signature of Returning Officer

**IT IS AN OFFENCE TO SIGN A FALSE AFFIDAVIT OR A FORM THAT
 CONTAINS A FALSE STATEMENT**

Note: The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under section 27 of the *Local Authorities Election Act* and section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information will be managed in compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions concerning the collection of this personal information, please contact

<u>Returning Officer</u>	<u>780-348-5356</u>
Title of the Responsible Official	Business Phone Number

Candidate's Full Name _____

Candidate's Address and Postal Code _____

Address of place(s) where candidate records are maintained _____

Name(s) and address(es) of financial institutions where campaign contributions will be deposited (if applicable)

Name(s) of signing authorities for each depository listed above (if applicable)

Where there is any change in the above mentioned information, the candidate shall notify the local jurisdiction in writing within 48 hours of such changes by submitting a completed information form.



Release of Candidate Information

I, _____, hereby consent to the release by the Village of Clyde the following personal information about me to the Province of Alberta, and any interested person or organization, including the news media, from the date of signing of this Release until the completion of the 2023 Municipal By-Election.

Name: _____

Address: _____

Campaign Office Address: _____

Phone numbers: _____
Campaign Office Home

_____ Other

E-mail Address: _____

Website Address: _____

Signature

Date

The personal information that is being collected under the authority of the *Local Authorities Election Act* will be used for the purpose of providing candidates with election information and providing contact information about candidates to members of the public and the news media during the 2021 elections. It is protected by the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions about the collection, contact the FOIP Coordinator at 780-350-2101.



Release of Official Agent Information

I, _____, Official Agent for _____
(Official Agent name) (Candidate)

for the office of _____ hereby consent to the release by
(Councillor)

the Village of Clyde the following personal information about me to the Province of Alberta, and any interested person or organization, including the news media, from the date of signing of this Release until the completion of the 2023 Municipal By-Election.

Name: _____

Address: _____

Phone numbers: _____
Home Work
Cell Other

E-mail Address: _____

Signature

Date

The personal information that is being collected under the authority of the *Local Authorities Election Act* will be used for the purpose of providing candidates with election information and providing contact information about candidates to members of the public and the news media during the 2021 elections. It is protected by the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions about the collection, contact the FOIP Coordinator at 780-350-.2101.

Enumerator, Candidate or Official Agent Proof of Identification for Section 52 Access

Local Authorities Election Act
(Section 52)

LOCAL JURISDICTION: Village of Clyde , PROVINCE OF ALBERTA

ELECTION DATE: November 20, 2023

VOTING SUBDIVISION OR WARD (If Applicable): _____

For the purposes of access authorized under section 52 of the *Local Authorities Election Act*, this constitutes as identification for _____
Name

of _____
Complete Address and Postal Code

serving in the capacity of _____
Office

This appointment is in effect for the 20____ campaign period.

Section 52 of the *Local Authorities Election Act* states that a person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form, indicating that the person is an enumerator, a candidate, an official agent or a campaign worker shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

Signature of Returning Officer or Deputy Returning Officer

Signature of Enumerator, Candidate, or Official Agent Named Above

Campaign Worker Proof of Identification

Local Authorities Election Act
(Section 52)

LOCAL JURISDICTION: Village of Clyde , PROVINCE OF ALBERTA

ELECTION DATE: November 20, 2023

VOTING SUBDIVISION OR WARD (If Applicable): _____

For the purposes of access authorized under section 52 of the *Local Authorities Election Act*, this constitutes identification for _____

Name

of

_____ Complete Address and Postal Code

serving in the capacity of _____

Office

This appointment is in effect for the 20____ campaign period.

Section 52 of the *Local Authorities Election Act* states that a person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form, indicating that the person is an enumerator, a candidate, an official agent or a campaign worker shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

Candidate's Signature

Campaign Worker's Signature

Statement of Scrutineer or Official Agent

Local Authorities Election Act
(Sections 16(2), 68.1, 69, 70)

Note: The personal information on this form is being collected to support the administrative requirements of the local authorities election process and is authorized under sections 16(2), 68.1, 69 and 70 of the Local Authorities Election Act and section 33(c) of the Freedom of Information and Protection of Privacy Act.

Returning Officer 780-348-5356
Title of the Responsible Official Business Phone Number

LOCAL JURISDICTION: Village of Clyde, PROVINCE OF ALBERTA

ELECTION DATE (OR VOTE ON A BYLAW OR QUESTION): November 20, 2023

I, Name of Scrutineer or Official Agent

of Complete Address and Postal Code

in the Province of Name of Province, am at least 18 years of age and,

(a) For the purposes of an election, will act as scrutineer on behalf of Name of Candidate for the office of Office for which Candidate was Nominated

OR

(b) For the purposes of a vote on a bylaw, will act as scrutineer for those persons who are interested in

(Check [x] One) promoting the passing of Bylaw No.

opposing the passing of Bylaw No.

OR

(c) For the purposes of a vote on a question, will act as scrutineer on behalf of those persons who are interested in

(Check [x] One) voting in the positive on the question set out.

voting in the negative on the question set out.

AND I will in all respects maintain and aid in maintaining the absolute secrecy of the vote.

Signature of Scrutineer or Official Agent

IT IS AN OFFENCE TO SIGN A FALSE STATEMENT



VILLAGE OF CLYDE COUNCIL COMMITTEES

External Committees:

Clyde and District Agricultural Society

Homeland Housing Board

Intermunicipal Collaboration Framework

Joint Services/Regional Collaboration/Tri-Council

Regional Economic Development

Westlock and Area Crime Coalition

Westlock FCSS Advisory Board

Westlock Regional Waste Management Authority

Westlock Regional Water Services Commission

Yellowhead Regional Libraries

Internal Committees – Village of Clyde Only

Emergency, Fire and Village of Clyde Safety Committee

Municipal Planning Commission

A Candidate's Guide: Running for Municipal Office in Alberta

Elections during the COVID-19 pandemic

This guide is only applicable for the 2021 general election year

NOTE: This guide reflects modifications made to the *Local Authorities Election Act (LAEA)* in light of public health orders and/or recommendations from the Chief Medical Officer of Health regarding the COVID-19 pandemic. As such, the information in this guide is specific to the 2021 general election year only.

A Candidate's Guide: Running for Municipal Office in Alberta

Published by Alberta Municipal Affairs

The Government of Alberta and Municipal Affairs will not be liable for any damages that result from the use of this guide. While Municipal Affairs attempts to ensure the accuracy of the information contained within this guide, a municipality and/or candidate may wish to obtain advice from a lawyer, in order to ensure the correct steps are taken throughout the election process. Municipal Affairs and the Government of Alberta do not warrant or make any other representations regarding the use, accuracy, applicability, or reliability of this guide.

It is important to recognize that this guide has been developed as a reference for, and as an explanatory document to the *Local Authorities Election Act*. This guide is not legal advice, and it cannot be used in place of consulting with a lawyer. This guide cannot anticipate every aspect, circumstance or situation that municipalities or candidates may encounter while working through their specific election process. If a municipality or candidate needs help finding a lawyer, please visit the Law Society of Alberta website. Should this guide conflict with the *Municipal Government Act (MGA)*, RSA 2000, Chapter M-26, or the **Local Authorities Election Act** in word or interpretation, the legislation shall prevail.

December 2020

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NOTE: This guide reflects modifications made to the *Local Authorities Election Act (LAEA)* in light of public health orders and/or recommendations from the Chief Medical Officer of Health regarding the COVID-19 pandemic. As such, the information in this guide is specific to the 2021 general election year.

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Introduction

Per Ministerial Order MSD:103/20, the following section of the *LAEA* is modified to address challenges presented by the COVID-19 pandemic and ensure municipalities have the tools necessary to adhere to public health orders while conducting the municipal general election in 2021:

- **Section 30(1) is modified to allow the deposit to be provided to the returning officer by in-person payments using a debit card or a credit card.**

This modification is in effect only for the 2021 general election year. For all other election events, please refer to the regular version of this guide.

A copy of the Ministerial Order can be viewed at: qp.alberta.ca

Alberta Education may have another Ministerial Order that is specific for School Board Trustee candidates for the 2021 general election.

This guide is designed to give prospective candidates an understanding of the process and legislative requirements for running for municipal office in Alberta.

It is important candidates read and understand the offences in the *Local Authorities Election Act* as they relate to their campaign. Offences are in place to ensure candidates run their campaigns on a level playing field and to ensure that candidates are being held to a high standard. Offences are not taken lightly, and if found guilty of an offence, candidates can face fines, imprisonment, disqualification from office, and the inability to run in future elections. If there are any questions regarding compliance with the legislation, candidates are encouraged to seek out independent legal counsel.

This guide is not legally binding and we recommend you obtain a copy of the *Local Authorities Election Act* and other relevant statutes and regulations.

NOTE: This guide reflects modifications made to the *Local Authorities Election Act (LAEA)* in light of public health orders and/or recommendations from the Chief Medical Officer of Health regarding the COVID-19 pandemic. As such, the information in this guide is specific to the 2021 general election year only.

Local Authorities Election Act

The *Local Authorities Election Act* (LAEA) is the main legislation that guides the conduct of a municipal election or by-election. Copies can be obtained through the Alberta Queen's Printer, qp.alberta.ca, 780-427-4952 (toll-free by first dialing 310-0000).

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 legislation, ask the returning officer in your municipality, or seek an independent legal opinion. All forms required by legislation can be found in the *Local Authorities Election Act Forms Regulation*, on the Government of Alberta website, or by contacting your municipality.

Municipal Government Act

The *Municipal Government Act* (MGA) is the primary legislation that governs municipalities. Copies can be obtained through the Alberta Queen's Printer, qp.alberta.ca, 780-427-4952 (toll-free by first dialing 310-0000).

Section references noted throughout the document refer to:

- *Local Authorities Election Act*, RSA 2000, c L-21 (LAEA)
- *Municipal Government Act*, RSA 2000, c M-26 (MGA)

NOTE: This guide reflects modifications made to the *Local Authorities Election Act (LAEA)* in light of public health orders and/or recommendations from the Chief Medical Officer of Health regarding the COVID-19 pandemic. As such, the information in this guide is specific to the 2021 general election year.

Before Filing Nomination Papers

This section provides a brief overview of what to take into consideration prior to running for municipal office.

Accepting Contributions or Incurring Expenses

As of January 1, 2019, candidates are no longer required to register or file a notice of intent to run with their municipality prior to filing nomination papers.

If candidates have previously filed a notice of intent to run with the municipality they intend to run in, candidates will still be required to file a nomination paper in order to be a candidate under the *Local Authorities Election Act*. As of January 1, 2019, the notice of intent to run no longer enables candidates to accept contributions.

LAEA
s.147.22

A candidate may not accept contributions OR incur campaign expenses until the candidate files a nomination paper with the municipality or school board that they intend to run in (with some exceptions under section 147.22(3)). A nomination may not be filed until:

LAEA
s.25(2)

- January 1 of the election year, for general election candidates,
- The day a resolution or bylaw is set for a by-election, for by-election candidates.

LAEA
s.21(1)

Are you qualified to become a candidate?

To become a municipal candidate you must be at least 18 years of age on nomination day, a Canadian citizen, and you must have been a resident of the local jurisdiction for the six consecutive months immediately preceding Nomination Day.

LAEA
s.21(1)

Qualification Requirements in a Ward System

In a municipality, other than a city, with a ward system, you must be a resident of the ward or the electoral division in which you intend to run for the six consecutive months immediately preceding nomination day.

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LAEA
s.21(2)

Qualification Requirements in a City with a Ward System

In a city with a ward system, it is required that you have been a resident of the city for six months immediately preceding nomination day, not necessarily the ward in which you wish to run.

LAEA
s.12(b)
s.12(h)

Qualification Requirements in a Summer Village

The requirements to become a candidate in a summer village election differ than those in other municipalities. Candidates are encourage to review the LAEA to understand the eligibility requirements in summer villages. Candidates must:

- meet the voter eligibility requirements
 - o 18 years or older,
 - o a Canadian citizen, and
 - o named or have a spouse/partner who is named as owner on the title of property within the summer village), and
- have been a resident of Alberta for the 12 consecutive months immediately preceding Election Day.

It is not necessary to be a full-time resident of the summer village but candidates must meet the requirements to vote in a summer village.

LAEA
s.25(1)
s.25(2)(a)

When is Nomination Day?

In the case of general elections, Election Day occurs on the third Monday in October every four years. Candidates can begin to file nomination papers on January 1 in the year of the election, up until Nomination Day, four weeks prior to Election Day. If a municipality has passed a bylaw under section 11(2) of the *Local Authorities Election Act*, which allows for Election Day to be held on the Saturday immediately before the 3rd Monday in October, the last day to file nomination papers would then fall on the Saturday, four weeks prior to Election Day. Nomination Day is the last day a person may file a nomination to become a candidate in the election.

***If a senate election or provincial referendum is held in conjunction with the municipal election, municipalities are not permitted to hold their general election on Saturday.**

NOTE: This guide reflects modifications made to the *Local Authorities Election Act (LAEA)* in light of public health orders and/or recommendations from the Chief Medical Officer of Health regarding the COVID-19 pandemic. As such, the information in this guide is specific to the 2021 general election year.

LAEA s.25(2)(b) In the case of a by-election, Election Day will be set through a resolution of council. Candidates can begin to file nomination papers the day following when the resolution was passed up until Nomination Day, four weeks prior to Election Day.

LAEA s.12(a)(i) s.12(d) In the case of a summer village, Nomination Day must occur in June and/or July and Election Day occurs four weeks following Nomination Day. Nomination Day is set by council resolution.

s.22(1) Ineligibility for Nomination

No one is eligible to become a candidate under any of the following circumstances:

- if you are the auditor of the municipality;
- if your property taxes are more than \$50 in arrears (excluding indebtedness on current taxes, and indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality);
- if you are in default for any other debt to the municipality in excess of \$500 for more than 90 days; or
- if within the previous 10 years you have been convicted of an offense under the *Local Authorities Election Act*, the *Election Act*, *Election Finances and Contributions Disclosure Act*, or the *Canada Elections Act*.

MGA s.174(1)(c) If you are a judge, Member of the Senate or House of Commons of Canada, or Member of the Legislative Assembly, you must resign that position before you take office as a member of a municipal council.

LAEA s.22(1.2) A person will be ineligible for nomination if they have failed to comply with the campaign finance and disclosure requirements of the LAEA 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.

A person is deemed to be ineligible under these circumstances for either an eight-year period following the day that a report was transmitted by the secretary, or a three-year period following the day the disclosure statement was filed with the municipality (which ever period expires first).

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LAEA
s.22(1.1)
s.22(5)
s.22(5.1)

NOTE: *If you are a municipal employee and you wish to run for local office, or a school board employee running for election as trustee of a school board, you must take a leave of absence without pay as outlined in the LAEA. This point does not apply if you perform duties for a jurisdiction in a volunteer capacity. You may notify your employer on or after July 1 in the election year (on or after the day council passes a resolution setting Election Day in the case of a by-election) but before the last working day prior to Nomination Day. Any employee who requests a leave of absence without pay in accordance with those conditions must be granted it.*

Other Considerations

Time Commitment

The demands on your time while being an elected official can be heavy. You will be elected for a four-year term of office and during that time you will be required to attend:

- regular and special meetings of council;
- council committee meetings;
- meetings of other boards and agencies to which you are appointed as a council representative;
- conferences, conventions, seminars and workshops for training and discussion; and
- other events promoting your municipality.

Time should also be spent reading agenda material and talking with residents, the chief administrative officer and other relevant stakeholders. This work will all be part of the necessary preparation for meetings so you can make informed decisions.

Remuneration

Elected officials generally receive remuneration or other financial compensation for the time and energy they have devoted to their community. As the remuneration varies in each municipality, check with your local municipal office to find out about remuneration for elected officials in your jurisdiction.

Roles and Responsibilities of an Elected Official

As a member of council, you will have the opportunity to significantly influence the future of your community. Your effectiveness as a member of council depends on your ability to be an active member of the team and to respectfully persuade the other members of council to

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adopt and support your view. Decisions of council may only be made by resolution or bylaw and must be made at public meetings, at which a quorum is present. As an elected official, you will also have to find the balance between representing the views of those who elected you and your own individual convictions.

As an individual member of council, you will not have the power to commit your municipality to any expenditure or to direct the activities of the municipal employees alone. Any promise you make as a part of your election campaign that involves municipal expenditures or the activities of employees can only be carried out if you can obtain the support of your fellow council members in carrying out that promise.

The Canadian Constitution grants responsibility for municipal institutions to the provinces. Through a variety of legislation, the Alberta Legislative Assembly has delegated some of its authority to municipal councils. The legislation you will refer to most often is the *Municipal Government Act* as this is the legislation that allows for many decisions that council can make.

**MGA
s. 7**

In accordance with the *Municipal Government Act*, a municipal council may pass legislation in the form of municipal bylaws. These bylaws remain in effect until they are amended or repealed. You will not be starting with a blank slate and creating your ideal municipality from scratch. If you are running with some kind of reform in mind, you will have to become familiar with what exists, how it has been created – by bylaw, resolution or policy – and why it exists before you will be able to start discussing proposed changes.

Municipalities often make local bylaws available to the public through their municipal websites. Otherwise, you can ask for copies at the municipal office.

Administration of a Municipality

As a member of council, it will be your duty to establish policy for your municipality. It is the job of the administration to implement the policy direction. Alberta municipalities have competent and dedicated administrators. The chief administrative officer (CAO) is often said to be the only direct employee of Council, and you will rely on the support, advice and assistance of your CAO if you are to be an effective member of council. The CAO's training, experience and understanding of how and why things have developed the way they have will be an important resource for you.

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How else can I prepare?

The best way to find out what the job is all about is to spend some time reading relevant municipal documents and talking to current members of council. You may also wish to:

- familiarize yourself with local bylaws and municipal legislation;
- read council agendas and minutes;
- observe council meetings from the gallery; and
- talk to municipal staff to find out what other information is available.

It is common practice in many municipalities to publish a prospective candidate's information guide. These guides will provide valuable insight into time commitments, practices and expectations of holding office in that municipality.

Researching now will help you in your campaign and prepare you for assuming office.

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Nomination Papers

This section provides a brief overview of the information included on the nomination paper and the nomination day process.

Form of Nomination

**LAEA
s. 27**

Your nomination must be filed using the required forms (Form 4 – Nomination Paper and Candidate’s Acceptance and Form 5 – Candidate Information). Contact the local municipal office to determine where to get the nomination form and to seek advice on filling out the form accurately. The CAO, returning officer, or municipal clerk will be able to help you.

**LAEA
s.27(1)**

What is included in the Form of Nomination?

Generally, your nomination paper must be signed by at least five (5) voters eligible to vote in the election. The signatures collected must be from people who are resident in the municipality on the date of signing the nomination, and include the voter’s name, address (street address or legal description of residence) and signature. You may begin to collect signatures at any time but cannot file your nomination papers with the returning officer until January 1 in the year of the election. In the case of a by-election, candidates may begin to file their nomination papers the day following when the resolution was made to set the date. In the case of summer villages, the council is required to set Election Day and nomination day will be four weeks prior to election at the times and location provided for through council resolution. It is often a good idea to obtain more than the required number of signatures in the event that one or more persons were not eligible to sign the nomination form.

**LAEA
s.27(2)**

- Cities with a population of at least 10,000 may pass a bylaw increasing the number of voters’ signatures required to a maximum of 100. Ensure you check with the municipality to determine the number of signatures you require for nomination.

**LAEA
s.27(3)**

- If you are seeking election in a municipality with a division or ward system, the voters signing your nomination form must be residents in the ward or division that are you running in.

**LAEA
s.12(b)**

In summer villages, the nominators must be:

- eligible to vote in the election;

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- 18 years of age;
- a Canadian Citizen; and
- either residents or those named on the certificate of title as the person who owns property within the summer village or is the spouse or adult interdependent partner of the person named on the title.

In addition to the signatures, the nomination paper must also be complete with the written acceptance signed in the prescribed form by the person nominated. If a candidate's information changes, that information must be updated with the local jurisdiction, in writing, within 48 hours of that change.

**LAEA
s.28(4)**

The returning officer will not accept the following:

- A nomination that is not completed in the prescribed form.
- A nomination that is not signed by at least the minimum number of persons required to sign the nomination.
- A nomination that is not sworn or affirmed by the person nominated (your municipal office may have information regarding who the Commissioner for Oaths are in your area).
- A nomination that is not accompanied by a deposit (if required by bylaw).

**LAEA
s.68.1**

Official Agent

On the nomination form, you may choose to appoint an elector to be your official agent. This person may act as the signing authority for the campaign bank account and manage aspects of your campaign as directed by you. No candidate may act as an official agent for another candidate.

If you have appointed an official agent, you must include the information on the candidate's nomination form. If, at any time, the information changes or there is a need to appoint a new official agent, the candidate is required to notify the returning officer immediately.

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Nomination Period

Filing the Nomination Form

**LAEA
s. 27**

Once you have completed the nomination form, the next step is to ensure that you file the Nomination Paper and Candidate's Acceptance Form (Form 4), as well as the Candidate Information Form (Form 5) during the nomination period, prior to the final Nomination Day.

**LAEA
s.25**

How do I file my Nomination Form?

Completed nomination forms can be filed with the returning officer at any time beginning on January 1 in the year of the general election and until four (4) weeks prior to Election Day. In the case of a by-election, the returning officer can begin to accept nomination papers the day following the day when the resolution was made by council setting the date for the by-election.

**LAEA
s. 12(d)**

For summer villages, nominations for councillor must be received by the returning officer in June or July (or both), in the year of the general election. The date, time and location of where nomination papers will be accepted must be established by council.

**LAEA
s.26**

Municipalities will advertise in one of three ways:

- in a newspaper, or another publication circulating in the area once a week for two weeks prior to the close of nominations,
- a direct mail-out or delivery of a notice to every residence at least one week prior to the close of nominations, or
- in accordance with their advertisement bylaw.

The advertisement will indicate where and when the returning officer will receive the nominations. It is important to check the advertisement or with your municipality for the time and location to file your nomination papers.

**LAEA
s.28(3)**

Do I have to file my Nomination Form in person?

Nominations shall be submitted to the returning officer, or their designate, at any time during the nomination period. It is best to deliver your nomination form in person; however, anyone may submit your nomination paper on your behalf. If you are unable to submit your

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nomination paper yourself, ensure that the forms are completed fully prior to it being filed with the returning officer because, as the candidate, it is your responsibility for ensuring that your forms are fully completed and meet the requirements for filing under section 27 of the *Local Authorities Election Act*.

During the COVID-19 pandemic, it is strongly recommended that candidates contact the local jurisdiction office to ask if the building is open to the public to accept nominations in person and if not, to inquire if there are alternative ways to submit the nomination forms. The specific requirement of the *LAEA* to submit nomination forms can be met by having forms mailed or delivered by courier. This could pose a risk for delivery guarantee that candidates should be aware of as it is the responsibility of the candidate to meet the requirements of the *LAEA* and have information submitted to the local jurisdiction office by the deadline on nomination day.

Local jurisdictions can also accept nomination forms at specific times set by the returning officer, by appointment, or at a secure drop box.

LAEA
s.29
Ministerial
Order No.
MSD:130/20

Do I have to pay a deposit to file my Nomination Form?

Municipalities may pass a bylaw requiring a deposit to accompany nominations. The amount fixed in the bylaw may not exceed:

- \$1,000 in municipalities with a population over 10,000; and
- \$100 in all other municipalities.

When you inquire or pick up the nomination form from the municipality, ensure that you seek clarification on whether a deposit is required and the amount of the deposit.

If a deposit is required, it must be paid, in full, at the time you file your nomination form. A deposit must be payable to the municipality and may be paid using:

- cash,
- certified cheque,
- money order, or
- **debit or credit card.**

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**LAEA
s.30**

Will I get my deposit back?

Your deposit will be returned to you if you:

- are elected,
- get at least one-half the number of votes of the person elected to office with the least number of votes, or
- withdraw as a candidate within 24 hours of the close of nominations.

**LAEA
s.32**

Withdrawing Nominations

Candidates may withdraw their nomination form at any time during the nomination period and up to 24 hours (48 hours in a summer village) after the close of the nomination period, provided the number of candidates nominated exceeds the number of positions for the office you are seeking.

If candidates choose to withdraw, they must provide written notice, in person, to the returning officer.

The returning officer cannot accept a withdrawal if the number of nomination papers received, equal the number of vacant offices.

**LAEA
s.31**

Insufficient Nominations

In the event that the number of nominations filed is less than the number of vacancies in the municipality, the returning officer will be available to receive nominations the next day from 10 a.m. to 12 p.m. This process continues for up to six business days (calendar days in summer villages) until an adequate number of nominations are received. If, at the end of the six-day period, insufficient nominations continue, municipalities are required to contact the Minister of Municipal Affairs.

**LAEA
s.34**

Acclamations

If, by noon on any of the six days described above, the number of candidates nominated equals the number of vacancies in the municipality, nominations will be closed and the returning officer will declare the candidates elected by acclamation (no election will be held).

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LAEA
s.35

Requirement for Election

If more than the required nominations are received by noon on any of the days, nominations will be closed and the election will be held according to process.

LAEA
s.12(d)

Summer Villages

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

Late Filing of Nominations

The returning officer **CANNOT** accept nominations after 12:00 p.m. on Nomination Day (four weeks prior to Election Day). Ensure you check with your municipality on the time and location for filing nomination forms and ensure you file your nomination paper well in advance at the location available. Despite the name of “Nomination Day”, it is useful to think of it as a nomination deadline day. There is no need to wait until Nomination Day to file forms and if there is any question of your availability, be sure to file your forms prior to this date.

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Candidate Contributions & Expenses

Candidates are strongly encouraged to read and understand Part 5.1 of the *Local Authorities Election Act* as it pertains to Election Finance and Contribution Disclosure.

Contributions and Expenses

LAEA
s.147.1(1)(a)

What are allowable campaign expenses?

At a basic level, a “campaign expense” is an expense a candidate makes in the course of a campaign to help get elected. Technically, this includes any expense incurred, or non-monetary contribution received, by a candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a candidate during a campaign period. “Campaign expense” includes an expense incurred for, or a non-monetary contribution, in relation to:

- The production of advertising or promotional material,
- 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,
- The payment of remuneration and expenses to or on behalf of a person for the person’s services as a chief financial officer in any other capacity,
- Securing a meeting place, or
- The conduct of opinion polls, surveys or research during a campaign period.

LAEA
s.147.2(4)

Can I self-fund my campaign?

Yes, candidates may choose to entirely self-fund their campaign; however, contribution limits apply to self-funded campaigns. A candidate may contribute up to and including \$10,000 to his or her own campaign.

Excluded from the \$10,000 would be any amounts that the candidate is reimbursed from the campaign account if it is reimbursed before the end of the campaign period and the funds were used to pay for campaign expenses.

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A candidate takes a risk by making expenditures based on anticipated future contributions, in the event that the future contributions don't materialize.

**LAEA
s.147.2**

Contributions to Candidates

No contributions may be accepted until the nomination period commences (January 1 of an election year for a general election and the day after the resolution/bylaw is passed for a by-election) and a candidate files nomination papers.

*Although contributions cannot be accepted in the campaign period until a person has filed nomination papers, the legislation does provide the ability for a potential candidate to incur expenses and accept minimal contributions outside of the campaign period and prior to filing nomination papers. A person may accept up to \$5,000 annually in contributions outside of the campaign period, as well as contribute up to \$10,000 of their own funds outside of the campaign period.

**LAEA
s.147.2(5)**

After a person files nomination papers in the campaign period, the person officially becomes a candidate and may accept contributions of up to \$5,000 from any person who is ordinarily a resident in Alberta.

Candidates cannot accept contributions from any prohibited organization, including a corporation or unincorporated organization.

Candidates, or those acting on their behalf, should not directly or indirectly solicit contributions if the candidate knows or ought to know that the potential contributor

- does not ordinarily reside in Alberta,
- is a corporation or unincorporated organization, or
- will exceed the contribution limits.

**LAEA
s.147.3(1)(a)
&
LAEA
s.147.3(1)(c)**

A candidate must open a bank account in the name of the candidate or in the name of the campaign as soon as possible after the amount of contributions from any person(s) exceeds \$1,000 in the aggregate, including any money paid by the candidate out of their own funds. Money in that account must then only be used for the payment of campaign expenses.

**LAEA
s.147.1(1)(c)
&
LAEA
s.147.3(1)(e)**

Contributions of real property, personal property, goods and services have to be valued. Throughout the duration of the campaign, receipts must be issued for every contribution received, and be obtained for every expense. Receipts will assist candidates in creating itemized expense reports and can be used as proof of contributions.

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LAEA s.147.1(1)(c) Campaign contributions do not include services provided by a volunteer who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or the time spent providing the services.

LAEA s.147.3(1)(f) All campaign records of contributions and expenses must be kept for a minimum of three (3) years following the date the disclosure statements were required to be filed. That date is on or before March 1 immediately following a general election, or within 120 days of a by-election.

LAEA s.147.24 **Contributions Not Belonging to Contributor**

Individuals cannot contribute to a candidate if the funds they are contributing do not belong to that individual, or if the funds were given to the individual by another individual or a prohibited organization (corporations, trade unions, employee organizations, unincorporated organizations) for the purpose of making a contribution to a particular candidate. Candidates shall not solicit nor accept a contribution if they know or ought to know that it is prohibited.

LAEA s.147.23 **Anonymous and Ineligible Contributions**

If a candidate receives an anonymous contribution, the candidate must return the contribution to the contributor immediately (if the identity of the contributor can be established), or donate the total contribution to a registered charity or the local municipality.

LAEA s.147.31 **Fund-raising Functions**

“Fund-raising functions” includes any social function held for the purpose of raising funds for an election campaign.

LAEA s.147.31(2) Candidates must ensure they record the gross income from any fundraising function held for their campaign. In addition, if the function is held by the sale of tickets, the amount of the contribution is to be determined using the following rules:

- LAEA s.147.31(3)**
- If the individual charge is \$50 or less, it is not considered a contribution unless the individual who pays the charge specifically requests it to be a contribution. If a request is made, half of the amount is allowed for expenses and half is considered a contribution. Even if the amount is not considered a contribution, the candidate may choose to still issue a receipt and keep a record of the transaction.

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- If the individual charge is more than \$50 but less than \$100, \$25 is allowed for expenses and the balance is considered to be a contribution.
- If the contribution is more than \$100, 25 per cent of the amount is allowed for expenses and the remaining balance is considered to be a contribution.

LAEA
s.147.32
LAEA
s.147.4(1)(b)

As a part of the candidate's responsibilities, they, or a person acting on their behalf, **must** issue a receipt for every contribution received. If a contribution is in excess of \$50, the name and address, and the amount of the contribution must be recorded because it is required to be included with the campaign disclosure statements.

LAEA
s.147.33

Loans

Candidates may borrow money only from a financial institution and shall record all loans and their terms. All loans and their terms must be reported accordingly to the local jurisdiction.

Only a person ordinarily resident in Alberta may make a payment on behalf of the borrower (the candidate) in respect to a loan. If the individual is not reimbursed by the borrower (candidate) before the candidate is required to file a disclosure statement, any payment made towards a loan becomes a contribution by that individual and a contribution accepted by the candidate.

LAEA
s.147.34

Campaign Expense Limits

The *Local Authorities Election Act* allows for the establishment of a regulation that sets out the amount of money that may be spent by candidates during the campaign period. There is no regulation for the purpose of the 2021 municipal election and therefore candidate spending is not restricted.

LAEA
Part 8
s.190-205

Elections Alberta/Election Commissioner

As of August 1, 2019, the Alberta Election Commissioner, under Elections Alberta, has authority in local elections across Alberta. The Election Commissioner may investigate any matter that may constitute an offence under Part 5.1, Campaign Finance and Contribution Disclosure, or Part 8, Third-Party Advertising of the LAEA.

For more information regarding the authority of the Election Commissioner, including contact information, please visit:

www.elections.ab.ca/compliance-enforcement/complaints/.

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Campaigning

Once you have filed your nomination form and your candidate's acceptance, there are several things to remember as you campaign to Election Day.

How do I campaign?

There are no "standard" or legislative requirements for campaigning when it comes to municipal elections. A candidate's campaign style will want to match the uniqueness of the municipality to the candidate's personality and available resources.

The purpose of campaigning is to convince the electors you are the best candidate for the position. Candidates have used various strategies, like:

- door-knocking;
- signage;
- brochures or posters;
- participating in local candidate debates or forums;
- social media pages or websites; and
- hosting a meet and greet event.

Is there anything I cannot do during a campaign?

There are a variety of offence provisions included in the *Local Authorities Election Act* that candidates should review and understand.

In addition, it is essential that candidates seek clarification from returning officers relating to campaign activities. Municipalities may have local bylaws that address campaign activities including, but not limited to, the use and placement of campaign signage throughout the municipality.

If candidates require additional interpretation or clarification, they should seek independent legal services if required.

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**LAEA
s.116**

Bribery

As a candidate, you cannot give, or promise to give, money or any other valuable consideration (such as an office or job) to anyone in return for their vote, or by agreeing to refrain from voting.

In addition, an elector or resident of the municipality cannot accept money or any other valuable consideration in return for voting or not voting during an election.

**LAEA
s.117**

Undue Influence

As a candidate, you cannot use, or threaten to use, violence, injury, damage or intimidation to compel a person to vote or refrain from voting at an election. You cannot obstruct the voting process or obstruct a person from accessing a voting station to vote during an election.

**LAEA
s.150, 152,
152.1**

Canvassing on Election Day

Candidates, official agents, or campaign volunteers cannot canvass or solicit votes in a voting station or on the property used for a voting station on an advance vote or election day. In addition, campaign materials (posters, pins, signage, etc.) cannot be displayed or distributed inside or on the outside of a building used as a voting station.

**LAEA
s.50**

Is there a voters' list?

Municipalities may pass a bylaw allowing for the enumeration and use of a voters' list. You may wish to confirm with your municipality; it is not a common practice to use a voters' list in municipal elections in Alberta.