

Implementation Fact Sheet

General Clarifying and Technical Amendments to the *Local Authorities Election Act, 2018*

Substitute Returning Officer

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 13, s. 17**

Previous requirement:

The *LAEA* allowed for the chief elected official (mayor, reeve, or board chair) to appoint a substitute returning officer in the event that the returning officer was unable to fulfill their duties.

What's changed?

The *LAEA* requires a substitute returning officer be appointed by the municipal council or school board at the time a returning officer is appointed.

In the instance where a chief administrative officer (CAO) or a secretary of a school board assumes the responsibility of the returning officer, a council or school board must make a resolution identifying a substitute returning officer in the event the CAO is unable to fulfill the duties of returning officer.

What do municipalities and school boards need to know?

All municipalities and school boards must appoint a substitute returning officer at the same time the returning officer has been appointed, regardless of whether the chief administrative officer or secretary of a school board has assumed the role of returning officer.

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.

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Rejection of Nomination Paper

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 28(4)**

Previous requirement:

The LAEA stated that a returning officer must refuse a nomination paper if it has not been signed by five eligible electors and is not accompanied by a deposit (if required by bylaw).

What's changed?

The returning officer is required to refuse a nomination paper if it is not signed by at least five electors (or more if required by bylaw), is not accompanied by a deposit (if required by bylaw), or is not sworn/affirmed by the candidate.

What do prospective candidates need to know?

It is important to ensure your nomination paper is complete in the prescribed form and accompanied by a deposit (if required) prior to submitting the form and deposit to the returning officer. Failure to do so will result in your nomination paper being rejected.

What do municipalities or school boards need to know?

The returning officer shall reject a nomination not completed as prescribed, including if the paper has not been sworn/affirmed by the person wishing to become a candidate.

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Official Agent

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 27(1)(c)(ii)**

Previous requirement:

Each person nominated as a candidate may appoint an elector as the candidate's official agent. The candidate assigns the duties of an official agent.

What's changed?

The LAEA clarifies that the role of "official agent" is not mandatory.

What do prospective candidates need to know?

You may, at the time of submitting your nomination paper, also submit written affirmation of the name, address and telephone number of your official agent.

This appointment is not required.

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Non-Age Related Institutional Voting

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 1(y), s. 1(z.2), s. 1(z.3), s. 80**

Previous requirement:

The LAEA referred to a “seniors’ accommodation facility” as a lodge accommodation as defined in the Alberta Housing Act, or a facility for seniors that provides accommodation at a location for 10 or more persons who are 65 years of age or older.

What’s changed?

The LAEA has been amended to allow for institutional voting in locations that reflect level of care rather than age.

What do municipalities or school boards need to know?

A “supportive living facility” is defined as:

- (i) a lodge accommodation as defined in the *Alberta Housing Act*, or
- (ii) a facility for adults or senior citizens that provides assisted living and accommodation but does not include a treatment centre (**s. 1(z.2)**)

A “treatment centre” if defined as:

- (i) a hospital or a facility under the *Mental Health Act*, or
- (ii) any facility not referred to in subclause (i) providing medical treatment or care on an in-patient basis (**s. 1(z.3)**)

What does the public need to know?

If you reside in a supportive living facility or treatment centre as defined above, you are eligible to vote at an institutional voting station, if provided for by a municipality. (**s. 80**)

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Notification Requirements

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 158.1**

Previous requirement:

The LAEA required that the notice of nomination day and notice of election day be published at least once in each of the two weeks prior to nomination day and election day in a newspaper or other publication circulating in the area; alternatively, the notice must be mailed at least one week prior to every residence in the municipality.

What's changed?

Municipalities are able to align their election notifications with a bylaw passed under Section 606.1 of the *Municipal Government Act (MGA)* that allows for electronic or other methods of advertising. Many municipalities refer to these bylaws as “advertising bylaws” or “Public notification bylaws”

What does the public need to know?

If a municipality has passed a bylaw that outlines the type of methods that are acceptable for advertising, then the municipality may use those methods to provide notices related to the election. These include those outlined in the following sections of the LAEA:

- 26 (Notice of nomination day);
- 35 (Notice of election);
- 53.01; 53.1 (Proof of elector eligibility); and
- 74 (Notice of advance vote).

What do municipalities need to know?

A municipality must pass a bylaw in accordance with section 606.1 of the *MGA* to allow for and use electronic or other methods of advertising authorized by that bylaw. (**s.158.1**)

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Incapacitated Electors

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 77.1, s. 77.2(5)(f), s. 79(1) (3)**

Previous requirement:

The LAEA used the term “incapacitated elector” and established procedures for assisting an elector who may require assistance during the voting process by either a friend/relative or an election worker.

What's changed?

Amend the term to “persons with disabilities”, or similar wording such as “elector who is unable to vote in the usual manner” depending on the context.

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Recounts in a Ward

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 98**

Previous requirement:

The LAEA outlined the process that the returning officer must follow when contemplating or conducting a recount. Those procedures did not contemplate recounts specific for wards/divisions.

What's changed?

The LAEA was amended to clarify that if a recount has been requested in a municipality/school division that is divided into wards/divisions, the recount only has to occur in that ward/division where the recount has been requested and not the entire municipality (s.98).

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Tie Votes on a Bylaw or Question

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 95(2)**

Previous requirement:

In the cases of a vote on a bylaw or question, more than 50% of the persons voting must vote in favour of the bylaw or affirmatively on the question to be considered approved by the electors.

What's changed?

The LAEA clearly states that to be considered approved by electors, a vote on a question or bylaw must receive 50% plus one of votes cast on the question or bylaw. (s. 95(2))

When do these changes take place?

The amendments to the LAEA came into force January 1, 2019.

Notification of By-Election for a Ward/Division

Legislation: [Local Authorities Election Act \(LAEA\)](#)

Section Numbers: **s. 35, .s 74(1.2)**

Previous requirement:

The *LAEA* provides requirements for advertising nomination day, election day and advance votes.

However, the legislation did not set out narrower notification requirements for by-elections occurring for just some of the wards/divisions.

What's changed?

Clarify that notification of a by-election for advance vote and election day is only required to be given to the electors in the ward/division where the by-election is occurring.

What do the public need to know?

Only those electors living in the ward/division where a by-election is occurring are required to be notified of advance vote and election day details.

What do municipalities or school boards need to know?

For a by-election, the municipality or school board is only required to notify those electors who reside in the ward/division where the by-election is occurring of advance voting and election day details. (**s. 35, s. 74(1.2)**)

When do these changes take place?

The amendments to the *LAEA* came into force January 1, 2019.