

Local Authorities Election Act Consultation

The *Local Authorities Election Act* sets out the election processes and procedures for municipal and school board elections. It was enacted in 1983 and has been amended several times since that date.

The Minister of Municipal Affairs has committed to a review of the *Act* to ensure that it continues to provide an effective framework to support secure, fair and impartial elections. Stakeholder feedback will be considered in making any recommendations for amendments, and public input is welcomed. The consultation is open from June 11 – July 31, 2012, and you can provide your input by completing this survey.

This survey consists of 36 questions. The area provided for additional comments is optional. The space provided for additional comments will expand to accommodate your response.

Contributor Information

This form is to be used for official responses of organizations such as municipal councils, school boards, municipal associations, school associations, and other organizations. In order to identify your response, please provide the following information:

Name of Organization:

Authorized Contact Name:

Phone Number:

Email:

If you have questions or require technical assistance in completing the survey, please contact one of our municipal advisors. The following contact information can be used for questions, requests or survey submissions.

Alberta Municipal Affairs
Municipal Services Branch
17th Floor, 10155 - 102 St.
Edmonton, AB T5J 4L4
Ph: 780-427-2225 (or Toll-free: 310-0000)
Fax: 780-422-9133
Email: lgsmail@gov.ab.ca

Term of Office

This section applies to both municipal and school board elections.

Q1.: Currently under the Act, the term of office for a local elected representative is three years. Should the term of office for a local elected authority be changed to four years?

[Section 10]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q2.: Election day for a local election is held in October for a general election. Should the timing of elections be changed to the Spring for a general election year, and be aligned to occur mid-way between provincial elections? [This does not apply to summer villages because their general elections are held in the Summer.]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q3.: If general elections were held mid-way between provincial elections as suggested above, should the existing terms be extended from October 2013 until Spring 2014 to achieve this alignment?

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q4.: If the timing for a general election was changed to occur in the Spring, which would be your preferred month in which to hold the general election?

☐ March ☐ April ☐ May ☐ No opinion

Additional Comments:

Nominations

This section applies to both municipal and school board elections.

Q5.: Currently, the Act does not specify the actions that a returning officer is to take if a submitted candidate nomination form does not contain the required number of elector signatures. Should the Act be changed to require the returning officer to declare the nomination form invalid if the form does not contain the required number of elector's signatures? [Section 27]

☐

Yes

☐

No

☐

No opinion

Additional Comments:

Q6.: Currently, a candidate who has resigned at some point during their term can submit a nomination form and run in the subsequent by-election for the same office. Should the Act be changed to prevent the candidate from submitting a nomination form for a by-election for the same office during the same term? [Section 22]

☐

Yes

☐

No

☐

No opinion

Additional Comments:

Eligibility to Vote

This section applies to both municipal and school board elections.

Q7.: Currently, the requirement for voters to produce identification to vote is not mandatory under the Act. Should the Act be changed to require that all persons provide identification to verify their identity to vote? [Section 53 provides a discretionary provision for the passing of a bylaw.]

☐

Yes

☐

No

☐

No opinion

Additional Comments:

Q8.: The current Act establishes rules to determine a persons place of residence for the purposes of voting. Are the rules of residence clear enough to determine who is eligible to vote in an election? [Section 47 and 48]

☐

Yes

☐

No

☐

No opinion

Additional Comments:

Q9.: Currently, the Act allows a person to vote in only one local jurisdiction, except for summer village property owners, who can vote in multiple jurisdictions. Should the Act be amended to adopt a standard approach for all Albertans? [Section 12, 47 and 48]

☐

Yes

☐

No

☐

No opinion

Additional Comments:

Q10.: If a standard approach for all Albertans is adopted, should a person be allowed to vote in more than one local jurisdiction if they are a resident or own property in each local jurisdiction?

☐

Yes

☐

No

☐

No opinion

Additional Comments:

Q11.: If a standard approach for all Albertans is adopted that allows a person to vote in only one local jurisdiction, should the person be allowed to choose which local jurisdiction they wish to vote in if they are a resident or own property in multiple local jurisdictions?

☐ Yes

☐ No

☐ No opinion

Additional Comments:

Q12.: Currently, the Act provides local authorities with discretionary power to prepare a list of voters. Should all local jurisdictions be required to prepare and use a voters list for all elections, by-elections, and votes on questions? [Section 50]

☐ Yes

☐ No

☐ No opinion

Additional Comments:

Campaign Contribution Limits

This section applies to municipal elections only.

Q13.: Currently, there is a limitation of \$5,000 on any campaign contribution by a person, corporation, trade union or employee organization to a candidate in any year. Should the limitation amount of \$5,000 be removed from the Act, which would mean that local jurisdictions would be able to establish their own limits, if they choose to? [Section 147.2]

☐ Yes

☐ No

☐ No opinion

Additional Comments:

Q14.: Currently, candidates in local elections are limited to paying a maximum of \$10,000 from their own funds to fund their campaign within a campaign period. Should the limitation amount of \$10,000 be removed from the Act, which would mean that local jurisdictions would be able to establish their own limits, if they choose to? [Section 147.2]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q15.: Currently, the Act prohibits specific entities and organizations from making campaign contributions to a candidate. Should these restrictions be removed from the Act, which would mean that local jurisdictions would be able to establish their own restrictions, if they choose to? [Section 147.1(1)(g)]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q16.: Currently, a potential candidate may accept campaign contributions and is not accountable for the funds collected if they decide not to submit a nomination form. Should a potential candidate be required to formally declare their intent to submit a nomination form to the local jurisdiction before they receive any contributions to their campaign? [Section 147.2 and 22]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q17.: Currently, the Act does not permit campaign contributions from residents outside Alberta. Should the Act be amended to allow campaign contributions from persons who are normally resident outside of Alberta but who are a resident of Canada? [Section 147.2(3)]

☐ Yes

☐ No

☐ No opinion

Additional Comments:

Q18.: Currently, candidates must pay any anonymous campaign contributions to the municipality. Should the Act be changed to allow for an anonymous contribution to a campaign up to and including \$100? [Section 147.3]

☐ Yes

☐ No

☐ No opinion

Additional Comments:

Q19.: Currently, the Act requires that candidates issue receipts for all campaign contributions. Should the Act be changed to only require that receipts be issued for campaign contributions on amounts exceeding \$100? [Section 147.3]

☐ Yes

☐ No

☐ No opinion

Additional Comments:

Holding and Use of Campaign Funds

This section applies to municipal elections only.

Q20.: Currently, candidates are required to account for campaign contributions and open a campaign bank account. Should these requirements be removed from the Act, which

would mean that local jurisdictions would be able to establish their own requirements, if they choose to? [Section 147.3]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q21.: Currently, there is a provision in the Act that is scheduled to come into effect on December 1, 2015. The provision states that if a candidate has a campaign surplus exceeding \$500, the surplus must be paid to the municipality, to be held in trust until the next general election. Should this requirement be removed from the Act, which would mean that local jurisdictions would be able to establish their own requirements, if they choose to?

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q22.: If a candidate declares their intention to be nominated in a general election, should the Act be changed to allow candidates to access surplus amounts carried forward from a previous campaign at the time this declaration of intent is made? [Section 147.5]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q23.: Currently, the Act sets out requirements on how campaign surpluses exceeding \$500 are to be distributed in the event that a candidate decides not to run in the next general election. Should this requirement be removed from the Act, which would mean that local jurisdictions would be able to establish their own requirements for the distribution of campaign surpluses, if they choose to? [Section 147.5]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q24.: Currently, the Act requires a candidate who is not running in the next general election to donate campaign surpluses exceeding \$500 to a registered charitable organization or the municipality. If the Act continues to specify how campaign surpluses are distributed, should candidates be required to give the surplus to the municipality, and remove the option to donate to a charity? [Section 147.4(1.1)]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q25.: Currently, the Act requires a candidate who is not running in the next general election to donate surplus funds in excess of \$500. If the Act continues to specify how campaign surpluses are distributed, should the requirement to donate the campaign surplus apply to any campaign surplus funds, including those under \$500? [Section 147.4(1.1)]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q26.: Currently, the Act does not specify how campaign deficits are to be cleared. Should the Act be changed to require candidates to clear any campaign deficits?

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Reporting on Campaign Funds

This section applies to municipal elections only.

Q27.: Currently, candidates in a municipal election (excluding candidates who fund their campaign exclusively out of their own funds) are required to report information about their campaign funds in a disclosure statement to the municipality. Should the current reporting requirements be removed from the Act, which would mean that local jurisdictions would be able to establish their own disclosure requirements, if they choose to? [Section 147.4]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q28.: Currently, campaign disclosure statements require that the contributors name and address be reported on contributions over \$100. Should the requirement to report the contributor's address be replaced with a requirement to report the contributor's municipality of residence only? [Section 147.4(1)(b)]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q29.: Currently, the Act requires candidates to disclose the total amount of campaign surplus in excess of \$500. If reporting on campaign contributions and costs continues to be required, should candidates be required to report on any campaign surplus or deficit amount, including those under \$500? [Section 147.4]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q30.: Currently, the Act requires candidates to disclose the total amount of campaign expenses, without requiring any breakdown by cost type or category. If reporting on campaign contributions and costs continues to be required, should candidates be required to report campaign expenses by category? [For example, total amounts spent on advertising, entertainment and hosting, office leases, staff support, travel, etc.]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q31.: Currently, a candidate in a general election whose campaign is funded exclusively out of the candidate's own funds does not have to report on campaign contributions and expenses. If reporting on campaign contributions and costs continues to be required, should the reporting requirements also apply to candidates who fund campaign expenses exclusively out of their own funds? [Section 147.4]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q32.: Currently, the Act requires that the disclosure statement about campaign funds be filed by March 1 after a general election, or 120 days after a by-election. If not filed by that date, the Act imposes a \$500 late-filing fee to be paid to the municipality, but there is a 30 day grace period before the failure to file becomes an offence. If reporting on campaign contributions and costs continues to be required, should the 30 day grace period be removed? [Section 147.7(1)]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q33.: If reporting on campaign contributions and costs continues to be required, should a candidate be eligible to run in a current election if they ran in a previous election and their disclosure statement was not filed? [Section 22]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Ballot Procedure

This section applies to both municipal and school board elections.

Q34.: Currently under the Act, the use of special ballots (e.g. mail-in ballots) is not mandatory. Should the Act be changed to require that local jurisdictions provide voters with the option to vote by special ballot for all elections and votes? [Section 77.1]

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Q35.: Should alternative voting methods such as telephone and internet voting be allowed, provided that the method ensures the security and integrity of the voting process?

☐ Yes ☐ No ☐ No opinion

Additional Comments:

Other Issues

Q36.: Do you have any other concerns, comments, or questions about the Act?

--

Information Collected During Consultations

The information collected through the public consultation is being used to obtain the views and opinions of Albertans with respect to the *Local Authorities Election Act*. The information is being collected under the authority of the *Government Organization Act* and will be managed in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have any questions about the use of the information being collected, please contact: the Capacity Building Unit in Municipal Affairs at (780) 427-2225, toll free by dialing 310-0000 first.