



# School board elections

Information package

Education, Government of Alberta  
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2021 School Board Elections Information Package

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# Legal Notice

The Government of Alberta and Alberta Education will not be liable for any damages that result from the use of this information package. While Alberta Education attempts to ensure the information in this package is accurate, a school board and/or candidate may want to obtain advice from a lawyer to ensure the correct steps are taken throughout the election process. Alberta Education and the Government of Alberta do not warrant or make any other representations regarding the use, accuracy, applicability or reliability of this information package.

It is important to recognize this information package has been developed as a reference for, and as an explanatory document to, the [Local Authorities Election Act](#). This information package is not legal advice, and it cannot be used in place of consulting with a lawyer. This package cannot anticipate every aspect, circumstance or situation that school boards or candidates may encounter while working through their specific election process. If a school board or candidate needs help finding a lawyer, please visit the Alberta School Boards Association website.

Should this guide conflict with the [Education Act](#), SA 2012, Chapter E-0.3 or the *Local Authorities Election Act* in word or interpretation, the legislation shall prevail.

# Introduction

This information package has been developed to assist school boards with conducting an election in accordance with the *Local Authorities Election Act (LAEA)*, the *Education Act (EA)* and other relevant regulations and legislation. This package is intended to be used as a reference for secretaries who are planning an upcoming school board trustee election, by-election, or vote on a question or bylaw.

As this package has no legislative sanction, we strongly recommend secretaries obtain a copy of the *LAEA*, the *Education Act*, and other relevant statutes and regulations. Not all information in the *LAEA* is covered in detail here. This package is intended to compliment the *LAEA* and assist returning officers (ROs) and other school board election officials with planning and executing school board trustee elections. This package is not intended to be the sole source of information for general elections but to be used in conjunction with the *LAEA*.

All definitions, procedures and processes outlined in this package are from the *LAEA* and the *Education Act*. Should you require further clarification on any definitions, procedures or processes, you are encouraged to review and consult the *LAEA*, call a Business Operations and Stakeholder Support (BOSS) team member or seek an independent legal opinion.

# Summary of Significant Changes

The following updates have taken place to the *LAEA* and the education legislation, effective September 1, 2020:

- Boards now submit their ward bylaws prior to December 31 in the year before an election year. Boards only need to notify the Minister—they don't require ministerial approval.
- Boards must pass a bylaw prior to December 31 in the year before an election year to establish one or more locations, in addition to the local jurisdiction office, where a deputy may receive nominations.
- When a school board appoints an RO, they need to appoint a substitute RO as well.
- School boards now need to keep a separate registry of third-party advertisers.
- Campaign finance and contribution disclosure requirements now apply to school board elections.
- All candidates, including self-funded ones, need to provide the required financial disclosure statements.
- Eligible electors no longer need to have resided in Alberta for at least six months before election day to vote.
- There are now multiple restrictions on advertising and campaigning in and near voting stations, and ROs have more authority to enforce these restrictions.
- School boards can accept nomination papers at the beginning of the campaign period (January 1 in the year of an election) and any time after until four weeks before election day.
- For by-elections, the nomination period commences the day after the board passes a resolution setting the date of the by-election. Nominations will be accepted up until four weeks before the date of the by-election.
- Nominations must be submitted in person at the school board office unless a bylaw has been passed before December 31 to establish more than one location. This can be done any time during nomination period.
- The RO must refuse a nomination paper if it is not signed by at least five eligible people.
- The RO must reject a nomination not completed as prescribed, including if the paper has not been sworn/affirmed to by the person who wants to be a candidate.

- An elector who shows valid identification and signs the appropriate declarations can vouch for an elector who doesn't have identification.
- School boards must post the names of candidates within 48 hours after nominations close.
- Notice of an election or by-election only needs to be made in the ward/subdivision within the school board where the election or by-election is required.
- Separate school electors are eligible to be nominated as candidates and to vote for either a public school trustee or a separate school trustee where they reside (not both).
- Francophone separate school electors are eligible to be nominated as candidates or vote for a trustee of a francophone regional authority where they reside. If they choose to run or vote in a francophone regional authority, they can't vote or run for the public or separate school board.
- A person can't be a trustee of a francophone regional authority and a public or separate school board at the same time.
- A recount only needs to happen in the ward/subdivision where it has been requested.
- Beginning August 1, 2019, the Alberta Election Commissioner now plays a role in local authority elections, specifically the ability to investigate an offence under Part 5.1, Campaign Finance and Contribution Disclosure, and Part 8, Third Party Advertising, of the *LAEA*.

# Getting Started

## Resources

There are a number of resources available to ROs or secretaries who are planning an election or by-election. The *LAEA*, which Municipal Affairs is responsible for, is now accompanied by the *Local Authorities Election Forms Regulation* in both English and French on the [Alberta Queen's Printer](#). The [English and French forms](#) and the [LAEA Implementation Fact Sheets](#) are also available on the Municipal Affairs website, with a section dedicated to municipal election information and forms.

If you have any questions or need clarification on the provisions in the *Education Act* or the *LAEA* for school board elections, the staff in BOSS Branch of Alberta Education can help. You can contact the BOSS Branch at 780-427-2055 (toll-free in Alberta by first dialing 310-0000). There is also a dedicated section on the Alberta Education website for [school board trustee information](#).

### ***Local Authorities Election Act and Education Act***

The *LAEA* is the primary legislation that guides the conduct of a school board or municipal election or by-election. The *Education Act* covers a number of instances related to school board elections, such as vacancies on a school board and electoral structures.

# Roles and Responsibilities

There are many people involved in running a successful school board election. This section provides a brief description of the different roles and responsibilities of the various people and organizations that will likely be involved in a school board election.

## Returning Officer

LAEA s.14

Planning an election is a complex process with a lot of details that need to be taken care of, in addition to the legislative requirements. The RO has many responsibilities listed throughout the *LAEA*. The main ones are:

- appointing election workers, including a presiding deputy, deputies, constables and other officials as required;
- establishing voting stations;
- designating at least two deputies to work at each voting station, along with their assigned duties;
- ordering election supplies, ballots and ballot boxes and ensuring they're available at the voting stations;
- giving notice of nominations;
- receiving nomination papers from prospective candidates;
- declaring acclamations;
- giving notice of election day; and
- doing all things necessary for the conduct of an election, which may include answering questions from both prospective candidates and the public regarding election processes, specific requirements, such as campaign financing, and connecting candidates with other members of the municipality for further information, such as signage requirements.

LAEA s.13.1

The RO must be independent and impartial when performing these duties. They can't favour one candidate over another and can't be influenced by candidates or voters. Further, a person may be convicted of an election offence if they attempt to influence an RO while the RO is carrying out their duties.

The RO is responsible for ensuring the election is conducted transparently and fairly.

## Substitute Returning Officer

*LAEA*  
s.13(2.1)

School boards are required to appoint a substitute RO by resolution by June 30 of the year in which the election occurs. In the case of a by-election, the substitute RO must be appointed in the resolution also that fixes the day for the by-election.

If, through illness or other absence, the RO is unable to fulfill their duties, the substitute RO has and may exercise all the duties, functions and powers of an RO for the purpose of conducting the election.

## Minister

*LAEA* s.6

In certain circumstances, the Minister can alter the dates and timelines prescribed by the legislation (e.g., when sufficient nominations to fill all vacancies are not received within the prescribed timelines). The Minister can also make decisions under certain circumstances when it's difficult or impossible to apply the *LAEA* (e.g., if the local paper is on strike, which means the *LAEA*'s advertising requirements can't be met).

Under the *LAEA*, the Minister of Education must receive information regarding school board trustee elections and by-elections. Alberta Education keeps a record of school board trustee election results, the elected trustees and their contact information. This information is used for official correspondence from the Government of Alberta.

*EA* s.78(2)

Under the *Education Act*, the Minister may vary the number of trustees to be elected for each school division.

## School Boards

Boards that have wards and/or subdivisions can pass a bylaw to amend electoral boundaries and/or trustee representation. If they have wards and/or subdivisions, they must confirm or amend the ward/subdivision boundaries before December 31, 2020 for the 2021 general election. A ward bylaw will remain in force unless it's repealed before December 31 in the year prior to the next general election being held.

Some election processes require approval from the elected school board. Board resolutions are needed to appoint an RO and to provide for special ballots, advance votes, incapacitated elector at home voting and institutional voting. School boards may also determine if they will hold an election separately or with another elected authority in the same area.

## Secretary

*LAEA* s.19

The secretary of the board has prescribed duties under the *LAEA*, even if an RO is appointed. Under Section 19 of the *LAEA*, the secretary is charged with providing information and assistance if requested by the RO.

The secretary is also responsible for keeping the election materials after the election results are declared and destroying them in accordance with the *LAEA*.

# Preliminary Planning and Considerations

From the notice of nomination day to election day, a general election takes four weeks to complete. Significant planning and preparation happens before nomination day, and the legislated responsibilities of a school board and an RO don't end once the ballots are counted and the election results declared.

The legislation allows school boards some discretion to allow additional election services and processes that may help facilitate accessibility, transparency and voter participation. This discretion is based on the premise that the school board is in the best position to determine the unique needs of its community. As a result, allowing advance voting, incapacitated elector at home voting, institutional voting, additional voter identification requirements and special ballots are up to the school board and/or its partnering municipality under a joint elections agreement. Where the legislation allows, the *LAEA* will also note whether the decision must be made by bylaw or resolution of the board. Many of these decisions need to be made well in advance because they have legislated time and process requirements.

Planning an election is a complex process. Some of the details for ensuring a successful election include:

- appointing/hiring an RO, substitute RO, deputy returning officer (DRO) and other election officials;
- booking facilities that can be used as voting stations;
- conducting school board elections in conjunction with municipal elections (if applicable);
- preparing materials, ordering ballots, ballot boxes and privacy screens;
- creating packages and providing information to prospective candidates; and
- maintaining a register of candidates for disclosure to Alberta Education 24 hours after nominations close on nomination day.

## School Board Trustee By-Election Dates

While general election dates are set through legislation, school boards set their own by-election dates. There are a number of considerations to keep in mind when setting a by-election date:

- Is nomination day or election day scheduled on a statutory holiday?
- Does the four-week election period occur during holidays or a time when a significant number of electors will be away (e.g., Easter, spring break, Christmas)?
- Can the timelines be met for the RO to give notice of nomination day?

School boards must set a by-election's election day by resolution or bylaw. There are also a number of items that must be done by resolution. Boards should consider bringing the following items forward during the same meeting:

- RO appointment (Section 13);
- substitute RO appointment (Section 13);
- advance vote (if the population is less than 5,000, Section 73);
- special ballots (Section 77.1);
- at-home vote (Section 79); and
- institutional vote (Section 80).

## Joint Elections

A school board can enter into an agreement to conduct an election with a municipality, which must be done by resolution. The elected authorities that want to conduct a joint election must be within local jurisdictions that have areas in common.

An agreement made under Section 3 of the *LAEA* must clearly specify which local authority is responsible for conducting the election. Each local authority must appoint an RO and substitute RO for the election, and a single person can be appointed to act as RO for both authorities.

# Eligibility

The LAEA's eligibility requirements apply to both voters and candidates.

## General Eligibility

LAEA s.47

A person is eligible to vote in a school board trustee election if they:

- are at least 18 years of age;
- are a Canadian citizen; and
- reside in Alberta and their place of residence is located in the school board's boundaries on election day.

LAEA s.21

A person can be nominated as a school board trustee in any election if they:

- are eligible to vote in the election;
- have been a resident of the local jurisdiction and the ward for the six consecutive months immediately preceding nomination day; and
- are not otherwise ineligible.

EA s.74

## Faith-Based Eligibility

Where a separate school district is established, an individual residing in the boundaries of the established area is considered a separate school elector if they declare they are of the same faith (either Protestant or Roman Catholic) as those who established the separate school district. A separate school elector is eligible to be nominated as or vote for either a public school trustee or a separate school trustee for the school board in which the person resides (not both).

## Francophone Eligibility

Composite francophone regional authorities have at least one public school trustee and one separate school trustee. A separate francophone elector is eligible to be nominated as or vote for a public or separate trustee of a francophone regional authority or school board in which that person resides, but not both. A francophone public school elector can only run or vote for a public school trustee.

## Residence

There are two distinct dimensions that determine a person's place of residence: physical residence and faith-based residence.

### Physical Residence

Physical residence is governed by these rules:

- A person may be a resident of only one place at a time for the purposes of voting.
- If a person has more than one residence in Alberta, they must designate one place of residence for the purposes of candidacy and voting.
- A residence is the place where the person lives and sleeps and where they intend to return following an absence.
- A person does not lose their residence by leaving their home for a temporary purpose, such as going on vacation.

### Faith-Based Residence

Like the eligibility requirements above, a person who resides in the boundaries of an established area is a resident of the separate school division if they declare they are of the same faith as those who established the separate school district.

### **Determining Residence**

To help to determine a person's place of residence, the following can be used in order of priority:

1. The address shown on the person's driver's licence issued on behalf of the Government of Alberta or an identification card issued on behalf of the Government of Alberta.
2. The address where the person's income tax correspondence is addressed and delivered to.
3. The address where the person's mail is addressed and delivered to.

Where elections are concerned, a person loses their place of residence if they leave without the intention of returning to it. People who don't meet the residency requirements aren't allowed to run or vote in that election.

## Proof of Eligibility

Every person who arrives and attends a voting station must be permitted to vote if their name is on the list of electors (if applicable). Alternatively, they can make a statement in the presence of an officer at the voting station on Form 13 – Elector Register, and produce proof of identity and current residence. If a bylaw has been passed, a voter may also need to show proof of age.

No later than six months before nomination day, school boards may pass a bylaw that establishes the number and types of identification a person needs to produce to verify their name and current address and, if prescribed by the bylaw, their age. The bylaw must provide that the RO will accept one piece of identification described in the paragraph below. It must also be advertised in accordance with Section 53.1 of the *LAEA* and must be included in the notice of election day.

Acceptable identification established by the bylaw includes identification issued by a Canadian government (federal, provincial or local), or an agency of that government, that contains a photo of the elector and their name and address, and/or identification authorized by the Chief Electoral Office under the *Alberta Election Act* that establishes the elector's name and current address. Municipal Affairs' website has a [comprehensive list](#) of authorized identification for secretaries to use.

## Ineligibility

A person is ineligible in any election if they:

- are the auditor of the local jurisdiction;
- are an employee of the school board for which the election is to be held unless they take a leave of absence, including:
  - a school district or division;
  - a charter school; or
  - a private school.
- owe the municipality for taxes in default exceeding \$50 (excluding owing on current taxes and owing for arrears of taxes for which the person has entered into a consolidation agreement with the municipality);
- owe the local jurisdiction for any debt exceeding \$500 and are in default for more than 90 days; or

- have been convicted of an offence under the *LAEA*, the *Election Act*, the *Election Finances and Contributions Disclosure Act* or the *Canada Elections Act* within the last 10 years.

### **Campaign Finance and Disclosure**

If a candidate fails to comply with the campaign finance and disclosure requirements in the *LAEA* and the secretary sends a report to the school board, the candidate is ineligible unless the Court of Queen's Bench extended or removed the time for compliance. This also means the candidate would be ineligible for either an eight-year period following the day that the secretary sent the report or a three-year period after the day the disclosure statement was filed with the school board—whichever period expires first.

If you need further information on eligibility, either a BOSS team member or legal counsel can provide assistance. Please see the [Campaign Finance and Disclosure](#) section for more information.

# Nomination Procedure

The nomination period for the 2021 general election begins on January 1, 2021 and runs until 12:00 p.m. on nomination day, which is Monday, September 20, 2021. If a school board passes a bylaw prior to June 30, 2021, nomination day can be on Saturday, September 18, 2021 instead.

For by-elections, the nomination period begins the day after the resolution establishing election day is passed and runs until 12:00 p.m. four weeks before election day.

LAEA s.26

## Notice of Nomination Day

To give notice of nomination day, a notice must be published in a newspaper or publication circulating in the area at least once per week in each of the two consecutive weeks prior to nomination day. Alternatively, the RO can mail or deliver a notice to every residence in the local jurisdiction at least one week before nomination day.

In addition to the legislative requirements noted above, an RO may give additional notice by any other method—such as school board websites or social media pages—and as many times as they think is appropriate.

LAEA s.27

## Nominations

Candidates who seek nomination for school board trustee must complete Form 4 – Nomination Paper and Candidate’s Acceptance.

Nominations must be signed by at least five electors. These electors must be residents of the school board on the date they signed the form, and they must be eligible to vote in the election. The LAEA allows a school board of a local jurisdiction with at least 10,000 people to pass a bylaw before December 31 of the year before the general election that specifies the minimum number of electors required to sign a candidate’s nomination. There must be between five and 100 electors signing the nomination form.

If the school board has implemented a ward system, the electors signing the nomination form must be residents of the ward for which the candidate is being nominated.

In addition to Form 4, the candidate must also file Form 5 – Candidate Information.

LAEA s.25

## Nomination Day

Candidates can begin filing nomination papers with the returning officer on January 1 in the year of a general election.

For by-elections, candidates can begin filing their nomination papers the day after the date the resolution was made that sets the date of election day. For example, if a resolution setting the date of the election occurs on Monday, nomination papers can be accepted starting Tuesday.

Candidates must have their nomination papers filed with the RO by 12:00 p.m. on nomination day, which is four weeks prior to election day, at the school board's office.

#### LAEA s.28(4)

The RO can't accept the following for filing:

- a nomination that isn't completed in Form 4;
- a nomination that isn't signed by at least the minimum number of people required;
- a nomination that isn't sworn or affirmed by the person nominated; and/or
- papers that are not accompanied by the required deposit established by the school board (if applicable).

#### LAEA s.28(5)

If the RO hasn't rejected a nomination form, they sign the form to show it's been accepted.

The RO doesn't have the authority to challenge the validity of the information on the nomination papers. The responsibility to question the information's validity is left to the electors and may be challenged through the Court of Queen's Bench.

#### LAEA s.29

### Deposit

A school board may establish by bylaw that a deposit must accompany the nomination papers at the time of filing. The bylaw must be passed no later than 30 days before nomination day.

For school boards with a population of more than 10,000, the deposit can't exceed \$1,000. In all other cases, the deposit can't exceed \$100.

#### LAEA s.30

The RO accepts the deposit, which can be in cash, certified cheque, money order or by in-person payments using a debit or credit card at the time the nomination papers are filed. The candidate will receive the deposit back if they:

- are elected;
- obtain at least half the number of votes as the candidate elected to office who had the least number of votes; or
- withdraw within 24 hours of filing the nomination papers.

If the candidate dies before the voting stations close on election day, the candidate's deposit is returned to their estate.

If the candidate doesn't meet the qualifications above, the deposit is paid into the school board's general revenue.

LAEA s.32

## Withdrawal of Nomination

A candidate may withdraw their nomination within 24 hours of the end of nomination day, up until 12:00 p.m. the day after nomination day. A candidate must tell the RO in person and writing.

There are two instances where an RO won't accept withdrawals:

1. If the number of remaining candidates doesn't exceed the number of vacancies available after one or more candidates have withdrawn.
2. If the number of nominations received equals the number required to be elected at the close of nominations.

LAEA s.31

## Insufficient Nominations

If the number of persons nominated doesn't meet or exceed the positions required to be elected, the RO must open and accept nominations at the school board office the next day between the hours of 10:00 a.m. and 12:00 p.m. to receive more nominations for the elected office.

The RO keeps the office open and adjourns in the same way every day from 10:00 a.m. to 12:00 p.m. until either the required number of nominations are received or a period of six days has passed (including nomination day, but not including Saturday, Sunday or holidays), whichever happens first. If sufficient nominations to fill the vacancies aren't received after six days, the secretary needs to notify the Minister of Education immediately.

LAEA s.28(8)

## Candidate Nomination Information

Twenty-four hours after nomination day closes, the RO sends a signed statement that includes the name and address of each nominated candidate and the position they are nominated for to the Education Deputy Minister.

Form 5 can be faxed at 780-427-2147 or emailed directly to a BOSS team member.

LAEA  
s.28(10)

## Posting of Names

Within 48 hours of nomination day closing, the RO posts or has someone else post all of the candidates' names who have been nominated and the offices they were nominated for at the school board office.

LAEA s.28(7)  
s.34(3)

## Retention of Nomination Papers

The RO or secretary maintains the filed nomination papers until the term of office they're related to expires.

At any time after 12:00 p.m. on nomination day until the term of office has expired, a member of the public can ask to look at the filed nomination papers during regular business hours and in the presence of the RO, DRO or secretary.

LAEA s.35

## Notice of Election

If there are more people nominated than required 24 hours after nomination day closes, the RO declares an election will be held to fill that office.

The RO gives notice of the election by publishing a notice at least once per week in each of the two weeks before election day using Form 6 – Notice of Election. The advertising must be done in a newspaper or other publication circulating in the local jurisdiction, or a notice can be mailed or delivered to every residence in the local jurisdiction at least one week prior to election day.

If an election doesn't apply to an entire jurisdiction, the notice only needs to be published, mailed or delivered in the ward or voting subdivision where an election is required.

The RO may choose to publish, mail and/or deliver additional notices and provide notice in any other formats—such as on school board websites or social media pages— as many times as they think is appropriate.

# Before Election Day

The RO has many tasks and responsibilities to complete before election day.

LAEA s.36

## Voting Subdivisions

The school board, by resolution, or the RO if authorized by a resolution, can divide the local jurisdiction into voting subdivisions. These voting subdivisions and their boundaries can be changed before the notice of an election is delivered or advertised.

If voting subdivisions aren't established, the area or ward (if applicable) is considered to be one voting subdivision.

LAEA s.37

## Voting Stations

The RO is responsible for determining and designating the location of one voting station for each voting subdivision. The voting station may be outside the subdivision area depending on the circumstances and available locations in the school jurisdiction. A school board can also pass a bylaw that allows the RO to designate more than one voting station per voting subdivision and the voting stations' locations before June 30 in the year of a general election.

If, for some reason, a voting station is no longer suitable or able to be used on election day, the RO must designate another one in the vicinity and post a notice at the original voting station to redirect electors.

LAEA s.38

## Voting Compartments

Each voting station must have one or more voting compartments. Voting compartments maintain the secrecy of the vote and ensure others can't observe another elector voting and ensures electors can mark their ballot without interference or interruption.

Each compartment must have a table or desk for the elector to mark their ballot on and a pen or pencil. It's important the RO or DRO checks the voting compartments throughout the day to ensure the pen or pencil is still in the compartment and that the voting screen doesn't have any written material posted by an elector.

LAEA s.39

## Ballot Boxes

The secretary is responsible for giving the RO a sufficient number of ballot boxes for each voting station. The ballot boxes must be made of a durable material and constructed so that ballots can be put into the box but can't be removed unless a seal is broken.

## Ballot Printing

The RO must ensure there's a sufficient number of ballots available and that all ballots are printed at the expense of the local jurisdiction.

## Names on the Ballot

A separate ballot must be used for each elected office that an election is being held for, including school board trustees. The names of the candidates for each elected office appear on the ballot using Form 9 – Ballot. The ballot also needs to include a brief description of the maximum number of candidates the elector can vote for so the ballot isn't subject to rejection.

## Contents of the Ballot

The RO must ensure each ballot contains each of the nominated candidates' names and that the names appear alphabetically based on surname. In cases where two or more candidates have the same surname, the names must appear alphabetically based on given name.

An elected authority may pass a bylaw two months before the election that allows the ballots to be printed in lots. ROs should consult the *LAEA* if a school board passes a bylaw so they know the procedure for printing lots.

## Form of the Ballot

Where the school board has confirmed a vote on a bylaw or question, the wording on the ballot and the form of the ballot to be used must be determined through a resolution. If the elected authority doesn't determine the form of the ballot, the RO will. The form of ballot to be used for elected authorities is prescribed in the *LAEA*.

## Voting Opportunities

There are several legislative voting opportunities covered in the *LAEA*. If a school board wants to provide any of the opportunities described below, the RO should review the relevant sections of the *LAEA* noted in the tabs on the left.

## Advance Votes

A school board can pass a resolution to allow an advance vote for an election to be held. The RO is responsible for determining the date and time of the advance vote. Advance votes can't be held within 24 hours of election day.

Notice of an advance vote must be published using Form 6 at least one week before the date set for the advance vote in a newspaper or publication circulating in the area, or by mailing or delivering a notice to every residence. As long as the requirements of both notices are met, the advance vote's notice may be included in the election day's notice.

For by-elections, when the election does not apply to the entire local jurisdiction, the notice can be provided to the applicable ward or voting subdivision within the school board.

## Special Ballots

This section does not cover all of the information established under the *LAEA* on special ballots, but it summarizes the processes for them. For more comprehensive information, ROs should consult the *LAEA*.

An elected authority can, by a resolution passed before nomination day, allow special ballots and allow applications for a special ballot to be made by any one or more of the following methods:

- in writing;
- by telephone;
- by fax;
- in person;
- by email; and/or
- by secure website.

If special ballots are allowed, electors would apply to the school board's RO using the method outlined in the resolution and within the period of time specified in it.

An elector can apply to vote by special ballot if they are unable to vote at an advance vote or at the voting station on election day due to a physical disability, being absent from the local jurisdiction or occupying the role of RO, DRO, constable, candidate, official agent or scrutineer working at a voting station that is not their designated one based on residence. The application must include the elector's:

- first and last name;
- municipal address;
- school elector status (if the elector is voting for a school board trustee);

- mailing address where the special ballot is to be sent;
- phone number;
- email address (if the elector is unavailable by phone); and
- reason why a special ballot is being requested.

After receiving the application, the RO must enter the special ballot elector information into a register and ensure the appropriate forms are provided to the applicant. If a candidate, official agent or scrutineer asks, the RO must provide the names and addresses of the electors who applied for and received the special ballot and forms.

LAEA s.77.2

After receiving the appropriate forms, the elector must:

1. Place the ballot in the ballot envelope.
2. Seal the ballot envelope.
3. Place the ballot envelope in the certificate envelope.
4. Complete and sign Part 1 of the certificate and seal the certificate envelope.
5. Attach a copy of their identification that meets the identification requirements.
6. Place the certificate envelope in the outer envelope.
7. Seal the outer envelope.

The outer envelope needs to reach the RO by no later than the close of the voting stations on election day or by the time and date set out in the board's resolution. Once the RO receives the sealed envelope, they must open the outer envelope and remove the certificate envelope. The RO must then determine if:

- the name on the certificate envelope is the same as that of an individual already recorded in the register;
- the certificate envelope is properly completed; and
- the elector attached a copy of their identification.

After determining the elector is recorded on the special ballot register, the RO must:

1. Sign the certificate envelope.
2. Record the date and time they received the certificate back from the elector.

3. Open the certificate envelope and remove the sealed ballot envelope and place the envelope in the special ballot box.
4. Enter in the register that the elector has voted and the reason a special ballot was used.

The RO must be satisfied the certificate was completed properly, the identification meets the requirements and the elector hasn't already been entered on the special ballot register or returned the special ballot. If the RO is unsatisfied, they keep the certificate envelope unopened, attach the elector's identification (if any), treat the ballot envelope as rejected and mark the certificate envelope accordingly.

If an outer envelope is received **after** the close of the voting station on election day or the time and date set out in the resolution, the ballot is considered rejected. The RO retains the outer envelope, unopened, and must record the reason for the ballot's rejection on it.

LAEA s.78

## **Elector Assistance**

If an elector is unable to vote on their own, the DRO can help the elector. First, the DRO ensures the elector has completed Form 17 – Statement of Interpreter, Elector Who Is Unable to Vote in the Usual Manner, Friend or Relative of Elector Who Is Unable to Vote in the Usual Manner, and then they will mark the elector's vote on the ballot the way the elector directs. Once the ballot is marked, the DRO deposits it in the ballot box immediately.

If an elector is accompanied by a friend or relative who is at least 18 years old, the DRO must permit that friend or relative to complete Form 17, accompany the elector into the voting compartment and assist with marking the elector's ballot. Once the ballot is marked, the elector or friend/relative delivers it to the DRO responsible for the ballot box and deposits it into the ballot box.

If an elector is blind and isn't accompanied by a friend/relative, they can request a blind voter template and instructions for the template by June 30 in the year of a general election. A school board must pass a bylaw setting out the template if an elector makes this request. (A school board can pass a bylaw even if there isn't a request.)

If an elector is unable to physically enter the voting compartment, the DRO can set up a voting compartment for the elector somewhere else in the voting station.

LAEA s.79

## **Elector Assistance at Home**

If an elector isn't able to attend a voting station due to a physical disability, an elected authority can pass a resolution that directs two DROs go to the elector's home during the hours an advance voting station is open (or another time outlined in the resolution) to take the elector's vote.

## **Institutional Vote**

LAEA s.80

An elected authority can pass a resolution that designates the location of one or more institutional voting stations. Electors who are confined to a treatment centre or are residents in a supportive living facility established as an institutional voting station are eligible to vote there.

LAEA s.81

The RO determines the times on election day that the votes in the institutions will be taken. Candidates, official agents or scrutineers may only attend the institutional vote if the location is fixed in a public area of the institution. If the vote is conducted in a resident's room, the candidate, official agent or scrutineer isn't allowed to attend.

LAEA s.84

## **Alternative Voting Equipment**

An elected authority can take the votes using voting machines, vote recorders or automated voting systems by passing a bylaw. The bylaw must prescribe the requirements outlined under Section 84 of the LAEA, as well as any other direction the elected authority may want to include in the bylaw.

# Election Day

LAEA s.46

## Voting Hours

The RO and presiding DROs are responsible for ensuring all voting stations are open continuously between 10:00 a.m. and 8:00 p.m. on election day. If the local jurisdiction wants to have the voting stations open before 10:00 a.m., it can pass a bylaw before June 30 in the election year.

Promptly at 8:00 p.m. on election day, the RO or presiding DRO must declare the voting station closed. If there are electors in line or in the voting station at the time of closing, they are allowed to vote, but anyone who arrives at the voting station after close isn't allowed to vote.

LAEA s.58

## Voting Time for Employees

Employees who are also electors in a local jurisdiction must have three consecutive hours to vote while the voting stations are open on election day. If the employee's hours don't allow them three consecutive hours, the employer must allow the employee additional time for voting. The employer decides what time is granted for the employee to vote, and the employer can't make any pay deductions from the employee and can't impose any penalty on the employee's absence from work during the three consecutive hours.

LAEA s.40

## Sealing the Ballot Box

After the voting station opens, the presiding DRO at each voting station must immediately show each ballot box to the people present to show it's empty. The DRO then closes and seals the ballot box—ensuring it can't be opened without breaking the seal—and places it so the presiding DRO can see it while ballots are being deposited. The presiding DROs must keep the ballot box closed and sealed during voting hours and where all those present in the voting station can see it. Candidates, scrutineers or official agents observing the process should be able to see it as well.

If more ballot boxes are needed during voting hours, the DRO also needs to show each ballot box to everyone present to show the box is empty. The boxes should then be closed and sealed and kept in view of those present at the voting station during the voting hours.

LAEA s.55

## Secrecy of the Vote

All voting is done by secret ballot. When an elector is in a voting compartment marking their ballot, no one else can enter the voting compartment (unless the elector requires assistance from

the DRO or a friend/family member, as noted above) or be in a position to see how an elector marks their ballot. Under the *LAEA*, it's an offence for an elector to show their ballot to anyone.

If a minor accompanies an elector, the DRO can allow them to go into the voting compartment with the elector.

*LAEA* s.45

## **Instruction for Voters**

The returning officer and deputy returning officers are responsible for ensuring the voter instructions, as set out in Form 10 – Instructions for Electors, are displayed in a clear and readable format. The instructions must be posted in the voting station and all voting compartments for the duration of election day. The instructions can also be posted in languages other than English.

*LAEA* s.57

## **Number of Votes**

Electors are only allowed to vote once, and they can't vote for more than the number of persons to be elected to an office. An elector is also only allowed to vote once on each bylaw or question.

*LAEA* s.54

## **Person Objected To**

If a candidate, official agent or scrutineer objects to a person who makes a statement, a DRO must note the reason for the objection and the name of the candidate, official agent or scrutineer who is making the objection in the voting register. The objection is only allowed to be made at the time the elector is making their statement.

If the RO, on reasonable and probable grounds, believes a person is not an eligible elector, they must make a note in the voting register stating the reason and initial it.

## **Elector Register and Issuing the Ballot**

*LAEA* s.59

The DRO must record that an elector received a ballot to vote on the voting register.

*LAEA* s.60

At the time the DRO is issuing the ballot, they must ensure the ballot is initialed by them and folded so their initials are visible without opening the ballot.

*LAEA* s.61

The DRO can explain the proper method of voting based on the voting instructions for electors as concisely as possible. An elector can also request an explanation from the DRO.

## Interpreter

If an elector is unable to read English or doesn't understand it, the DRO can allow an interpreter to read or translate the statement and the elector's response. Before acting as an interpreter, the interpreter must complete the statement in Form 17.

## Marking and Disposing Ballots

After the DRO hands the elector the ballot, the elector goes to the voting station compartment and marks the ballot.

After an elector has marked their ballot, they fold it in a way that conceals the candidates' names and the marks on the ballot and exposes the DRO's initials.

After leaving the voting compartment, the elector must immediately proceed to the DRO responsible for the ballot box. The DRO must, without unfolding the ballot, verify the initials on it and deposit it into the ballot box. The DRO can also have the elector deposit their ballot into the ballot box if the elector wants to.

After depositing the ballot in the ballot box, the elector must immediately exit the voting station.

Under Section 64 of the *LAEA*, once an elector has dropped their ballot in the ballot box, they've officially voted.

## Replacement of Spoiled Ballots

An elector who accidentally makes an error on their ballot (i.e., marked their ballot for more than the number of candidates they were allowed to vote for) can return it to the DRO who gave them the ballot. The elector must explain the error to the DRO to get another ballot. After giving the elector a new ballot, the DRO immediately writes "SPOILED" on the returned ballot and keeps it.

## Elector Declining to Vote

If an elector returns a ballot and says they're declining to vote, they're not entitled to another ballot for that elected office. The DRO supervising the ballot box deposits the declined ballot into the ballot box.

## Prohibited Removal of Ballots

Anyone who receives a ballot from the DRO isn't allowed to take it out of the voting station. If they leave without taking the ballot back to the DRO, they forfeit their right to vote in the election. The DRO records the person left on the voting register.

## Persons at the Voting Stations

The only people allowed to be at the voting station are the RO, DROs, constables, candidates, official agents or scrutineers (who are authorized to attend) and the electors who are voting.

The RO or presiding DRO may authorize a person to temporarily observe the voting procedures from a location of the RO's/DRO's choosing. The location can't allow the observer to see how electors are marking their ballots.

The DRO can ask anyone who's been allowed to be in the voting station to leave. That person must abide by the DRO's request.

## Option for Official Agents

Each candidate can appoint an elector to be their official agent. The candidate assigns the official agent's duties.

The candidate can appoint a new official agent by immediately notifying the RO in writing with the new official agent's contact information.

Any person who has been convicted of an offence under the *LAEA*, the *Election Act* or the *Canada Elections Act* within the last 10 years is not eligible to be an official agent. In addition, a candidate can't be an official agent for another candidate.

## Candidate's Scrutineers

Candidates may appoint scrutineers to observe the voting process during the advance vote and on election day. To be a scrutineer, the person must be at least 18 years old and show the presiding DRO a written notice signed by the candidate that states the person represents the candidate as their scrutineer at the voting station.

Before the scrutineer can observe the process, they must make and subscribe, in the presence of the RO or presiding DRO, a statement in Form 16 – Statement of Scrutineer or Official Agent. Only a candidate, official agent **or** scrutineer can be present at the voting station at a time.

Anyone who has been convicted of an offence under the *LAEA*, the *Election Act* or the *Canada Elections Act* within the last 10 years is not eligible to be a scrutineer.

# Post-Vote Procedures

Promptly at 8:00 p.m. on election day, the RO or presiding DRO declares the voting station closed. If there are electors in line and/or in the voting station at the time of closing, they're allowed to vote, but anybody arriving at the voting station after it's closed isn't.

LAEA s.85

## Counting Votes

After the voting station closes, the RO or presiding DRO immediately ensures each ballot box is opened and the votes are counted in the presence of at least one additional officer and the candidates **or** official agents **or** scrutineers (if any). Only one of these individuals is permitted to be present while the ballots are being counted.

LAEA s.85.1

## Counting Centres

An RO can designate a single location as a counting centre. If they do, they need to tell all affected candidates, official agents and scrutineers where the counting centre is. If there's a ward system, the special ballot, advance vote ballot and institutional vote ballot boxes must be counted at the counting centre if the RO has designated one.

Before June 30 in the year of a general election, an elected authority can pass a bylaw to allow the RO to count the special, advance vote and institutional vote ballot boxes at 7:30 p.m. (no earlier) on election day.

The count must be done in the presence of at least one additional officer or DRO and the candidates, official agents or scrutineers, and the results can't be disclosed publicly until after 8:00 p.m. on election day.

LAEA s.86

## Void Ballots

A DRO must examine the ballots and reject any ballot:

- that doesn't have an election officer's initials;
- where an elector has cast more votes than they're allowed;
- where the elector has written or marked anything that identifies them;
- that has been torn, defaced or otherwise dealt with by an elector so that it identifies them;
- that is not marked by an "X"; or

- where an elector hasn't cast a vote.

The DRO doesn't count the ballot and must write "rejected" on the back. If a candidate, official agent or scrutineer objects to the rejected ballot, the DRO must write "rejection objected" on the back. The DRO then initials it.

If a ballot has been incorrectly marked but clearly indicates whom or what the elector intended to vote for, the DRO can count the ballot.

LAEA s.87

## Note of Objection

If a candidate, official agent or scrutineer has objected to a ballot, the DRO must make note of the objection on Form 18 – Notice of Objection to a Ballot. Every objection must be numbered and a corresponding number placed on the back of the ballot. The DRO then initials the ballot.

LAEA s.88

## Ballot Account

The DRO must count the ballots marked for each candidate, excluding the ones that were rejected, and prepares a ballot account on Form 19 – Ballot Account and Result of Vote.

LAEA s.89

Once the ballot account is finished, two DROs involved in the count must sign the ballot account form. The candidates or their official agents or scrutineers who are present can also sign the ballot account if they want to.

As soon as possible after completing the form, the DRO provides a copy of the ballot account to those who are authorized to sign it.

LAEA s.90

## Certificate of Voting Register

At the close of the voting station, every presiding DRO must certify, verbally and on Form 15 – Presiding Deputy's Certification and Statement on Completion of Ballot Count, the number of people who registered to vote at the voting station.

LAEA s.93.1

The presiding DROs must also make a packet of the elector registers where an objection has been noted, seal the packet and clearly mark it on the outside. The sealed packet must be delivered to the RO with the sealed ballot box.

LAEA s.91

## Packet of Ballots

Once the count is complete, the presiding DRO ensures the ballots are separated into packets for:

- valid ballots;

- valid ballots that were objected to along with the notes of objection;
- rejected ballots, including those with no vote cast by an elector;
- spoiled ballots;
- unused ballots;
- voting register; and
- a list of electors (if applicable).

LAEA s.92

Each packet must be sealed and clearly marked on the outside with the contents of the packet, the date of the election, the name of the DRO and the voting subdivision name or number.

LAEA s.93

## Securing and Delivering Election Documents

The presiding DRO must place all the packets containing ballots, the voting register, the special ballot certificate envelopes, copies of the special electors' identification, all statements made on voting day and the list of electors (if applicable) in the ballot box. The ballot box is then closed and sealed with a DRO's seal so that it can't be opened without breaking the seal. The ballot box is then marked on the outside with the voting station name and number.

LAEA s.94

The sealed ballot box, ballot account and envelope of objected-to electors must be delivered to the RO as soon as practicable. If the presiding DRO can't deliver the supplies, they must appoint a person to do it on their behalf and get a delivery receipt.

## Election Results

At any general election or by-election, the candidate(s) who receives the highest number of votes is declared elected. In the case of a vote on a bylaw or question, if more than 50 per cent of the voters are in favour of the bylaw or question, the bylaw or question is deemed to be approved by the electors.

LAEA s.99

## Tie Vote

If two or more candidates for any office receive the same number of votes, and if only one candidate can be elected to that office, the RO must write the candidates' names separately on blank sheets of paper of equal size, shape, colour and texture and fold the sheets of paper in a uniform manner. The papers are then placed in a receptacle, like a bin, and the RO has a person pull out one of the pieces of paper. The RO declares the candidate whose name was drawn as the one who received one more vote than the other(s).

## Declaration of Results

The RO may publish unofficial results after an election as the results are coming in from the voting stations.

At 12:00 p.m. on the fourth day after election day, the RO at each local jurisdiction office must announce or post a statement of the results, which includes a declaration that the candidate who got the most number of votes for each office is elected. If the RO chooses to announce the results instead of posting them, they must post a statement they have signed showing the number of votes for each candidate.

The RO must then forward a signed statement showing the number of votes for each candidate to the secretary and the Deputy Minister of Alberta Education. The statement can be faxed to 780-427-2147.

## Recount

### Returning Officer's Recount

The RO may call for a recount of the votes cast at one or more of the voting stations if:

- a candidate, official agent or scrutineer shows grounds the RO considers reasonable for alleging the results of the count at any voting station is inaccurate;
- the RO believes the number of valid ballots objected to or rejected ballots—other than those where no vote was cast—was sufficient to affect the election results; or
- the RO believes there may have been an administrative or technical error that could've caused an error in the vote count.

If the RO calls for a recount, they must notify any affected candidates and any election officers they want to assist with the recount within 12 hours.

If a recognized candidate, official agent or scrutineer wants to apply to the RO to conduct a recount, the recount must be completed within 44 hours immediately following the close of the voting station on election day.

The seals on the ballot boxes may be broken. All of the ballots in the ballot boxes must be counted the same way the DRO counted them on election day.

After the recount, the RO must correct the ballot account, if necessary, and put all materials and documents back in the ballot box. They can then close and seal it.

If a recount is necessary, the RO should review Section 98 of the *LAEA* to ensure they follow the appropriate processes.

*LAEA* Part 4  
s.103–115

### **Judicial Recount**

At any time within 19 days after the voting station(s) closes on election day, an elector can apply to the Court of Queen’s Bench for a recount. After the elector has filed an affidavit alleging the RO or another election officer improperly counted or rejected ballots, the elector must pay a \$300 deposit to the court to cover costs and expenses.

## **Election Materials**

As soon as practicable, the RO must deliver the sealed ballot boxes, ballot account and nomination papers to the secretary. The secretary must retain the ballot account and nomination papers until the term of office they relate to has expired. An elector can inspect the ballot account and nomination papers during regular business hours and in the secretary’s presence.

*LAEA* s.101

### **Disposition of Materials**

The secretary, unless otherwise ordered by a judge, must retain copies of the voting registers (if any) and the ballot boxes with their seals unbroken for a period of six weeks following election day. At the end of the six weeks, the ballot box seals are broken and the boxes opened; all contents are then destroyed in the presence of two witnesses. After the disposition, the two witnesses complete an affidavit stating they witnessed the destruction of the ballot boxes’ contents.

*LAEA* s.102

### **Order for Inspection of Ballots**

Nobody is allowed to inspect the ballot box’s contents, which are in the custody of the secretary, unless a judge orders it. A judge may grant an order if satisfactory evidence is provided that the inspection or production of the ballot box’s contents is required for maintaining the prosecution of an offence related to the election, contesting the election or preparing an application for a recount.

# Election Finances and Contributions Disclosure

ROs should review all definitions under Part 5.1 of the *LAEA* so they understand them and how to apply them. Municipal Affairs has [implementation fact sheets](#) available for the 2018 and 2020 amendments to the *LAEA*.

*LAEA* s.147.2

## Limitations on Contributions

Only individuals who ordinarily reside in Alberta are allowed to make a contribution to a candidate. Prohibited organizations, such as corporations and unincorporated organizations, including trade unions and employee organizations, or individuals residing outside of Alberta are not allowed to make a contributions. Individuals can contribute any amount, up to \$5,000 to any candidate.

*LAEA*  
s.147.22

A candidate may contribute an amount of up to \$10,000 that isn't reimbursed to the candidate from the candidate's campaign account by the end of the campaign period to the candidate's own campaign expenses.

## Acceptance of Contribution

Candidates can't accept contributions or incur expenses unless they've been nominated as a candidate and it's during the campaign period. A person who intends to be nominated can incur expenses and accept contributions outside of the campaign period as long as they don't exceed \$5,000. These contributions and expenses must be disclosed in the candidate's campaign disclosure statement.

*LAEA*  
s.147.1(1)(b)

## Campaign Period

For general elections, the campaign period is from January 1 through to December 31 in the year of the general election. For by-elections, the campaign period refers to the time set by resolution to 60 days immediately following the by-election.

*LAEA*  
s.147.1(1)(a)

## Allowable Election Expenses

A campaign expense is any expense a candidate incurs (including a non-monetary contribution) where real property, personal property or a service is used to directly promote or oppose a candidate during the campaign period. The expense or non-monetary contribution includes:

- the production of advertising or promotional material;

- the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during the campaign period, including the use of a capital asset;
- the payment of remuneration and expenses to or on behalf of a person for the person's services as a chief financial officer or in any other capacity;
- securing a meeting place; or
- the conduct of election surveys or other surveys or research during a campaign period.

LAEA  
s.147.23

## Duties of a Candidate

LAEA  
s.147.24

A candidate must ensure that:

- a campaign account, either in the candidate's name or the name of their election campaign, is opened at a financial institution for the election campaign at the time of nomination or as soon as possible after contributions exceed \$1,000 in total;
- if a campaign account has been opened, all monetary contributions are deposited into the account;
- money in the account is only used for the payment of campaign expenses;
- contributions of real property, personal property and services are valued;
- receipts are issued for every contribution and obtained for every expense;
- disclosure statements are filed;
- contribution and expense records are kept and retained for three years after the date the disclosure statement was to be filed;
- proper direction is provided to the official agent and anyone else who is authorized to incur campaign expenses and to accept campaign contributions;
- a contribution received in contravention of the *LAEA* is returned to the contributor as soon as possible; and
- an anonymous contribution, which cannot be returned to the contributor, is provided to a registered charity or school board.

LAEA s.147.3

## Campaign Disclosure

Every candidate, including a candidate who withdraws, is required to file a disclosure statement with the secretary on or before March 1 immediately after the general election. For by-elections, the disclosure statement must be filed no later than 120 days after the date of the by-election.

The disclosure statement must include:

- the total amount of all campaign contributions received during the campaign period that didn't exceed \$50 in total from any single contributor;
- the total amount contributed, with the contributor's name and address, for each person whose contributions during the campaign period exceeded \$50 in total;
- the total amount of contributions received (not exceeding \$5,000) outside the campaign period;
- the total amount from fundraising functions;
- the total amount of other revenue;
- the total amount of campaign expenses;
- an itemized campaign expense report setting out the campaign expenses incurred by the candidate;
- the total amount of money paid by the candidate;
- the total amount of any surplus, including any surplus from previous campaigns; and
- the amount of any deficit.

If a candidate doesn't file nomination papers in the next general election, they must give the surplus to the school board within six months after the date of the general election. If there's a deficit, the candidate must eliminate the deficit.

## Campaign Surplus

The candidate must donate an amount to a registered charity that results in the surplus being less than \$1,000 and may retain any portion of that amount or donate that amount to a registered charity and report it accordingly.

## Late Filing

A candidate who fails to file a campaign disclosure statement on time will have to pay a \$500 late filing fee to the school board.

## Third-Party Advertising

The *LAEA* includes provisions on third-party advertising. ROs should review all of Part 8 to ensure they understand the roles and responsibilities of third-party advertisers.

*LAEA* s.163

### Registration of a Third Party

A third party must apply for registration in a local jurisdiction when it has incurred or intends to incur expenses of at least \$1,000 or when it has accepted or intends to accept contributions of at least \$1,000.

The local jurisdiction must maintain separate third-party registers for election advertising and political advertising.

*LAEA* s.165

### Expense Limits

During the election advertising period, a third party can't exceed the election advertising expense limits as determined by regulation.

*LAEA* s.167

### Contributions and Expenses

Any individual, corporation, trade union or employee organization can't make an advertising contribution to a third party unless the third party is registered (unless the third party is not required to be registered because they haven't met the \$1,000 expense threshold).

The following entities can't make an election advertising contribution:

- an individual who ordinarily resides outside of Alberta;
- a prohibited corporation;
- a trade union or employee organization that is not Alberta based;
- a registered charity; or
- a group where any member of the group ordinarily resides outside of Alberta, a prohibited corporation, a trade union or employee organization (unless an Alberta-based union or organization).

### **Anonymous and Unauthorized Contributions**

An anonymous contribution of more than \$50 can't be used or expended by the registered third party. The contribution must be returned to the contributor if their identity can be established or to the local jurisdiction if not.

Contributions not belonging to an individual, corporation, trade union or employee organization, or any funds that have been furnished to any of these entities, are prohibited.

If the chief financial officer becomes aware that a contribution has been accepted from an entity that wasn't allowed to contribute, or if the funds were furnished, they must advise the school board, in writing, of the fact and circumstances within 30 days of finding out. After notifying the school board, the chief financial officer must return the contribution according to the school board's directions.

### **Identification of Third Parties**

A third party, or a person acting on their behalf, must ensure their sponsored election advertising or political advertising complies with guidelines established by the Minister of Municipal Affairs. The Minister is required to establish guidelines for the identification of third parties. ROs are encouraged to review these guidelines and make them available to third parties.

### **Disclosures of Third Parties**

Every third party that engages in contributions for election advertising must file a report, using Form 28 – Third Party Advertising Contribution Statement, with the school board by March 1 following a general election. The report covers the advertising contributions received during the election advertising period. The report must set out:

- the total amount of all advertising contributions received that did not exceed \$250 from any single donor; and
- the total amount contributed, the name and address of the contributor, and the amount and date of each contribution for each contributor who made advertising contributions during the election advertising period totalling more than \$250.

In addition, the third party must file an election advertising return that includes:

- a financial statement;
- a list of all advertising contributions received during the election advertising period;
- an election advertising spending limit report;

- the advertisements' time and place of broadcast or publication the election advertising expense relates to; and
- any supporting information and documents relating to the election advertising return.

LAEA s.184

### Late Filing

A third party that fails to file a report and return by March 1 must pay a \$500 late filing fee to the school board. If the fee is not paid within 30 days, the school board must send a notice to the third party and the chief financial officer stating the \$500 needs to be paid. If the third party still fails to pay the fee, the school board can file a notice with the Court of Queen's Bench.

If a third party fails to file a report and return, the school board can cancel the third party's registration. If a third party files a report and return no later than 30 days after the filing deadline, the school board is unable to cancel the registration.

## Controverted Elections and Election Offences

It is important for ROs and other election officials to review all offences under the *LAEA*. This procedural manual does not detail each offence or the grounds for controverted elections, but all election officials are responsible for understanding each of the sections. Controverted elections are addressed under Sections 116 to 147 of the *LAEA* and offences are addressed under Sections 147.82 to 147.85, Sections 148 to 158 and Section 186.

If you have any questions about controverted elections or election offences, you are encouraged to call Alberta Education or seek a legal opinion.

# Office of the Election Commissioner

Beginning August 1, 2019, the Alberta Election Commissioner now plays a role in local authority elections, specifically the ability to investigate an offence under Part 5.1, Campaign Finance and Contribution Disclosure, and Part 8, Third Party Advertising, of the *LAEA*.

## Duties and Powers of the Election Commissioner

The Election Commissioner may, of their own accord or at the request of another person or organization, conduct an investigation into any matter that might constitute an offence under Part 5.1 and/or Part 8. If an investigation is undertaken, the Election Commissioner may enter a premises for the purpose of examining or making copies of the books or documents on the relevant subject matter. If the premises is a private dwelling, the Election Commissioner will obtain consent or a court order.

Candidates and third parties must provide any information required by the Election Commissioner within 30 days unless the Election Commissioner has determined another time frame.

## Investigations

When an investigation is underway, the Election Commissioner must notify any individual or organization who is the subject of an investigation and note the nature of the matter that is being investigated. If the Election Commissioner believes notifying the individual(s)/organization may compromise the investigation, however, they don't have to. The Election Commissioner may also refuse an investigation in accordance with the legislation.

## Penalties

The Election Commissioner may choose to serve the individual/entity a notice of administrative penalty or letter of reprimand based on the findings of the investigation. An administrative penalty includes a notice outlining the contravention and the fine required to be paid to the Crown. Administrative penalties have a range of monetary values; candidates are encouraged to review Part 9 of the *LAEA*, which is the section on the powers, duties and responsibilities of the Election Commissioner, to understand the potential penalty amounts. Administrative penalties must be paid within 30 days of the notice being served. The individual/entity can appeal the decision through the Court of Queen's Bench.

## Compliance Agreements

The Election Commissioner also has the ability to enter into compliance agreements with an individual or local jurisdiction if there has been an offence committed or is about to be committed. Compliance agreements ensure the individual or local jurisdiction will comply with the relevant section(s) of the *LAEA*.

Prosecution of non-compliant agreements may not be instituted without the consent of the Election Commissioner.

## Duty to Provide Documents or Information

At the request of the Election Commissioner, the local jurisdiction or returning officer must disclose any document or information they have obtained under the *LAEA* that may be considered necessary for the purpose of carrying out the commissioner's powers, duties and functions. In addition, the Election Commissioner, at the request of the school board or RO, must disclose any document or information that may be necessary for carrying out the powers, duties and functions of the school board or RO, unless the disclosure could compromise the Election Commissioner's investigation.

## Duty to Refer Complaints and Allegations

A school board or RO must refer any complaint or allegation it receives from the school board or RO under Part 5.1 or Part 8 of the *LAEA* to the Election Commissioner. The school board or RO must also report any act or omission that, in their opinion, is likely to constitute an offence under the *LAEA* to the Election Commissioner.

## Office of Election Commissioner Contact Information

For more information regarding the roles and responsibilities of the Election Commissioner, please visit [albertaelectioncommissioner.ca](http://albertaelectioncommissioner.ca), call 780-886-1656 or email [blair.edl@albertaelectioncommissioner.ca](mailto:blair.edl@albertaelectioncommissioner.ca).

# Appendix: 2021 Important Dates

Date	Action
<p><b>January 1, 2021</b></p>	<p>Bylaws establishing wards come into effect if passed before December 31 in the year prior to an election year.</p> <p>If the school board doesn't appoint an RO, the secretary is deemed to have been appointed as the RO.</p> <p>A person may file a nomination to become a candidate for a general election beginning on January 1 and ending at 12:00 p.m. on nomination day.</p> <p>School boards may pass a bylaw requiring candidates to file a pre-election disclosure statement.</p>
<p><b>February 1, 2021</b></p>	<p>A proof of elector eligibility bylaw must be published at least once per week for two consecutive weeks in the area where the proposed bylaw relates and before its second reading.</p>
<p><b>March 20, 2021</b></p>	<p>School boards may pass a bylaw that provides for the number and types of identification that eligible voters are required to produce.</p>
<p><b>June 30, 2021</b></p>	<p>School boards may appoint an RO and must appoint a substitute RO by resolution before receiving nominations.</p> <p>A school board can pass a resolution to enter into an agreement with one or more municipalities in the same area to conduct a joint election.</p> <p>School boards can pass a bylaw that allows the voting station to be open before 10:00 a.m.</p> <p>School boards must pass a resolution if there is to be a vote on a bylaw or question.</p> <p>School boards can pass a bylaw to prepare a list of electors who are entitled to vote in an election and appoint/authorize a sufficient number of enumerators to complete an enumeration.</p> <p>School boards may pass a bylaw that allows voting machines, vote recorders or automated voting systems to tally electors' votes.</p>

Date	Action
<b>July 1, 2021</b>	A person employed by a school division, charter school or private school who wants to be nominated can notify their employer on or after July 1 in the year of the election but before the person's last working day.
<b>August 9, 2021</b>	School boards may pass a bylaw requiring that every nomination be accompanied with a deposit in the amount fixed in the bylaw.
<b>August 17, 2021</b>	School boards may pass a bylaw to print ballots in as many lots as there are candidates for the office.
<b>September 6, 2021</b>	The first notice of nomination day must be published.
<b>September 13, 2021</b>	The second notice of nomination day must be published.
<b>September 19, 2021</b>	A board can pass a resolution prior to nomination day that allows special ballots and the application of special ballots.
<b>September 20, 2021</b>	<p>Nomination day.</p> <p>If sufficient nominations to fill all vacancies aren't received, the secretary must notify the Minister immediately.</p> <p>When, at the close of nominations, the number of persons nominated for any office is the same number required to be elected, the RO declares the person(s) elected and provides signed written notice to the secretary and Deputy Minister of the election by acclamation.</p> <p>If a declaration is made that every trustee position is declared elected by acclamation, those declared may hold an organizational meeting before the date of the general election.</p>
<b>September 21, 2021</b>	<p>Within 24 hours after nominations close, the RO must forward a signed statement showing the names and any other information provided for each nominated candidate to the Deputy Minister.</p> <p>School boards may divide the local jurisdiction into voting subdivisions by resolution, but not between the time of giving notice and election day.</p>

Date	Action
<b>October 4, 2021</b>	<p>The first notice of election day must be published.</p> <p>School boards can pass a resolution to hold an advanced vote for the election and publish a notice for it at least one week before the set date.</p>
<b>October 11, 2021</b>	The second notice of election day must be published.
<b>October 18, 2021</b>	Election day.
<b>October 20, 2021</b>	Ballot recounts must be made during the 44 hours immediately following the close of the voting stations. The RO conducting the recount must notify any affected candidates 12 hours before the recount.
<b>October 22, 2021</b>	<p>ROs must announce post-election results at 12:00 p.m. and forward a signed statement showing the number of votes for each candidate and which candidates are declared elected to the Deputy Minister.</p> <p>A person elected under the <i>LAEA</i> holds office from the beginning of the organizational meeting of the school board following the general election to immediately before the beginning of the organizational meeting of the elected school board trustees after the next general election.</p>
<b>November 29, 2021</b>	If a person wants to contest the election results' validity, they must show reasonable grounds, by affidavit, to a judge within six weeks after the election.
<b>March 1, 2022</b>	<p>Candidates must file a campaign disclosure statement in Form 26 – Campaign Disclosure Statement and Financial Statement with the secretary.</p> <p>A registered third-party advertiser who engages in election advertising must file a disclosure of contributions for election advertising with the school board.</p> <p>The chief financial officer of a registered third party must file a third-party election advertising return with the school board.</p>