

# Implementation Fact Sheet

## General Clarifying and Technical Amendments

### *Local Authorities Election Act, 2018 and 2020*

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#### Substitute Returning Officer

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 13, s. 17

#### Previous requirement:

The *LAEA* allowed for the chief elected official (mayor, reeve, or board chair) to appoint a substitute returning officer in the event that the returning officer was unable to fulfill their duties.

#### What has changed?

The *LAEA* requires a substitute returning officer be appointed by the municipal council or school board at the time a returning officer is appointed for the purpose of general elections, by-elections, or votes on a question or bylaw.

In the instance where a chief administrative officer (CAO) or a secretary of a school board assumes the responsibility of the returning officer, a council or school board must make a resolution identifying a substitute returning officer in the event the CAO is unable to fulfill the duties of returning officer.

#### What do municipalities and school boards need to know?

All municipalities and school boards must appoint a substitute returning officer at the same time the returning officer has been appointed, regardless of whether the chief administrative officer or secretary of a school board has assumed the role of returning officer.

#### When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019 and September 1, 2020.

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\*Amendments passed in July 2020 under Bill 29: The Local Authorities Election Amendment Act

## \*Location to File Nomination Papers

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 28(1), s. 28(1.1), s. 28(1.2)

### Previous requirement:

The *LAEA* stated nominations must be filed with the returning officer and the local jurisdiction office during the relevant nomination period.

### What has changed?

The municipality or school board may pass a bylaw, prior to December 31 of the year prior to the general election, providing for one or more locations, in addition to the local jurisdiction office, where a deputy returning officer may receive nominations.

### What do prospective candidates need to know?

Candidates may file their nomination papers during the nomination period at the local jurisdiction office.

It is important to contact your local returning officer or local jurisdiction office to know if they have passed a bylaw allowing for additional locations to accept nomination papers.

### What do municipalities or school boards need to know?

If municipalities or school boards would like to provide for additional locations to accept nomination papers, a bylaw must be passed by December 31 of the year prior to the general election. In the case of the 2021 municipal election, bylaws must be passed by December 31, 2021.

### When do these changes take place?

The amendments to the *LAEA* came into force September 1, 2020.

## Rejection of Nomination Paper

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 28(4)

### Previous requirement:

The *LAEA* stated that a returning officer must refuse a nomination paper if it has not been signed by five eligible electors and is not accompanied by a deposit (if required by bylaw).

### What has changed?

The returning officer is required to refuse a nomination paper if it is not signed by at least five electors (or more if required by bylaw), is not accompanied by a deposit (if required by bylaw), or is not sworn/affirmed by the candidate.

### What do prospective candidates need to know?

It is important to ensure your nomination paper is complete in the prescribed form and accompanied by a deposit (if required) prior to submitting the form and deposit to the returning officer. Failure to do so will result in your nomination paper being rejected.

### What do municipalities or school boards need to know?

The returning officer shall reject a nomination not completed as prescribed, including if the paper has not been sworn/affirmed by the person wishing to become a candidate.

### When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

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\*Amendments passed in July 2020 under Bill 29: The Local Authorities Election Amendment Act

## Official Agent

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 27(1)(c)(ii)

### Previous requirement:

Each person nominated as a candidate may appoint an elector as the candidate's official agent. The candidate assigns the duties of an official agent.

### What has changed?

The *LAEA* clarifies that the role of "official agent" is not mandatory.

### What do prospective candidates need to know?

You may, at the time of submitting your nomination paper, also submit written affirmation of the name, address and telephone number of your official agent.

This appointment is not required.

### When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

## \*Withdrawal of Nomination

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 32

### Previous requirement:

The *LAEA* stated that a person who filed nomination papers may withdraw at any time within 24 hours after the close of the nomination period.

### What has changed?

A candidate may withdraw at any time during the nomination period. Withdrawals are no longer restricted to the 24 hour period after the close of nominations.

### What do prospective candidates need to know?

If a candidate has been nominated during the nomination period, they may withdraw at any time during the period.

If at the close of nominations, there are more candidates for any particular office, a candidate may withdraw within 24 hours of the close of the nomination period.

If at any time after the close of the nomination period, the number of candidates remaining does not exceed the number of vacancies to be filled, the returning officer shall refuse to accept further withdrawals.

### What do municipalities or school

A candidate may withdraw at any time during the nomination period. Within 24 hours after the close of nominations, the returning officer may accept a withdrawal, as long as more nominations have been received than offices available.

If, at the close of nominations, there are equal nominations as positions available, the returning officer cannot accept withdrawals.

### When do these changes take place?

The amendments to the *LAEA* came into force September 1, 2020.

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## Non-Age Related Institutional Voting

**Legislation: *Local Authorities Election Act (LAEA)***

**Section Numbers: s. 1(y), s. 1(z.2), s. 1(z.3), s. 80**

### Previous requirement:

The *LAEA* referred to a “seniors’ accommodation facility” as a lodge accommodation as defined in the *Alberta Housing Act*, or a facility for seniors that provides accommodation at a location for 10 or more persons who are 65 years of age or older.

### What has changed?

The *LAEA* has been amended to allow for institutional voting in locations that reflect level of care rather than age.

### What do municipalities or school boards need to know?

A “supportive living facility” is defined as:

- (i) a lodge accommodation as defined in the *Alberta Housing Act*, or
- (ii) a facility for adults or senior citizens that provides assisted living and accommodation but does not include a treatment centre (s. 1(z.2))

A “treatment centre” if defined as:

- (i) a hospital or a facility under the *Mental Health Act*, or
- (ii) any facility not referred to in sub clause (i) providing medical treatment or care on an in-patient basis (s. 1(z.3))

### What does the public need to know?

If you reside in a supportive living facility or treatment centre as defined above, you are eligible to vote at an institutional voting station, if provided for by a municipality. (s. 80)

## When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

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\*Amendments passed in July 2020 under Bill 29: The Local Authorities Election Amendment Act

## Notification Requirements

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 158.1

### Previous requirement:

The *LAEA* required that the notice of nomination day and notice of election day be published at least once in each of the two weeks prior to nomination day and election day in a newspaper or other publication circulating in the area; alternatively, the notice must be mailed at least one week prior to every residence in the municipality.

### What's changed?

Municipalities are able to align their election notifications with a bylaw passed under Section 606.1 of the *Municipal Government Act (MGA)* that allows for electronic or other methods of advertising. Many municipalities refer to these bylaws as “advertising bylaws” or “Public notification bylaws”

## What does the public need to know?

If a municipality has passed a bylaw that outlines the type of methods that are acceptable for advertising, then the municipality may use those methods to provide notices related to the election. These include those outlined in the following sections of the *LAEA*:

- 26 (Notice of nomination day);
- 35 (Notice of election);
- 53.01; 53.1 (Proof of elector eligibility); and
- 74 (Notice of advance vote).

## What do municipalities need to know?

A municipality must pass a bylaw in accordance with section 606.1 of the *MGA* to allow for and use electronic or other methods of advertising authorized by that bylaw. (s.158.1)

## When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

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# Incapacitated Electors

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 77.1, s. 77.2(5)(f), s. 79(1) (3)

## Previous requirement:

The *LAEA* used the term “incapacitated elector” and established procedures for assisting an elector who may require assistance during the voting process by either a friend/relative or an election worker.

## What has changed?

Amend the term to “persons with disabilities”, or similar wording such as “elector who is unable to vote in the usual manner” depending on the context.

## When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

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\*Amendments passed in July 2020 under Bill 29: The Local Authorities Election Amendment Act

## Recounts in a Ward

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 98

### Previous requirement:

The *LAEA* outlined the process that the returning officer must follow when contemplating or conducting a recount. Those procedures did not contemplate recounts specific for wards/divisions.

### What has changed?

The *LAEA* was amended to clarify that if a recount has been requested in a municipality/school division that is divided into wards/divisions, the recount only has to occur in that ward/division where the recount has been requested and not the entire municipality (s.98).

### When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

## Tie Votes on a Bylaw or Question

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 95(2)

### Previous requirement:

In the cases of a vote on a bylaw or question, more than 50% of the persons voting must vote in favour of the bylaw or affirmatively on the question to be considered approved by the electors.

### What has changed?

The *LAEA* clearly states that to be considered approved by electors, a vote on a question or bylaw must receive 50% plus one of votes cast on the question or bylaw. (s. 95(2))

### When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

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## Notification of By-Election for a Ward/Division

**Legislation:** *Local Authorities Election Act (LAEA)*

**Section Numbers:** s. 35, s. 74(1.2)

### Previous requirement:

The *LAEA* provides requirements for advertising nomination day, election day and advance votes.

However, the legislation did not set out narrower notification requirements for by-elections occurring for just some of the wards/divisions.

### What has changed?

Clarify that notification of a by-election for advance vote and election day is only required to be given to the electors in the ward/division where the by-election is occurring.

### What do the public need to know?

Only those electors living in the ward/division where a by-election is occurring are required to be notified of advance vote and election day details.

## What do municipalities or school boards need to know?

For a by-election, the municipality or school board is only required to notify those electors who reside in the ward/division where the by-election is occurring of advance voting and election day details. (s. 35, s. 74(1.2))

### When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

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## \*Disposition of Election Material

Legislation: *Local Authorities Election Act (LAEA)*

Section Numbers: s. 101

### Previous requirement:

The *LAEA* required that the returning officer retain the ballot boxes and associated contents for a period of six weeks from election day. At the conclusion of the six week period, unless otherwise ordered by a judge, the ballot boxes could be opened and the contents destroyed in the presence of two witnesses.

### What has changed?

The returning officer must retain the ballot boxes and their contents for a period of six weeks. At the conclusion of the six weeks but no later than twelve weeks after election day, the secretary must open the ballot boxes and destroy their contents in the presence of two witnesses, unless otherwise ordered by a judge.

### What do the public need to know?

Ballot boxes and their contents will be kept for a period of six weeks after election day. At the conclusion of the six weeks and no later than twelve weeks, the contents of the ballot boxes must be destroyed.

### What do municipalities or school boards need to know?

Ballot boxes and their contents must be retained for a period of six weeks.

Unless otherwise ordered by a judge, the secretary must open the ballot boxes and destroy the contents no later than 12 weeks after election day.

### When do these changes take place?

The amendments to the *LAEA* came into force September 1, 2020.

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