

Refresher Training for Returning Officers & Election Workers 2013

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Brought to you by:
Society of Local Government Managers
of Alberta and Alberta Municipal Affairs

Materials

- *Local Authorities Election Act - provided*
 - *Forms Regulation*
 - *Modified Voting Procedure Regulations*
 - *Ballot Box Regulation*
- **Procedure Manual**
 - Print from website: municipalaffairs.alberta.ca

On-line Resources

- **albertaleaders.ca**
- **municipalaffairs.alberta.ca**

Changes to the LAEA

December 2012 changes were made to the LAEA in the Election Accountability Amendment Act, 2012 (Assented to Dec 10, 2012) see Part 3. The amendments include the following highlights:

- S. 10, the general term of office increased from 3 years to 4 years beginning in 2013.

Changes to the LAEA

- S. 16 official agent not required to subscribe to the official oath (see Form 10)
- S. 22 an employee who wishes to be nominated must be given a leave of absence

Changes to the LAEA

- S. 22 added section 1.2 to clarify the requirements of the Municipal Election and Contribution Disclosure Part 5.1 (*not in effect for 2013 elections*)
- S. 28.3.01 - RO shall **not** accept nomination paper not signed by required electors

Changes to the LAEA

- S. 53, **requires** voter show identification if no list of electors. Ministerial Order 011/13 shortens timeline for passing specific identification requirements from six months to four months for 2013 only.

Changes to the LAEA

- S.54(1.1) objection to a statement must be made at the time statement made
- S. 68.1(1.1) allows for replacement of official agent

Changes to the LAEA

- S.69(5) designated place at voting station must allow candidate, official agent, or scrutineer to observe person making a statement
- S.77.1 extends time for passing special ballot bylaw
- S.147.3 allows candidate to open deposit account in candidate's name

Changes to LAEA

- Candidate who does not file nomination paper must within 6 months of election:
 - S.147.4(1.1)(a) donate any surplus
 - S.147.4(1.1)(b) eliminate any deficit

Effective Dates

- Under Part 5.1 Municipal Election Finance and Contribution Disclosure
 - S. 147.21 Registration of Candidate (2014)
 - S. 147.5 Campaign Surplus (2015)
 - 147.7 (2) Campaign Surplus (2015)
 - 147.7(3) Campaign Surplus (2015)
 - 147.91 Regulations (2015)
 - 22 (1.2) & (1.3) Eligibility of Candidate (2014)



Outline

- Part 1 – Prior to Election Day
- Part 2 – Election Day
- Part 3 – Post-Vote
- Part 4 – Municipal Election Finance and Disclosure
- Part 5 – Offences
- Questions

Prior to Election Day

- Election day for a local jurisdiction is the third Monday in October. (s.11(1))
 - i.e. Monday, October 21, 2013
 - Unless bylaw passed allowing for Saturday before

Prior to Election Day

- Date for a by-election or vote on a bylaw or question shall be the day fixed by resolution of elected authority. (s.11(1)(b))

Prior to Election Day

- An elected authority may hold an election separately in conjunction with another elected authority in the same area (s.2)

Prior to Election Day

- Elected authority may appoint a Returning Officer by resolution (s.13)
 - If elected authority fails to do so, the secretary of the elected authority is deemed to have been appointed as Returning Officer by default
 - Returning Officer may not be a candidate in that election

Prior to Election Day

- A Returning Officer must be independent & impartial when performing his/her duties (s.13.1(1))
- No person shall obstruct or attempt to influence the Returning Officer in carrying out his duties (s.13.1(2))

Prior to Election Day

- Duties of Returning Officer (s.14)
 - Appoint presiding deputy, deputies and constables
 - Establish voting stations
 - Designate at least 2 deputies for each voting station
 - Supply & deliver ballots, ballot boxes, instructions and supplies
 - Give notice of nominations
 - Receive nominations
 - Declare acclamations
 - Give notice of elections
 - Do all things necessary to conduct election

Prior to Election Day

- Every Returning Officer must swear an official oath before performing the duties of that office (s.16 (1))
 - Form 1 (procedure manual)
 - Before Commissioner for Oaths

Prior to Election Day

- Other Returning Officer duties:
 - Shall in writing appoint substitute deputy or constable S. 18
 - If delegated by the secretary perform any duties and powers of the secretary
 - Shall provide, to the candidate, if requested, a sufficient number of copies of the prescribed form for ID of candidates workers

Prior to Election Day



Prior to Election Day- Nomination

- Nomination day is four weeks before election day (s.25)
 - i.e. Monday, September 23, 2013
 - Unless bylaw passed allowing Saturday before

Prior to Election Day-Candidate Eligibility

- A person is eligible to be nominated as a candidate if, on nomination day, the person (s.21)
 - Is eligible to vote (18 years, Canadian citizen) (s.47)
 - Is resident of the local jurisdiction (and ward) for 6 months immediately preceding nomination day
 - Not otherwise ineligible or disqualified

Prior to Election Day -Candidate Eligibility

- Eligibility for School Trustee (s.44(4)School Act)
 - Candidate must not only reside in area contained in school jurisdiction
 - Must also be resident under School Act
 - Must be of the same faith as those that established the district

Prior to Election Day -Candidate Eligibility

- A person is not eligible to be nominated to council if on nomination day he/she (s.22):
 - Is the auditor of the local jurisdiction
 - Is an employee of the local jurisdiction (unless on leave of absence)
 - Is indebted to municipality for taxes for more than \$50, excluding current taxes or consolidation agreement.

Prior to Election Day -Candidate Eligibility

- Is indebted to local jurisdiction for more than \$500 and in default for more than 90 days
- Has been convicted of an elections offence within the last 10 years.

Prior to Election Day -Candidate Eligibility

- A person is not eligible to be nominated as a trustee of a school board if he/she (s.22):
 - Is the auditor of the local jurisdiction
 - Is an employed by a school district or division, a charter school or a private school in Alberta (unless takes a leave of absence)
 - Has been convicted of an elections offence within the last 10 years.

Prior to Election Day -Candidate Eligibility

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

Election Procedure -Candidate Eligibility

- On or after July 1st but before nomination day an employee may take for leave of absence without pay. (s.22 (5))
- Local authority shall grant every application it receives
- If not elected, may return to work
- If elected, deemed resigned

Prior to Election Day –Nomination

- Form of Nomination (s.27)
 - Form 3 (Nomination Paper and Candidate's Acceptance)
 - Signed by 5 electors eligible to vote and resident in the local jurisdiction on the day of signing
 - Unless city bylaw requiring more signatures (between 5 and 100) was passed (s.27(2))

Prior to Election Day –Nomination

- Candidate may, on nomination paper appoint official agent (s.68.1)
 - Not convicted of an elections offence in the last 10 years.
 - Duties as assigned by candidate
 - Must notify RO in writing of new agent
 - Form 3

Prior to Election Day –Nomination

- Requirements (s.28)
 - Deposit (if required by bylaw)
 - Written acceptance by nominee
 - Responsibility of candidate to ensure that nomination papers are properly completed
 - RO will **not** accept nomination not signed by at least the minimum required

Prior to Election Day –Nomination

- Not responsibility of Returning Officer to decide on validity of information contained in the nomination papers or to disqualify a potential candidate
 - *Blyan v. Buffalo Lake Metis Settlement* (1997) (Alberta Q.B.)

Prior to Election Day –Nomination

- Anyone can pick up nomination package
- Anyone can file nomination papers on behalf of a candidate

Prior to Election Day –Nomination

- What is in your municipality's nomination package?

Prior to Election Day - Nomination

Publications:

- Running for Municipal Office in Alberta
- Now that You've Been Elected
- Municipal Councillors' Guidelines for Conflict of Interest
- Roles and Responsibilities of Officials in Local Government

Prior to Election Day –Nomination

- A Federal public servant employee may seek nomination but he/she must request permission from the Public Service Commission of Canada before filing the nomination paper.
 - Call 1-866-707-7152 or
 - E-mail pa-ap@psc.gc.ca

Prior to Election Day –Nomination

- After 12 noon on nomination day any person may ask to view filed nomination papers (s. 28(4))

Prior to Election Day –Nomination

- 24 hours after the close of nominations on nomination day, the RO shall as soon as practicable, forward names of nominated candidates to relevant Minister's DM
- MAconnects

Prior to Election Day - Nomination



"I TOLD YOU THE SITE WAS USER FRIENDLY."

Prior to Election Day –Nomination

- Insufficient nominations (s.31)
 - If the number of persons nominated is less than the number required to be elected, nominations shall stand adjourned to the following day
 - Continue day to day
 - Up to 6 days including nomination day

Prior to Election Day –Nomination

- Withdrawal of Nomination (s.32)
 - A candidate may withdraw his/her nomination up to 24 hours after nominations close
 - In writing, in person
 - Only if there are more than enough candidates

Prior to Election Day- Acclamation

- Acclamation (s.34)
 - Where number of nominees equals the number required to be elected, the Returning Officer shall declare the nominees elected by acclamation

Prior to Election Day –Nomination

- Returning Officer shall give notice of the election by publishing a notice at least once a week in each of the 2 weeks preceding election day or by mailing notice to every residence at least 1 week before (s.35(2))
 - Forms 4, 4A

Prior to Election Day –Nomination

- Returning Officer shall appoint a presiding deputy, deputies, constables and other persons as required (s.14(1))

Prior to Election Day –Nomination

- A presiding deputy shall carry out the duties of a presiding deputy under the Act and any other duties the Returning Officer assigns (s.14.1)

Prior to Election Day –Nomination

- Presiding deputy at a voting station is responsible for maintaining the peace (s.15)
- May appoint constable to maintain order
- May summon police officer to maintain order, preserve public peace, and remove any person who is obstructing the voting or contradicting the Act

Prior to Election Day –Nomination

- Every deputy and constable must make a statement in the prescribed form before performing any of their duties (s.16(2))
 - Form 1A (Procedure Manual)

Part 2 – Election Day

- Voting Stations
- Advance Vote
- Incapacitated Elector at Home
- Special Ballot
- Institutional Vote

Election Day - Voting Stations

- Local jurisdiction is divided into voting subdivisions (s.36)
- General rule is one voting station per voting subdivision (s.37)
 - Unless apply to modify voting system (s.160)
 - Modified Voting Procedure Regulation

Election Day - Advance Vote

- Elected authority may, by resolution, provide for holding an advance vote (s.73)
 - Not within 24 hours of election day
 - Publish or mail notice at least one week before (s.74)
 - Conducted in same manner as vote on election day except fresh ballot box each day (s.75)

Election Day - Advance Vote

- How will you set up your voting station to comply with S. 69(5)?

Election Day - Advance Vote

- Can anyone can vote at advance vote?

Election Day - Incapacitated Elector at Home

- Elected authority may, by resolution, provide for 2 deputies to attend at residence of incapacitated electors to take their votes.
(s.79)

Incapacitated Elector at Home

- Unable to attend voting stations on election day or advance vote because of physical incapacity.
- Voting procedure shall follow provisions of Act as closely as possible.
- ID required

Special Ballots



Election Day - Special Ballot

- Voting by special ballot only available if Resolution passed providing for voting by special ballot (ss. 77.1 – 77.3)
- Application may be in writing, by phone, fax, e-mail, or in person
- Forms 16, 17, 18, 19, 20

Election Day - Special Ballot

- Who can use a special ballot?
- Elector who is unable to vote at advance vote on election day due to:
 - Physical incapacity
 - Absence
 - Returning Officer, deputy, constable, candidate, official agent, or scrutineer

Election Day - Special Ballot

- Must maintain secrecy
- Process in place to deal with questionable special ballots
- Ballots counted at the close of the voting stations
- Must be received before close of voting station on election day, or earlier if resolution provides

Election Day - Institutional Vote

- Elected authority may, by resolution, designate the location of one or more institutional voting stations (s.80)
- Electors confined to a hospital or nursing home. or resident in the seniors accommodation facility established as an institutional voting station are entitled to vote
- Returning Officer shall fix times
- ID required to vote

Election Day - Institutional Vote

- Every institution at which a vote is taken is a voting station and voting procedure should as near as possible follow the provisions of the LAEA (s.82)
 - Notice (form 4/4A) shall be posted at least 2 days before vote to take place
 - Ballot boxes not opened until close of voting stations on election day

Election Day

- Secretary shall provide sufficient ballot boxes to the Returning Officer (s.39)
- See Ballot Box Regulation (Procedure Manual)

Election Day

- What can be posted in the Voting Station?

Election Day

- Ballot Boxes
- Voting Compartments
- *www.aamdc.com*
- ORDER 3 WEEKS IN ADVANCE
- Instabox (Edmonton & Calgary)

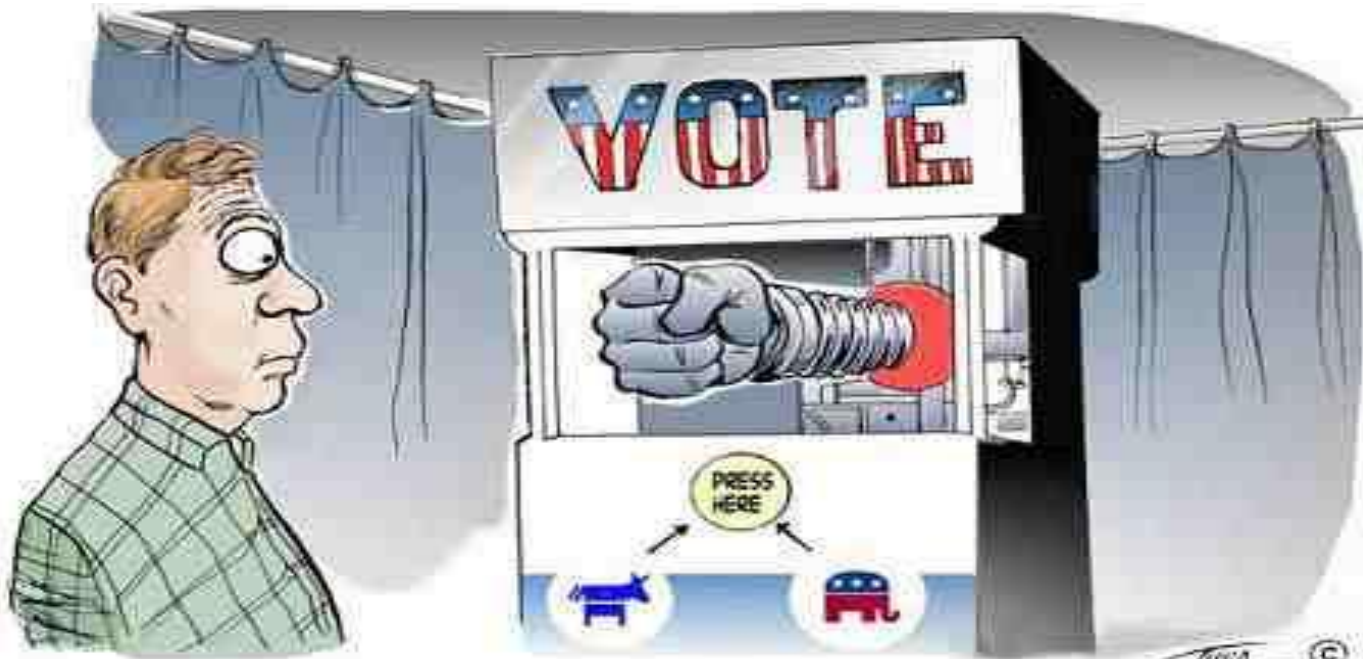
Election Day

- Separate ballot for (s. 42):
 - Chief elected official
 - Councillors
 - School representatives and trustees
- Names shall be placed on ballots in prescribed form
 - Form 6 (see procedure manual)
- Each ballot shall state the maximum number of candidates to be voted for.

Election Day

- Elected authority may, by bylaw, provide for the taking of votes by means of voting machines, vote recorders or automated voting systems (s.84)
 - Requirements of bylaw
 - Must comply with LAEA as close as possible

Election Day



Electronic Voting Simplified

TENA © 2009

Election Day

- Name of candidates on ballot shall be arranged alphabetically (s.43)
 - Unless bylaw is passed to print ballots in lots
 - Bylaw must be passed 2 months before election

Election Day

- Where vote is on a bylaw or question, elected authority must determine by resolution the wording to be used on ballot (s.44)
 - Returning Officer may determine the form of the ballot

Election Day

- Returning Officer shall ensure each voting station is furnished with one or more voting compartments (s.38)
 - Elector screened from observation
 - Without interruption or interference
 - Table or desk and “suitable marking instrument”

Election Day

- Materials for use at voting stations
 - ballot boxes, ballots
 - sealing equipment
 - voting Compartments
 - suitable marking tools
 - LAEA (dated December 10, 2012)
 - tables and chairs
 - envelopes or packets for election materials
 - copier?

Election Day

- List of ID required by voter
- Pens for use in completing forms
- Municipal Boundary Map
- Material to be used for signs?

Election Day

- Forms Needed:
 - Form 1 Oath of Returning Office
 - Form 1A Statement of Deputy, Enumerator etc
 - Form 7 Instructions for Electors
 - Form 8, 8SV Voting Register
 - Form 9 Presiding Deputy's Certification
 - Form 10 Statement of Scrutineer or OA

Election Day

- Form 11 Statement of Interpreter
- Form 12 Note of Objection to a Ballot
- Form 13 Ballot Account & Result of Vote

Using Special Ballots?

- Form 16 Request for Special Ballot Package
- Forms 17, 18, 19, 20

Election Day

- Instructions for electors (s.45)
 - Form 7 (procedure manual)
 - Shall be posted in every voting compartment and a conspicuous place in the voting station
 - May be posted in languages other than English

Election Day

- Voting station hours are 10 am to 8 pm (s.46)
 - May pass bylaw by June 30 in the year of a general election, to open before 10 am
 - Deputy to declare voting station closed at 8 pm sharp

Election Day

- Candidate may appoint a scrutineer to attend at voting station to observe (s.69)
 - written notice signed by candidate
 - Form 10 signed by scrutineer (procedure manual)
 - Must be able to observe person making statement
- **MUST BE:**
 - 18 years old
 - Not convicted of an elections offence within the last 10 years

Election Day

- Employees shall have 3 consecutive hours while voting station open to vote (s.58)
 - No deduction from pay or other penalty allowed by reason of absence to vote

Election Day

- Only persons entitled to be in voting station are (s.67):
 - Returning Officer, deputies, constables
 - candidates, official agents, or scrutineers
 - electors *while they are voting*
- Deputy may authorize temporary observer

Election Day

- Meeting with the media
 - Returning Officer should set guidelines
 - Prior to election day, meet with media to discuss election procedure
 - Appoint one contact person
 - Provide a telephone number where latest election results may be obtained

Election Day

- What about cell phones, people who love to text and tweeters?



Election Day

- Eligibility to vote (s.47)
 - 18 years old
 - Canadian citizen
 - Resided in Alberta for 6 consecutive months immediately preceding election day
 - Place of residence is in area on election day

Election Day

- Electors may only vote at voting station for the voting subdivision where they are resident on election day

Election Day

- Rules of Residence (s.48(1))
 - Can only have one place of residence
 - Where person lives and sleeps and to which, when absent, intend to return
 - Temporary absence okay
 - Educational absence
 - Intention to leave is determinative

Election Day

- Person with more than one residence shall designate one for purpose of voting in accordance with following priority:
 - Address on driver's licence or ID card issued by GOA
 - Address on income tax correspondence
 - Address person's mail is delivered

Election Day

- LAEA incorporates the residency requirements from the *School Act* to determine residency for school trustee (s.48(2))
- Elector must reside in area and be of the same faith as the district he/she seeks to vote for

Election Day

- Presiding deputy shall show empty ballot box to all persons present in voting station prior to sealing it (s.40)
 - Then close and seal
 - Cannot be opened without breaking the seal
 - During election hours ballot box must be in full view of all those present and remain sealed

Election Day

- Every person who attends at a voting station shall be permitted to vote if:
 - Name appears on list of electors, if one
 - Provides ID as required and makes statement they are eligible to vote - Form 8 (procedure manual)

Election Day

ID Requirements:

- As noted in S. 53(1)(b) if no bylaw passed
- If a bylaw is passed it can set out the number and types to verify person's name, address and age (if applicable). Bylaw must be advertised.

Election Day

- What ID is required if no bylaw has been passed?
- (see procedure manual)

Election Day

- If there is a list of electors a person who is not listed may make a statement if accompanied by another person who does appear on the list. That other person must produce for inspection ID as required, make statement and vouch for the person not on the list.
- A scrutineer may not vouch for a person.

Election Day

- Who can vouch for a person without ID?
 - Form 8A Statement of Voucher (used only with a List of Electors)

Election Day

- Deputy may, on request, explain to an elector the proper method of voting (s.61)
 - As concisely as possible
 - In accordance with the instructions to electors
 - Form 7 (procedure manual)

Election Day

- Deputy shall record on the voting register that an elector has received a ballot (s.59)
- Ballot shall be initialled by Deputy
- Ballot shall be handed to elector folded so that deputies initials are visible without opening the ballot (s.60)

Election Day

- Either the Candidate, official agent, or scrutineer may object to the elector (s. 54) only at the time the person makes the statement.
- Deputy shall note reason for objection in the voting register

Election Day

- If Returning Officer believes, on reasonable and probable grounds, elector is not eligible, must note in voting register (s. 54(2))

Election Day

- Spoiled ballots (s.65)
 - Inadvertently spoiled so that cannot be used
 - Issue a new ballot
 - Mark “spoiled” on returned ballot
 - Place spoiled ballot in spoiled ballot packet

Election Day

- Special circumstances
 - Interpreter (s.72)
 - (Form 11) (procedure manual)
 - Blind or incapacitated elector (s.78) (Form 11)
 - Friend of Blind or Incapacitated elector (s.78) (Form 11)
- Voter assistance marked on Voting Register

Election Day

- Issuing Ballot (s. 60)
 - Must be folded and initialed
 - Initials must be visible w/o opening ballot
- Marking ballots (s. 62)
 - Receive ballot
 - Proceed to voting compartment
 - Mark by placing an “X”

Election Day

- After voting (s.63) elector must:
 - Fold ballot so deputy's initials show
 - Deliver to deputy to deposit in ballot box
 - Initials to be verified by deputy
 - Elector may deposit in ballot box
 - Leave voting station

Election Day

- End of voting (s.46)
 - Deputy to declare voting closed at 8 pm sharp
 - Electors in voting station when it closes who want to vote shall be allowed
 - Mark end of line

Election Day

- Voting shall be by secret ballot (s.55)
 - No person shall show their ballot
 - No other person shall enter the voting compartment
 - No person shall be required to disclose their vote in any legal proceeding (s.56)

Part 3 – Post Vote

- Counting
- Ballot Account
- Ballot Packages
- Results
- Recount by Returning Officer

Post Vote - Counting



Post Vote - Counting

- Immediately after close of voting station, presiding deputy shall (s.85):
 - Ensure each ballot box is opened
 - Have votes counted
- Must be done in presence of:
 - At least one officer
 - Candidate, or official agent, or scrutineer, if any

Post Vote- Counting

- During counting, officer must be consistent in determining the acceptability of ballots
 - Tally sheets should be used to facilitate the counting of votes

Post Vote- Counting

- Forms required at ballot count
 - Presiding Deputy's Certificate (Form 9)
 - Notice of Objection to a Ballot (Form 12)
 - Ballot Account (Form 13)

Post Vote - Counting

- The following ballots shall be rejected (s.86):
 - No officer initials
 - Too many votes cast
 - Anything written or marked so as to identify elector
 - Torn or defaced so as to identify elector
 - Not marked with an “X”
 - No vote

Post Vote - Counting

- *Notwithstanding* a ballot is not marked with and “X”, the deputy may count the ballot if the vote clearly indicated for whom or what the elector intended to vote (s.86(3))
- Procedure Manual (page 46/47)

Post Vote - Counting

- Deputy shall endorse on back of ballot “rejected”
- If objected to, also endorse “rejection objected to” (s.86(2))

Post Vote - Counting

- S. 87 - A deputy shall make note of any objection made by a candidate or their official agent or scrutineer and shall decide any question arising out of the objection
 - Form 12
- Every objection is numbered and the corresponding number placed on the back of the ballot and initialled

Post Vote - Ballot Account

- After all ballots are counted, deputy shall count the ballots not rejected and prepare the ballot account (s.88)
- Form 13 (Procedure Manual)
- With the following information:
 - Local Jurisdiction
 - Name or number of voting subdivision and voting station

Post Vote -Ballot Account

- Date of election
- Name of each candidate and number of valid ballots marked for each
- Number of ballots supplied
- Number of valid ballots
- Number of valid ballots objected to

Post Vote - Ballot Account

- Number of rejected ballots
- Number of ballots rejected because no vote cast
- Number of special ballots not returned
- Number of unused ballots
- Number of spoiled ballots
- Number of ballots not accounted for
- Number of persons objected to

Post Vote - Ballot Account

- 2 deputies to sign ballot account (s.89)
 - Form 13
- Presiding deputy to certify number of persons registered to vote at voting station (s.90)
 - Form 9

Post Vote - Ballot Account

- Presiding deputy to make a copy of each voting register on which an objection noted (s.90 (2))
- need a plan on how to copy
- keep for 6 weeks
- persons who can object can view

Post Vote - Ballot Packages

- Separate packets of ballots for (s.91):
 - Valid ballots
 - Valid ballots objected to & Form 12
 - Rejected ballots
 - Spoiled ballots
 - Unused ballots
 - Voting register and Form 9
 - List of electors, if any

Post Vote - Ballot Packages

- Presiding deputy shall place all packets containing the ballots, voting register, special ballot envelopes and copies of ID, if any, statements and list of electors, if any, in ballot box and seal the ballot box (s.93)
- Ballot account (Form 13) and copies of voting registers (Form 8) with objections kept out

Post Vote - Ballot Box

- You are finished counting and are sealing the ballot box. What is not sealed inside?

Post Vote - Ballot Packages

- Presiding deputy is personally responsible for delivering the sealed ballot box and ballot account (Form 13) and the copies of the voting registers with objections to the Returning Officer (s.94)
 - As soon as practicable

Post Vote - Results

- The candidate receiving the highest number of votes elected (s.95(1))
- On a bylaw or question, if more than 50% voted in favour, the bylaw or question is deemed assented to by the electors (s.95(2))

Post Vote - Results

Q. What if there is a tie?

A. Returning Officer shall write the two names on identical pieces of paper and have a third party draw one. The name drawn is deemed to have received one more vote (s.99)

Post Vote -Results

- Returning Officer may publish unofficial results as the results are received from the voting stations (s.97(1))

Post Vote - Results

- Returning Officer shall announce the results of the voting at 12 noon on the 4th day after election day (s.97(2))

Post Vote - Results

- After the election:
 - Sealed ballot boxes, ballot account and nomination papers are delivered to the secretary (s.100)
 - Secretary keeps copies of voting registries and ballot boxes for 6 weeks then destroys (s.101)
 - No one may inspect ballot boxes without court order (s.102)

Post Vote - Results

- S. 100 (1.1) the secretary must retain the ballot account and the nomination papers until the term of office expires.
- S. 100 (2) the ballot account and the nomination papers may be inspected by an elector at any time until the term of office expires.

Post vote - Recount by RO

- Returning Officer may make a recount of votes cast at one or more voting stations if (s.98):
 - A candidate, official agent or scrutineer shows reasonable grounds for alleging the count of votes is inaccurate
 - Returning Officer considers the number of valid ballots objected to or rejected ballots (other than those on which no vote cast) sufficient to affect the result
 - Returning Officer of the opinion an administrative or technical error may have caused error in count

Post Vote -Recount by RO

- Application by candidate, official agent or scrutineer for recount must be made within 44 hours of the close of the voting stations

Part 4

- Challenges to Elections

Challenges to Elections

- The validity of an election may be tried by the Court (s.126)(1))
- The issue may be raised by:
 - a candidate
 - elected authority
 - elector who voted or
 - any elector if the election was won by acclamation (s.126(2))

Challenges to Elections

- Applicant must bring application within 6 weeks of the election (s.127(2))
- Judge may grant Fiat authorizing the applicant to serve Notice of Motion

Challenges to Elections

- Need reasonable grounds:
 - For supposing the election was not conducted according to law
 - For supposing an unsuccessful candidate was not eligible for nomination and the results would have been different had they not run
 - For contesting the validity of the election of a candidate
 - For contesting the validity of the result of vote on a question or bylaw

Challenges to Elections

- 2 step process:
 1. If there was a contravention of the Act the Judge may declare the election invalid
 2. But if the election was conducted substantially in accordance with the LAEA and the contravention did not materially affect the outcome of the election, the Judge may declare election valid

Part 5

- 5.1 Municipal Election Finance and Contribution Disclosure

Municipal Election Finance and Contribution Disclosure

- Some definitions in S.147.1(1):
 - Campaign contributions means (in part) any money, personal property, real property or services
 - Candidate means (in part) an individual nominated as a candidate or intends to be nominated as a candidate....

Municipal Election Finance and Contribution Disclosure

- **Prohibited Organization** means
 - a municipality,
 - a corporation that is controlled by a municipality and meets the test set out in section 1(2) of the MGA,
 - a non-profit organization that has received since the last general election any of the following from the municipality grants, real property or personal property

Municipal Election Finance and Contribution Disclosure

- Money up to and including \$10,000 in a campaign period paid by a candidate out of his/her own funds is not a campaign contribution.
- Contributions by any person, corporation, trade union or employee organization shall not exceed \$5,000 in a year.
- No donations by prohibited organizations

Municipal Election Finance and Disclosure

- Some Duties of the candidate – S.147.3
 - Must open a campaign account in name of election campaign or the candidate.
 - Account used for payment of campaign expenses (s. 118)
 - Receipts issues for every contribution and obtained for every expense
 - Disclosure statements are filed

Municipal Election Finance and Disclosure

- Campaign disclosure statements 147.4
 - Candidates who's campaign funded by contributions, by a combination of contributions and out of pocket must file a disclosure statement with the municipality
 - By March 1 immediately following a general election
 - 120 days after a by-election

Municipal Election Finance and Disclosure

- A candidate who does not file nominations papers before the next general election, shall within 6 months 147.4(1.1)
 - If there is a **surplus** donate the money to a registered charity or to the municipality he/she was elected to
 - If there is a **deficit** eliminate the deficit

Municipal Election Finance and Disclosure

- Effect of non-compliance in relation to disclosure statements S.147.8
 - If a candidate fails to file a disclosure statement as required the secretary shall transmit a report first to council and then the public
 - Within 60 days after the report is made public the candidate may apply to the Court for relief
 - Courts decision is final and cannot be appealed

Municipal Election Finance and Disclosure

- Late filing period/penalties (S.147.7)
 - Candidate who fails to comply with S. 147.4 must comply within 30 days and pay the municipality the late filing fee of \$500

Part 5 - Offences

- Bribery S. 116
- Undue Influence S. 117
- Other Offences Part 16

Questions?



CONTACTS

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