

# A Candidate's Guide:

## Running for Municipal Office in Alberta

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**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.

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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: [gp.alberta.ca](http://gp.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.

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## 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.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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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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## 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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# 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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**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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## 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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**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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## 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.