



2010 General Election

Information for Potential Candidates

for the Office of:

- **Mayor**
- **Councillor**

(August 11, 2010)

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INTRODUCTION

This information package has been assembled for your information and contains some of the provisions most frequently questioned. It also contains some very important but lesser-known facts of which candidates should be aware.

This information is certainly not all-inclusive and any person wishing a complete copy of the Local Authorities Election Act and/or the Municipal Government Act may obtain copies from:

The Queens Printer for Alberta
Publication Services
Main Floor, McDougall Centre
455 - 6th Street SW
Calgary, AB T2P 3E8
Telephone: 297-6251

or from their website at www.qp.gov.ab.ca

Should you wish to view any Provincial Statutes or Town Bylaws, or if you have any questions or desire further information, please do not hesitate to contact:

Cliff McDonald
Returning Officer
Town of Olds
Telephone: 507-4810
Fax: 556-6537
e-mail: cmcdonald@olds.ca

This is an information package only and has no legislative sanction. For certainty, the relevant statutes, regulations and bylaws should be consulted.

COLLECTION OF PERSONAL INFORMATION

The personal information that is being collected under the authority of the Local Authorities Election Act will be used for the purposes under that Act. It is protected by the privacy provision of the Freedom of Information and Protection of Privacy Act.

If you have any questions about the collection of this information, contact Cliff McDonald, Director of Corporate Services, Town of Olds, at (403) 556-6981 during regular business hours.

PURPOSES OF A MUNICIPALITY

The purposes of a municipality, as contained in Section 3 of the Municipal Government Act, are:

- (a) to provide good government,
- (b) to provide services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or part of the municipality, and
- (c) to develop and maintain safe and viable communities.

These purposes are to govern the direction and decisions of a Council.

INFORMATION FOR PROSPECTIVE CANDIDATES FOR THE OFFICE OF MAYOR (CHIEF ELECTED OFFICIAL)

Term of Office: three (3) years

Duties: Section 154 of the Municipal Government Act (MGA) General duties of chief elected official, provides as follows:

- (1) A chief elected official, in addition to performing the duties of a councillor, must
 - (a) preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and
 - (b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.
- (2) The chief elected official is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.
- (3) Despite subsection (2), the chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in the chief elected official's personal name.
(Part 17 of the Municipal Government Act deals with planning and development).

INFORMATION FOR PROSPECTIVE CANDIDATES FOR THE OFFICE OF COUNCILLOR

Term of Office: three (3) Years

Duties: Section 153 of the Municipal Government Act (MGA) General duties of councilor, provides as follows:

- (a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;
- (b) to participate generally in developing and evaluating the policies and programs of the municipality;
- (c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- (d) to obtain information about the operation or administration of the municipality from the chief administrative officer (C.A.O.) or a person designated by the chief administrative officer;
- (e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
- (f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

Councillors are appointed by council to various boards and committees (described later in this document) and serve as Deputy Mayor as established at the annual organizational meeting held the fourth Monday in October.

REMUNERATION

The Town of Olds Remuneration Policy is currently under review. It is expected the review will be complete mid-summer 2010, until that review is completed the following represents Council Remuneration:

Members of Council are currently paid at the following 2010 rates:

- Mayor: \$1,800 per month for attendance at regular and special meetings of Council.
- Councillors: \$900 per month for attendance at regular and special meetings of Council.
- Per Diems are paid at a rate of \$40/hour for the first hour and \$20/hour for each additional hour to a maximum of \$180/day. The Mayor and each Councillor is required to submit to administration his/her "business plan" for attending meetings for the next calendar year for inclusion in the annual budget. Council, as part of the annual budget review, will review these plans.
- Spousal and/or family expense for registration fees, meals, travel (excluding airfare) and accommodation are paid by the Town where appropriate.
- A mileage allowance is paid at the current Province of Alberta per kilometre rate for the use of personal vehicles or the actual cost of other modes of transportation, supported by paid receipts, while on Town business.
- The actual cost of lodging and meals supported by paid receipts while on Town business.
- Councillors are eligible to enroll in any benefit program(s), offered to elected officials by the carriers of Town benefit programs, with 100% of the cost of the premium paid by the council member.

MEETINGS AND TIME COMMITMENT

The time commitment required of the Mayor or a Councillor is considerable. The rule of thumb is, for every scheduled Council, Board or Committee meeting, multiply that by two.

Regular council meetings are scheduled: the second Monday of each month at 1 p.m. and the fourth Monday of each month at 7 p.m. On average these meetings last two hours, however from time to time last much longer. Each year, at the Council Organizational Meeting (held the fourth Monday in October) the regular council meeting schedule is approved, by resolution, for the next twelve month period.

Policy and priority committee meetings are held the third Monday of each month at 3 p.m. On average these meetings last two hours, however, from time to time last much longer.

A regional Council orientation will be scheduled post-election. Elected officials will be strongly encouraged to attend. The session will be facilitated by a well known municipal consultant, George Cuff. The session is to provide information on the duties of an elected official including: Council policies, meeting procedures, resolutions, bylaws, planning documents, the budget process, the committees and their terms of reference and will include a presentation by a municipal lawyer on legal issues that Councillors need to be aware of.

Regional communities make up the Municipal Area Partnership (MAP): Cremona, Carstairs, Didsbury, Mountain View County, Olds and Sundre.

The Alberta Urban Municipalities Association (AUMA), of which the Town is a member, holds a convention in the Fall of each year. The mayor and all councillors normally attend this convention. On election years

the Fall convention is held in month of November (November 22 to 25, 2010 in Edmonton) and on non-election years in the month of October. The location of this convention is always held in Edmonton or Calgary. In addition, the AUMA holds an annual one-day seminar in the Spring at which they discuss topical issues.

The Alberta Association of Municipal Districts & Counties (AAMD&C), of which the Town is also a member, holds a convention in the Spring and Fall in Edmonton, AB. The mayor and one councillor attend at minimum one convention each year.

The Federation of Canadian Municipalities (FCM), of which the Town is also a member, holds a convention in the Spring, and moves between the Provinces from year to year. In an effort to offer the opportunity for each councillor to attend at least one FCM convention during their term, the Mayor and two councillors attend the FCM convention.

EXTERNAL COMMITTEE MEETINGS

Only those councillors who are appointed to serve on a committee and/or board are required to attend meetings of those boards or committees; only those appointed have the right to vote at those meetings.

There are several types of committees:

- Committees established under the Municipal Government Act.
- Committees established under other legislation.
- Other committees and/or boards that request or require representation by a councillor.

The following is a list of the boards and committees to which councillors are presently appointed:

- Assessment Review Board (3 members) - meet annually for 1 or 2 days.
- Local Assessment Review Board One Member Panel
- Central Alberta Economic Partnership (1 member) – meet monthly
- Chamber of Commerce - Olds & District (1 member) – meet monthly
- Community Learning Campus (1 member)
- Community Police Advisory Committee (1 member)
- Emergency Management / Disaster Services (all of council)
- Family and Community Support Services Committee (1 member) – meet monthly
- Fire Committee - Olds and District (3 members) – meet 4 times per year
- Library Board - Olds & District Municipal (1 member) – meet monthly
- Library - Parkland Regional (1 member) – meet monthly
- Municipal Area Partnerships (1 member)
- Mountain View Seniors' Housing (1 member)
- Mountain View Regional Emergency Services Commission (1 member)
- Mountain View Regional Waste Management Commission (1 member) – meet monthly
- Mountain View Regional Water Services Commission (1 member) – meet monthly
- Municipal Planning Commission (3 members) – meet monthly
- Olds Institute of Community and Regional Development (1 member)
- Olds Institute Technology Committee (1 member)
- Parkland Community Planning Services (1 member)
- Red Deer River Municipal Users Group (1 member)
- REGION: InterMunicipal Planning Commission (2 members)
- REGION: InterMunicipal Subdivision & Development Appeal Board (2 members)
- REGION: Memorandum of Agreement (MOA) Committee (2 members)
- South Red Deer Regional Wastewater Commission (1 member)
- Subdivision & Development Appeal Board (2 members)
- Uptowne Olds (OICRD) Lifestyles (1 member)

QUALIFICATIONS OF CANDIDATES

The following are excerpts from the Local Authorities Election Act (LAEA) April 22, 2010,

- 21 (1) A person may be nominated as a candidate in any election under this Act if on nomination day the person
- (a) is eligible to vote in that election,
 - (b) has been a resident of the local jurisdiction and the ward, if any, for the 6 consecutive months immediately preceding nomination day, and

(Note: if you moved your permanent residence to Olds after March 20, 2010 you will not be eligible to run for municipal office)

- (c) is not otherwise ineligible or disqualified

(Note: It is not the responsibility of the Returning Officer to ensure a candidates' eligibility.)

- 22 (1) A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day

- (a) the person is the auditor of the local jurisdiction for which the election is to be held;
- (b) the person is an employee of the local jurisdiction for which the election is to be held unless the person is on a leave of absence granted under this section;
- (c) the person is indebted to the municipality of which the person is an elector for taxes in default exceeding \$50, excluding from that amount
 - (i) any indebtedness for current taxes, and
 - (ii) any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of any money due under the agreement;
- (d) the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$500 and in default for more than 90 days.
- (d.1) the person has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada).

- (4) Subsection (1) does not apply to a person by reason only

- (a) that the person is a shareholder in a corporation having a contract or dealings with the local jurisdiction or elected authority for which the election is being held,
 - (i) unless the person holds or there is held by the person and the person's spouse or adult interdependent partner, parents, children, brothers and sister more than 25% of the issued capital stock of the corporation, or
 - (ii) unless the contract or dealings are for the building or construction of a public work of the local jurisdiction;
- (b) that the person has a contract with the local jurisdiction for the supplying to the person, the person's spouse or adult interdependent partner or child of a service, utility or commodity that the local jurisdiction has statutory authority to supply;
- (c) that the person holds an interest in a publication
 - (i) in which official advertisements of the local jurisdiction appear, or

- (ii) that is supplied to the local jurisdiction at the usual rates;
- (d) that the person sells or leases to the local jurisdiction land or interest in land that the local jurisdiction has authority to expropriate;
- (e) that the person supplies goods, merchandise or services to the local jurisdiction or to persons contracting with the local jurisdiction if they are supplied at competitive prices and in the ordinary course of the person's business or profession;
- (f) that the person renders
 - (i) services to indigents who are residents of the local jurisdiction and for which the local jurisdiction is or may become liable to pay, or
 - (ii) services for which the local jurisdiction has provided a subsidy;
- (g) that the person is appointed to a position under the *Emergency Management Act*;
- (h) that the person has rendered professional services as a lawyer to the local jurisdiction, if the fees for the services have been taxed under the *Alberta Rules of Court*;
- (i) that the person has received a gratuity or allowance for services on a committee or board appointed by or responsible to the local jurisdiction;
- (j) that the person is a member of a co-operative association under the *Co-operative Associations Act* or the *Rural Utilities Act* or is a member of a cooperative under the *Cooperatives Act*;
- (k) that the person is a vendor, purchaser, assignor or assignee of land bought or sold under the *Agriculture Financial Services Act*;
- (l) that the person is a party to a contract for the purchase or lease of real or personal property from the local jurisdiction entered into before nomination day;
- (m) that the person is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction or that the person is a volunteer for another purpose who performs duties under the direction of the local jurisdiction.

Other portions of this section deal with an employee who wishes to be nominated for a municipal election.

INELIGIBILITY FOR NOMINATION

- 23 (1) a person is not eligible to be nominated for more than one office of the same elected authority.

NOMINATION DAY

25 Nomination day shall be 4 weeks before Election Day.
(Note: Nomination Day is MONDAY, SEPTEMBER 20, 2010)

- 27 (1) Every nomination of a candidate shall be in the prescribed form and signed by at least five (5) electors eligible to vote in that election and resident of the local jurisdiction on the date of signing the nomination, and shall be accompanied by a written acceptance signed in the prescribed form by the person nominated, stating
- (a) that the person is eligible to be elected to the office,
 - (a.1) the name, address and telephone number of the person's official agent, and
 - (b) that the person will accept the office if elected.

Note: For greater security and that the nomination papers are valid we suggest that additional signatures be placed on the reverse side of the nomination form.

NOMINATION DAY
September 20, 2010
8:30 a.m. to 12 noon
Town Office
4512 46 Street, Olds

Candidates MUST drop off nomination information in Person.

- 28 (1) The Returning Officer shall receive nominations at the local jurisdiction office between 10 a.m. and 12 noon Nomination Day.
- (1.1) The person who is filing a nomination under subsection (1) is responsible for ensuring that it meets the requirements of section 27.
 - (2) Notwithstanding subsection (1), an elected authority may, by a bylaw passed prior to June 30 of a year in which an election is to be held, provide that the returning officer
 - (a) may receive nominations earlier than 10 a.m.

Note: The Town of Olds has passed Bylaw 2010-04 providing that nomination papers may be received between 8:30 a.m. and 12:00 noon on Nomination Day.

- (3) Any person may file a nomination described in section 27 with the returning officer or deputy.

Note: Because the Town of Olds will be using electronic voting, for the 2010 Elections, each candidate is asked to deliver their nomination papers to the Town Office personally. Per Bylaw 2010-04 each candidate will have a digital photograph taken which will be used on the ballot template on the electronic voting panel.

- (4) At any time after 12 noon on nomination day until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning

officer, deputy or secretary.

Nomination Papers will only be received at the Town Office. Nomination Papers may NOT be submitted by Fax.

QUALIFICATIONS OF ELECTORS WHO SIGN NOMINATION FORMS

IT IS IMPERATIVE THAT A PERSON WHO SIGNS A NOMINATION FORM IS ELIGIBLE TO VOTE.

- 47 (1) A person is eligible to vote in an election held pursuant to this Act if the person
- (a) is at least 18 years old,
 - (b) is a Canadian citizen, and
 - (c) has resided in Alberta for the 6 consecutive months immediately preceding election day and the person's place of residence is located in the area on election day.
- (2) Subject to subsection (3) and sections 75, 77.1, 79, 81 and 83, an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on election day.

Note: "area" means the area within the boundaries of a local jurisdiction, in this case the Town of Olds.

WITHDRAWAL OF NOMINATION

- 32 (1) Subject to subsection (2), if more than the required number of candidates for any particular office are nominated, any person so nominated may, at any time within 24 hours after the close of the nomination period, withdraw as a candidate for the office for which the candidate was nominated by filing with the returning officer a withdrawal in writing.
- (2) If, after one or more candidates have withdrawn, the number of remaining candidates does not exceed the number of vacancies to be filled, the returning officer shall refuse to accept further withdrawals.

ELECTION BY ACCLAMATION

- 34 (1) When 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.

ELECTION DAY AND VOTING STATION

**Election Day is Monday October 18, 2010.
Voting station is the Royal Canadian Legion, Olds Branch.
The Voting Station shall open promptly at 8:00 a.m. and will close at 8:00 p.m.**

ELIGIBILITY TO VOTE

- 47 (1) A person is eligible to vote in an election held pursuant to this Act if the person

- (a) is at least 18 years old,
 - (b) is a Canadian citizen, and
 - (c) has resided in Alberta for 6 consecutive months immediately preceding election day and the person's place of residence is located in the area on election day.
- (2) Subject to subsection (3) and sections 75, 77.1, 79, 81 and 83, an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on election day.
- (4) In the case of performance of any function or the exercise of any right under this Act, a person shall be a resident on the day on which that function is performed or that right is exercised in the area, ward or voting subdivision in respect of which that function is performed or that right is exercised and shall have been a resident of Alberta for the 6 consecutive months immediately preceding the day on which that function is performed or that right is exercised, unless otherwise required by the Act.

VOTING AT A VOTING STATION

At the poll on election day, a voter will be required to sign a statement declaring that he/she is eligible to vote. Section 53 of the Local Authorities Election Act states:

- (1) Every person who attends at a voting station for the purpose of voting shall be permitted to vote
 - (a) if the person's name appears on the list of electors, if any, or
 - (b) if the person makes a statement, in the presence of an officer at the voting station, in the prescribed form, that the person is eligible to vote as an elector.
- (6) A person who attends a voting station for the purpose of voting may not vote
 - (a) if the requirements of subsection (1) are not met

PERSON OBJECTED TO

Section 54 of the Local Authorities Election Act states:

- (1) If a candidate or the candidate's official agent or scrutineer objects to a person who makes a statement, a deputy shall note in the voting register the reason for the objection and the name of the candidate or official agent or scrutineer making the objection and shall initial the objection.
- (2) If a returning officer on reasonable and probable grounds believes that a person is not eligible to be an elector, the returning officer must note in the voting register the reason for the belief and initial it.

RULES OF RESIDENCE

- 48 (1) For the purpose of this Act, the place of residence is governed by the following rules:

- (a) a person may only have one place of residence for the purposes of this Act;
- (b) the residence of a person is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return;
- (c) a person does not lose the person's residence by leaving the person's home for a temporary purpose;
- (d) subject to clause (e), a student who
 - (i) attends an educational institution within or outside Alberta,
 - (ii) temporarily rents accommodation for the purpose of attending an educational institution, and
 - (iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institution.

is deemed to reside with those family members;
- (e) if a person leaves the area with the intention of making the person's residence elsewhere, the person loses the person's residence within the area.

OFFICIAL AGENT

- 68.1 (1) Each person nominated as a candidate may, when filing nominations papers, appoint an elector to be the person's official agent.
- (2) A person who has, within the previous 10 years, been convicted of an offence under this Act, the elections Act or the Canada Elections Act (Canada) is not eligible to be appointed as 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.

CANDIDATES' 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 a candidate, and
 - (b) stating that the person presenting the notice is to represent that candidate as the candidate's agent at the voting station,
- the person presenting the notice shall be recognized by the presiding deputy as the agent of the candidate.
- (1.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election 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.
- (3) The presiding deputy shall not permit a candidate to have an official agent or scrutineer present while the candidate is present in a voting station during voting hours.
- (3.1) 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
- (4) A candidate or official agent personally may
 - (a) undertake the duties that the candidate's scrutineer may undertake, and
 - (b) attend any place that the candidate's scrutineer is authorized by this Act to attend.
- (5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure.
- (6) When, in the provisions of this Act that relate to the election of a member of an elected authority, expressions are used requiring or authorizing an act or thing to be done or implying that an act or thing is to be done in the presence of an official agent, a scrutineer or a candidate, the expression is deemed to refer to the presence of those an official agents and scrutineers.
 - (a) that are authorized to attend, and
 - (b) that have in fact attended at the time and place where that act or thing is being done,

and if the act or thing is otherwise properly done, the non-attendance of an official or a scrutineer at that time and place does not invalidate it.

POST VOTE PROCEDURE

Town of Olds Bylaw 2010-04 prescribes the voting procedures to be used, including procedures for the counting of votes taken; Section 40, 41 and 42 are excerpts from Bylaw 2010-04.

- 40 (1) Immediately after the close of the voting station, the presiding deputy shall in the presence of at least one deputy and any additional officers that he or she considers necessary, and the candidates or their agents if any and:
 - (a) insert a key, into the master control unit, and produce the required number of copies of the tally register tape(s) as directed by the Returning Officer;
 - (b) together with another deputy, certify the tally register tape(s) as directed by the Returning Officer;
 - (c) package separately, in ballot boxes, the printed ballot tape along with the voting register and all statements;
 - (d) seal and initial the ballot boxes and ensure they are ready to be delivered to the Returning Officer;

- (e) ensure that the deputy supervising the electronic voting system and one other deputy designated by the presiding deputy report the results to the Returning Officer by immediately delivering the tally register tapes to the counting centre;
- (4) The Returning Officer may also require that results be reported by telephone.
- (5) The presiding deputy shall not permit more than one candidate or his or her agent, or more than one agent of either side of a vote on any bylaw or question to be present at the same time after the voting station is closed.

Ballot Counting

- 41 The deputy supervising at the counting centre will:
- (a) receive all sealed ballot boxes containing printed ballot tapes and number in a check-in book and initial each entry;
 - (b) after 8:00 p.m. on election day, insert a key into the master control units used for the advance vote and the institutional vote and produce the required number of copies of the tally register tape(s), as directed by the Returning Officer, and deliver those tapes to the Returning Officer and the sealed ballot boxes containing the printed ballot tape(s) along with the voting register and all statements.

Recount

- 42 If the Returning Officer makes a recount, pursuant to the Act, the voting shall be recounted using the printed ballot tapes.

DECLARATION OF ELECTION RESULTS

- 97 (1) The returning officer may publish unofficial results of the counting of ballots after an election as the results are received from voting stations.
- (2) The returning officer shall, at 12 noon on the 4th day after the election day, at the office of each local jurisdiction for which an election was held,
- (a) announce or cause to be announced, or
 - (b) post or cause to be posted a statement of the results of the voting for candidate, including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected.

PRINTING OF CAMPAIGN LITERATURE

- 148 (5) No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot

printed by the returning officer, indicating or showing it to be marked for any candidate or candidates.

- (6) Notwithstanding anything in this section, the returning officer may at any time after nomination day cause a facsimile of the ballot for chief elected officials or members of an elected authority, bylaw or question to be published as often as the returning officer considers necessary in a newspaper circulating in the area, for the information of the electors.
- (7) A person who contravenes subsection (1), (2), (3), (4) or (5) is guilty of an offence and liable to a fine of not more than \$10,000 or to imprisonment for not more than 6 months or to both a fine and imprisonment.

POSTING OF CAMPAIGN LITERATURE

Under regulation AR 44/76, passed pursuant to the Electrical Protection Act of the Province of Alberta, it is illegal to post handbills on electric light or telephone poles. Action may be taken against candidates or their agents who deface bridges, light or telephone poles with election campaign literature.

Permission must be obtained from the owner of any parcel of land before any signs are erected. If questioned the returning officer will advise the owner of any parcel of land that the returning officer may remove any election sign from the owner's property for which the owner has not given approval.

The Town of Olds will permit election campaign signs on boulevards adjacent to Town-owned parcels as long as each candidate removes the signs within 24-hours of the election. If the Town must remove the signs, the cost of removing them will be charged to the candidate.

Attached for reference is the Guidelines for the Installation of Election Signs.

USE OF THE TOWN OF OLDS LOGO

The Town of Olds Logo is strictly prohibited from use on any campaign materials.

ADVERTISEMENT DISTRIBUTION ON ELECTION DAY

- 152 (1) Subject to subsection (2), a person who, on Election Day,
- (a) displays inside or outside of a building used for a voting station, or
 - (b) distributes within a building used for a voting station,
- an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than \$500.
- (2) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area used as a voting station.
 - (3) The distribution by or on behalf of a candidate or the candidate's agent of newspapers, pamphlets or other literature containing articles or reports on matters of public interest is not a contravention of this section.

- (4) Where a person displays an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper contrary to subsection (1), the deputy may cause it to be removed and neither the deputy nor any person acting under the deputy's instructions is liable for trespass or damages resulting from or caused by the removal.

INTERFERENCE WITH POSTED DOCUMENTS

155 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any notice or other document required to be posted under this Act is guilty of an offence and liable

- (a) if the person is a officer, to a fine of not more than \$1000, and
- (b) in any other case, to a fine of not more than \$200.

BRIBERY

Section 116 of the Local Authorities Election Act defines bribery as follows:

116 A person commits the offence of bribery

- (a) who directly or indirectly by himself or herself or by any other person on his or her behalf
 - (i) gives, lends or agrees to give or lend or offers or promises money or valuable consideration, or gives or procures or agrees to give or procure or offers or promises an office, place or employment to or for an elector or to or for a person on behalf of an elector or any person, in order to induce and elector or a person to vote or to refrain from voting at an election, or
 - (ii) corruptly does an act described in subclause (i) because a person has voted or has refrained from voting at an election,
- (b) who directly or indirectly by himself or herself or by any other person on his or her behalf makes a gift, loan, offer, promise or agreement described in clause (a) to or for a person in order to induce that person to procure or defeat or endeavour to procure or defeat
 - (i) the election of a candidate,
 - (ii) the passing of a bylaw,
 - (iii) the result of a vote on a question, or
 - (iv) the vote of an elector at an election,
- (c) who in return for a gift, loan, offer, promise or agreement procures or defeats or engages or promises or endeavours to procure or defeat
 - (i) the election of a candidate,
 - (ii) the passing of a bylaw,
 - (iii) the result of a vote on a question, or

- (iv) the vote of an elector at an election,
- (d) who
 - (i) advances or pays or causes to be paid money to or for the use of any other person with the intent that the money or part of it be expended in bribery at an election, or
 - (ii) knowingly pays or causes to be paid any money to a person in discharge or repayment of any money wholly or in part expended in bribery at an election,
- (e) who, being an elector, before or during an election directly or indirectly by himself or herself or any other person on his or her behalf receives, agrees to, accepts or contracts for any money, gift loan or valuable consideration, office, place or employment for the elector or any other person for
 - (i) voting or agreeing to vote,
 - (ii) refraining or agreeing to refrain from voting, or
 - (iii) voting or agreeing to vote for or against a particular candidate, bylaw or question, at an election, or
- (f) who after an election directly or indirectly by himself or herself or any other person on his or her behalf receives any money or valuable consideration because some person
 - (i) has voted or refrained from voting,
 - (ii) has induced any other person to vote or refrain from voting, or
 - (iii) has voted for or against or has induced any other person to vote for or against a candidate, bylaw or question, at an election.

OFFENCES

- 148 (3) No person shall vote knowing that the person has no right to do so.
- (4) No person shall make or sign a false statement for any purpose related to an election or vote held or to be held under this Act.
- (5) No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the returning officer, indicating or showing or to be marked for any candidate or candidates.
- (6) Notwithstanding anything in this section, the returning officer may at any time after nomination day cause a facsimile of the ballot of chief elected official, member of an elected authority, bylaw or question to be published as often as the returning officer considers necessary in a newspaper circulating in the area, for the information of the electors.
- (7) A person who contravenes subsection (2), (3), (4) or (5) is guilty of an offence and liable to a fine of not more than \$10,000 or to imprisonment for not more than 6 months or to both a fine and imprisonment.

- 150 (1) Every returning officer, deputy, constable, official agent and scrutineer in attendance at a voting station shall maintain and aid in maintaining the secrecy of the voting at the voting station.
- (2) No person shall interfere with or attempt to interfere with an elector when the elector is marking the elector's ballot, or shall otherwise attempt to obtain at the voting station information as to which candidate or candidates any elector at that voting station is about to vote or has voted for.
- (3) No person shall
- (a) during the hours when a voting station is open, canvas or solicit votes in a building where the voting station is located, or
 - (b) make any communication to an elector in a voting station respecting the election otherwise than through the deputy
- (4) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (3) applies only to the store, office or facility comprising the area used as a voting station.
- (5) No person shall display at the voting station or distribute or post in it a specimen ballot paper marked for a candidate or any other material purporting to explain to the electors how to vote or leave or post a ballot or other material in a voting compartment other than the material that is required to be posted in accordance with this Act.
- (6) No person shall communicate at any time to any person any information obtained at a voting station as to which candidate any elector at that voting station is about to vote or has voted for.
- (7) No returning officer, deputy or official agent or scrutineer in attendance at the counting of the votes shall communicate or attempt to communicate any information obtained at that counting as to which candidate or candidates any vote is given for.
- (8) No person shall directly or indirectly induce an elector to display the elector's ballot, after the elector has marked it, so as to make known to any person the name of any candidate for whom the elector has or has not marked the elector's ballot.
- (9) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term not exceeding 2 years, or to both a fine and imprisonment.
- 151 A candidate for elective office who signs a candidate's acceptance form that contains a false statement is guilty of an offence and liable to a fine of not more than \$1,000.

ALLOWABLE ELECTION EXPENSES

- 118 (1) In any election under this Act, the following expenses shall be held to be lawfully incurred and the payment of them is not a contravention of this Act:
- (a) the actual personal expenses of the candidate;
 - (b) the cost of acquiring premises, accommodation, goods or services used for proper election campaign purposes;
 - (c) bona fide payments for the fair cost of printing and advertising;
 - (d) reasonable and ordinary payment to any person for the hire of transportation used
 - (i) by a candidate or speakers in travelling to and from public meetings, or
 - (ii) by any person in connection with and for the proper purposes of an election.

MUNICIPAL ELECTION FINANCE AND CONTRIBUTION DISCLOSURE:

On April 22, 2010 Bill 9, which amends the Local Authorities Election Act (LAEA) received Royal Assent. Bill 9 amends the LAEA to include "Part 5.1 Municipal Election Finance and Contribution Disclosure". Candidates are encouraged to read Part 5.1 of the LAEA.

Part 5.1 Municipal Election Finance and Contribution Disclosure

Definitions

147.1(1) In this Part,

- (a) "campaign contribution" means any money, personal property, real property or service that is provided to or for the benefit of a candidate or the candidate's election campaign without fair market value compensation from that candidate;
- (b) "campaign expense" means any expense referred to in section 118(1);
- (c) "campaign period" means
 - (i) for a candidate in a general election, the period of time from January 1 immediately following a general election to December 31 immediately following the next general election;
 - (ii) for a candidate in a by-election, the period of time from January 1 immediately following a general election to 60 days immediately following the by-election;
- (d) "candidate" means a person nominated as a candidate for election as a councillor of a municipality under this Act or a person who intends to be nominated as a candidate for such an election and accepts campaign contributions or incurs campaign expenses;
- (e) "employee organization" means any organization other than a trade union that bargains collectively for any employees in Alberta, and for the purposes of this Part all branches in Alberta of an employee organization are deemed to be one organization;
- (f) "person" includes a candidate, any other individual and an organization other than a corporation, employee organization or trade union;
- (g) "prohibited organization" means

- (i) a municipality,
- (ii) a corporation that is controlled by a municipality and meets the test set out in section 1(2) of the *Municipal Government Act*,
- (iii) a non-profit organization that has received since the last general election any of the following from the municipality in which the election will be held:
 - (A) grants,
 - (B) real property, or
 - (C) personal property,
- (iv) a Provincial corporation as defined in the *Financial Administration Act*, and includes a management body within the meaning of the *Alberta Housing Act*,
- (v) a Metis settlement,
- (vi) a school board under the *School Act*,
- (vii) a public post-secondary institution under the *Post-secondary Learning Act*,
- (viii) any corporation that does not carry on business in Alberta, or
- (ix) any organization designated by the Lieutenant Governor in Council as a prohibited organization;
- (h) “trade union” means a trade union as defined by the *Labour Relations Code*, the *Public Service Employee Relations Act* or the *Canada Labour Code* (Canada) and that holds bargaining rights for employees in Alberta, and for the purposes of this Part all locals in Alberta of a trade union are deemed to be one trade union.

(2) Corporations that are associated with one another under section 256 of the *Income Tax Act* (Canada) shall be considered as a single corporation for the purposes of this Part but in determining whether and at what time corporations are associated for the purposes of this Part, subsection 256(1) of the *Income Tax Act* (Canada) shall be read as though the words “at any time in the year” were struck out.

(3) Nothing done or omitted to be done by a corporation is a contravention of this Part solely because that corporation subsequently becomes associated with any other corporation.

2009 c10 s3

Limitations on contributions

147.2(1) Campaign contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed \$5000 in any campaign period.

(3) No prohibited organization, person normally resident outside Alberta or trade union or employee organization other than a trade union or employee organization as defined in this Part shall make any campaign contributions to a candidate.

(4) A corporation, trade union or employee organization that contravenes this section is guilty of an offence and liable to a fine of not more than \$10 000.

(5) A person who contravenes this section is guilty of an offence and liable to a fine of up to \$5000.

2009 c10 s3

Duties of candidate

147.3(1) A candidate shall ensure that

- (a) a campaign account in the name of the candidate's election campaign is opened at a financial institution for the purposes of the election campaign as soon as possible after
 - (i) the total amount of campaign contributions from any person, corporation, trade union or employee organization first exceeds \$5000 in the aggregate, or
 - (ii) the total amount of campaign contributions from any person, corporation, trade union or employee organization in combination with any money paid by the candidate out of the candidate's own funds first exceeds \$5000 in the aggregate;
- (b) if a campaign account has been opened in accordance with clause (a), all contributions of money are deposited into the campaign account;
- (c) money in the campaign account shall only be used for the payment of campaign expenses.
- (d) contributions of real property, personal property and services are valued;
- (e) receipts are issued for every contribution and obtained for every expense;
- (f) disclosure statements are filed in accordance with section 147.4;
- (g) records are kept of campaign contributions and campaign expenses and are retained by the candidate for a period of 2 years following the date on which disclosure statements were required to be filed under section 147.4;
- (h) proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign expenses and accept or solicit campaign contributions on behalf of the candidate;
- (i) a campaign contribution received in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (j) an anonymous campaign contribution or a campaign contribution not returned to the contributor under clause (i) is paid to the secretary for the municipality in which the election is held.

(2) A candidate who contravenes any of the provisions of this section is guilty of an offence and liable to a fine of not more than \$1000.

2009 c10 s3

Campaign disclosure statements

147.4(1) On or before March 1 immediately following a general election or, in the case of a by-election, on or before 120 days following the by-election, a candidate shall file with the municipality a disclosure statement in the prescribed form, which sets out

- (a) the total amount of all campaign contributions received during the campaign period that did not exceed \$100 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the campaign period exceeded an aggregate of \$100, and
- (c) a list of campaign expenses.

(2) If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) has changed or has not been completely or accurately disclosed, the candidate shall, within 30 days, submit a supplementary statement in the prescribed form to the municipality.

(3) The municipality must ensure that all documents filed under this section are available to the public during regular business hours.

(4) If a candidate's total amount of campaign contributions or campaign expenses exceeds \$10 000 for a campaign period, the candidate's disclosure statements required under this section must be audited in accordance with generally accepted auditing standards.

(5) A municipality may, by a bylaw passed prior to April 15 of a year in which a general election is held, require that the disclosure statements required under this section for a candidate whose total campaign contributions or campaign expenses for a campaign period are \$10 000 or less be audited in accordance with generally accepted auditing standards.

2009 c10 s3

Campaign surplus

147.5(1) On or before March 1 immediately following a general election or, in the case of a by-election, on or before 120 days following the by-election, if a candidate's disclosure statement shows a surplus exceeding \$500, the candidate shall pay the excess amount to the municipality.

(2) The municipality shall hold any money received under subsection (1) in trust for the candidate at a financial institution.

(3) If the person in respect of whom the money is held under subsection (2) files nomination papers to be a candidate in the next general election or in a by-election called before that time, the municipality shall pay the money and interest calculated at the rate prescribed by the Lieutenant Governor in Council to the candidate for use in that election.

(4) If the person in respect of whom money is held in trust under subsection (2) fails to file nomination papers before the next general election, the person shall, within 6 months of the date of the election, direct the municipality to donate the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council to a registered charitable organization as defined in the *Income Tax Act* (Canada).

(5) If the municipality does not receive a direction under subsection (4), the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council become the property of the municipality.

2009 c10 s3

Candidate declaration re campaign funds

147.6(1) Within 3 months following the coming into force of the *Local Authorities Election (Finance and Contribution Disclosure) Amendment Act, 2009*, a candidate shall

- (a) file with the municipality a declaration in the prescribed form outlining the total amount of campaign contributions held by the candidate, which shall include any surplus money from previous campaigns, and
- (b) if this amount exceeds \$500, pay the amount in excess of \$500 to the municipality.

(2) Section 147.5(2) to (5) apply to money held by a municipality under this section.

2009 c10 s3

Late filing period/penalties

147.7(1) A candidate who contravenes section 147.4, 147.5 or 147.6 and who fails to

- (a) comply with that section within 30 days after the time period provided for in that section, and
- (b) pay the municipality a late filing fee of \$500,

is guilty of an offence and liable to a fine of not more than \$5000.

(2) If a candidate is found guilty of contravening section 147.5 or 147.6, the Court may, in addition to the penalty provided for in subsection (1), order the candidate to pay any surplus money in excess of \$500 to the municipality as soon as possible.

(3) Section 147.5(2) to (5) apply to money paid to a municipality pursuant to a court order under this section.

2009 c10 s3

Effect of non-compliance in relation to disclosure statements

147.8(1) If a candidate fails to file a disclosure statement as required by section 147.4 before the end of the late filing period provided under section 147.7, the secretary shall transmit a report to that effect to council, which shall on its receipt make the report public.

(2) A candidate under subsection (1) may, within the 60-day period following the date on which the report under subsection (1) is made public, apply to the Court for relief.

(3) On hearing the application, the Court may

- (a) dispense with compliance with section 147.4, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate and that it is not reasonably possible to comply with the section,
- (b) extend the time for compliance with section 147.4, or any provision of it, if it finds mitigating reasons for non-compliance with the section,
- (c) make any order that it considers appropriate to secure compliance with as much of section 147.4 as it considers reasonable in the circumstances, or
- (d) refuse the application.

(4) An application to the Court under this section is to be made by originating notice naming the municipality as the respondent.

(5) The decision of the Court is final and not subject to appeal.

2009 c10 s3

Regulations

147.91 The Lieutenant Governor in Council may make regulations

- (a) designating organizations to be prohibited organizations for the purposes of this Part;
- (b) prescribing the interest rate for the purposes of section 147.5.

2009 c10 s3

APPENDIX "A"

FORM 3

**NOMINATION PAPER AND
CANDIDATE'S ACCEPTANCE
Local Authorities Election Act
(Sections 12, 21, 22, 27, 47, 151)
School Act (Section 44(4))**

LOCAL JURISDICTION: _____, PROVINCE OF ALBERTA

We, the undersigned electors of _____, nominate _____ of _____ as a candidate at the election about to be held for the office of _____ of _____.

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 section 44(4) of the *School Act* (if applicable).

Printed Name of Elector	Street Address or Legal Land Description of Residence 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 section 44(4) of the *School Act* (if applicable) to be elected to the office;

THAT I am not otherwise disqualified under section 22 of the *Local Authorities Election Act*;

THAT I will accept the office if elected;

THAT I have read sections 12, 21, 22, 27, 47 and 151 of the *Local Authorities Election Act* and section 44(4) of the *School Act* (if applicable) and understand their contents; and

THAT I am appointing _____ as my official agent.

Print name as it should appear on the ballot

(Candidate's Surname)

(Given Name s) (may include nicknames, but not titles, i.e. Mr., Mrs., Dr.)

SWORN (AFFIRMED) BEFORE ME)
at the _____ of _____, in the Province)
of Alberta, this _____ day of _____, 2010) _____

(Candidates Signature)

(Signature of Returning Officer or Commissioner for Oaths)

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

NOTE:

The personal information that is being collected under the authority of the *Local Authorities Election Act* will be used for the purposes under that Act. 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

Cliff McDonald, Returning Officer (Telephone) 403 507 4810

Appendix "B"

AUTHORIZATION OF CANDIDATE'S OFFICIAL AGENT

_____, 2010

To: Presiding Deputy Returning Officer

I, _____ of the Town of Olds
(Candidate's Name - Please Print)

hereby appoint _____
(Agent's Name - Please Print)

to act as my agent during the General Municipal Election held in the Town of Olds on
October 18, 2010.

(Candidates Signature)

(To be presented to the Presiding Deputy at the voting station on election night.)