



ALBERTA
MUNICIPAL AFFAIRS

Office of the Minister
MLA, Dunvegan - Central Peace

RECEIVED JAN 25 2011

AR49487

January 17, 2011

Reeve Steve Upham
County of St. Paul
5015 - 49 Avenue
St. Paul, AB T0A 3A4

Dear Reeve Upham:

Thank you for your letter of November 30, 2010, regarding the court ruling on the validity of a candidate's nomination papers that were not commissioned involving the County of St. Paul's 2010 general municipal election under the *Local Authorities Election Act (LAEA)*.

Under section 28 (1.1) of the *LAEA*, if a returning officer receives a nomination paper, the person who is nominated as a candidate is responsible for ensuring that the nomination filed meets the requirements. Once nomination papers are received by the returning officer, that candidate's name would be included on the ballot. As you are aware if there is a question on the validity of the nomination papers, only a court can make a determination and exclude that candidate.

Alberta Municipal Affairs received a call from the county on September 21, 2010, the day after the close of nominations, at which time the question was asked if the non-commissioned papers were valid. As the nomination paper was accepted, the legislation does not authorize the returning officer to exclude a candidate's name. The question regarding whether the candidate should be included on the ballot was not asked but advisory staff did advise the county to seek legal advice.

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Alberta

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Reeve Steve Upham

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While I appreciate the challenges faced by the county in this matter, I must decline your request for reimbursement of legal costs. As the Honourable Mr. Justice D.R.G. Thomas noted in his written reasons for judgement, the county together with its legal counsel decided to oppose the challenge when "not opposing it would have perhaps been a more sensible path to take."

Thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to read "Hector Goudreau", with a stylized flourish at the end.

Hector Goudreau

Minister of Municipal Affairs

MLA, Dunvegan-Central Peace

cc: Honourable Ray Danyluk, MLA, Lac La Biche-St. Paul