

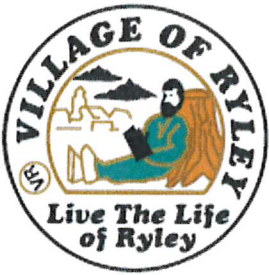


**2021 ELECTION**  
**INFORMATION FOR**  
**POTENTIAL CANDIDATES**  
**FOR THE OFFICE OF:**  
**COUNCILLOR**

**NOMINATION DAY:**  
**SEPTEMBER 20, 2021**

**ELECTION DAY:**  
**OCTOBER 18, 2021**

**[WWW.RYLEY.CA](http://WWW.RYLEY.CA)**



"Come live the life of Ryley"

---

January 1, 2021

To: Prospective Candidates  
Ryley, AB

**Re: 2021 Ryley Municipal Election**

Dear Candidates:

If you are considering running as a councillor in Ryley, please let me say congratulations! Local Government in Alberta is an honourable institution with a considerable history that dates back to 1883.

The following guide gives an overview of what you can expect as a councillor: Nomination and election procedures, duties and responsibilities of councillors, frequently asked questions, and information that you may require as you prepare to embark on this journey.

Nominations must be delivered in person, accompanied by a \$100 nomination fee and accepted/signed by the Municipal Retuning Officer no later than 12:00 noon on September 20, 2021 at the Ryley Municipal Office. No nominations can be accepted after that time so please submit your papers and payment as soon as you can to avoid this deadline. Nomination forms are included in this package for your convenience. Also included are relevant excerpts from the Alberta Municipal Government Act Legislation, which you are required to acknowledge having read as part of the nomination process.

If you have any further questions, please do not hesitate to contact me.

Once again, welcome and good luck!

Sincerely,

Glen Hamilton-Brown  
Chief Administration Officer  
Village of Ryley



## INTRODUCTION

This information package is for your assistance and has no legislative sanction.

It contains:

- (a) important facts candidates should be aware of;
- (b) answers to the most frequently asked questions regarding election procedures.
- (c) Overview of what you can expect if elected and your responsibilities as an elected official.
- (d) A Candidates Guide – Running for Municipal Office in Alberta
- (e) Pecuniary Interest for Municipal Councillors
- (f) Forms

This package provides information on the following elected offices:

### Councillors

The positions of Councillors are at-large elections, meaning each person elected represents the Village as a whole.

### Returning Officer Jurisdiction

The Returning Officer and Deputy Returning Officer for the Village of Ryley are:

Glen Hamilton-Brown  
Returning Officer  
780-663-3653  
email: [cao@ryley.ca](mailto:cao@ryley.ca)

Angel Matyachuk  
Deputy Returning Officer  
780-663-3653  
email: [angel@ryley.ca](mailto:angel@ryley.ca)

## INFORMATION SOURCES

This document is not inclusive of all the information related to each office, election procedures and election legislation.

For detailed information or documentation, the following sources are available to you:

- ❑ Provincial Legislation includes the *Local Authorities Election Act and the Municipal Government Act*.

Copies may be obtained from:

The Queens Printer  
10611 98 NW, Avenue  
Edmonton, AB T5G 2Y5  
Telephone: 780-427-4952  
Fax: 780-452-0068  
Email: [qp@gov.ab.ca](mailto:qp@gov.ab.ca) or  
Online: [www.qp.alberta.ca](http://www.qp.alberta.ca)

- ❑ Any questions relative to the Election Process or relative to the Offices of the Councillors, please contact the Deputy Returning Officer.

## PURPOSE, POWER, AND CAPACITY OF LOCAL JURISDICTION

*Excerpts from Sections 3 and 201 of the Municipal Government Act, RSA 2000, Chapter M-26*

### **Section 3 Municipal Purposes**

The purpose of a Municipality is;

- (a) to provide good government,
  - (a.1) to foster the well-being of the environment,
- (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 a safe and viable community.
- (d) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

### **Section 201 Council's Principal Role in Municipal Organization**

- (1) A Council is responsible for
  - (a) developing and evaluating the policies and programs of the municipality;
  - (b) repealed 2015 c8 s20;
  - (c) carrying out the powers, duties and functions expressly given to it under this or any other enactment.
- (2) A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the Chief Administrative Officer (CAO) or a designated officer.

## TAKING OF OATH

*Excerpts from Sections 156 of the Municipal Government Act, RSA 2000, Chapter M-26*

### **Section 156 Taking of oath**

- 156** A councillor, a chief elected official and a deputy and acting chief elected official may not carry out any power, duty or function until that person has taken the official oath prescribed by the *Oaths of Office Act*.

## **THE OFFICE OF COUNCILLOR**

**TERM OF OFFICE:** Four Years

**NUMBER OF COUNCILLORS:** Five positions

*Excerpts from Sections 153 and 154 of the Municipal Government Act, RSA 2000, Chapter M-26*

### **Section 153 General duties of councillors**

**153** Councillors have the following duties:

- (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;
  - (a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;
- (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 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;
  - (e.1) to adhere to the code of conduct established by the council under section 146.1(1);
- (f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

**Chief Elected Official (Mayor):** In the Village of Ryley, the Chief Elected Official, or Mayor, is nominated annually from one of the 5 elected councillors.

### **154 General duties of chief elected official**

**154(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.

The Municipal Government Act provides that every municipality shall have a council, the members of which shall be elected in accordance with the Local Authorities Election Act. The Municipal Government Act provides for a broad spectrum of powers and duties for a council and councillors including:

## **COUNCILLOR- REMUNERATION**

### **Per Diem:**

For each Regular Council or Committee meeting, the Councillor shall receive \$100.00/Meeting which shall be considered taxable for income tax purposes.

### **Daily Rate:**

For meetings or conventions exceeding 4 hours in length, Mayor and councillors shall be paid \$185.00/day, which shall be considered taxable for income tax purposes.

### **Transportation:**

Mileage allowance for use of a personal vehicle while on Village Business pursuant to the Village of Ryley Council Remuneration Policy.

### **Expense Allowance:**

Expenses while on Village Business pursuant to the Village of Ryley Council Remuneration Policy.

**NOTE: All remuneration outlined above is pursuant to terms of the Village of Ryley Council Remuneration Policy.**

## **COUNCIL AND COMMITTEES**

### **Council Meetings:**

First and third Tuesday of each month commencing at 6:45 p.m.

### **Committee Meetings:**

As per their own scheduled meeting dates.

**All Councillors should have the flexibility to attend some daytime meetings.**

## **THE OFFICE OF MAYOR**

**TERM OF OFFICE:** Nominated annually at organizational meeting.

### **Mayor:**

A councillor acts as Mayor in accordance with a nomination and selection process, which occurs at the Organizational Meeting held after the election during an election year, and annually at the organizational meeting held in non-election years.

## **MAYOR- REMUNERATION**

### **Per Diem:**

For each Regular Council or Committee meeting, the Mayor shall receive \$120.00/Meeting which shall be considered taxable for income tax purposes.

### **Daily Rate:**

For meetings or conventions exceeding 4 hours in length, Mayor and councillors shall be paid \$185.00/day, which shall be considered taxable for income tax purposes.

**Transportation:**

Mileage allowance for use of a personal vehicle while on Village Business pursuant to the Village of Ryley Council Remuneration Policy.

**Expense Allowance:**

Expenses while on Village Business pursuant to the Village of Ryley Council Remuneration Policy.

**NOTE: All remuneration outlined above is pursuant to terms of the Village of Ryley Council Remuneration Policy.**

**COUNCIL AND COMMITTEES****Council Meetings:**

First and third Tuesday of each month commencing at 6:45 p.m.

**Time Commitment:**

The position of Mayor is a part-time commitment averaging between 15 – 20 hours per week. In addition to performing duties during the weekdays, the Mayor is expected to attend meetings, public functions, ceremonies and other events, which may occur during evening hours and on weekends.

**The Mayor should have the flexibility to attend daytime commitments.**

**Deputy Mayor:**

A councillor acts as Deputy Mayor in accordance with a nomination and selection process, which occurs at the Organizational Meeting held after the election during an election year, and annually at the organizational meeting held in non-election years.

**Deputy Mayor Responsibilities**

A Councillor is appointed as the Deputy Mayor for a period of one year at the annual Organizational Meeting in October. The Deputy Mayor, in the absence of the Mayor, performs such functions as: Chairing of Council Meetings, participating in Council agenda preparation, attending ceremonies, banquets, speaking engagements, etc. If the Deputy Mayor is not available, another councillor may be called upon to carry out these public relation duties.

**The Councillor appointed as the Deputy should have the flexibility to attend daytime commitments.**

**Committees/Boards/Commissions**

Only those appointed to serve on a committee/commission/board have the right to vote. Councillors serve on various committees/commissions/boards as appointed by Council such as:

- ❑ Committees/Boards established by Council under the Municipal Government Act. e.g. Family & Community Support Services
- ❑ Boards established under other legislation e.g. Libraries Act, Senior Housing
- ❑ Outside committees, boards, etc which request or require representation by a member of Council; e.g. Waste Management, Battle River Alliance for Economic Development; Beaver Emergency Services Commission

Where applicable, it is recommended that a Councillor appointed to these Committees, Boards and Commissions attempt to be a member of the executive.

Appointment to these Committees/Boards/Commissions will be made at the annual Organizational Meeting of Council in October.

### **Time Commitment**

The Municipal Government Act provides an outline of duties for the members of Council. The Act does not, however, indicate the minimum number of hours per week members should spend in performing their duties. The amount of time spent is left to the discretion of each member of Council; however, there are certain minimum duties that need to be performed should a candidate be elected to Council and these include, but are not limited to:

### **Attendance at Council Meetings**

Council meetings are held each month commencing at 6:45 p.m. All Councillors will be supplied with a laptop, which is the property of the Village of Ryley. After preparation of the agenda by the Chief Administrative Officer and Mayor, Councillors will be sent an electronic version of the agenda. If there is an item that a Councillor wishes to have on the agenda, it should be submitted to the CAO by Thursday prior to the meeting.

### **Alberta Urban Municipalities Association (AUMA)**

The mission statement of AUMA states that AUMA provides 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. AUMA represents a unified voice to the provincial government on behalf of urban communities.

Each fall the AUMA holds its Annual Convention where locally elected officials, senior municipal staff, business leaders, provincially and federally elected officials and other stakeholders come together to network, learn, debate resolutions, and elect a new Board of Directors. Over 1,200 delegates attend this important three-day event which also includes the AMSC tradeshow.

The convention that is held during election years is strongly geared toward newly elected Council members and for these reasons those successful candidates are encouraged to set aside time to attend this event.

The 2021 AUMA Convention date and location is still to be determined. Updates on the convention can be found at [www.auma.ca/events](http://www.auma.ca/events) Please mark these dates on your calendar. An allowance to attend this conference is provided for within the annual budget.



# Village of Ryley

# Release of Candidates Information Form

RELEASE OF CANDIDATE INFORMATION Village of Ryley General Election 2021 Note: 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 media during the 2021 municipal election. 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 about the collection, please contact the Chief Administrative Officer, Glen Hamilton-Brown at 780-663-3653.

## LOCAL JURISDICTION: VILLAGE OF RYLEY, PROVINCE OF ALBERTA

I, hereby grant consent to the Village of Ryley to release the following personal information about me to the Province of Alberta, any interested person, organization, or media source, from the date the Release is signed until the completion of the 2021 municipal election.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBERS:

Home

Cell

Business

Other

EMAIL: \_\_\_\_\_

WEBSITE: \_\_\_\_\_

## CANDIDATE'S CONSENT

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

# Village of Ryley

# Release of Official Agent Information Form

RELEASE OF OFFICIAL AGENT INFORMATION Village of Ryley General Election 2021 Note: 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 media during the 2021 municipal election. 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 about the collection, please contact the Chief Administrative Officer, Glen Hamilton-Brown at 780-663-3653.

I, \_\_\_\_\_, Official Agent for \_\_\_\_\_  
(Official Agent name) (Candidate)

for the office of Councillor hereby grant consent to the Village of Ryley to release the following personal information about me to the Province of Alberta, any interested person, organization, or source of media, from the date the Release is signed until the completion of the 2021 municipal election.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBERS:

Home

Cell

Business

Other

EMAIL: \_\_\_\_\_

## OFFICIAL AGENT'S CONSENT

\_\_\_\_\_  
Signature of Official Agent

\_\_\_\_\_  
Date

# 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

\_\_\_\_\_  
Title of the Responsible Official

\_\_\_\_\_  
Business Phone Number

LOCAL JURISDICTION: \_\_\_\_\_, PROVINCE OF ALBERTA

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

\_\_\_\_\_  
Candidate Surname Given Names of

\_\_\_\_\_  
Complete Address and postal code as a candidate at the election

about to be held for the office of \_\_\_\_\_  
Office Nominated for

of \_\_\_\_\_  
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**

**Candidate Information**

*Local Authorities Election Act*  
(Section 27)

**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 \_\_\_\_\_

---

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.

## 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 section 16(2), 68.1, 69 and 70 of the *Local Authorities Election 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 \_\_\_\_\_ 780-663-3653  
(Title of the Responsible Official) (Business Phone Number)

LOCAL JURISDICTION: VILLAGE OF RYLEY, PROVINCE OF ALBERTA

ELECTION DATE (OR VOTE ON A BYLAW OR QUESTION): October 18, 2021

I, \_\_\_\_\_,  
(Name of Scrutineer or Official Agent)

of \_\_\_\_\_  
(Complete address and postal code)

in the Province of ALBERTA, 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 [✓] 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 [✓] 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**

## 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 _____ ,	} _____ Candidate's Signature
in the Province of Alberta,	
this _____ day of _____ , 20 _____ .	

\_\_\_\_\_  
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**



# 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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## 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](http://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.

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## 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](http://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](http://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)

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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.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 3<sup>rd</sup> 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.**

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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 (whichever 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/](http://www.elections.ab.ca/compliance-enforcement/complaints/).

**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.**

# 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.

# *Municipal Affairs*

## **Pecuniary Interest for Municipal Councillors**

January 2017

*Alberta* 



**Capacity Building, Municipal Services Branch**

*Pecuniary Interest for Municipal Councillors*

**Alberta Municipal Affairs**

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### Pecuniary Interest

Alberta's municipal councillors have a strong record of public service to their communities. As a public servant, you are responsible for upholding the public interest ahead of any private interests you may have.

The *Municipal Government Act (MGA)* describes pecuniary interest and sets out the procedures you must follow if a matter in which you have a pecuniary interest comes up at a council meeting or a committee of council meeting. These rules are designed to protect the public interest while ensuring that your ability to work is not adversely affected by your election to council.

In order that the public interest is served and seen to be served, it is important that you be open and honest about dealing with the municipality. Be fair to yourself, your electors, and your municipality by keeping your private interests in harmony with the public interest.

**This document is only a guide to the legislation. It is recommended that you consult your solicitor for advice on specific situations.**

### Definition

Section 170 of the *MGA* describes pecuniary interest as something which could monetarily affect you, your spouse, or adult interdependent partner, or children, your parents or the parents of your spouse (in other words, your immediate family), or a business which employs you or in which you have an interest.

Specifically, pecuniary interest means an interest in a matter which could monetarily affect:

- you
- a corporation, other than a distributing corporation, in which you are a shareholder, director or officer
- a distributing corporation in which you
  - beneficially own voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which you are a director or officer
- a partnership or firm of which you are a member.

This section also says that *"a councillor has a pecuniary interest in a matter if (a) the matter could monetarily affect the councillor or an employer of the councillor, or (b) the councillor knows or should know that the matter could monetarily affect the councillor's family."* You must decide when you have a pecuniary interest. Council cannot make the decision for you.

Section 172 of the *MGA* sets out the procedure you must follow if a matter in which you have a pecuniary interest comes before any meeting in which you are taking part in your

## Pecuniary Interest for Municipal Councillors

capacity as a member of council. Failure to follow these procedures could lead to your disqualification from council.

### Exceptions

Several exceptions are listed in section 170(3) of the *MGA* so that an overly-restrictive interpretation of the provisions will not disrupt the affairs of the municipality or your function as a councillor.

A councillor does not have a pecuniary interest only because:

- the councillor, an employer of the councillor or a member of the councillor's family may have as an elector, taxpayer or utility customer of the municipality,
- the councillor or a member of the councillor's family may have by reason of being appointed by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the municipality or by reason of being appointed as the representative of the council on another body,
- the councillor or member of the councillor's family may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor or member of the councillor's family may be entitled by being appointed by the council to a position described above,
- the councillor may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor,
- the councillor or a member of the councillor's family may have by being employed by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which the councillor or family member is an employee,
- a member of the councillor's family may have by having an employer, other than the municipality, that is monetarily affected by a decision of the municipality,
- the councillor or a member of the councillor's family may have by being a member or director of a non-profit organization as defined in section 241(f) or a service club,
- the councillor or member of the councillor's family may have
  - by being appointed as the volunteer chief or other volunteer officer of a fire or ambulance service or emergency measures organization or other volunteer organization or service, or
  - by reason of remuneration received as a volunteer member of any of those voluntary organizations or services,
- the councillor, an employer of the councillor or a member of the councillor's family that is held in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part,
- the interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor, or
- they discuss or vote on a bylaw that applies to businesses or business activities when

## **Pecuniary Interest for Municipal Councillors**

the councillor, an employer of the councillor or a member of the councillor's family has an interest in a business, unless the only business affected by the bylaw is the business of the councillor, employer of the councillor or the councillor's family.”

### **What to Do**

Section 172 of the *MGA* says that you may not take part in the discussion and decision-making on any matter in which you have a pecuniary interest. The legislation attempts to ensure that you are not discriminated either for or against by virtue of your membership on council.

If you have a pecuniary interest:

- you are to disclose that you have an interest and its general nature
- you are to abstain from any discussion of the matter and from voting
- you are to leave the room until the matter has been dealt with, and you should make sure that your abstention is recorded in the minutes.

For example, you might say *“Mr. Mayor, I am abstaining on this matter because I am a shareholder in the company. I am leaving the room and I ask that my abstention be recorded.”*

If the matter is one in which you, as an elector or property owner, have a right to be heard by council (for example, a land use bylaw amendment, lane or street closure, etc.), you are to disclose your interest and abstain, but you may remain in the room to be heard by council in the same manner as any person who is not a member of council. In this case, you should follow the procedure required of any other person to be placed on the list of delegations to be heard by council. When the matter comes up for hearing, you might say *“Madam Mayor, I am abstaining from this matter because I own the property affected. I ask that my abstention be recorded.”*

You should then leave the council table and go to the area where the public sits. The mayor should call you to make your presentation in the same manner as any other person. You should state your case, answer any questions that may be asked of you and then be seated in the public area for the remainder of the public hearing.

When council debates the matter it would be advisable to leave the room during the decision-making process.

### **Temporary Absence**

On occasion, you may be temporarily absent from a meeting when a matter in which you have an interest comes up for discussion. If so, upon returning to the meeting, or as soon as you discover that the matter was discussed, you are to disclose the general nature of your interest.

## **Pecuniary Interest for Municipal Councillors**

The *MGA* requires the secretary to note your disclosure in the minutes.

The purpose of this provision is to ensure that a member of council does not avoid disclosing an interest by simply leaving the meeting before the matter is discussed and returning after the discussion is complete. If some matter is discussed by council while you are temporarily absent from a meeting, upon your return and as soon as you become aware of the matter, you should get the attention of the chair and say something like *“Mr. Mayor, during my absence a matter was discussed in which I have an interest. I am disclosing that my husband is an employee of the company and I ask that my disclosure be recorded in the minutes.”*

### **All Meetings**

The disclosure and abstention rules apply to every meeting of council and any of its committees. They also apply to you at a meeting of any board, committee or agency to which you are appointed as a representative of council (section 172(6) of the *MGA*). In other words, any time that you are acting as a councillor, the disclosure and abstention rules apply to you.

It is important to remember to ask the secretary at any of these meetings to record your abstention and to check that it is actually included in the minutes.

### **Doing Business**

Although there is no prohibition on doing business with the municipality when you are a member of council, every contract or agreement with the municipality in which you have an interest must be approved by council (section 173 of the *MGA*). So, if your council has delegated purchasing authority to administration, it is important that those officials know of any business interests that you have and that you make sure council approves of any contract with your business. You cannot raise the matter in council, but, if you submit a bid or offer, you can note the matter must receive council approval. If it doesn't, you will be disqualified and the contract has no force or effect.

The following are the only exceptions:

- if the contract or agreement is for the performance of work or the provision of a service in the case of an emergency, or
- if the contract or agreement is for the sale of goods or services to the municipality or to persons contracting with the municipality at competitive prices by a dealer in those goods or services, that is incidental to, or in the ordinary course of business
- the agreement was entered into before your term of councillor started

### **Statement of Disclosure of Interests**

If you have extensive business interests, it may be difficult for you to know when these businesses are dealing with your municipality. It may be even more difficult for purchasing

## **Pecuniary Interest for Municipal Councillors**

agents to identify a contract which requires the approval of council because a member of council has an interest.

In such cases, it may help everyone involved – yourself included - if a listing of interests is available in the office. Council may, by bylaw, require its members to file a statement with a designated officer showing the names of their immediate families and any business in which they have an interest (section 171 of the *MGA*). The designated officer then compiles a list of all the names reported on the statements and provides it to the employees of the municipality indicated in the bylaw.

This provision is permissive. This means the council has the power to pass such a bylaw, however, is not required to do so.

### **Remember**

If you vote on a matter in which you have pecuniary interest, you are subject to disqualification, even if you vote against your interest.

Ask to have your abstention recorded in the minutes of the meeting.

The rules apply at all meetings of your council and its committees, and at the meetings of any board, commission, committee or agency to which you are appointed as a representative of the council.

If your council passes a bylaw requiring a statement of disclosure of interests, keep your statement up-to- date by regularly informing the designated officer of additions or deletions.

If you are in doubt as to whether you have a pecuniary interest, obtain a written legal opinion from your own solicitor.

**This guide is an information summary only and has no legislative sanction. For certainty, refer to the *Municipal Government Act* and the *Local Authorities Election Act*. Copies can be purchased from Alberta Queen's Printer Bookstore:**

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