

Presiding deputy

14.1 A presiding deputy shall carry out the duties of a presiding deputy under this Act and any other duties that a returning officer assigns to the presiding deputy.

2006 c22 s10

Constable

15(1) The presiding deputy at a voting station is charged with maintaining the peace at the voting station and with the approval of the returning officer, may appoint a constable to maintain order at the voting station, and may summon to the deputy's assistance in a voting station a police officer or any other person for the purpose of maintaining order, preserving the public peace, preventing any breach of the public peace, or removing any person who, in the opinion of the deputy presiding at the voting station, is obstructing the voting or contravening this Act.

(2) When requested to do so under subsection (1), a police officer shall forthwith attend on and assist the deputy making the request in the exercise of the deputy's powers under that subsection.

1983 cL-27.5 s15;1991 c23 s2(6)

Oath, statement

16(1) Every returning officer before performing the duties of that office must take and subscribe to the official oath in the prescribed form.

(2) Every deputy, enumerator, scrutineer and constable before performing the duties of that office must subscribe to a statement in the prescribed form.

RSA 2000 cL-21 s16;2003 c27 s5;2006 c22 s11;2012 c5 s106

Substitute returning officer

17 If a person who has been appointed a returning officer becomes incapable of carrying out the duties of that office, the chief elected official of a municipality or chair of the board of trustees may, in writing, appoint a person to act in the place of the returning officer.

1983 cL-27.5 s17;1994 cM-26.1 s642(42)

Substitute deputy or constable

18 If a person who has been appointed a deputy or constable becomes incapable of carrying out the duties of that office, the returning officer or a deputy returning officer may, in writing, appoint another person to act in the place of that person.

RSA 2000 cL-21 s18;2003 c27 s6

Secretary's duties

19(1) The secretary shall for the purposes of this Act,

- (a) on the request of the returning officer, provide the returning officer with information and assistance, and
- (b) on the vote results being declared by the returning officer, take custody of election materials and provide for their destruction in accordance with this Act.

(2) The secretary may delegate any powers and duties of the secretary under this Act to the returning officer.

RSA 2000 cL-21 s19;2003 c27 s7

Administration of oaths

20 The returning officer, a presiding deputy or a commissioner for oaths is authorized to administer an oath to a person making an oath that is authorized or required by this Act.

RSA 2000 cL-21 s20;2003 c27 s8;2006 c22 s12

Qualification of candidates

21(1) A person may be nominated as a candidate in any election under this Act if on nomination day the person

- (a) is eligible to vote in that election,
- (b) has been a resident of the local jurisdiction and the ward, if any, for the 6 consecutive months immediately preceding nomination day, and
- (c) is not otherwise ineligible or disqualified.

(2) Notwithstanding subsection (1), in the case of a city, a candidate for councillor is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the city.

(3) Notwithstanding subsection (1), a candidate for trustee of a board of a school district that is wholly or partly within the boundaries of a city is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the school district.

(4) If the boundaries of a local jurisdiction are altered by the addition of land, a person who has been a resident of the added land for at least the 6 months immediately preceding nomination day is deemed, for the purposes of this Act, to have been a resident, during that time, of the local jurisdiction to which the land was added.

1983 cL-27.5 s21;1985 c38 s6;1988 cS-3.1 s247;1990 c36 s52;
1991 c23 s2(10)

Ineligibility

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

- (a) the person is the auditor of the local jurisdiction for which the election is to be held;
- (b) the person is an employee of the local jurisdiction for which the election is to be held unless the person takes a leave of absence under this section;
- (c) the person is indebted to the municipality of which the person is an elector for taxes in default exceeding \$50, excluding from that amount
 - (i) any indebtedness for current taxes, and
 - (ii) any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of any money due under the agreement;
- (d) the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$500 and in default for more than 90 days;
- (d.1) the person has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada).
- (e),(f) repealed 2006 c22 s13.

(1.1) A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by

- (a) a school district or division,
- (b) a charter school, or
- (c) a private school,

in Alberta unless the person takes a leave of absence under this section.

(1.2) A person is not eligible to be nominated as a candidate for election as a councillor if

- (a) the secretary transmitted a report to council under section 147.8(1) in respect of the person,

- (b) the Court did not dispense with, or extend the time for, compliance with section 147.4 by an order under section 147.8(3), and
- (c) subject to subsection (1)(d.1), nomination day for the election occurs within
 - (i) the 8-year period following the day on which the secretary transmitted the report to council, or
 - (ii) where the disclosure statement required by section 147.4 has been filed with the municipality, the 3-year period following the day of filing,whichever period expires first.

(1.3) Subsection (1.2) applies where a report has been transmitted under section 147.8(1) respecting a campaign period beginning on or after January 1, 2014.

(2) Repealed 2006 c22 s13.

(3) Subsection (1)(b) to (d) do not apply to a candidate for election as a trustee of a school board.

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

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

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

(5) An employee of a municipality who wishes to be nominated as a candidate in an election to be held for that municipality may notify his or her employer on or after July 1 in the year of a general election or on or after the day the council passes a resolution to hold a by-election but before the employee's last working day prior to nomination day that the employee is taking a leave of absence without pay under this section.

(5.1) An employee referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may notify his or her employer on or after July 1 in the year of an election but before the employee's last working day prior to nomination day that the employee is taking a leave of absence without pay under this section.

(6) Notwithstanding any bylaw, resolution or agreement of a local jurisdiction, every employee who notifies his or her employer under subsection (5) or (5.1) is entitled to a leave of absence without pay.

(6.1) Repealed 2012 c5 s107.

(7) An employee who takes a leave of absence under this section is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.

(8) If an employee who takes a leave of absence under this section is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after election day or, if the 5th day is not a working day, on the first working day after the 5th day.

(9) If an employee who takes a leave of absence under this section is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official.

(10) If an employee who takes a leave of absence under this section is declared elected but, after a recount under Part 4, is declared not to be elected, the employee may return to work on the first working day after the declaration is made, and subsections (7) and (8) apply.

(11) Subject to subsection (12), an employee who takes a leave of absence under this section and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's election is adjudged invalid.

(12) If, through no act or omission of the employee, an employee forfeits the elected office or the employee's election is adjudged invalid, the employee may return to work on the first working day after the office is forfeited or the election is adjudged invalid, and subsections (7) and (8) apply.

RSA 2000 cL-21 s22;2001 cC-28.1 s458;2001 c23 s1(11);
2002 cA-4.5 s52;2002 c23 s1;2006 c22 s13;2007 c12 s12;
2009 c53 s104;2010 c9 s1;2012 c5 s107

Ineligibility for nomination

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

(2) A member who holds office on an elected authority is not eligible to be nominated for or elected to the same or any other office on the elected authority

- (a) unless the member's term of office is expiring, or
- (b) if the member's term of office is not expiring, unless the member has resigned that office effective 18 days or more before nomination day.

1983 cL-27.5 s23

Re-election

24(1) A person who held office on a board of trustees under the *School Act* and

- (a) who resigned that office to avoid making restitution for money the person received that disqualified the person from holding that office pursuant to this or any other Act and has been ordered by a judge to make restitution, or
- (b) who was declared by a judge to be disqualified to hold that office pursuant to this or any other Act,

is not eligible to become a member of that board of trustees until after 2 general elections have occurred after the date on which the person was ordered to make restitution or was declared to be disqualified.

(2) Notwithstanding that a by-election or general election has been held between the time when the disqualification of the member or former member arose and the time when the order or declaration has been made by the judge, subsection (1) applies and, if the person was re-elected, the person is not eligible to remain a member of the board of trustees.

(3) Notwithstanding subsections (1) and (2), a judge

(a) who has made an order described in subsection (1)(a), or

(b) who has declared a person to be disqualified

may reduce the period of disqualification.

(4) An appeal against the decision of a judge under this section lies to the Court of Appeal.

1983 cL-27.5 s24;1994 cM-26.1 s642(42)

Nomination day

25 Nomination day shall be 4 weeks before election day.

1983 cL-27.5 s25

Notice of nomination day

26(1) The returning officer shall give notice of nomination day in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before nomination day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before nomination day.

(2) On complying with subsection (1), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

RSA 2000 cL-21 s26;2003 c27 s9

Form of nomination

27(1) Every nomination of a candidate shall be in the prescribed form and signed by at least 5 electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination, and shall be accompanied with a written acceptance signed in the prescribed form by the person nominated, stating

(a) that the person is eligible to be elected to the office,

(a.1) the name, address and telephone number of the person's official agent, and

(b) that the person will accept the office if elected,

and if required by bylaw, it must be accompanied with a deposit in the required amount.

(2) Notwithstanding subsection (1), a city that is a local jurisdiction with a population of at least 10 000 or a board of trustees under the *School Act* of a local jurisdiction with a population of at least 10 000 may, by a bylaw passed prior to June

30 of a year in which a general election is to be held, specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be at least 5 and not more than 100.

(3) Notwithstanding subsection (1), if a system of wards is in effect, only an elector who is a resident of the ward for which a candidate for election is being nominated may sign the nomination of the candidate.

(4) If a bylaw has been passed providing for a deposit, a nomination paper is not valid nor shall it be acted on by the returning officer unless it is accompanied with the deposit.

RSA 2000 cL-21 s27;2003 c27 s10;2006 c22 s14

Nominations

28(1) The returning officer shall receive nominations at the local jurisdiction office between 10 a.m. and 12 noon on nomination day.

(1.1) The person who is nominated as a candidate is responsible for ensuring that the nomination filed under subsection (1) meets the requirements of section 27.

(2) Notwithstanding subsection (1), an elected authority may, by a bylaw passed prior to June 30 of a year in which an election is to be held, provide that the returning officer

- (a) may receive nominations earlier than 10 a.m., and
- (b) may establish locations, in addition to the local jurisdiction office, where a deputy may receive nominations.

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

(3.01) If a nomination is not signed by at least the minimum number of electors required to sign the nomination, the returning officer shall not accept it for filing.

(3.1) Repealed 2006 c22 s15.

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

(5) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the papers relate has expired.

(6) Twenty-four hours after the close of nominations on nomination day, the returning officer shall, as soon as practicable, forward a signed statement showing the name of each nominated candidate and any information about the candidate that the candidate has consented to being disclosed to the relevant Minister's Deputy Minister.

RSA 2000 cL-21 s28;2003 c27 s11;2006 c22 s15;2012 c5 s108

Material to be provided to candidate

28.1 The returning officer, on receiving a nomination paper, must, if requested by the candidate, provide to the candidate a sufficient number of copies of the prescribed form for the identification of an official agent, campaign workers and scrutineers for the purposes of identification under section 52.

2006 c22 s16

Deposit

29(1) An elected authority may, by bylaw passed not fewer than 30 days before nomination day, require that every nomination be accompanied with a deposit in the amount fixed in the bylaw.

(2) An amount fixed in a bylaw under subsection (1) may not exceed

- (a) \$1000, in the case of a local jurisdiction with a population of more than 10 000, or
- (b) \$100, in any other case.

RSA 2000 cL-21 s29;2006 c22 s17

Disposition of deposit

30(1) When a bylaw has been passed to provide for a deposit, the returning officer shall require the deposit to be provided in cash, by certified cheque or by money order.

(2) The candidate's deposit shall be returned to the candidate

- (a) if the candidate is declared elected,
- (b) if the candidate obtains a number of votes at least equal to 1/2 of the total number of votes cast for the candidate elected to the office with the least number of votes, or
- (c) if the candidate withdraws as a candidate in accordance with section 32.

(3) If a candidate dies before the closing of the voting stations on election day, the sum deposited by the candidate shall be returned to the candidate's estate.

(4) If a candidate does not obtain the number of votes described in subsection (2)(b), the deposit shall be paid into the general revenue of the local jurisdiction for which the deposit requirement has been established.

RSA 2000 cL-21 s30;2003 c27 s12

Insufficient nominations

31(1) If the number of persons nominated for any office is less than the number required to be elected, the time for receipt of nominations

- (a) shall stand adjourned to the next day at the same place at the hour of 10 a.m. and shall remain open until 12 noon for the purpose of receiving further nominations for the office, and
- (b) shall continue to remain open and be adjourned in the same manner from day to day until 12 noon of the day that the required number of nominations has been received or a period of 6 days, including nomination day but not including Saturday, Sunday and holidays, as defined in the *Interpretation Act*, has elapsed.

(2) Notwithstanding subsection (1), if a bylaw under section 28(2)(a) is in force in the local jurisdiction, the time for receipt of nominations must comply with the bylaw.

(3) Notwithstanding subsection (1)(b), in the case of a summer village the period of 6 days includes Saturday and Sunday.

(4) If sufficient nominations to fill all vacancies are not received, the secretary shall immediately notify the relevant Minister, who may recommend a change in the status of the local jurisdiction or any other action the relevant Minister considers necessary.

1983 cL-27.5 s31;1997 c15 s10

Withdrawal of nomination

32(1) Subject to subsection (2), if more than the required number of candidates for any particular office are nominated, any person so nominated may, at any time within 24 hours after the close of the nomination period, withdraw as a candidate for the office for which the candidate was nominated by filing with the returning officer a withdrawal in writing.

(2) If, after one or more candidates have withdrawn, the number of remaining candidates does not exceed the number of vacancies to

be filled, the returning officer shall refuse to accept further withdrawals.

1983 cL-27.5 s32

Death of candidate

33(1) An elected authority may, by a bylaw passed prior to nomination day, provide that if prior to the opening of the voting stations on election day a candidate for an elected authority dies after being nominated,

- (a) the election for the position for which the deceased candidate was nominated shall be discontinued, and
- (b) the elected authority shall as soon as practicable provide for the holding of a new election for that office.

(2) If a candidate dies after being nominated and a bylaw has not been passed under subsection (1), the returning officer shall cause a notice of the death to be posted at a conspicuous location in all the relevant voting stations.

1983 cL-27.5 s33;1991 c23 s2(14)

Election by acclamation

34(1) When at the close of nominations the number of persons nominated for any office is the same as the number required to be elected, the returning officer shall declare the persons nominated to be elected to the offices for which they were nominated.

(2) Forthwith after having declared a person elected, the returning officer shall give to the secretary and the relevant Minister's Deputy Minister written notification signed by the returning officer of the names of the persons so elected and of the offices to which they were elected and the returning officer shall deliver the nomination papers and other material relating to the receipt of nominations to the secretary.

(2.1) Repealed 2006 c22 s18.

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

(4) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the nomination papers relate has expired.

RSA 2000 cL-21 s34;2003 c27 s13;2006 c22 s18

Notice of election

35(1) If more than the required number of persons for any office remain nominated 24 hours after the close of nominations, the returning officer shall declare that an election shall be held for filling that office.

(2) If an election is required, the returning officer shall give notice of it in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before election day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before election day.

(3) The notice of a vote on a bylaw or question shall set out the text or a reasonably complete summary of the bylaw or question.

(4) On complying with subsection (2), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

RSA 2000 cL-21 s35;2003 c27 s14

Part 2

Voting Procedure

Voting subdivisions

36(1) The elected authority by resolution, or the returning officer if authorized by resolution of the elected authority, may divide the local jurisdiction into voting subdivisions and may from time to time alter their boundaries but may not alter them between the time of the giving of notice of an election and the election day.

(2) If voting subdivisions are not established under subsection (1),

- (a) the area, or
- (b) the ward, if there are wards,

is considered to be one voting subdivision.

1983 cL-27.5 s36;1985 c38 s9

Voting stations

37(1) The returning officer shall designate the location of one voting station only for each voting subdivision and the location may be outside the area.

(2) When a voting station designated by the returning officer is not available, the returning officer shall designate another place in the

June 30 of a year in which an election is to be held, provide that voting stations in an area that is subject to the agreement are to be open before 10 a.m.

(3) Promptly at 8 p.m. on election day, the deputy shall declare the voting station closed.

(4) If, when the voting station is declared closed, there is an elector in the voting station who wishes to vote, the elector shall be permitted to do so, but no other person shall be allowed to enter the voting station for that purpose.

RSA 2000 cL-21 s46;2006 c22 s22

Eligibility to vote

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

- (a) is at least 18 years old,
- (b) is a Canadian citizen, and
- (c) has resided in Alberta for the 6 consecutive months immediately preceding election day and the person's place of residence is located in the area on election day.

(2) Subject to subsection (3) and sections 75, 77.1, 79, 81 and 83, an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on election day.

(3) If a local authority establishes a voting station at a work site, the local authority may direct that those workers who are electors who wish to vote and who are required to work at the site during the hours for which the voting station is open shall vote at that voting station, notwithstanding that those workers do not reside in the voting subdivision in which that voting station is located.

(4) In the case of the performance of any function or the exercise of any right under this Act, a person shall be a resident on the day on which that function is performed or that right is exercised in the area, ward or voting subdivision in respect of which that function is performed or that right is exercised and shall have been a resident of Alberta for the 6 consecutive months immediately preceding the day on which that function is performed or that right is exercised, unless otherwise required by this Act.

RSA 2000 cL-21 s47;2003 c27 s15;2006 c22 s23

Rules of residence

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

- (a) a person may be a resident of only one place at a time for the purposes of voting under this Act;
- (a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (1.1), designate one place of residence as the person's place of residence for the purposes of this Act;
- (b) the residence of a person is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return;
- (c) a person does not lose the person's residence by leaving the person's home for a temporary purpose;
- (d) subject to clause (e), a student who
 - (i) attends an educational institution within or outside Alberta,
 - (ii) temporarily rents accommodation for the purpose of attending an educational institution, and
 - (iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institutionis deemed to reside with those family members;
- (e) if a person leaves the area with the intention of making the person's residence elsewhere, the person loses the person's residence within the area.

(1.1) For the purposes of subsection (1)(a.1), a person shall designate the person's place of residence in accordance with the following factors in the following order of priority:

- (a) the address shown on the person's driver's licence or motor vehicle operator's licence issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta;
- (b) the address to which the person's income tax correspondence is addressed and delivered;
- (c) the address to which the person's mail is addressed and delivered.

(2) A person who is a resident of a public school district, school division or regional division or of a separate school district, school

division or regional division under the *School Act* is deemed to be a resident of the public school district, school division or regional division or the separate school district, school division or regional division, as the case may be, under this Act.

(3) Notwithstanding subsection (2), a person who owns and lives in the person's residence and whose residence is assessable for public school purposes or for separate school purposes under the *School Act* is deemed to be a resident of the public school district, school division or regional division or the separate school district, school division or regional division, as the case may be, under this Act.

RSA 2000 cL-21 s48;2003 c27 s16;2010 c9 s1

Permanent electors register

49(1) Subject to this section, a municipality may, by bylaw,

- (a) direct the secretary to prepare a permanent electors register of residents in the municipality who are entitled to vote in elections,
- (b) prescribe procedures and forms governing the enumeration of electors and any other methods of compiling and revising a permanent electors registry, and
- (c) provide for the use of the permanent electors register to create a list of electors who are entitled to vote in an election.

(2) If a bylaw is enacted under subsection (1), the municipality may enter into an agreement with the Chief Electoral Officer under the *Election Act*

- (a) to receive from the Chief Electoral Officer information that will assist the secretary of the municipality in compiling or revising the permanent electors register, and
- (b) to provide to the Chief Electoral Officer information that will assist the Chief Electoral Officer in preparing or revising information for the purpose of compiling or revising the register of electors under the *Election Act*.

(3) In addition to the procedures, forms and methods prescribed by bylaw under subsection (1), with respect to compiling and revising a permanent electors register, the secretary may use any other information obtained by or available to the secretary.

(4) The permanent electors register may be compiled or revised manually or by means of any computer-based system and may be

kept in printed form or may be stored in any computer-based system or any other information storage device that is capable of reproducing any required information in legible printed form within a reasonable time.

(5) The permanent electors register may contain only the following information about persons ordinarily resident in the municipality who are electors or may be eligible to be electors:

- (a) the residential address, including the postal code of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address,
- (b) the surname, given name and middle initial of the person,
- (c) the residential telephone number of the person,
- (d) the gender of the person,
- (e) the day, month and year of birth of the person,
- (f) if a person has not resided in Alberta for 6 months, the date the person became a resident of Alberta, and
- (g) whether the person is a public school resident or a separate school resident.

(6) The information referred to in subsection (5)(d) and (e) obtained under this Act may be used only to verify the identification of an elector when compiling or revising the permanent electors register.

(7) Persons are entitled to have access to information in the permanent electors register about themselves or about another person on whose behalf they are authorized to act, to determine whether the information is correct.

RSA 2000 cL-21 s49;2006 c22 s24

List of electors

50(1) The elected authority if it so desires may, by bylaw,

- (a) direct the secretary or returning officer to prepare a list of electors who are entitled to vote in an election, and
- (b) prescribe procedures and forms governing the enumeration of electors and provide for the use of information from a permanent electors register, if any.

(2) When a candidate files a nomination paper the returning officer shall, on the request of the candidate, provide the candidate the day after nominations may be withdrawn under section 32, if the candidate has not withdrawn, with a copy of the list of electors prepared pursuant to subsection (1), if any.

(3) The list of electors may be used only by

- (a) candidates for the purposes of campaigning for election, and
- (b) officers for the purposes of carrying out their duties under this Act.

RSA 2000 cL-21 s50;2003 c27 s17;2006 c22 s25

Enumerators' appointment and identification

51 If an elected authority passes a bylaw described in section 50, the elected authority shall

- (a) appoint, or authorize the secretary or returning officer to appoint, a sufficient number of enumerators to complete an enumeration of the electors residing in each voting subdivision or ward where an election is required, and
- (b) provide each enumerator with an identification badge.

1983 cL-27.5 s50

Access for enumerators and campaigners

52 A person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification that meets the requirements of the regulations, indicating that the person is an enumerator, a candidate, an official agent or a campaign worker shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with,

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

RSA 2000 cL-21 s52;2003 c27 s18;2006 c22 s26

Proof of elector eligibility

53(1) Every person who attends at a voting station for the purpose of voting must be permitted to vote

- (a) if the person's name appears on the list of electors, if any, or
- (b) if the person makes a statement in the presence of an officer at the voting station, in the prescribed form, that the person

is eligible to vote as an elector and produces for inspection the following proof of the person's identity and current residence and, where required by a bylaw passed under subsection (3), age:

- (i) if a bylaw has not been passed under subsection (3),
 - (A) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and current address, or
 - (B) one piece of identification authorized by the Chief Electoral Officer under the *Election Act* for the purposes of section 95(1)(a)(ii) of that Act that establishes the elector's name and current address;
- (ii) if a bylaw has been passed under subsection (3), the number and types of identification required by the bylaw to verify the person's name and current address and, if applicable, age.

(2) Notwithstanding subsection (1), if there is a list of electors, a person may instead prove that the person is eligible to vote as an elector and his or her identity and current residence and, if applicable, age by making a statement in the presence of an officer at the voting station, in the prescribed form, if he or she is accompanied by another person whose name appears on the list of electors for the same voting station at which that other person is entitled to vote and that other person

- (a) produces for inspection
 - (i) if subsection (1)(b)(i) applies, a piece of identification referred to in subsection (1)(b)(i), or
 - (ii) if subsection (1)(b)(ii) applies, the number and types of identification required by the bylaw,

and

- (b) vouches for him or her by making a statement in the presence of an officer at the voting station in the prescribed form.

(3) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person to verify the person's name

and current address for the purpose of determining whether the person is eligible to vote.

(4) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person who wishes to vote by a special ballot to verify the person's name and current address for the purpose of determining whether the person is eligible to vote.

(5) A bylaw under subsection (3) or (4)

(a) may specify identification in addition to that referred to in subsection (1)(b)(i), and

(b) may provide for the number and types of identification that are required to be produced to also verify the person's age.

(6) Any bylaw passed under subsection (3) or (4) providing for the number and types of identification that are required to be produced to verify the person's name and current address for the purpose of determining whether the person is eligible to vote must provide that a returning officer shall accept one piece of identification referred to in subsection (1)(b)(i)(A) or (B) for that purpose.

(7) When an elected authority intends to pass a bylaw under subsection (3) or (4) it must

(a) advertise the proposed bylaw in accordance with section 53.1, and

(b) include in the notice of election day under section 35 the proposed number and types of identification to be required.

(8) A scrutineer may not vouch for a person under subsection (2).

(9) A person who attends a voting station for the purpose of voting may not vote unless the requirements of subsection (1) or (2) are met.

RSA 2000 cL-21 s53;2006 c22 s27;2012 c5 s109

Advertising a section 53 bylaw

53.1(1) Notice of a bylaw to be passed under section 53 must

(a) be published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, or

(b) be mailed or delivered to every residence in the area to which the proposed bylaw relates.

(2) A notice under subsection (1) must be advertised before second reading of the proposed bylaw.

(3) A notice under subsection (1) must contain

- (a) a statement of the general purpose of the proposed bylaw and the proposed requirements for the number and types of identification that must be produced to verify elector name and current address and, if applicable, age,
- (b) the address where a copy of the proposed bylaw may be inspected, and
- (c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw, as provided for in the *Municipal Government Act*.

(4) A certificate of a designated officer as defined in the *Municipal Government Act* certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in the certificate.

(5) The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

2006 c22 s28;2012 c5 s110

Person objected to

54(1) If a candidate or the candidate's official agent or scrutineer objects to a person who makes a statement, a deputy shall note in the voting register the reason for the objection and the name of the candidate or official agent or scrutineer making the objection and shall initial the objection.

(1.1) A candidate, official agent or scrutineer may only make an objection under subsection (1) at the time the person makes the statement under section 53(1)(b) or (2), 77 or 78.

(2) If a returning officer on reasonable and probable grounds believes that a person is not eligible to be an elector, the returning officer must note in the voting register the reason for the belief and initial it.

RSA 2000 cL-21 s54;2003 c27 s19;2006 c22 s29;2012 c5 s111

Secrecy of vote

55(1) Voting shall be by secret ballot.

(2) While an elector is in a voting compartment for the purpose of marking the elector's ballot, no other person may, except as permitted in section 78, enter the voting compartment or be in a

Elector declining to vote

66 If an elector returns a ballot and states that the elector is declining to vote, the elector is not entitled to another ballot for that office, and the deputy who is supervising at the ballot box shall deposit the declined ballot in the ballot box.

1983 cL-27.5 s66;1989 c17 s17;1991 c23 s2(30)

Persons at voting station

67(1) Except for the returning officer, deputy, constable, candidates, official agents or scrutineers authorized to attend at the voting station and the electors who are for the time being actually engaged in voting, no other person is entitled to be present, nor shall any other person be permitted to be present, in the voting station during the time appointed for voting.

(2) Notwithstanding subsection (1), the presiding deputy at the voting station may authorize a person temporarily to observe the voting procedures from a location within the voting station designated by the presiding deputy.

(3) The presiding deputy shall not designate a location under subsection (2) that would allow the observer to see how electors mark their ballots.

(4) A person permitted to be present in the voting station pursuant to subsection (2) shall leave the voting station on the request of the presiding deputy.

RSA 2000 cL-21 s67;2006 c22 s31

Prohibited removal of ballots

68(1) No person who has received a ballot from the deputy shall take the ballot out of the voting station.

(2) Any person who, having received a ballot from the deputy, leaves the voting station without first delivering it to the deputy in the manner provided by this Act, forfeits the person's right to vote at that election and the deputy shall record in the voting register an entry to the effect that the person left the voting station without first delivering the ballot.

1983 cL-27.5 s68;1989 c17 s17

Official agent

68.1(1) Each person nominated as a candidate may, on the nomination form, appoint an elector to be the candidate's official agent.

(1.1) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the contact information of the new official agent.

(2) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be appointed as an official agent.

(3) No candidate shall act as an official agent for any other candidate.

(4) The duties of an official agent are those assigned to the official agent by the candidate.

2006 c22 s32;2012 c5 s112

Candidate's scrutineer

69(1) If, at any time during voting hours, a person who is at least 18 years old presents to the presiding deputy a written notice, in a form acceptable to the returning officer,

- (a) signed by a candidate, and
- (b) stating that the person presenting the notice is to represent that candidate as the candidate's scrutineer at the voting station,

the person presenting the notice shall be recognized by the presiding deputy as the scrutineer of the candidate.

(1.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be recognized as a scrutineer.

(2) Before a person is recognized as a scrutineer, the person shall make and subscribe before the presiding deputy at the voting station a statement in the prescribed form.

(3) The presiding deputy shall not permit a candidate to have an official agent or a scrutineer present while the candidate is present in a voting station during voting hours.

(3.1) The presiding deputy shall not permit a candidate to have both an official agent and a scrutineer present at the same time in a voting station during voting hours.

(4) A candidate or official agent personally may

- (a) undertake the duties that the candidate's scrutineer may undertake, and
- (b) attend any place that the candidate's scrutineer is authorized by this Act to attend.

(5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure, and in designating the place or places, the presiding deputy shall ensure that the candidate, official agent or scrutineer can observe any person making a statement under section 53(1)(b) or (2), 77 or 78.

(6) When, in the provisions of this Act that relate to the election of a member of an elected authority, expressions are used requiring or authorizing an act or thing to be done or implying that an act or thing is to be done in the presence of an official agent, a scrutineer or a candidate, the expression is deemed to refer to the presence of those an official agents and scrutineers

- (a) that are authorized to attend, and
- (b) that have in fact attended at the time and place where that act or thing is being done,

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

RSA 2000 cL-21 s69;2006 c22 s33;2012 c5 s113

Bylaw scrutineers

70(1) At any time fixed for a vote on a bylaw or question under this Act, the returning officer, if requested in writing by 2 or more electors, shall appoint, in writing, those persons named in the request as scrutineers to attend at the voting stations on behalf of the persons interested in promoting the passing of the bylaw or voting in the affirmative on the question and, if so requested by 2 or more electors, shall appoint, in writing, those persons named in the request to attend as scrutineers on behalf of the persons interested in opposing the passage of the bylaw or voting in the negative on the question.

(2) A person named in a request under subsection (1) shall not be appointed unless the person is at least 18 years old.

(2.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be appointed under subsection (1).

(3) The presiding deputy shall not permit more than one scrutineer for each side of a bylaw or question to be present at the same time at a voting station or at a counting of the votes.

(4) The presiding deputy may designate the place or places at a voting station where a scrutineer may observe the conduct of the election.

(5) Before any scrutineer is appointed, the scrutineer shall make and subscribe before the presiding deputy a statement in the prescribed form.

RSA 2000 cL-21 s70;2003 c27 s22;2006 c22 s34

Proof of appointment

71 If a person is appointed as a scrutineer under section 70, the person shall

- (a) before being admitted as a scrutineer to the voting station during voting hours, or
- (b) before being permitted to attend at the voting station for the counting of votes,

produce to the person in charge of the voting station the person's appointment as a scrutineer and take and subscribe to the statement under section 16 in the prescribed form.

RSA 2000 cL-21 s71;2003 c27 s23;2006 c22 s35

Interpreter

72(1) If an elector is unable to read or does not understand the English language, the deputy may allow an interpreter to read or to translate the statement as well as any question necessary for the proper purposes of the election put to the elector, and the elector's answers.

(2) Before acting as an interpreter, the interpreter shall make a statement in the prescribed form.

RSA 2000 cL-21 s72;2003 c27 s24

Advance vote

73(1) An elected authority may by resolution provide for holding an advance vote on any vote to be held in an election.

(2) No advance vote shall be held within 24 hours of election day.

(3) If a resolution is enacted under subsection (1), the returning officer must determine the days and hours when the advance vote is to be held.

1983 cL-27.5 s73;1985 c38 s17;1997 c15 s20

Notice of advance vote

74(1) Notice of the days, the locations of the voting stations and the hours fixed for an advance vote shall be given in the form prescribed for use under section 35 by publishing a notice at least

- (a) a short statement of the contents of the packet,
- (b) the date of the election,
- (c) the name of the deputy, and
- (d) the voting subdivision name or number.

1983 cL-27.5 s92;1991 c23 s2(51);1997 c15 s27

Securing election documents

93 The presiding deputy shall then place all the packets containing ballots, the voting register, the special ballot certificate envelopes and copies of special electors' identification, if any, all statements made on voting day and the list of electors, if any, in the ballot box and the ballot box shall be closed and sealed with a deputy's seal so that it cannot be opened without breaking the seal and marked on the outside with the voting station name or number.

RSA 2000 cL-21 s93;2003 c27 s35;2006 c22 s49;2012 c5 s116

Delivery of ballot box and ballot account

94(1) The presiding deputy personally shall as soon as practicable deliver to the returning officer the sealed ballot box, the ballot account and the copies made under section 90 of the voter registers on which objections have been noted.

(2) Notwithstanding subsection (1), if the presiding deputy is unable to deliver the items personally to the returning officer, the presiding deputy shall deliver them to a person chosen by the presiding deputy for the purpose, and shall obtain a receipt for them.

(3) The person chosen under subsection (2) shall personally deliver the items to the returning officer as soon as practicable and obtain a receipt for them.

RSA 2000 cL-21 s94;2006 c22 s50

Election results

95(1) At any general election or by-election the candidate or candidates receiving the highest number of votes shall be declared to be elected and in the event of an equality of votes, section 99 applies.

(2) Unless another enactment provides otherwise, if more than 50% of the persons voting vote in favour of the bylaw or affirmatively on the question, then the bylaw or question is deemed to be assented to by the electors.

1983 cL-27.5 s95;1985 c38 s29;1994 cM-26.1 s642(42)

Declaration of vote result

96(1) In the case of a vote on a bylaw or question, when there is only one voting station, the returning officer shall declare the result of the vote immediately after the returning officer completes the counting of the ballots.

(2) In the case of a vote on a bylaw or question, if there is more than one voting station, the returning officer, after the returning officer has received the ballot boxes from all the voting stations and without opening any of the sealed packets of ballots, shall calculate the number of ballots marked for and against the bylaw or question from the ballot account of the number of ballots given and shall declare the result in accordance with section 97(2).

(3) The returning officer shall, on declaring the result, certify the percentage of persons who have voted in the affirmative and exclude from the total number of ballots all ballots that have not been counted.

(4) On complying with subsections (1) to (3), the returning officer shall forward a signed statement showing the number of votes for and against a bylaw or question to the secretary and the relevant Minister's Deputy Minister.

1983 cL-27.5 s96;1991 c23 s2(54)

Declaration of election result

97(1) The returning officer may publish unofficial results of the counting of ballots after an election as the results are received from voting stations.

(2) The returning officer shall, at 12 noon on the 4th day after election day, at the office of each local jurisdiction for which an election was held,

- (a) announce or cause to be announced, or
- (b) post or cause to be posted

a statement of the results of the voting for candidates, including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected.

(3) The returning officer shall, if the result was announced, post in some conspicuous place a statement signed by the returning officer showing the number of votes for each candidate.

(4) On complying with subsection (2), the returning officer shall forward a signed statement showing the number of votes for each

candidate and indicate each candidate declared to be elected to the secretary and the relevant Minister's Deputy Minister.

1983 cL-27.5 s97;1985 c38 s30;1991 c23 s2(55)

Recount

98(1) The returning officer may make a recount of the votes cast at one or more voting stations if

- (a) a candidate or an official agent or a scrutineer of a candidate recognized pursuant to section 69 or, in the case of a vote on a bylaw or question, a scrutineer appointed pursuant to section 70(1) shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count of votes at any voting station is inaccurate,
- (b) the returning officer considers that the number of
 - (i) valid ballots objected to, or
 - (ii) rejected ballots other than those on which no vote has been cast by an elector,was sufficient to affect the result of the election if they had not been counted or rejected, as the case may be, or
- (c) the returning officer is of the opinion that there may have been an administrative or technical error that may cause an error in the count of votes.

(2) If the returning officer makes a recount, the returning officer shall

- (a) 12 hours before the recount, notify
 - (i) any candidates who may be affected by the recount or, in the case of a vote on a bylaw or question, one scrutineer in support of the passage of the bylaw or voting in the affirmative on the question and one scrutineer in opposition to the passage of the bylaw or voting in the negative on the question, and
 - (ii) those officers that the returning officer considers necessary to assist in the recount,
- (b) break the seal of the ballot box, and
- (c) proceed to count the ballots contained in it in the same manner as the deputy presiding at the voting station is directed to do.

- (3) After the recount, the returning officer shall
- (a) correct the ballot account if necessary,
 - (b) place in the ballot box all the documents contained in it at the time the returning officer broke the seal, and
 - (c) close the ballot box and seal it with the returning officer's seal.
- (4) An application under this section may be made during the 44 hours immediately following the closing of the voting stations but may not be made afterwards.
- (5) The returning officer shall complete the recount
- (a) in the case of an election other than a vote on a bylaw or question, prior to the time set for the declaration of the results under section 97(2), or
 - (b) in the case of a vote on a bylaw or question, within 96 hours of the close of the voting stations on election day.
- (6) A declared vote under section 99 at the original count of ballots shall be counted at the recount of ballots only if the recount confirms the equality of votes among the same candidates as at the original count.
- (7) If the recount results in an equality of votes different from the result of the original count and it is necessary to determine which candidate is elected, section 99 applies.
- (8) If votes have been taken and counted under section 84, a reference in this section to a voting station is deemed to include the place where the votes were counted.

RSA 2000 cL-21 s98;2006 c22 s51;2012 c5 s117

Equality of votes

99 If it appears on the calculation of the votes that 2 or more candidates for any office have received the same number of votes, and if it is necessary for determining which candidate is elected, the returning officer shall write the names of those candidates separately on blank sheets of paper of equal size and of the same colour and texture, and after folding the sheets of paper in a uniform manner and so that the names are concealed, shall deposit them in a receptacle and direct some person to withdraw one of the sheets, and the returning officer shall declare the candidate whose name appears on the withdrawn sheet to have one more vote than the other candidate.

1983 cL-27.5 s99

Delivery of election material

100(1) As soon as practicable after the election, the returning officer shall deliver to the secretary the sealed ballot boxes, the ballot account and the nomination papers, and the secretary is subsequently responsible for their delivery when required.

(1.1) The secretary must retain the ballot account and the nomination papers until the term of office to which they relate has expired.

(2) The nomination papers and ballot account may be inspected by an elector during regular business hours in the presence of the secretary.

RSA 2000 cL-21 s100;2003 c27 s36

Disposition of election material

101 The secretary, unless otherwise ordered by a judge, shall retain copies of voter registers, if any, made under section 90 and the ballot boxes with their seals unbroken for 6 weeks from the date of voting and then shall cause the ballot boxes to be opened and their contents destroyed, and cause copies of voter registers, if any, to be destroyed, in the presence of 2 witnesses and each of the 2 witnesses shall take an affidavit that the witness has witnessed the destruction of the contents of the ballot boxes.

RSA 2000 cL-21 s101;2006 c22 s52

Order for inspection of ballots

102(1) No person may inspect the contents of a ballot box in the custody of the secretary except on order of a judge.

(2) An order referred to in subsection (1) may be granted on evidence on oath, satisfactory to the judge, that the inspection or production of the contents of a ballot box is required for the purpose of

- (a) maintaining a prosecution for an offence in relation to the election,
- (b) taking proceedings under this Act to contest an election return, or
- (c) preparing an application for a recount.

(3) The order shall

- (a) state the time and place for inspection of the papers,
- (b) name the persons to be present at the inspection, and

possible the same as in an appeal in other cases from a decision of the Court of Queen's Bench.

1983 cL-27.5 s146

Regulations

147 The Minister may make regulations respecting the form of any notices, orders or other proceedings to be issued, given, made or taken under this Part.

RSA 2000 cL-21 s147;2011 c14 s17

Part 5.1 Municipal Election Finance and Contribution Disclosure

Definitions

147.1(1) In this Part,

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

Alberta of an employee organization are deemed to be one organization;

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

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

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

2009 c10 s3;2010 c9 s1

Candidate self-funded election campaign

147.11(1) Any money up to and including \$10 000 paid by a candidate out of the candidate’s own funds for the purposes of the candidate’s election campaign is not a campaign contribution for the purposes of this Part.

(2) If a candidate’s entire election campaign is funded exclusively out of the candidate’s own funds, the candidate is not required to

- (a) open and deposit the funds in a campaign account at a financial institution in the name of the candidate’s election campaign or of the candidate,
- (b) file a disclosure statement with the municipality setting out the total amount contributed by the candidate to the candidate’s own election campaign, or
- (c) file a disclosure statement with the municipality listing the campaign expenses incurred during the candidate’s election campaign.

(3) This section does not apply if the candidate receives or accepts any campaign contribution from any other person, corporation, trade union or employee organization.

2010 c9 s1;2012 c5 s118

Limitations on contributions

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

(1.1) Money paid by a candidate out of the candidate’s own funds to the candidate’s election campaign shall not exceed \$10 000 in any campaign period.

(2) Repealed 2010 c9 s2.

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

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

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

2009 c10 s3;2010 c9 ss1,2

Registration of candidates

147.21(1) No candidate may accept campaign contributions, including the funds of the candidate, unless the candidate is registered under this Act with the municipality in which the candidate intends to run.

(2) The municipality shall maintain a register of candidates in relation to each election and shall register in it any candidate who is eligible to be nominated at the time of registration and who files with the municipality an application for registration setting out

- (a) the full name and address of the candidate,
- (b) the addresses of the place or places where records of the candidate are maintained and of the place to which communications may be addressed,
- (c) the names and addresses of the financial institutions to be used by or on behalf of the candidate as depositories for campaign contributions made to that candidate, and
- (d) the names of the signing authorities for each depository referred to in clause (c).

(3) When there is any change in the information required to be provided under subsection (2), the registered candidate shall notify the municipality in writing within 48 hours after the change, and on receipt of the notice the municipality shall update the register of candidates accordingly.

(4) Notice under subsection (3) may be sent by fax or electronic mail.

(5) A candidate who contravenes subsection (1) or (3) is guilty of an offence and liable to a fine of not more than \$1000.

(6) This section does not apply to a candidate if the candidate's entire election campaign is funded exclusively out of the candidate's own funds up to a maximum of \$10 000.

(7) This section applies to a campaign period beginning on or after January 1, 2014.

2012 c5 s119

Duties of candidate

147.3(1) A candidate shall ensure that

- (a) a campaign account in the name of the candidate's election campaign or of the candidate is opened at a financial institution for the purposes of the election campaign as soon as possible after
 - (i) the total amount of campaign contributions from any person, corporation, trade union or employee organization first exceeds \$5000 in the aggregate, or
 - (ii) the total amount of campaign contributions from any person, corporation, trade union or employee organization in combination with any money paid by the candidate out of the candidate's own funds first exceeds \$5000 in the aggregate;
- (b) if a campaign account has been opened in accordance with clause (a), all contributions of money are deposited into the campaign account;
- (c) money in the campaign account shall only be used for the payment of campaign expenses;
- (d) contributions of real property, personal property and services are valued;
- (e) receipts are issued for every contribution and obtained for every expense;
- (f) disclosure statements are filed in accordance with section 147.4;
- (g) records are kept of campaign contributions and campaign expenses and are retained by the candidate for a period of 2 years following the date on which disclosure statements were required to be filed under section 147.4;
- (h) proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign

expenses and accept or solicit campaign contributions on behalf of the candidate;

- (i) a campaign contribution received in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (j) an anonymous campaign contribution or a campaign contribution not returned to the contributor under clause (i) is paid to the secretary for the municipality in which the election is held.

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

2009 c10 s3;2010 c9 s2;2012 c5 s120

Campaign disclosure statements

147.4(1) If a candidate's election campaign is funded exclusively from campaign contributions from any person, corporation, trade union or employee organization or is funded from a combination of money paid by the candidate out of the candidate's own funds and campaign contributions from any person, corporation, trade union or employee organization, then, on or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the municipality a disclosure statement in the prescribed form, which must include

- (a) the total amount of all campaign contributions received during the campaign period that did not exceed \$100 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$100 in the aggregate,
- (c) the total amount of money paid by the candidate out of the candidate's own funds,
- (d) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (e) a financial statement setting out the total amount of revenue and expenses.

(1.1) If a candidate does not file nomination papers before the next general election, the candidate shall, within 6 months after the date of the next general election,

- (a) if there is a surplus, donate the amount of money disclosed under subsection (1)(d) to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada) or to the municipality where the candidate was declared elected in a previous general election, or
- (b) if there is a deficit, eliminate the deficit.

(1.2) A candidate who has a deficit referred to in subsection (1.1)(b) shall, within 30 days after the expiration of the 6-month period referred to in subsection (1.1), file an amended disclosure statement showing any campaign contributions accepted and any other funds received to eliminate the deficit.

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

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

(4), (5) Repealed 2010 c9 s1.

2009 c10 s3;2010 c9 s1;2012 c5 s121

Campaign surplus

147.5(1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, if a candidate's disclosure statement shows a surplus, the candidate shall pay the surplus to the municipality.

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

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

(4) If the candidate in respect of whom money is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the municipality to donate the money and interest on that money calculated at the rate prescribed by the

Lieutenant Governor in Council to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada).

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

2009 c10 s3;2010 c9 s1;2012 c5 s122

147.6 Repealed 2012 c5 s123.

Late filing period/penalties

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

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

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

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

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

2009 c10 s3;2012 c5 s124

Effect of non-compliance in relation to disclosure statements

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

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

(3) On hearing the application, the Court may

- (a) dispense with compliance with section 147.4, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate and that it is not reasonably possible to comply with the section,

- (b) extend the time for compliance with section 147.4, or any provision of it, if it finds mitigating reasons for non-compliance with the section,
 - (c) make any order that it considers appropriate to secure compliance with as much of section 147.4 as it considers reasonable in the circumstances, or
 - (d) refuse the application.
- (4) A candidate may apply to the Court under this section and name the municipality as the respondent.
- (5) The decision of the Court is final and not subject to appeal.

2009 c10 s3;2010 c9 s1

147.9 Repealed 2010 c9 s2.

Regulations

147.91 The Lieutenant Governor in Council may make regulations

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

2009 c10 s3

Application

147.92(1) Sections 147.5, 147.7(2) and (3) and 147.91(b) apply to campaign funds on or after December 1, 2015.

(2) Subsection (1) is deemed to have come into force on February 3, 2010.

2010 c 9 s1;2012 c5 s125

Part 6 Offences

Prohibitions

148(1) No person shall

- (a) without authority supply a ballot to any person,
- (b) fraudulently put into a ballot box any paper other than a ballot that the person is authorized by this Act to deposit,
- (c) fraudulently take a ballot out of the voting station,

(d) without authority destroy, take, open or otherwise interfere with any ballot box or packet of ballots then in use for the purpose of an election.

(2) No person shall

(a) request a ballot in the name of some other person, whether the name is that of a person living or dead or of a fictitious person, or

(b) having voted once, request at the same election a ballot in the person's own name.

(3) No person shall vote knowing that the person has no right to do so.

(4) No person shall make or sign a false statement for any purpose related to an election or vote held or to be held under this Act.

(5) No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the returning officer, indicating or showing it to be marked for any candidate or candidates.

(6) Notwithstanding anything in this section, the returning officer may at any time after nomination day cause a facsimile of the ballot for chief elected official, member of an elected authority, bylaw or question to be published as often as the returning officer considers necessary in a newspaper circulating in the area, for the information of the electors.

(7) A person who contravenes subsection (1), (2), (3), (4) or (5) is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for not more than 6 months or to both fine and imprisonment.

1983 cL-27.5 s148;1988 c31 s10;1991 c23 s2(61);
1994 cM-26.1 s642(42);1997 c15 s32

Offence

149 A returning officer or deputy who

(a) takes or receives a vote in contravention of this Act,

(b) refuses or wilfully omits to sign the returning officer's or deputy's initials on any ballot,

(c) acts wilfully in contravention of this Act, or

(d) commits a wilful omission,

is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for not more than 2 years or to both fine and imprisonment.

1983 cL-27.5 s149;1991 c23 s2(62);1997 c15 s33

Offence

150(1) Every returning officer, deputy, candidate, constable, official agent and scrutineer in attendance at a voting station shall maintain and aid in maintaining the secrecy of the voting at the voting station.

(2) No person shall interfere with or attempt to interfere with an elector when the elector is marking the elector's ballot, or shall otherwise attempt to obtain at the voting station information as to which candidate or candidates any elector at that voting station is about to vote or has voted for.

(3) No person shall

- (a) during the hours when a voting station is open, canvass or solicit votes in a building where the voting station is located, or
- (b) make any communication to an elector in a voting station respecting the election otherwise than through the deputy.

(4) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (3) applies only to the store, office or facility comprising the area used as a voting station.

(5) No person shall display at the voting station or distribute or post in it a specimen ballot paper marked for a candidate or any other material purporting to explain to the electors how to vote or leave or post a ballot or other material in a voting compartment other than the material that is required to be posted in accordance with this Act.

(6) No person shall communicate at any time to any person any information obtained at a voting station as to which candidate any elector at that voting station is about to vote or has voted for.

(7) No returning officer, deputy, official agent or scrutineer in attendance at the counting of the votes shall communicate or attempt to communicate any information obtained at that counting as to which candidate or candidates any vote is given for.

(8) No person shall directly or indirectly induce an elector to display the elector's ballot, after the elector has marked it, so as to

make known to any person the name of any candidate for whom the elector has or has not marked the elector's ballot.

(9) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term not exceeding 2 years or to both fine and imprisonment.

RSA 2000 cL-21 s150;2006 c22 s57

Offence

151 A candidate for elective office who signs a candidate's acceptance form that contains a false statement is guilty of an offence and liable to a fine of not more than \$1000.

1983 cL-27.5 s151

Advertisement distribution

152(1) Subject to subsection (2), a person who, on election day,

- (a) displays inside or on the outside of a building used for a voting station, or
- (b) distributes within a building used for a voting station,

an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than \$500.

(2) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area used as a voting station.

(3) The distribution by or on behalf of a candidate or the candidate's official agent or scrutineer of newspapers, pamphlets or other literature containing articles or reports on matters of public interest is not a contravention of this section.

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

RSA 2000 cL-21 s152;2006 c22 s58

Interference with posted documents

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

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

1983 cL-27.5 s155;1997 c15 s36

Improper appointment

154 A person who

- (a) procures an appointment as a returning officer, deputy or constable by false pretence, deceit or other improper means, or
- (b) acts as a returning officer, deputy or constable without lawful authority,

is guilty of an offence and liable to a fine of not more than \$1000.

1983 cL-27.5 s156;1991 c23 s2(66)

Provision of time to vote

155 An employer who directly or indirectly

- (a) refuses to allow, or
- (b) by intimidation, undue influence or in any other manner interferes with the allowance of,

an employee to have a period of absence for voting provided for under section 58 is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for not more than 2 years or to both fine and imprisonment.

1983 cL-27.5 s157;1997 c15 s37

Offence

156 A person who obstructs or interferes with the free access of

- (a) an enumerator,
- (b) a candidate, or
- (c) a campaign worker on behalf of a candidate

to a residence in a building containing 2 or more residences or to a residence in a mobile home park is, if the enumerator, candidate or campaign worker produces identification of that person's status as an enumerator, candidate or campaign worker, guilty of an offence and liable to a fine of not more than \$1000.

1983 cL-27.5 s158

Penalty

157 A person who is guilty of an offence under this Act for which a penalty is not otherwise provided is liable to a fine of not more than \$500.

1983 cL-27.5 s159

Offence re use of information

158 Any person who

- (a) uses any information obtained from the permanent electors register for a purpose other than that referred to in section 49 or 50,
- (b) uses any information provided to, or obtained by, a secretary under section 49 other than for the purpose of compiling or revising the permanent electors register or preparing a list of electors under section 50(1),
- (c) contravenes section 50(3), or
- (d) uses any information obtained while carrying out an enumeration pursuant to a bylaw under section 50 other than for the purposes of the enumeration,

is guilty of an offence and liable to a fine of not more than \$100 000 or to imprisonment for not more than one year or to both fine and imprisonment.

1997 c15 s38

Part 7 General

Regulations

159(1) The Lieutenant Governor in Council may make regulations providing for any matter not provided for or insufficiently provided for in this Act but any regulation so made ceases to have any effect after the last day of the next session of the Legislature.

(2) The Minister may make regulations

- (a) prescribing forms and their contents for use under this Act;
- (b) respecting standards for ballot boxes;
- (c) respecting identification indicating that a person is an enumerator, a candidate, an official agent, a scrutineer or a campaign worker.

RSA 2000 cL-21 s159;2003 c27 s39;2006 c22 s59