

2024 Bill 20

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First Session, 31st Legislature, 2 Charles III

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 20

## MUNICIPAL AFFAIRS STATUTES AMENDMENT ACT, 2024

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THE MINISTER OF MUNICIPAL AFFAIRS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 20*

## **BILL 20**

2024

### **MUNICIPAL AFFAIRS STATUTES AMENDMENT ACT, 2024**

*(Assented to , 2024)*

HIS MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### **Local Authorities Election Act**

**Amends RSA 2000 cL-21**

**1(1) The *Local Authorities Election Act* is amended by this section.**

**(2) Section 1 is amended**

**(a) by adding the following after clause (a):**

- (a.1) “Alberta employee organization” means any organization that bargains collectively for employees in Alberta, and for the purposes of this Act all branches in Alberta of an employee organization are deemed to be one employee organization;
- (a.2) “Alberta trade union” means a trade union as defined in the *Labour Relations Code*, the *Public Service Employee Relations Act* or the *Canada Labour Code* (Canada) that holds bargaining rights for employees in Alberta, and for

## Explanatory Notes

### Local Authorities Election Act

1(1) Amends chapter L-21 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

*1 In this Act,*

*(e.1) “candidate” means an individual who has been nominated to run for election in a local jurisdiction as a councillor or school board trustee;*

*(r) “local jurisdiction” means a municipality or a school division as defined in the Education Act;*

the purposes of this Act all locals of a trade union are deemed to be one trade union;

**(b) in clause (e.1) by adding “, except in Part 5.1,” after “means”;**

**(c) by adding the following after clause (n.1):**

(n.2) “employee organization” means an organization, other than a trade union, that bargains collectively for employees;

**(d) by repealing clause (r) and substituting the following:**

(r) “local jurisdiction” means a municipality as defined in the *Municipal Government Act* or a school division as defined in the *Education Act*;

**(e) by adding the following after clause (z.2):**

(z.21) “trade union” means an organization of employees that has a written constitution, rules or bylaws and has as one of its objects the regulation of relations between employers and employees;

**(3) Section 5 is amended by adding “77.21,” after “77.2.”.**

**(4) Section 6 is amended**

**(a) in subsection (2) by adding “or periods” after “alter dates”;**

**(b) by adding the following after subsection (2):**

**(2.1)** A decision, order or direction under subsection (2) may

(a) be made or given after a prescribed date or period has passed,

(3) Section 5 presently reads:

*5 All proceedings that, in the opinion of an elected authority, are necessary to give full effect to section 73, 77.1, 77.2, 77.3, 79, 80 or 81 are deemed to be authorized notwithstanding any inconsistencies that may arise between any of those sections and any other provision of this Act.*

(4) Section 6 presently reads in part:

*(2) The relevant Minister may decide any questions arising from the difficulty or impossibility of applying this Act and in so deciding the relevant Minister may by order alter dates prescribed by this Act for the doing of any matter or thing and may give other directions.*

*(4) The Regulations Act does not apply to directions given under this section.*

- (b) alter a date or period to a date or period that is earlier than the prescribed date or period, or
  - (c) be made in respect of a date or period that is earlier than the date of the decision, order or direction.
- (c) in subsection (4) by striking out “directions given” and substituting “a decision or order made or a direction given”.**

**(5) The following is added after section 6:**

**Ministerial powers re emergencies**

**6.1** Subject to the regulations, the Minister, by order and in accordance with the regulations, if any, may extend or adjourn voting or take any other action the Minister considers appropriate if in the Minister’s opinion an emergency, a disaster or an unusual or unforeseen circumstance

- (a) is likely to have a significant effect on the conduct of an election or the ability of electors to attend at a voting station in one or more local jurisdictions,
- (b) puts or may put the health or safety of persons in a local jurisdiction at risk, or
- (c) may have other impacts prescribed by the regulations.

**(6) Section 12 is amended**

- (a) in clause (a)(i) by striking out “or for school representatives”;**
- (b) in clause (e) by striking out “and school representatives”.**

(5) Ministerial powers re emergencies.

(6) Section 12 presently reads in part:

*12 The provisions of this Act that apply to municipalities apply to summer villages except that in respect of a summer village*

*(a) election day*

*(i) in the case of a general election for council or for school representatives, shall be 4 weeks after the day established by council for the receipt of nominations for that election, and*

*(e) in the case of a by-election, nominations for councillors and school representatives, if any, shall be received by the returning officer between the hours of 10 a.m. and 12 noon at a date and place established by council,*

**(7) Section 13(3) is repealed and the following is substituted:**

**(3)** The following persons shall not be appointed as a returning officer or substitute returning officer for a local jurisdiction:

- (a) a candidate for the elected authority for that local jurisdiction;
- (b) in respect of a candidate for the elected authority for that local jurisdiction, the candidate's spouse, adult interdependent partner, child, parent or sibling.

**(8) Section 16(2) is amended by striking out "enumerator,".**

**(9) Section 21 is amended by adding the following before subsection (1):**

**Qualification of candidates**

**21(0.1)** In this section, "city" means a municipality whose formation order specifies that municipality to be a city or whose status is changed to a city after its formation.

**(10) The following is added after section 21:**

**Criminal record check**

**21.1** An elected authority, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, may require a person seeking to be nominated as a candidate to provide a criminal record check.

**(11) Section 22 is amended**

**(a) in subsection (1)(d) by striking out "debt exceeding \$500" and substituting "debt equalling or exceeding \$500";**

**(b) by adding the following after subsection (1.1):**

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



(7) Section 13(3) presently reads:

*(3) The returning officer or substitute returning officer for a local jurisdiction may not be a candidate for the elected authority for that local jurisdiction.*

(8) Section 16(2) presently reads:

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

(9) Adds definition.

(10) Criminal record check.

(11) Section 22 presently reads in part:

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

*(d) the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$500 and in default for more than 90 days;*

Office of the Ombudsman unless the person takes a leave of absence under this section.

**(c) in subsection (1.2)**

**(i) in clause (a) by adding “presented or” after “a report was”;**

**(ii) in clause (c)(i) by striking out “transmitted the report to council or the school board” and substituting “presented the report to council or transmitted the report to the school board”;**

**(d) in subsection (1.3)(a) by adding “presented or” before “transmitted”;**

**(e) by adding the following after subsection (1.3):**

**(1.4)** A person is not eligible to be nominated as a candidate for election as a councillor or as a trustee of a board of a school division if, on or after the time the person gives written notice or was required to give written notice under section 147.22, the person uses or expends a contribution in contravention of section 147.23.

**(f) in subsections (5) and (5.1) by striking out “July 1” and substituting “January 1”;**

**(g) by adding the following after subsection (5.1):**

**(5.2)** A person employed by the Office of the Ombudsman who wishes to be nominated as a candidate for election as a councillor or as a trustee of a board of a school division may notify that person’s employer on or after January 1 in the year of an election but before the person’s last working day prior to nomination day that the person is taking a leave of absence without pay under this section.

**(h) in subsection (6) by striking out “subsection (5) or (5.1)” and substituting “subsection (5), (5.1) or (5.2)”.**

**(12) The following is added after section 23:**

*(1.2) A person is not eligible to be nominated as a candidate for election as a councillor or a school board trustee if*

*(a) a report was transmitted under section 147.8(1) in respect of the person,*

*(c) subject to subsection (1)(d.1), nomination day for the election occurs within*

*(i) the 8-year period following the day on which the secretary transmitted the report to council or the school board, or*

*whichever period expires first.*

*(1.3) Subsection (1.2) applies*

*(a) with respect to a candidate for election as a councillor, if a report has been transmitted under section 147.8(1)(a) respecting a campaign period beginning on or after January 1, 2014, and*

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

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

*(6) Notwithstanding any bylaw, resolution or agreement of a local jurisdiction, every person who notifies an employer in accordance with subsection (5) or (5.1) is entitled to a leave of absence without pay.*

**(12) Disqualification of candidate.**

**Disqualification of candidate**

**23.1** A candidate is disqualified and becomes ineligible to continue as a candidate in an election under this Act if, on or after the day the candidate's nomination has been accepted under section 28(5) and on or before election day, the candidate

- (a) is convicted of an offence
  - (i) punishable by imprisonment for 5 or more years, or
  - (ii) under section 123, 124 or 125 of the *Criminal Code* (Canada),
- or
- (b) uses or expends a contribution in contravention of section 147.23.

**(13) Section 27 is amended**

- (a) in subsection (1) by striking out “and” at the end of clause (c), by adding “and” at the end of clause (d) and by adding the following after clause (d):**
  - (e) if required by bylaw, be accompanied with a criminal record check.
- (b) in subsection (1.1) by adding “and on the same day a nomination is submitted under section 28(1)” after “prescribed form”;**
- (c) in subsection (2) by striking out “city” and substituting “municipality”.**

(13) Section 27 presently reads in part:

*27(1) Every nomination of a candidate must*

*(c) be accompanied with a written acceptance sworn or affirmed in the prescribed form by the person nominated, stating*

*(v) that the persons who have signed the nomination are electors who are eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination,*

*and*

*(d) if required by bylaw, be accompanied with a deposit in the required amount.*

*(1.1) A person who files a nomination shall also submit, in the prescribed form, the following information to the returning officer:*

*(2) Notwithstanding subsection (1), a city that is a local jurisdiction with a population of at least 10 000 or a board of trustees under the Education Act of a local jurisdiction with a population of at least 10 000 may, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be at least 5 and not more than 100.*

**(14) Section 28 is amended**

**(a) by adding the following after subsection (4)(c):**

- (c.1) if a bylaw has been passed under section 21.1, a nomination that is not accompanied with the criminal record check required by the bylaw;

**(b) by adding the following after subsection (6):**

**(6.1)** A filed nomination paper referred to in subsection (6) must be made available in a partial or redacted form as necessary to ensure that the following is not disclosed:

- (a) the mailing address of the candidate and of the candidate's official agent;
- (b) any personal information that in the opinion of the returning officer, deputy or secretary would compromise the personal safety of the candidate.

**(6.2)** If a criminal record check accompanies a candidate's nomination papers, the results of the criminal record check must not be withheld or redacted under subsection (6.1) except to ensure that the mailing address of the candidate and of the candidate's official agent is not disclosed.

**(15) Section 29(1) is amended by striking out** "by bylaw passed not fewer than 30 days before nomination day" **and substituting** "by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held".

**(16) Section 30(1) is amended by striking out** "provided in cash, by certified cheque or by money order" **and substituting** "paid in cash, by certified cheque, by money order, by e-transfer or by debit card or credit card".

**(17) Section 31 is amended**

- (a) in subsection (1)(b) by striking out** "12 noon of the day that the required number of nominations has been received or";

(14) Section 28 presently reads in part:

*(4) A returning officer shall not accept the following for filing:*

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

(15) Section 29(1) presently reads:

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

(16) Section 30(1) presently reads:

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

(17) Section 31 presently reads in part:

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

- (b) in subsection (4) by striking out** “recommend a change in the status of the local jurisdiction or any other action” **and substituting** “recommend to the Lieutenant Governor in Council a change in the status of the local jurisdiction or take any other action”.

**(18) Section 32 is amended**

- (a) in subsection (2) by striking out** “Subject to subsection (3), at” **and substituting** “At”;
- (b) by repealing subsection (3).**

**(19) Section 37(3) is repealed and the following is substituted:**

- (3)** The elected authority may pass a bylaw by June 30 of a year in which a general election is to be held allowing the returning officer of the elected authority to designate
  - (a) more than one voting station for each subdivision, and
  - (b) the location of those voting stations.

**(20) Section 42(1)(c) and (2)(c) are amended by striking out** “school representatives or”.



*(b) shall continue to remain open and be adjourned in the same manner from day to day until 12 noon of the day that the required number of nominations has been received or a period of 6 days, including nomination day but not including Saturday, Sunday and holidays, as defined in the Interpretation Act, has elapsed.*

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

(18) Section 32(2) and (3) presently read:

*(2) Subject to subsection (3), at any time within 24 hours after the close of the nomination period, if more than the required number of candidates for any particular office are nominated, any person so nominated may withdraw as a candidate for the office for which the candidate was nominated by filing with the returning officer a withdrawal in writing.*

*(3) If, after one or more candidates have withdrawn in accordance with subsection (2), the number of remaining candidates does not exceed the number of vacancies to be filled, the returning officer shall refuse to accept further withdrawals.*

(19) Section 37(3) presently reads:

*(3) The elected authority may pass a bylaw by June 30 of a year in which a general election is to be held allowing the returning officer of the elected authority to designate more than one voting station for each subdivision and the location of those voting stations for that election.*

(20) Section 42(1)(c) and (2)(c) presently read:

*42(1) A separate ballot shall be used for*

*(c) the offices of school representatives or trustees.*

*(2) The names of the candidates for*

**(21) Section 46(4) is amended by adding** “or in line to enter the voting station” **after** “an elector in the voting station”.

**(22) Section 49 is amended**

**(a) by repealing subsections (1) to (3) and substituting the following:**

**Permanent electors register**

**49(1)** Subject to this section, a municipality must prepare a permanent electors register of residents in the municipality who are eligible to vote that is compiled and revised primarily using information received from the Chief Electoral Officer.

**(2)** A municipality must enter into an agreement with the Chief Electoral Officer under the *Election Act*

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

**(3)** A municipality may use any other information obtained by or available to the municipality to supplement the information received under subsection (1) in compiling and revising a permanent electors register.

**(3.1)** A municipality must enter in the permanent electors register any information referred to in subsection (5) that is collected under this Act during an election.

*(c) the offices of school representatives or trustees;*  
*must be placed on the ballot in the prescribed form.*

(21) Section 46(4) presently reads:

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

(22) Section 49 presently reads in part:

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

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

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

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

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

**(3.2)** A person may be added to the permanent electors register when the municipality has the information with respect to that person that is referred to in subsection (5)(a), (b) and (e).

**(3.3)** Notwithstanding this section, a summer village may, but is not required to, prepare a permanent electors register and enter into an agreement with the Chief Electoral Officer for the purposes of this section.

**(b) by adding the following after subsection (7):**

**(8)** No candidate, official agent or scrutineer shall take a photograph or make a copy of the permanent electors register.

**(23) Sections 50 and 51 are repealed.**

(23) Sections 50 and 51 presently read:

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

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

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

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

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

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

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

**(24) Section 52 is amended**

- (a) by repealing subsection (1) and substituting the following:**

**Access for campaigners**

**52(1)** A person to whom a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form indicating that the person is a candidate, an official agent or a campaign worker shall not

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

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

- (b) by repealing subsection (2).**

**(25) Section 53 is amended**

- (a) in subsection (1)**

- (i) by repealing clause (a) and substituting the following:**

- (a) the person
  - (i) is named on the permanent electors register, and
  - (ii) produces one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the person,

or

(b) *provide each enumerator with an identification badge.*

(24) Section 52 presently reads:

*52(1) A person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form indicating that the person is an enumerator, a candidate, an official agent or a campaign worker, shall not*

*(a) obstruct or interfere with, or*

*(b) cause or permit the obstruction or interference with,*

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

*(2) A municipality may issue photo identification to an enumerator and that photo identification is deemed to be identification of that enumerator in the prescribed form for the purposes of subsection (1).*

(25) Section 53 presently reads in part:

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

*(a) the person's name appears on the list of electors, if any, or*

*(b) the person*

*(i) makes a statement that the person is eligible to vote as an elector in the presence of an officer at the voting station, in the prescribed form,*

*(ii) validates the person's identity and address of the person's residence in accordance with subsection (3), and*

*(iii) where required by a bylaw passed under section 53.01, produces the number and types of identification permitted by the bylaw to verify the person's age.*

**(ii) in clause (b) by adding “and” at the end of subclause (i), by striking out “and” at the end of subclause (ii) and by repealing subclause (iii);**

**(b) by repealing subsection (3)(a);**

**(c) by adding the following after subsection (3):**

**(3.1)** The identification referred to in subsection (3)(b)(i) includes a person’s driver’s licence or motor vehicle operator’s licence issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta that contains a photograph of the person and the person’s name and post office box number.

**(d) in subsection (4)**

**(i) by striking out the portion preceding clause (a) and substituting the following:**

**(4)** Notwithstanding subsection (1)(b)(ii), a person may validate the address of the person’s residence if the person is accompanied by an elector who

**(ii) in clause (a) by striking out “and, if applicable, verifies the elector’s age in accordance with subsection (1)(b)(iii)”;**

**(e) in subsection (6)**

**(i) in clause (a) by striking out “the elector’s identity, address and, if applicable, age” and substituting “the elector’s address”;**

**(ii) by adding the following after clause (b):**

**(c)** the elector’s name is not contained in the permanent electors register.

**(f) in subsection (7)(c) by striking out “the elector’s identity, address and, if applicable, age” and substituting “the elector’s address”.**

**(26) Section 53.01 is repealed.**



*(3) A person may validate the person's identity and the address of the person's residence for the purpose of subsection (1)(b)(ii)*

*(a) if a bylaw has been passed under section 53.01, by producing the number and types of identification required by the bylaw, or*

*(4) Notwithstanding subsection (1)(b)(ii) and (iii), a person may validate the person's identity, the address of the person's residence and, if applicable, the person's age if the person is accompanied by an elector who*

*(a) validates the elector's identity and the address of the elector's residence in accordance with subsection (3) and, if applicable, verifies the elector's age in accordance with subsection (1)(b)(iii), and*

*(6) An elector shall not vouch for a person if any of the following circumstances apply:*

*(a) the elector has relied on the process described in subsection (4) to validate the elector's identity, address and, if applicable, age;*

*(b) subject to subsection (6.1), the elector has already vouched for another person.*

*(7) For the purposes of subsection (4)(b), an elector who vouches for a person must make a statement, in the prescribed form, that*

*(c) the elector has not relied on the process described in subsection (4) to validate the elector's identity, address and, if applicable, age.*

(26) Section 53.01 presently reads:

**(27) The following is added before section 53.02:**

**Bylaws with respect to proof of elector eligibility repealed**

**53.011** A bylaw or any portion of a bylaw passed by an elected authority prior to the coming into force of this section that provides for the number and types of identification that are required to be produced by a person to verify or validate the person's name, address or age and that was in effect immediately

*53.01(1) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person to verify the person's name and current address for the purpose of determining whether the person is eligible to vote.*

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

*(3) A bylaw passed under subsection (1) or (2) must provide that a returning officer shall accept one piece of identification referred to in section 53(3)(b) for that purpose.*

*(4) A bylaw under subsection (1) or (2)*

*(a) may specify identification that a person may produce to validate the person's identity and the address of the person's residence in addition to the identification referred to in section 53(3)(b), and*

*(b) may provide for the number and types of identification that a person must produce to validate the person's age.*

*(5) Before passing a bylaw in accordance with subsection (1) or (2), an elected authority must*

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

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

**(27) Bylaws with respect to proof of elector eligibility repealed.**

before the coming into force of this section is repealed on the coming into force of this section.

**(28) Section 53.02(1)(a) is amended by striking out “section 53(1)(b)(iii)” and substituting “section 53(3)(b)(iii)”.**

**(29) Sections 53.1 and 54 are repealed.**

(28) Section 53.02(1)(a) presently reads:

*53.02(1) The relevant Minister may, by order,*

- (a) establish other acceptable identification for the purpose of section 53(1)(b)(iii), and*

(29) Sections 53.1 and 54 presently read:

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

- (a) be published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, or*
- (b) be mailed or delivered to every residence in the area to which the proposed bylaw relates.*

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

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

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

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

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

**(30) Section 55(4) is amended by striking out “if the deputy consents”.**

**(31) Section 59(c) and (d) are amended by striking out “or representatives”.**

**(32) Section 69 is amended**

**(a) by adding the following after subsection (5):**

**(5.1)** A scrutineer may perform the duties of a scrutineer at more than one voting station.

**(b) in subsection (6) by striking out “presence of those an official agents” and substituting “presence of those official agents”;**

**(c) by adding the following after subsection (6):**

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

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

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

(30) Section 55(4) presently reads:

*(4) Notwithstanding subsections (2) and (3), an elector may be accompanied in a voting compartment by a minor if the deputy consents.*

(31) Section 59(c) and (d) presently read:

*59 The deputy shall record on the elector register that an elector has received a ballot for any one or more of the following that are applicable to the election:*

*(c) public school trustees or representatives;*

*(d) separate school trustees or representatives;*

(32) Section 69 presently reads in part:

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

*(6) When, in the provisions of this Act that relate to the election of a member of an elected authority, expressions are used requiring or authorizing an act or thing to be done or implying that an act or*

(7) Except as otherwise provided in this Act, no person may impede a scrutineer from performing the duties of a scrutineer during voting hours.

**(33) Section 70 is amended**

**(a) by adding the following after subsection (4):**

**(4.1)** A scrutineer may perform the duties of a scrutineer at more than one voting station.

**(b) by adding the following after subsection (5):**

**(6)** Except as otherwise provided in this Act, no person may impede a scrutineer from performing the duties of a scrutineer during voting hours.

**(34) Section 77.1 is amended**

**(a) by repealing subsection (1) and substituting the following:**

**Application for special ballot**

**77.1(1)** An elector whose name is contained in the permanent electors register and who is unable to vote at an advance vote or at the voting station on election day may apply to vote by special ballot.

**(1.1)** An elector whose name is not contained in the permanent electors register and who is unable to vote at an advance vote or at the voting station on election day may apply to be added to the permanent electors register by

- (a) completing an application in the prescribed form,



*thing is to be done in the presence of an official agent, a scrutineer or a candidate, the expression is deemed to refer to the presence of those an official agents and scrutineers*

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

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

(33) Section 70 presently reads in part:

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

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

(34) Section 77.1 presently reads in part:

*77.1(1) An elector who is unable to vote at an advance vote or at the voting station on election day because of*

- (a) physical disability,*
- (b) absence from the local jurisdiction, or*
- (c) being a returning officer, deputy returning officer, substitute returning officer, constable, candidate, official agent or scrutineer who may be located on election day at a voting station other than that for the elector's place of residence*

*may apply to vote by special ballot.*

*(2.4) An application for a special ballot must include the following:*

- (g) reason why a special ballot is requested.*

- (b) making a statement in the prescribed form that the person is eligible to vote as an elector,
- (c) including a copy of the elector's identification that meets the requirements of section 53(1)(b), and
- (d) providing the information referred to in clauses (a) to (c) to the returning officer of the elector's local jurisdiction.

**(b) by repealing subsection (2.4)(g).**

**(35) Section 77.2 is repealed and the following is substituted:**

**Vote by special ballot**

**77.2(1)** In this section and in sections 77.21 and 77.3, "completed special ballot package" means, in respect of an elector, the sealed outer envelope and the contents of that envelope as described in subsection (3).

**(2)** On receipt of the appropriate forms pursuant to section 77.1(3), the elector must vote by either writing or printing, in a legible manner, the names of the candidates of the elector's choice, or by any other method provided for by the local jurisdiction, but if there is to be a vote on a bylaw or question, the wording must be determined in accordance with section 44 and be supplied as part of the appropriate forms.

**(3)** After marking the appropriate forms, the elector must

- (a) place them in the ballot envelope,
- (b) seal the ballot envelope,
- (c) place the ballot envelope in the certificate envelope,
- (d) complete and, in the presence of a witness, sign Part 1 of the certificate on the certificate envelope,
- (e) have the witness complete the signature verification portion of the certificate on the certificate envelope,
- (f) seal the certificate envelope,
- (g) include a copy of the elector's identification that meets the requirements of section 53(1)(b),

(35) Section 77.2 presently reads:

*77.2(1) On receipt of the appropriate forms pursuant to section 77.1(3), the elector must vote by either writing or printing, in a legible manner, the names of the candidates of the elector's choice, or by any other method provided for by the elected authority but if there is to be a vote on a bylaw or question, the wording must be determined in accordance with section 44 and be supplied as part of the appropriate forms.*

*(2) After marking the appropriate forms, the elector must*

*(a) place them in the ballot envelope,*

*(b) seal the ballot envelope,*

*(c) place the ballot envelope in the certificate envelope,*

*(d) complete and sign Part 1 of the certificate and seal the certificate envelope,*

*(d.1) attach a copy of the elector's identification that meets the requirements of section 53(1)(b),*

*(e) place the certificate envelope in the outer envelope, and*

*(f) seal the outer envelope.*

*(2.1) A copy of the elector's identification, as described in subsection (2)(d.1), may be used only to verify the elector's name, current address and, if applicable, age, for the purpose of determining whether the elector is eligible to vote.*

*(3) The outer envelope, when sealed, must be forwarded so that it reaches the returning officer not later than the close of the voting*

- (h) place the certificate envelope and the copy of the elector's identification in the outer envelope, and
- (i) seal the outer envelope.

(4) A witness referred to in subsection (3) must be an elector.

(5) A separate completed special ballot package is required for each elector.

(6) The elector must send the completed special ballot package so that it reaches the returning officer no later than the close of the voting station on election day or by the time and date set out in a resolution under section 77.21(2).

(7) No person other than the elector may send the elector's completed special ballot package under this section.

**Receipt of completed special ballot packages**

**77.21(1)** A local jurisdiction shall not use a drop box or central collection point to collect completed special ballot packages.

(2) An elected authority, by resolution, may set a time and date earlier than the closing of the voting station on election day for when a completed special ballot package must be received by a returning officer.

(3) On receipt of a completed special ballot package, the returning officer, in the presence of candidates, official agents or scrutineers, if any, must open the outer envelope, remove its contents and determine whether

- (a) the name on the certificate envelope is the same as that of an individual already recorded in the special ballot elector register,
- (b) Part 1 of the certificate is properly completed,
- (c) the elector has included a copy of the elector's identification that meets the requirements of section 53(1)(b), and
- (d) the signature on the elector's certificate sufficiently matches the signature on the elector's identification, if the elector's identification contains a signature.

*station on election day or by the time and date set out in a resolution under subsection (3.1).*

*(3.1) An elected authority may, by resolution, set a time and date earlier than the closing of the voting station on election day for when an outer envelope must be received by a returning officer.*

*(4) On receipt of the outer envelope, the returning officer must open the outer envelope, remove from it the certificate envelope and determine*

- (a) whether the name on the certificate envelope is the same as that of an individual already recorded in the special ballot elector register under this section,*
- (b) whether Part 1 of the certificate is properly completed, and*
- (c) whether the elector has attached a copy of the elector's identification that meets the requirements of section 53(1)(b).*

*(5) On determining that the elector is recorded in the special ballot elector register, that Part 1 of the certificate is properly completed and that the copy of the elector's identification meets the requirements of section 53(1)(b),*

*the returning officer must*

- (a) sign Part 2 of the certificate,*
- (b) if the elector's name appears on the list of electors, if any, for the voting station in which the elector is entitled to vote, enter opposite the name of that person on the list of electors the word "special",*
- (c) if the elector's name does not appear on the list of electors, if any, for the voting station in which the elector is entitled to vote, enter the elector's name on the list of electors and, opposite the name, the word "special",*
- (d) record in the special ballot elector register in the appropriate column the date and time the returning officer received the certificate envelope,*
- (e) open the certificate envelope, remove from it the sealed ballot envelope and place the sealed ballot envelope in a sealed ballot box marked "special ballot", and*

- (4) A copy of the elector's identification may be used only
- (a) to verify the elector's name, current address and, if applicable, age, for the purpose of determining whether the elector is eligible to vote,
  - (b) to verify that the signature on the elector's certificate sufficiently matches the signature on the elector's identification, if the elector's identification contains a signature, and
  - (c) in accordance with subsection (6).
- (5) On determining that the elector is recorded in the special ballot elector register, that Part 1 of the certificate is properly completed and that the copy of the elector's identification meets the requirements of section 53(1)(b), the returning officer must
- (a) sign Part 2 of the certificate,
  - (b) enter opposite the name of that person on the special ballot elector register the word "special", if the elector's name appears on the permanent electors register for the voting subdivision in which the elector is eligible to vote,
  - (c) record in the special ballot elector register in the appropriate column the date and time the returning officer received the certificate envelope,
  - (d) open the certificate envelope, remove from it the sealed ballot envelope and place the sealed ballot envelope in a sealed ballot box marked "special ballot", and
  - (e) enter in the special ballot elector register, in the appropriate column, the word "voted".
- (6) If the returning officer is satisfied that
- (a) Part 1 of the certificate is not properly completed,
  - (b) the copy of the elector's identification does not meet the requirements of section 53(1)(b),

*(f) enter in the special ballot elector register, in the appropriate column, the word “voted” and the reason for using the special ballot, that is, physical disability, absence, election officer, candidate, official agent or scrutineer.*

*(5.1) If the returning officer is not satisfied*

*(a) that Part 1 of the certificate is properly completed,*

*(b) that the copy of the elector’s identification meets the requirements of section 53(1)(b),*

*(c) that the elector has not already been entered on the special ballot elector register, or*

*(d) that the elector has not already returned a special ballot,*

*the returning officer must retain the certificate envelope unopened, attach the copy of the elector’s identification, if any, to the certificate envelope, treat the ballot in the envelope as a rejected ballot and mark the certificate envelope accordingly.*

*(6) At the close of the voting station on election day, the returning officer must deliver the special ballot box to the deputy of the voting station of the electors who have voted under this section in the local jurisdiction and advise the deputy of the names of the electors who have so voted, and the deputy must proceed in accordance with section 85 as if the ballot box were from an advance poll.*

*(7) After completing the count of the ballots, the deputy must record the results on the prescribed form.*

*(8) Subject to this section and section 77.1, the voting procedures for a special ballot must as nearly as possible follow the provisions of this Act except that the returning officer may use one special ballot box for the local jurisdiction, ward or subdivision.*

*(9) If the appropriate forms for voting by special ballot have been provided under section 77.1 to an elector but the special ballot is not returned to a returning officer under this section before the close of voting on election day or before the time and date set out in a resolution under subsection (3.1), the returning officer must record the special ballots on the ballot account referred to in section 88(1) as not returned.*

- (c) the signature on the elector's certificate does not sufficiently match the signature, if any, on the elector's identification,
- (d) the elector is not recorded in the special ballot elector register, or
- (e) the elector has already returned a special ballot,

the returning officer must retain the certificate envelope unopened, attach the copy of the elector's identification, if any, to the certificate envelope, treat the ballot in the envelope as a rejected ballot and mark the certificate envelope accordingly.

**(7)** At the close of the voting station on election day, the returning officer must deliver the special ballot box to the deputy of the voting station of the electors who have voted under this section in the local jurisdiction and advise the deputy of the names of the electors who have so voted, and the deputy must proceed in accordance with section 85 as if the special ballot box were from an advance poll.

**(8)** After completing the count of the ballots, the deputy must record the results on the prescribed form.

**(9)** Subject to this section and sections 77.1 and 77.2, the voting procedures for a special ballot must as nearly as possible follow the provisions of this Act, except that the returning officer may use one special ballot box for a local jurisdiction, ward or subdivision.

**(10)** If the appropriate forms for voting by special ballot have been provided under section 77.1 to an elector but the special ballot is not returned to a returning officer under this section before the close of voting on election day or before the time and date set out in a resolution under subsection (2), the returning officer must record the special ballots on the ballot account referred to in section 88(1) as not returned.

**(36) Section 77.3 is amended**

- (a) by striking out** "If an outer envelope" **and substituting** "If a completed special ballot package";



(36) Section 77.3 presently reads:

*77.3 If an outer envelope is received by a returning officer after the close of the voting station on election day or by the time and date set out in a resolution under section 77.2(3.1), the ballot it contains must be considered a rejected ballot and the outer envelope must be*

**(b) by striking out “by the time and date” and substituting “after the time and date”;**

**(c) by striking out “section 77.2(3.1)” and substituting “section 77.21(2)”.**

**(37) Section 79(3.1) is repealed and the following is substituted:**

**(3.1)** Notwithstanding subsection (3), the returning officer may include on the list the name and address of an elector who is physically able to attend a voting station or an advance voting station to vote if the elector resides in the same facility as an elector referred to in subsection (3).

**(38) Section 83(1) is amended by striking out “Subject to subsection (3), the” and substituting “The”.**

**(39) Section 84 is repealed and the following is substituted:**

**Alternative voting equipment prohibited**

**84** A local jurisdiction shall not provide for the taking or counting of votes by means of voting machines, vote recorders, automated voting systems or tabulators.

*retained unopened by the returning officer, who must record on it the reason for its rejection.*

(37) Section 79(3.1) presently reads:

*(3.1) Notwithstanding subsection (3), a returning officer may include the name and address of an elector who is not unable to attend a voting station or an advance voting station because of physical disability on a list if the elector resides in a facility at which an elector whose name and address has been included on a list in accordance with subsection (3) resides.*

(38) Section 83(1) presently reads:

*83(1) Subject to subsection (3), the returning officer, on the request of an elector who has been appointed deputy or constable to attend at a voting station during the whole of election day other than where that elector is entitled to vote, shall provide the elector with a certificate stating that the elector is eligible to vote at the voting station where the elector is to be stationed during election day.*

(39) Section 84 presently reads:

*84(1) An elected authority may by bylaw provide for the taking of the votes of electors by means of voting machines, vote recorders or automated voting systems.*

*(2) Notwithstanding any other provision of this Act, the bylaw referred to in subsection (1) shall prescribe*

*(a) the form of the ballot,*

*(b) directions for the marking of a ballot by an elector, and*

*(c) directions for the voting procedures to be used including the procedures to be followed*

*(i) in the taking of the votes by any of the means provided for in subsection (1),*



- (ii) *in the examination of the ballots, by machine or otherwise, to determine which votes should be declared void,*
- (iii) *in the counting, by machine or otherwise, of the votes taken by any of the means provided for in subsection (1), and*
- (iv) *if a returning officer makes a recount pursuant to section 98, in the recounting, by machine or otherwise, of the votes taken by any of the means provided for in subsection (1).*

*(2.1) Notwithstanding any other provision of this Act, the bylaw referred to in subsection (1) may prescribe*

- (a) directions for the use of ballot boxes,*
- (b) directions for the use of tabulators,*
- (c) the time allowed for counting special ballots, advance votes and institutional votes, and*
- (d) directions for the use of technology for electors who are unable to vote in the usual manner.*

*(2.2) The bylaw referred to in subsection (1) must follow the provisions of this Act as nearly as possible.*

*(2.3) Notwithstanding any other provision of this Act, the bylaw referred to in subsection (1) may provide that a single ballot card may be used for all the offices referred to in section 42(1).*

*(2.4) If the bylaw referred to in subsection (1) prescribes directions for the use of tabulators, the bylaw must require that the equipment must not be part of or connected to an electronic network, except that the equipment may be securely connected to a network after the close of polls for the purpose of transmitting information to the local jurisdiction.*

*(2.5) If the bylaw referred to in subsection (1) authorizes the use of an electronic ballot marking device, section 78(5) does not apply.*

*(2.6) In this section, “electronic ballot-marking device” means an electronic device that has an audio instruction and vote confirmation component and Braille-embossed voting buttons.*

**(40) Section 85.1(5) is amended by striking out** “votes are counted in accordance with the bylaw made under section 84(1)” **and substituting** “votes are counted in accordance with this section”.

**(41) Sections 88(1)(m) and 91(1)(g) are repealed.**

**(42) The following is added after section 91:**

**Copy of elector register**

**91.1(1)** The presiding deputy shall make a copy of the documents referred to in section 91(1)(f) and provide the copies to the relevant local jurisdiction.

**(2)** The local jurisdiction shall use the copies received under subsection (1) to revise the permanent electors register and then shall destroy the copies as soon as reasonably practicable.

**(43) Section 93 is repealed and the following is substituted:**

*(3) Sections 75, 85 and 103 to 115 do not apply when the votes of the electors are taken by any of the means provided for in subsection (1).*

(40) Section 85.1(5) presently reads:

*(5) The deputy of a counting centre shall in the presence of*

*(a) at least one and any additional officers that the deputy considers necessary, and*

*(b) the candidates, official agents or scrutineers, if any,*

*ensure that each special ballot box, advance vote ballot box and institutional ballot box is opened and that the votes are counted in accordance with the bylaw made under section 84(1).*

(41) Sections 88(1)(m) and 91(1)(g) presently read:

*88(1) A deputy shall count the ballots marked for each candidate on the ballots not rejected and the presiding deputy shall prepare a ballot account in the prescribed form with the following information:*

*(m) the number of persons objected to under section 54.*

*91(1) At the completion of the counting of the ballots, the presiding deputy shall make up into separate packets*

*(g) the list of electors, if any.*

(42) Copy of elector register.

(43) Section 93 presently reads:

**Securing election documents**

**93** The presiding deputy shall then place the following in the ballot box, and the ballot box shall be closed, sealed with a deputy's seal so that it cannot be opened without breaking the seal and marked on the outside with the voting station name or number:

- (a) all the packets containing ballots;
- (b) the elector register other than the copy made under section 91.1;
- (c) the special ballot certificate envelopes and copies of electors' identification, if any;
- (d) all statements made on voting day.

**(44) Section 93.1 is repealed.**



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

(44) Section 93.1 presently reads:

*93.1(1) Notwithstanding section 92, at the completion of the counting of the ballots, the presiding deputy shall*

- (a) make a packet of the elector registers on which an objection has been noted in accordance with section 54, if any, separate from the packet made under section 91(1)(f) that contains the rest of the elector register,*
- (b) seal the packet and mark it on the outside with the information referred to in section 92, and*
- (c) deliver the sealed packet to the returning officer with the sealed ballot box and the ballot account under section 94.*

*(2) Commencing the day after election day, if a person makes a request to view the copy of the elector register on which objections have been noted in accordance with section 54, the returning officer shall*

- (a) open the packet containing the elector registers on which objections have been noted and make a copy of the elector registers, and*
- (b) once a copy has been made, seal the packet with the returning officer's seal.*

**(45) Section 94(1) is amended by striking out** “sealed ballot box, the ballot account and the copies made under section 93.1 of the elector registers on which objections have been noted” **and substituting** “sealed ballot box and the ballot account”.

**(46) Section 98 is amended**

**(a) by adding the following after subsection (1):**

**(1.1)** The returning officer shall make a recount of the votes cast at one or more voting stations if the returning officer receives an application for a recount under subsection (1.2) and the returning officer is satisfied that,

- (a) where one office is to be filled, the difference between the number of valid ballots marked for the candidate with the highest number of votes and the number of valid ballots marked for the candidate with the 2nd highest number of votes is within 0.5% of the total number of valid ballots marked at the election for that office, or
- (b) where more than one office is to be filled from a pool of candidates, the difference between the number of valid ballots marked for the candidate with the lowest sufficient number of votes to be declared elected to one of the offices and the number of valid ballots marked for the candidate with the highest insufficient number of votes to be declared elected is within 0.5% of the total number of valid ballots marked at the election for those offices.

**(1.2)** An application for a recount under subsection (1.1)

*(3) The copy of the elector registers made under subsection (2)(a) shall be shown to the person who made the request and to any subsequent person who requests to view the copy.*

*(4) The secretary shall retain and dispose of the packet containing the copies of the elector register made under subsection (2)(a), if any, in accordance with section 101.*

(45) Section 94(1) presently reads:

*94(1) The presiding deputy personally shall as soon as practicable deliver to the returning officer the sealed ballot box, the ballot account and the copies made under section 93.1 of the elector registers on which objections have been noted.*

(46) Section 98 presently reads in part:

*(8) If votes have been taken and counted under section 84, a reference in this section to a voting station is deemed to include the place where the votes were counted.*

*(9) If a returning officer determines that a recount will be made in a local jurisdiction that is divided into wards or divisions, the returning officer may determine the number of voting stations for which a recount is required in accordance with subsection (1).*

- (a) may only be made,
  - (i) in an election for an office referred to in subsection (1.1)(a), by the candidate with the 2nd highest number of votes or the official agent for that candidate, or
  - (ii) in an election for an office referred to in subsection (1.1)(b), by the candidate with the highest insufficient number of votes or the official agent for that candidate,
- (b) may only be made
  - (i) during the time specified in subsection (4), or
  - (ii) within 48 hours after the statement of results is announced or posted in accordance with section 97(2),

and

- (c) must be made to the returning officer.

**(b) by repealing subsection (8);**

**(c) in subsection (9) by adding “or (1.1)” after “subsection (1)”.**

**(47) Section 100 is amended by adding the following after subsection (2):**

**(3)** The nomination papers referred to in subsection (2) must be made available in a partial or redacted form in the manner set out in section 28(6.1) and (6.2).

**(48) Section 101 is amended**

**(a) by repealing subsection (1) and substituting the following:**

**Disposition of election material**

**101(1)** The secretary shall retain the ballot boxes with their seals unbroken for a period of at least 6 weeks from election day.

(47) Section 100 presently reads in part:

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

(48) Section 101 presently reads in part:

*101(1) The secretary shall retain the following for a period of at least 6 weeks from the date of voting:*

*(a) the ballot boxes with their seals unbroken;*

*(b) copies of elector registers, if any, made under section 93.1.*

**(b) in subsection (2)**

- (i) by striking out** “destroyed, and cause the copies of elector registers, if any, to be”;
- (ii) in clause (b) by striking out** “and any copies of the elector register”.

**(49) Section 108(2) is repealed and the following is substituted:**

**(2)** A ballot is void and shall not be counted if any of the following apply:

- (a) the ballot does not bear the initials of an officer;
- (b) more votes are cast on the ballot than an elector is entitled to cast;
- (c) the ballot has any writing or marking on it by which the elector can be identified;
- (d) the ballot has been torn, defaced or otherwise dealt with by an elector so that the elector can be identified;
- (e) the ballot has not been marked by an “X”;
- (f) no vote has been cast on the ballot by an elector.

**(50) Section 110(2) is repealed and the following is substituted:**

**(2)** The statement shall be made under the following headings:

- (a) names of candidates;
- (b) number of ballots for each candidate;
- (c) ballots that do not bear the initials of an officer;
- (d) ballots on which more votes are cast than an elector is entitled to cast;

*(2) The secretary shall, in the presence of 2 witnesses, cause the ballot boxes to be opened and their contents destroyed, and cause the copies of elector registers, if any, to be destroyed*

*(b) if a judge has ordered that the ballot boxes and any copies of the elector register must be kept until a date that is more than 12 weeks after voting day, as soon as practicable after that date.*

(49) Section 108(2) presently reads:

*(2) Any ballot*

*(a) that lacks the initials of an officer,*

*(b) on which votes are cast for more candidates than are to be elected to the office,*

*(c) on which anything is written or marked by which the elector could be identified, or*

*(d) that has been torn, defaced or otherwise dealt with, with the result that an elector could be identified,*

*is void and shall not be counted.*

(50) Section 110(2) presently reads:

*(2) The statement shall be made under the following headings:*

*(a) names of candidates;*

*(b) number of ballots for each candidate;*

*(c) ballots that lack initials of deputy;*

*(d) ballots on which votes are cast for more candidates than are to be elected to the office;*

*(e) ballots on which anything is written or marked by which an elector could be identified;*

- (e) ballots on which anything is written or marked by which an elector can be identified;
- (f) ballots that have been torn, defaced or otherwise dealt with, with the result that an elector can be identified;
- (g) ballots not marked by an “X”;
- (h) ballots on which no vote has been cast by an elector;
- (i) ballots otherwise rejected as unmarked or void.

**(51) Section 134 is amended by striking out** “lists of electors and other”.

**(52) Section 147.1 is amended**

**(a) in subsection (1)**

**(i) by repealing clause (b) and substituting the following:**

(b) “campaign period” means

(i) in the case of a general election, the period beginning on January 1 of the year immediately following a general election and ending on December 31 immediately following the next general election, and

(ii) in the case of a by-election, the period beginning on the day after the resolution or bylaw is passed to set the election day for the by-election and ending 60 days after the by-election;

**(ii) by adding the following after clause (b):**

(b.1) “candidate” means



- (f) *ballots that have been torn, defaced or otherwise dealt with, with the result that an elector could be identified;*
- (g) *ballots rejected as unmarked or void.*

(51) Section 134 presently reads:

*134 The judge may require the secretary to produce any ballots, books, lists of electors and other lists and any other records of the election and documents in the secretary's possession and connected with the election that the judge considers necessary.*

(52) Section 147.1(1) presently reads in part:

*147.1(1) In this Part,*

- (b) *“campaign period” means*
  - (i) *in the case of a general election, the period of time from January 1 to December 31 in a year in which a general election is held, and*
  - (ii) *in the case of a by-election, the period of time set by bylaw or resolution to 60 days immediately following the by-election;*
- (d) *“employee organization” means an organization, other than a trade union, that bargains collectively for employees;*
- (e) *“group” means an unincorporated group of individuals or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of individuals, corporations, trade unions or employee organizations;*
- (f) *“prohibited organization” means a corporation and an unincorporated organization, including a trade union and an employee organization;*

- (i) an individual who has been nominated to run for election in a local jurisdiction as a councillor or school board trustee, and
- (ii) an individual who intends to be nominated to run for election in a local jurisdiction as a councillor or as a school board trustee that has given written notice in accordance with section 147.22;

**(iii) by repealing clauses (d) and (e);**

**(iv) by repealing clause (f) and substituting the following:**

- (f) “prohibited organization” means
  - (i) a municipality,
  - (ii) a corporation that is controlled by a municipality and meets the test set out in section 1(2) of the *Municipal Government Act*,
  - (iii) a non-profit organization that has received since the last general election any of the following from the municipality in which the election will be held:
    - (A) a grant;
    - (B) real property;
    - (C) personal property,
  - (iv) a Provincial corporation as defined in the *Financial Administration Act*, including a management body within the meaning of the *Alberta Housing Act*,
  - (v) a Metis settlement,
  - (vi) a board of trustees under the *Education Act*,
  - (vii) a public post-secondary institution as defined in the *Post-secondary Learning Act*,
  - (viii) a corporation that does not carry on business in Alberta,

- (g) *“trade union” means an organization of employees that has a written constitution, rules or bylaws and has as one of its objects the regulation of relations between employers and employees.*

- (ix) a registered party as defined in the *Election Finances and Contributions Disclosure Act* or the *Canada Elections Act* (Canada), or
- (x) an organization designated by the Lieutenant Governor in Council as a prohibited organization;

**(v) by repealing clause (g);**

**(b) by adding the following after subsection (1):**

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

**(53) Section 147.13(1) is amended by striking out “147.2(3)” and substituting “147.2(2) or (3)”.**

**(54) Section 147.2 is repealed and the following is substituted:**

**Limitations on contributions**

**147.2(1)** No prohibited organization, individual ordinarily resident outside Alberta or trade union or employee organization other than an Alberta trade union or Alberta employee organization shall make a contribution to a candidate.

**(2)** Subject to subsection (4), contributions by an individual ordinarily resident in Alberta shall not exceed, in the case of a general election, in a calendar year during the campaign period, or, in the case of a by-election, during the campaign period,

- (a) \$5000 in the aggregate to all candidates for election as a councillor in a particular municipality,

(53) Section 147.13(1) presently reads:

*147.13(1) A prospective contributor is responsible for ensuring, before making a contribution under this Act, that the contributor is not prohibited from making a contribution and is not making a contribution that is in excess of the limit prescribed by section 147.2(3).*

(54) Section 147.2 presently reads:

*147.2(1) Only an individual ordinarily resident in Alberta may make a contribution to a candidate.*

*(2) No prohibited organization and no individual ordinarily resident outside Alberta shall make a contribution to a candidate.*

*(3) Subject to subsection (4), no individual ordinarily resident in Alberta shall contribute in any campaign period an amount that exceeds*

*(a) \$5000 to any candidate for election as a councillor, and*

*(b) \$5000 to any candidate for election as a school board trustee.*

- (b) \$5000 in the aggregate to all candidates for election as a school board trustee of a particular public school division under the *Education Act*, and
- (c) \$5000 in the aggregate to all candidates for election as a school board trustee of a particular separate school division under the *Education Act*.

**(3)** Contributions by a corporation other than a prohibited organization, by an Alberta trade union or by an Alberta employee organization shall not exceed during the campaign period

- (a) \$5000 in the aggregate to all candidates for election as a councillor in a particular municipality,
- (b) \$5000 in the aggregate to all candidates for election as a school board trustee of a particular public school division under the *Education Act*, and
- (c) \$5000 in the aggregate to all candidates for election as a school board trustee of a particular separate school division under the *Education Act*.

**(4)** A candidate may contribute an amount of up to \$10 000 during the campaign period that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period to the candidate's own campaign expenses.

**(5)** Any amount paid by a candidate for campaign expenses from the candidate's own funds that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period, including an amount referred to in subsection (4), is a contribution to the candidate's own campaign for the purposes of this Act.

**(6)** No candidate and no person acting on behalf of a candidate shall, directly or indirectly, solicit or accept a contribution if the candidate or person knows or ought to know that the prospective contributor is a prohibited organization, an individual ordinarily resident outside Alberta or a trade union or employee organization that is not an Alberta trade union or Alberta employee organization.

*(4) A candidate may contribute an amount of up to \$10 000 that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period to the candidate's own campaign expenses.*

*(4.1) Any amount paid by a candidate for campaign expenses from the candidate's own funds that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period, including an amount referred to in subsection (4), is a contribution to the candidate's own campaign for the purposes of this Act.*

*(5) No candidate and no person acting on behalf of a candidate shall, directly or indirectly, solicit or accept a contribution if the candidate or person knows or ought to know that the prospective contributor is a prohibited organization or an individual ordinarily resident outside Alberta.*

*(6) No candidate and no person acting on behalf of a candidate shall solicit or accept a contribution if the candidate or person knows or ought to know that the amount of the contribution will exceed the amounts referred to in subsection (3).*

(7) No candidate and no person acting on behalf of a candidate shall solicit or accept a contribution if the candidate or person knows or ought to know that the amount of the contribution will exceed the amounts referred to in subsection (2) or (3).

**(55) Section 147.22 is repealed and the following is substituted:**

**Notice required re contributions and expenses**

**147.22(1)** No individual and no person acting for the individual shall accept a contribution or incur a campaign expense unless the individual has given written notice in accordance with this section.

(2) An individual who intends to be nominated or has been nominated to run for election in a local jurisdiction as a candidate must give written notice to the local jurisdiction in which the individual intends to be or has been nominated.

(3) A written notice under subsection (2) must include, in respect of the individual's candidacy,

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

(4) No candidate and no person acting for a candidate shall accept a contribution in respect of an election outside the campaign period for that election.

**Register of candidates**

**147.221(1)** A local jurisdiction must maintain a register of candidates that have given notice to the local jurisdiction under section 147.22.



(55) Section 147.22 presently reads:

*147.22(1) No person shall accept a contribution or incur a campaign expense unless the person has been nominated as a candidate.*

*(2) No candidate and no person acting for a candidate shall accept a contribution except during the campaign period.*

*(3) Subsections (1) and (2) do not apply to the following:*

*(a) a person who accepts not more than \$5000 in the aggregate per year in contributions outside the campaign period;*

*(b) a candidate who makes a contribution of not more than \$10 000 in the aggregate per year to the candidate's own campaign from the candidate's own funds.*

- (2) A local jurisdiction must make the register of candidates publicly available on the local jurisdiction's website,
- (a) in the case of a general election, until the December 31 immediately following the election, or
  - (b) in the case of a by-election, until 60 days following the by-election.
- (3) The register of candidates referred to in subsection (2) must be made available in a partial or redacted form in the manner set out in section 28(6.1) and (6.2).

**(56) Section 147.24(1) and (2) are repealed and the following is substituted:**

**Contributions not belonging to contributor**

- 147.24(1)** No individual, corporation, trade union or employee organization shall contribute to a candidate
- (a) funds not belonging to that individual, corporation, trade union or employee organization, or
  - (b) funds given or furnished to the individual, corporation, trade union or employee organization by another individual, corporation, trade union or employee organization or a prohibited organization for the purpose of making a contribution of those funds to a candidate.
- (2) No individual, corporation, trade union, employee organization or prohibited organization shall give or furnish funds to another individual, corporation, trade union or employee organization for the purpose of having that other individual, corporation, trade union or employee organization make a contribution of those funds to a candidate.

**(57) Section 147.3(1) is amended**

- (a) **in clause (a) by striking out** "at the time of nomination" **and substituting** "at the time the candidate gives a written notice under section 147.22";
- (b) **in clause (f) by striking out** "following the date on which disclosure statements were required to be filed under section 147.4" **and substituting** "following the day of the election to which they relate".

(56) Section 147.24(1) and (2) presently read:

*147.24(1) No individual shall contribute to a candidate*

*(a) funds not belonging to that individual, or*

*(b) funds that have been given or furnished to the individual by another individual or a prohibited organization for the purpose of making a contribution of those funds to a candidate.*

*(2) No individual and no prohibited organization shall give or furnish funds to another individual for the purpose of having that other individual make a contribution of those funds to a candidate.*

(57) Section 147.3(1) presently reads in part:

*147.3(1) A candidate shall ensure that*

*(a) a campaign account in the name of the candidate or the candidate's election campaign is opened at a financial institution for the purposes of the election campaign at the time of nomination or as soon as possible after the total amount of contributions first exceeds \$1000 in the aggregate,*

**(58) Section 147.33(2) and (3) are repealed and the following is substituted:**

(2) Only an individual ordinarily resident in Alberta, a corporation other than a prohibited organization, an Alberta trade union or an Alberta employee organization may make a payment on behalf of the borrower in respect of a loan to which subsection (1) applies.

(3) Any payment in respect of a loan to which subsection (1) applies made by an individual, corporation, trade union or employee organization referred to in subsection (2) becomes, for the purposes of this Act, including, without limitation, section 147.2, a contribution

- (a) by that individual, corporation, trade union or employee organization, and
- (b) accepted by the borrower,

if the borrower does not reimburse the payment before the borrower is next required to file a disclosure statement.

**(59) Section 147.4 is amended**

- (a) by repealing subsection (1) and substituting the following:

**Campaign disclosure statements**

**147.4(1)** In the case of a general election, on or before March 1 of each year, a candidate who received contributions in the previous year shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form, which must include, in respect of the previous year,

- (a) the total amount of all contributions received during the year that did not exceed \$50 in the aggregate from any single contributor,

*(f) records are kept of contributions and campaign expenses and are retained by the candidate for a period of 3 years following the date on which disclosure statements were required to be filed under section 147.4, and*

(58) Section 147.33(2) and (3) presently read:

*(2) Only a person ordinarily resident in Alberta may make a payment on behalf of the borrower in respect of a loan to which subsection (1) applies.*

*(3) Any payment in respect of a loan to which subsection (1) applies made by a person referred to in subsection (2) becomes, for the purposes of this Act, including, without limitation, section 147.2,*

*(a) a contribution by that individual, and*

*(b) a contribution accepted by the borrower,*

*if the individual is not reimbursed by the borrower before the borrower is next required to file a disclosure statement.*

(59) Section 147.4 presently reads in part:

*147.4(1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form, which must include*

*(a) the total amount of all contributions received during the campaign period that did not exceed \$50 in the aggregate from any single contributor,*

*(b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$50 in the aggregate,*

- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the year exceeded \$50 in the aggregate,
- (c) the total amount of all contributions received under section 147.2(4),
- (d) the total amount from fund-raising functions received in the year,
- (e) the total amount of other revenue received in the year,
- (f) the total amount of campaign expenses incurred in the year,
- (g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate in the year,
- (h) the total amount paid by the candidate out of the candidate's own funds in the year not reimbursed from the candidate's campaign fund,
- (i) where the previous year is the year in which the election was held, the total amount of any campaign surplus for the campaign period, including any surplus from previous campaigns, and
- (j) where the previous year is the year in which the election was held, the amount of any deficit for the campaign period.

**(1.1)** In the case of a by-election, a candidate shall file with the secretary of the candidate's local jurisdiction no later than 120 days after the by-election a disclosure statement in the prescribed form, which must include, in respect of the campaign period,

- (a) the total amount of all contributions received during the campaign period that did not exceed \$50 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, for each contributor

- (c) *the total amount of all contributions received as referred to in section 147.22(3),*
- (d) *the total amount from fund-raising functions,*
- (e) *the total amount of other revenue,*
- (f) *the total amount of campaign expenses,*
- (g) *an itemized campaign expense report setting out the campaign expenses incurred by the candidate,*
- (h) *the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,*
- (i) *the total amount of any campaign surplus, including any surplus from previous campaigns, and*
- (j) *the amount of any deficit.*

*(2) A candidate who has incurred campaign expenses or received contributions of \$50 000 or more shall file a review engagement with the disclosure statement referred to in subsection (1).*

*(5) With respect to the period during which a candidate is nominated, this section applies to a candidate who withdraws as a candidate.*

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

*(7) The local jurisdiction must ensure that all documents filed under this section are available to the public during regular business hours for a period of 4 years after the election.*

*(7.1) A document made available to the public under subsection (7) must be made available in a partial or redacted form as necessary to ensure that the following are not disclosed:*

- (a) the mailing address of the candidate;*

whose contributions during the campaign period exceeded \$50 in the aggregate,

- (c) the total amount of all contributions received under section 147.2(4),
- (d) the total amount from fund-raising functions,
- (e) the total amount of other revenue,
- (f) the total amount of campaign expenses,
- (g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate,
- (h) the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,
- (i) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (j) the amount of any deficit.

**(b) in subsection (2) by striking out** “with the disclosure statement referred to in subsection (1)” **and substituting** “with a disclosure statement referred to in subsection (1) or (1.1)”;

**(c) by repealing subsection (5);**

**(d) in subsection (6) by adding** “or (1.1)” **after** “subsection (1)”;

**(e) in subsection (7) by striking out** “available to the public during regular business hours for a period of 4 years after the election” **and substituting** “publicly available on the local jurisdiction’s website”;

**(f) in subsection (7.1)(a) by adding** “and of the candidate’s official agent” **after** “candidate”.

**(60) Section 147.5 is amended**

**(a) in subsection (1) by striking out** “candidate’s disclosure statement” **and substituting** “candidate’s disclosure



(60) Section 147.5(1) presently reads in part:

statement in respect of the year in which a general election was held or in the case of a by-election”;

**(b) by repealing subsection (3).**

**(61) Section 147.51 is repealed.**

**(62) Section 147.52(1) is amended**

**(a) in subsection (1) by striking out “candidate’s disclosure statement” and substituting “candidate’s disclosure statement in respect of the year in which a general election was held or in the case of a by-election”;**

**(b) in subsection (2) by striking out “147.22(2)” and substituting “147.22(4)”;**

**(c) in subsection (3) by striking out “from any individual” and substituting “from any single contributor”.**

*147.5(1) If a candidate's disclosure statement shows a surplus, the candidate, within 60 days after filing the disclosure statement with the local jurisdiction,*

*(3) This section applies to a candidate whether or not the candidate is elected.*

(61) Section 147.51 presently reads:

*147.51(1) Where, on September 1, 2020, an amount is held in trust under section 147.5(2) as it read on August 31, 2020, the candidate in respect of whom the amount is held in trust, no later than January 1, 2022,*

*(a) shall, with respect to any amount that is \$1000 or more, donate an amount to a registered charity that results in the surplus being less than \$1000, and*

*(b) may, with respect to any amount that is less than \$1000,*

*(i) retain all or any portion of that amount, and*

*(ii) donate all or any portion of that amount to a registered charity.*

*(2) If a local jurisdiction does not receive a direction under subsection (1) on or before January 1, 2022, the money becomes the property of the local jurisdiction.*

*(3) This section applies to money paid to a local jurisdiction pursuant to a court order under section 147.84(2).*

(62) Section 147.52 presently reads in part:

*147.52(1) If a candidate's disclosure statement shows a deficit, the candidate shall eliminate the deficit within 60 days after filing the disclosure statement with the local jurisdiction.*

*(2) For the purpose of eliminating a deficit referred to in subsection (1), a candidate may, notwithstanding section 147.22(2), accept contributions in accordance with this Act during the period referred to in subsection (1).*

**(63) The following is added after section 147.52:**

**Sections 147.4, 147.5, 147.52 continue to apply**

**147.53(1)** Sections 147.4, 147.5 and 147.52 continue to apply to an individual who

- (a) gives a written notice under section 147.22 but does not file a nomination or whose nomination is not accepted under section 28,
- (b) withdraws as a candidate,
- (c) is disqualified or becomes ineligible to continue as a candidate, or
- (d) is not elected.

**(2)** If an individual referred to in subsection (1) did not receive contributions in the year of a general election, but received contributions in any previous year during the campaign period for the general election,

- (a) a reference in section 147.4(1)(i) and (j) to the year in which an election was held shall be read as the year in which the candidate last received contributions, and
- (b) a reference in sections 147.5(1) and 147.52(1) to the year in which a general election was held shall be read as the year in which the candidate last received contributions.

**(64) Section 147.7 is amended**

- (a) in subsection (1) by adding “and in section 147.8” after “In this section”;**
- (b) in subsection (3) by adding “present or” before “transmit”.**

*(3) Subject to subsection (4), a candidate shall not accept a contribution of an amount that exceeds \$5000 from any individual for the purpose of this section.*

(63) Sections 147.4, 147.5, 147.52 continue to apply.

(64) Section 147.7 presently reads in part:

*147.7(1) In this section, "filing deadline" means the day by which a disclosure statement referred to in section 147.4 is required to be filed with a local jurisdiction.*

*(3) A local jurisdiction shall not transmit a report in relation to a candidate under section 147.8 if the return is filed no later than 10 days after the filing deadline.*

**(65) Section 147.8 is amended**

**(a) by repealing subsection (1)(a) and substituting the following:**

- (a) in the case of an election of municipal councillors, the secretary shall
  - (i) present a report to that effect to council on the day of the first council meeting after the filing deadline, and
  - (ii) publish the report or the information in the report on the municipality's website by no later than the day referred to in subclause (i),

and

**(b) by repealing subsection (2) and substituting the following:**

**(2)** A candidate referred to in subsection (1) may apply to the Court for relief within the 60-day period beginning on the day

- (a) the report or the information in the report is published on the municipality's website, if subsection (1)(a) applies, or
- (b) the school board makes the report public, if subsection (1)(b) applies.

**(66) Section 147.82 is repealed and the following is substituted:**

**Offences relating to contributions**

**147.82(1)** A prohibited organization or a person acting on its behalf that contravenes section 147.2 is guilty of an offence and liable to a fine of not more than \$10 000.

**(2)** A corporation, trade union or employee organization, or a person acting on behalf of a corporation, trade union or employee organization, who contravenes section 147.2 is guilty of an offence and liable to a fine of not more than \$10 000.

**(3)** An individual who contravenes section 147.2 or 147.24 is guilty of an offence and liable to a fine of not more than \$5000.

(65) Section 147.8 presently reads in part:

*147.8(1) Subject to section 147.7, if a candidate fails to file a disclosure statement as required by section 147.4*

*(a) in the case of an election of municipal councillors, the secretary shall transmit a report to that effect to council, which shall on its receipt make the report public, and*

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

(66) Section 147.82 presently reads:

*147.82(1) A prohibited organization or a person acting on its behalf that contravenes section 147.2 is guilty of an offence and liable to a fine of not more than \$10 000.*

*(2) An individual who contravenes section 147.2 is guilty of an offence and liable to a fine of not more than \$5000.*

*(3) A candidate who contravenes section 147.22(1) or (2) is guilty of an offence and liable to a fine of not more than \$1000.*

*(4) A candidate or a person acting on behalf of a candidate who fails to return or pay an amount referred to in section 147.23(a) or (b) is guilty of an offence and liable to a fine of not more than \$5000.*

(4) A candidate who contravenes section 147.22(1) or (4) is guilty of an offence and liable to a fine of not more than \$1000.

(5) A candidate or a person acting on behalf of a candidate who fails to return or pay an amount referred to in section 147.23(a) or (b) is guilty of an offence and liable to a fine of not more than \$5000.

(6) A prohibited organization or a person acting on its behalf that contravenes section 147.24 is guilty of an offence and liable to a fine of not more than \$10 000.

(7) A corporation, trade union or employee organization or a person acting on behalf of a corporation, trade union or employee organization that contravenes section 147.24 is guilty of an offence and liable to a fine of not more than \$10 000.

**(67) Section 147.84(1) is repealed and the following is substituted:**

**Failure to file**

**147.84(1)** A candidate who fails to comply with section 147.4(1), (1.1) or (2) by April 1 of a year in which a disclosure statement is required to be filed, or, in the case of a by-election, within 150 days after the by-election, is guilty of an offence and liable to a fine of not more than \$5000.

**(68) Sections 147.93 to 147.96 and 150(3) and (4) are repealed.**



*(5) A prohibited organization or a person acting on its behalf that contravenes section 147.24 is guilty of an offence and liable to a fine of not more than \$10 000.*

*(6) An individual who contravenes section 147.24 is guilty of an offence and liable to a fine of not more than \$5000.*

(67) Section 147.84(1) presently reads:

*147.84(1) A candidate who fails to comply with section 147.4(1) or (2) by April 1 in the year following a general election, or, in the case of a by-election, within 150 days after the by-election, is guilty of an offence and liable to a fine of not more than \$5000.*

(68) Sections 147.93 to 147.96 and 150(3) and (4) presently read:

*147.93 In sections 147.94 to 147.96,*

*(a) “former Act” means the Local Authorities Election Act as it read immediately before the Bill received first reading;*

*(b) “the Bill” means the Bill to enact An Act to Renew Local Democracy in Alberta.*

*147.94(1) In this section, “candidate” means a candidate for election as a municipal councillor and, subject to subsection (2), for election as a school board trustee.*

*(2) For the purpose of this section, an individual is a candidate for election as a school board trustee if, before the Bill receives first reading, the individual accepted contributions or incurred campaign expenses on or after January 1, 2018, for the purposes of a school board election campaign.*



*(3) Subject to subsection (4), section 147.95(4) and 147.96(4), if a candidate or a person acting on behalf of a candidate received a contribution on or after January 1, 2018 but before the date the Bill receives Royal Assent, other than a contribution used to eliminate a deficit shown on the candidate's disclosure statement for the most recent election campaign, the contribution is deemed to be collected in the next campaign period.*

*(4) If a candidate or a person acting on behalf of a candidate receives a contribution from a prohibited organization, trade union or employee organization within the meaning of section 147.1 of the former Act on or after the date the Bill receives first reading but before the date it receives Royal Assent, the candidate, no later than 30 days after the Bill receives Royal Assent, shall*

*(a) return the contribution to the contributor if the contributor's identity can be established, or*

*(b) if the contributor's identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction in which the individual is a candidate.*

*(5) If a candidate fails to comply with subsection (4), the candidate is deemed to have contravened section 147.2(5) as enacted by section 51 of An Act to Renew Local Democracy in Alberta.*

*(6) A candidate who fails to comply with subsection (4) is guilty of an offence and liable to a fine of not more than \$5000.*

*147.95(1) In this section, "candidate" means a candidate for election as a municipal councillor.*

*(2) If during the campaign period that commenced January 1, 2018, money paid by a candidate in accordance with section 147.11 of the former Act before the Bill receives first reading equalled or exceeded \$4000, the candidate is not entitled to make any further contributions under section 147.2, as enacted by section 51 of An Act to Renew Local Democracy in Alberta.*

*(3) An individual ordinarily resident in Alberta who, before the Bill receives first reading, made contributions in 2018 to one or more candidates in accordance with section 147.2 of the former Act that in the aggregate equalled or exceeded \$4000 shall not make any further contributions to a candidate in 2018 under section 147.2, as*



*enacted by section 51 of An Act to Renew Local Democracy in Alberta, and no candidate shall accept those contributions.*

*(4) On or after the day the Bill receives first reading but before the day it receives Royal Assent, if a candidate receives a contribution from a person who has, on or after January 1, 2018, already contributed \$4000 or more to one or more candidates, the candidate, no later than 30 days after the Bill receives Royal Assent, shall return any contribution in excess of \$4000 to the contributor, or pay an amount equivalent to the excess beyond \$4000 to a registered charity or to the local jurisdiction in which the individual is a candidate.*

*(5) If a candidate fails to comply with subsection (2), (3) or (4), or an individual fails to comply with subsection (3), the candidate or the individual, as the case may be, is guilty of an offence and liable to a fine of not more than \$5000.*

*147.96(1) In this section, subject to subsection (2), "candidate" means a candidate for election as a school board trustee.*

*(2) For the purpose of this section, an individual is a candidate for election as a school board trustee if, before the Bill receives first reading, the individual accepted contributions or incurred campaign expenses on or after January 1, 2018, for the purposes of a school board election campaign.*

*(3) An individual ordinarily resident in Alberta who, before the Bill receives first reading, made contributions in 2018 to one or more candidates for school board trustee under the former Act that in the aggregate equalled or exceeded \$4000 shall not make any further contributions to a candidate in 2018 under section 147.2, as enacted by section 51 of An Act to Renew Local Democracy in Alberta, and no candidate shall accept those contributions.*

*(4) On or after the day the Bill receives first reading but before the day it receives Royal Assent, if a candidate receives a contribution from a person who has, since January 1, 2018, already contributed \$4000 or more to one or more candidates, the candidate, no later than 30 days after the Bill receives Royal Assent, shall return any contribution in excess of \$4000 to the contributor, or pay an amount equivalent to the excess beyond \$4000 to a registered charity or to the local jurisdiction in which the individual is a candidate.*

*(5) A candidate shall, no later than 90 days after the Bill receives Royal Assent,*

**(69) Section 156 is amended**

- (a) by repealing clause (a);**
- (b) by striking out “the enumerator, candidate” and substituting “the candidate”;**

(a) *file with the local authority a statement disclosing the total amount of all campaign contributions held by the candidate, and*

(b) *pay any campaign surplus held by the candidate to the local authority.*

(6) *If an individual fails to comply with subsection (3), or a candidate fails to comply with subsection (4) or (5), the candidate or the individual, as the case may be, is guilty of an offence and liable to a fine of not more than \$5000.*

(7) *A bylaw made under section 118 of the former Act applies only with respect to campaign expenses accepted and campaign expenses incurred before the Bill receives first reading, and section 118(2.2) of the former Act continues to apply with respect to the examination of the statements of contributions and campaign expenses made under that section.*

(8) *Despite the repeal of section 118 of the former Act, a school board may make bylaws respecting the transition from its bylaw passed under section 118(2) of the former Act and the coming into force of An Act to Renew Local Democracy in Alberta, for the purposes of reporting contributions.*

150(3) *No person shall*

(a) *during the hours when a voting station is open, canvass or solicit votes in a building where the voting station is located, or*

(b) *make any communication to an elector in a voting station respecting the election otherwise than through the deputy.*

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

(69) Section 156 presently reads in part:

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

(a) *an enumerator,*

(c) **by striking out** “status as an enumerator, candidate” **and substituting** “status as a candidate”.

**(70) Section 158 is amended**

(a) **in clause (a) by striking out** “section 49 or 50,” **and substituting** “section 49, or”;

(b) **by repealing clause (b) and substituting the following:**

(b) uses any information provided to, or obtained by, a municipality under section 49 other than for the purpose of compiling or revising the permanent electors register,

(c) **by repealing clauses (c) and (d).**

**(71) Section 158.1 is amended by striking out** “, 53.01, 53.1”.

**(72) The following is added after section 158.2:**

**Local political parties and slates of candidates**

**158.3(1)** Subject to subsection (2) and the regulations, in this section and in sections 160.1 and 160.2,



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

(70) Section 158 presently reads:

*158 Any person who*

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

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

(71) Section 158.1 presently reads:

*158.1 Notwithstanding any provision of this Act, if a municipality has passed a bylaw in accordance with section 606.1 of the Municipal Government Act, the method or methods for advertising authorized by that bylaw may be used by that municipality for the purpose of notifications referred to in sections 26, 35, 53.01, 53.1 and 74 of this Act.*

(72) Local political parties and slates of candidates.

- (a) “local political party” means an organization one of whose fundamental purposes is to participate in public affairs by endorsing one or more candidates in a local jurisdiction and supporting their election;
- (b) “slate” means slate as defined in the regulations.

**(2)** A local political party shall not be

- (a) a registered party as defined in the *Election Finances and Contributions Disclosure Act*,
- (b) a registered party as defined in the *Canada Elections Act* (Canada),
- (c) a political party or organization affiliated with a registered party referred to in clause (a) or (b),
- (d) a slate, or
- (e) a person or organization prescribed in the regulations.

**(3)** If the regulations authorize the involvement of local political parties, slates or both in elections in a local jurisdiction, then, subject to the regulations,

- (a) the local jurisdiction shall not prohibit or restrict the formation of a local political party or slate or the participation of local political parties or slates in election activities in the local jurisdiction,
- (b) a candidate in the local jurisdiction may
  - (i) be selected for endorsement as an official candidate of a local political party,
  - (ii) run as part of a slate, or
  - (iii) run as an independent candidate,
- (c) ballots in the local jurisdiction must list
  - (i) a local political party that officially endorses a candidate, and
  - (ii) a slate of which a candidate is a part,



- (d) a local political party or a slate must comply with
  - (i) the applicable registration, endorsement and interaction rules set out in the regulations, and
  - (ii) the applicable contribution, campaign expense, disclosure and other financing rules set out in the regulations,

and

- (e) a candidate must comply with the applicable rules set out in the regulations with respect to a local political party or a slate.

**(73) Section 159(2)(c) is amended by striking out “an enumerator,”.**

**(74) Section 160 is amended by adding the following after subsection (1):**

- (1.01)** The Lieutenant Governor in Council may make regulations
  - (a) respecting matters relating to an emergency, a disaster or an unusual or unforeseen circumstance referred to in section 6.1;
  - (b) prescribing other impacts for the purposes of section 6.1(c);
  - (c) designating organizations as prohibited organizations for the purposes of Part 5.1.

**(75) The following is added after section 160:**

**Lieutenant Governor in Council regulations re local political parties and slates of candidates**

- 160.1(1)** The Lieutenant Governor in Council may make regulations respecting local political parties and slates, including, without limitation, regulations

(73) Section 159(2)(c) presently reads:

*(2) The Minister may make regulations*

*(c) respecting identification indicating that a person is an enumerator, a candidate, an official agent, a scrutineer or a campaign worker.*

(74) Adds regulation-making authority.

(75) Lieutenant Governor in Council regulations re local political parties and slates of candidates; ministerial regulations re local political parties and slates of candidates.

- (a) further defining or redefining “candidate” or “local political party”;
- (b) defining “slate” and any other word or expression used in section 158.3 but not defined in this Act;
- (c) respecting the affiliation of a political party or organization with a registered party for the purposes of section 158.3(2)(c);
- (d) prescribing persons or organizations that shall not be a local political party;
- (e) authorizing the involvement of local political parties and slates in elections;
- (f) respecting the endorsement of candidates by local political parties;
- (g) respecting candidates being part of slates;
- (h) respecting the listing of local political parties or slates on ballots;
- (i) respecting the registration of local political parties or slates;
- (j) respecting the interaction and relationships between local political parties, candidates, slates, third parties or any other person, corporation, organization, registered party, trade union or employee organization referred to in this Act, or any combination of them;
- (k) respecting election finances and contributions disclosure relating to local political parties and slates, including establishing rules, restrictions and disclosure relating to contributions, campaign expenses and financing;
- (l) applying the offences and penalties set out in sections 147.82 to 147.85, Part 6 and section 187, with or without modification, to the regulations made under this section;
- (m) applying the administrative penalties set out in section 193, with or without modification, to the regulations made under this section;



(n) respecting the application of any provision of this Act, with or without modification, to local political parties or slates or circumstances involving local political parties or slates.

(2) A regulation made under subsection (1) may be specific to a local jurisdiction or general in its application.

(3) The authority to make a regulation under subsection (1) respecting any matter includes the authority to make prohibitions in respect of that matter.

(4) A regulation made under subsection (1)(l) or (m) shall not provide for a penalty that is greater than the penalty provided for a similar contravention of a provision referred to in those clauses.

**Ministerial regulations re local political parties and slates of candidates**

**160.2(1)** The Minister may make regulations determining campaign expense limits respecting local political parties and slates.

(2) A regulation made under subsection (1) may be specific to a local jurisdiction or general in its application.

(3) A regulation made under section 160.1(1)(k) supersedes a regulation made under this section to the extent of any conflict.

**(76) Section 162 is amended**

**(a) in subsection (1)**

**(i) in clause (d)**

**(A) by adding** “or takes a position on an issue that is the subject of a vote on a bylaw or question,” **after** “election of a candidate”;

**(B) in subclause (vii) by striking out** “question or bylaw” **and substituting** “bylaw or question”;

**(ii) by repealing clause (e) and substituting the following:**

(e) “election advertising period” means,



(76) Section 162 presently reads in part:

*162(1) In this Part,*

- (d) “election advertising” means, subject to subsection (3), the transmission to the public by any means during an election advertising period of an advertising message that promotes or opposes the election of a candidate and for greater certainty does not include*
- (vii) the transmission to the public in a local jurisdiction that is not a local jurisdiction for which the advertising message was intended and in which there is no candidate and no vote on a question or bylaw to which the transmission relates;*
- (e) “election advertising period” means*

- (i) in the case of a general election, the period beginning on May 1 in the year in which a general election is held and ending at the end of the election day,
- (ii) in the case of a by-election, the period beginning on the day after the resolution or bylaw is passed to set the election day for the by-election and ending at the end of the election day, and
- (iii) in the case of a vote on a bylaw or question, the period beginning on the day the election is set by resolution or bylaw and ending at the end of the election day;

**(iii) by repealing clauses (f) and (m);**

**(b) by repealing subsection (3) and substituting the following:**

**(3)** For the purposes of subsection (1)(d), “election advertising” includes

- (a) canvassing for the benefit of a candidate or to promote or oppose a position on an issue that is the subject of a vote on a bylaw or question, and
- (b) organizing events where the primary purpose of the event is to promote or oppose a candidate or a position on an issue that is the subject of a vote on a bylaw or question.

**(c) in subsection (4)**

- (i) in clause (b) by adding** “or by a third party to promote or oppose a position on an issue that is the subject of a vote on a bylaw or question” **after** “candidate”;
- (ii) in clause (c) by striking out** “election or any candidate” **and substituting** “election, a candidate or a position on an issue that is the subject of a vote on a bylaw or question”;

- (i) in the case of a general election, the period commencing May 1 in the year in which a general election is held and ending at the end of the election day,*
  - (ii) in the case of a by-election, the period commencing on the date the by-election is set by bylaw or resolution and ending at the end of the election day, and*
  - (iii) in the case of a vote on a question or bylaw, the period commencing on the date the election is set by bylaw or resolution and ending at the end of the election day;*
  - (f) “employee organization” means an organization, other than a trade union, that bargains collectively for employees;*
  - (m) “trade union” means an organization of employees that has a written constitution, rules or bylaws and has as one of its objects the regulation of relations between employers and employees.*
- (3) For the purposes of subsection (1)(d), “election advertising” includes*
- (a) canvassing for the benefit of a candidate, and*
  - (b) organizing events where the primary purpose of the event is to promote or oppose a candidate.*
- (4) In determining the primary purpose of an event under subsection (3)(b), the following factors, in addition to any other relevant information, shall be used:*
- (b) whether the formatting or branding of promotional materials for the event is similar to the formatting, branding or election material used by a candidate;*
  - (c) the extent to which an election or any candidate is referred to, either directly or indirectly, in promotional materials for the event or at the event;*
  - (e) whether messages conveyed at the event are political messages associated with a candidate.*

- (iii) **in clause (e) by adding** “or with a position on an issue that is the subject of a vote on a bylaw or question” **after** “candidate”.

**(77) Section 163 is amended**

- (a) by adding the following after subsection (2):**

**(2.1)** A person may request to examine the register of third parties referred to in subsection (2) during regular business hours and in the presence of the returning officer, deputy or secretary of the local jurisdiction or the Registrar.

- (b) in subsection (6) by striking out** “subsection (2)(a)” **and substituting** “subsection (2)”.

**(78) Section 167(2.1) is amended by striking out** “\$30 000” **and substituting** “\$5000”.

**(79) Section 193 is amended**

- (a) in subsection (2)**

- (i) in clause (a) by striking out** “147.2(3)” **and substituting** “147.2(2)”;

- (ii) by adding the following after clause (a):**

(a.1) an entity has made one or more contributions in excess of a limit prescribed by section 147.2(3),

- (iii) in clause (b) by striking out** “or (2)”;

- (iv) in clause (c) by adding** “or entity” **after** “an individual”;

- (v) in clause (e) by adding** “(a.1),” **after** “clause (a),”;

- (b) in subsection (5)**

- (i) in clause (a)**

(77) Section 163 presently reads in part:

*(2) A local jurisdiction and the Registrar shall maintain a register of third parties who engage in election advertising.*

*(6) The following are not eligible to be registered in a register referred to in subsection (2)(a):*

(78) Section 167(2.1) presently reads:

*(2.1) No individual, corporation, trade union or employee organization shall make advertising contributions to any third party during an election advertising period that exceed, in the aggregate, \$30 000.*

(79) Section 193 presently reads in part:

*(2) If the Election Commissioner is of the opinion that*

*(a) an individual has made one or more contributions in excess of a limit prescribed by section 147.2(3),*

*(b) a prohibited individual or entity has made a contribution in contravention of section 147.2(1) or (2),*

*(c) an individual or a third party fails to comply with a direction of the Election Commissioner,*

*(e) an individual, a prohibited individual or entity or a third party has contravened a provision of Part 5.1 or 8, otherwise than as referred to in clause (a), (b) or (d),*

*(5) The amount of an administrative penalty that may be imposed under subsection (2) must not exceed*

*(a) in the case of a contravention referred to in subsection (2)(a) or (c.1), twice the amount by which the contribution or*

- (A) **by striking out** “subsection (2)(a) or (c.1)” **and substituting** “subsection (2)(a), (a.1) or (c.1)”;
  - (B) **by striking out** “147.2(3)” **and substituting** “147.2(2) or (3) or 167(2.1)”;
- (ii) **in clause (b) by striking out** “or (2)”.

### **Municipal Government Act**

**Amends RSA 2000 cM-26**

**2(1) The *Municipal Government Act* is amended by this section.**

**(2) Section 162 is amended by striking out “or” at the end of clause (a) and by adding the following after clause (a):**

- (a.1) the vacancy is due to a declaration under section 175.1(1) and
  - (i) the application period under section 175.1(3) has not expired, or
  - (ii) less than 60 days have passed since an application under section 175.1(2) has been filed,

or

**(3) Section 168(1)(a) is amended by striking out “section 240.8(2)” and substituting “section 240.91(1)”.**

**(4) The heading preceding section 169 is repealed and the following is substituted:**

#### **Division 6 Pecuniary Interest and Conflict of Interest of Councillors**

**(5) Section 169 is amended by adding the following after clause (b):**

*contributions exceed the limit prescribed by section 147.2(3) and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention,*

- (b) *in the case of a contravention of section 147.2(1) or (2) or 167(3), twice the amount that was contributed in contravention of that provision, and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention,*

### **Municipal Government Act**

2(1) Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Section 162(a) presently reads:

*162 A council must hold a by-election to fill a vacancy on council unless*

- (a) *the vacancy occurs after January 1 in the year of a general election, or*

(3) Updates cross-reference.

(4) The heading preceding section 169 presently reads:

*Division 6  
Pecuniary Interest of Councillors*

(5) Adds definition.

(b.1) “private interest” does not include the following:

- (i) an interest in a matter that
  - (A) is of general application,
  - (B) affects a councillor as one of a broad class of the public, or
  - (C) concerns the remuneration and benefits of a councillor;
- (ii) an interest that is trivial;

**(6) Section 170 is amended**

**(a) by repealing subsections (1) and (2) and substituting the following:**

**Pecuniary interest and conflict of interest**

**170(1)** Subject to subsection (3), a councillor has

- (a) a pecuniary interest in a matter if
  - (i) the matter could monetarily affect the councillor or an employer of the councillor, or
  - (ii) the councillor knows or should know that the matter could monetarily affect the councillor’s family,

and

- (b) a conflict of interest in a matter if
  - (i) the matter could affect a private interest of the councillor or an employer of the councillor, or
  - (ii) the councillor knows or should know that the matter could affect a private interest of the councillor’s family.

**(2)** For the purposes of

- (a) subsection (1)(a), a person is monetarily affected by a matter if the matter monetarily affects



(6) Section 170 presently reads in part:

*170(1) Subject to subsection (3), a councillor has a pecuniary interest in a matter if*

*(a) the matter could monetarily affect the councillor or an employer of the councillor, or*

*(b) the councillor knows or should know that the matter could monetarily affect the councillor's family.*

*(2) For the purposes of subsection (1), a person is monetarily affected by a matter if the matter monetarily affects*

*(a) the person directly,*

*(b) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,*

*(c) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or*

*(d) a partnership or firm of which the person is a member.*

*(3) A councillor does not have a pecuniary interest by reason only of any interest*

*(f) that a member of the councillor's family may have by having an employer, other than the municipality, that is monetarily affected by a decision of the municipality,*

- (i) the person directly,
- (ii) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,
- (iii) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or
- (iv) a partnership or firm of which the person is a member,

and

- (b) subsection (1)(b), a person's private interest is affected by a matter if the matter affects

- (i) the person directly,
- (ii) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,
- (iii) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or
- (iv) a partnership or firm of which the person is a member.

**(b) in subsection (3)**

- (i) **by adding** "or a conflict of interest" **after** "pecuniary interest";
- (ii) **in clause (f) by striking out** "is monetarily affected" **and substituting** "is monetarily affected or whose private interest is affected, as the case may be,".



**(7) The following is added after section 172:**

**Disclosure of conflict of interest or perceived conflict of interest**

**172.1(1)** When a councillor believes the councillor may have a conflict of interest or perceived conflict of interest in a matter before the council, a council committee or any other body to which the councillor is appointed as a representative of the council, the councillor may disclose the general nature of the conflict of interest or perceived conflict of interest prior to or during any discussion of the matter.

**(2)** If a councillor discloses a conflict of interest or perceived conflict of interest under subsection (1), the councillor may, if present, do any one or more of the following:

- (a) abstain from voting on any question relating to the matter;
- (b) abstain from any discussion of the matter;
- (c) leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

**(3)** The disclosure of a councillor's conflict of interest or perceived conflict of interest under subsection (1) and the abstention of a councillor under subsection (2) must be recorded in the minutes of the meeting.

**No review of councillor's decision**

**172.2** If a councillor decides to take or not to take any or all of the actions in section 172.1(2), that decision is not to be considered during

- (a) any hearing respecting the potential disqualification of the councillor, or
- (b) the process established by bylaw pursuant to section 146.1 to determine the validity of a complaint alleging a breach of the code of conduct by the councillor.

**(8) Section 175 is amended by adding the following after subsection (4):**

(7) Disclosure of conflict of interest or perceived conflict of interest; no review of councillor's decision.

(8) Section 175 presently reads in part:

*(4) An application under this section may be started or continued whether or not an election has been held between the time the*

(5) Notwithstanding subsections (3) and (4), an application may not be made under this section if a declaration has been made under section 175.1(1) respecting the same councillor and the same reason and facts for disqualification.

**(9) The following is added after section 175:**

**Declaration of disqualification by council**

**175.1(1)** If a councillor is disqualified under section 174(1)(b.1), (c), (d), (e) or (j) and does not resign immediately, a council may declare the person to be disqualified and a position on council to be vacant from the date of the declaration.

(2) If a person is declared to be disqualified under subsection (1), the person may apply to a judge of the Court of King's Bench for an order determining whether the person is qualified to be or has ceased to be qualified to remain a councillor.

(3) An application made under subsection (2) may be made only within 30 days of the declaration by council.

**(10) The following is added after Part 5, Division 8:**

**Division 8.1**  
**Dismissal of Councillor by Lieutenant**  
**Governor in Council**

**Dismissal of councillor by Lieutenant Governor in Council**

**179.1(1)** If the Lieutenant Governor in Council considers it is in the public interest to do so, the Lieutenant Governor in Council may,

- (a) by order, dismiss a person from council and declare a position on council to be vacant, or
- (b) by order,

*disqualification is alleged to have occurred and the time the application is or was commenced and whether or not the person in respect of whom the application is being brought*

- (a) resigns before or after the election,*
- (b) was re-elected in the election,*
- (c) was not re-elected or did not run in the election, or*
- (d) has completed a term of office.*

(9) Declaration of disqualification by council.

(10) Division 8.1 Dismissal of Councillor by Lieutenant Governor in Council.

- (i) direct the chief administrative officer of a municipality to conduct a vote of the electors respecting the dismissal of a person from council, and
- (ii) provide directions respecting the date of the vote of the electors under subclause (i) and related procedural matters.

**(2)** If a vote of the electors is for the dismissal of the person, the person is dismissed and a position on council is deemed to be vacant as of the date of the vote of the electors.

**(3)** If a person is dismissed and a position on council is declared or deemed to be vacant under this section, the council must hold a by-election in accordance with section 162 or 163 as applicable.

**(11) Section 199 is amended**

**(a) by adding the following after subsection (2):**

**(2.1)** Every council must by bylaw provide for public hearings under Part 17 to be conducted by electronic means.

**(b) in subsection (3) by striking out “subsection (2)” and substituting “subsection (2) or (2.1)”;**

**(c) by adding the following after subsection (3):**

**(3.1)** A bylaw under subsection (2.1) must be passed within 6 months from the coming into force of this subsection.

**(d) in subsection (4) by striking out “subsection (2)” and substituting “subsection (2) or (2.1)”.**

**(12) Section 201.1(1) and (2) are repealed and the following is substituted:**

**Orientation training**

**201.1(1)** A municipality, in accordance with the regulations, must offer, and each councillor must attend, orientation training

- (a) on the following topics, to be held prior to or on the same day as the first organizational meeting following a general election required by section 192, or in the case



(11) Section 199 presently reads in part:

*(3) A bylaw under subsection (2) must*

*(a) specify the type or types of electronic means by which meetings are authorized to be held,*

*(4) Where a meeting is held by electronic means in compliance with a bylaw under subsection (2) or a regulation under subsection (5),*

*(a) electronic access to the meeting may be restricted or suspended in order to close all or part of the meeting to the public under section 197, and, for the purposes of section 197(5), any members of the public whose access to the meeting is restricted or suspended are considered to be present outside the meeting room during the restriction or suspension,*

(12) Section 201.1(1) and (2) presently read:

*201.1(1) A municipality must, in accordance with the regulations, offer orientation training to each councillor, to be held within 90 days after the councillor takes the oath of office.*

*(2) The following topics must be addressed in orientation training required under subsection (1):*

*(a) role of municipalities in Alberta;*

*(b) municipal organization and functions;*

of a councillor elected at a by-election, on or before the day that councillor takes the oath of office:

- (i) role of municipalities in Alberta;
- (ii) municipal organization and function;
- (iii) roles and responsibilities of council and councillors;
- (iv) the municipality's code of conduct;
- (v) roles and responsibilities of the chief administrative officer and staff,

and

- (b) on the following topics, to be held prior to or on the same day as the first regularly scheduled council meeting, or in the case of a councillor elected at a by-election, within 90 days after that councillor takes the oath of office:
  - (i) key municipal plans, policies and projects;
  - (ii) budgeting and financial administration;
  - (iii) public participation;
  - (iv) any other topic prescribed by the regulations.

**(2)** A council may by resolution extend the time for orientation training under subsection (1)(b) by up to 90 days.

**(13) Section 216.4 is amended by adding the following after subsection (5):**

**(5.1)** Unless this Act or another enactment specifies otherwise, a council may hold only one public hearing on each proposed bylaw or resolution, or any part thereof, that considers residential developments or developments with residential and non-residential developments under Part 17.

- (c) key municipal plans, policies and projects;*
- (d) roles and responsibilities of council and councillors;*
- (e) the municipality's code of conduct;*
- (f) roles and responsibilities of the chief administrative officer and staff;*
- (g) budgeting and financial administration;*
- (h) public participation;*
- (i) any other topic prescribed by the regulations.*

(13) Section 216.4 presently reads in part:

*(5) After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council may*

- (a) pass the bylaw or resolution,*
- (b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or*

**(14) Section 240.1(2) is amended**

- (a) by adding** “the Minister or” **after** “submitted to”;
- (b) by adding** “the Minister or” **after** “received by”.

**(15) Section 240.2(4)(a) is amended by striking out** “to the chief administrative officer” **and substituting** “to the Minister, the chief administrative officer”.

**(16) Section 240.3(a) is amended by striking out** “chief administrative officer of the municipality” **and substituting** “Minister”.

**(17) Section 240.7 is amended**

- (a) in subsection (1) by striking out** “the chief administrative officer of the municipality and the chief administrative officer is responsible” **and substituting** “the Minister and the chief administrative officer of the municipality, and the Minister is responsible”;
- (b) in subsections (2) and (3) by striking out** “chief administrative officer” **and substituting** “Minister”;
- (c) in subsection (4) by striking out** “a chief administrative officer” **and substituting** “the Minister”.

(c) *defeat the bylaw or resolution.*

(14) Section 240.1(2) presently reads:

*(2) For the purposes of this Part, a document that is required to be filed with or submitted to the chief administrative officer of a municipality is filed or submitted when it is actually received by the chief administrative officer.*

(15) Section 240.2(4)(a) presently reads:

*(4) The personal information referred to in subsection (3)(a) must not be disclosed, except*

*(a) to the chief administrative officer and the chief administrative officer's delegates, if any, for the purposes of confirming the eligibility of the representative recall petitioner and validating the recall petition,*

(16) Section 240.3(a) presently reads:

*240.3 A recall petition is sufficient if*

*(a) it is submitted to the chief administrative officer of the municipality before the expiry of the recall petition signature period, and*

(17) Section 240.7 presently reads:

*240.7(1) A recall petition must be filed with the chief administrative officer of the municipality and the chief administrative officer is responsible for determining if the recall petition is sufficient.*

*(2) No name may be added to or removed from a recall petition after it has been filed with the chief administrative officer.*

*(3) In counting the number of petitioners on a recall petition, the chief administrative officer must exclude the name of a person*

*(a) whose signature is not witnessed,*

**(18) Section 240.8 is amended**

- (a) in subsection (1) by striking out “chief administrative officer of the municipality” and substituting “Minister”;**
- (b) by repealing subsection (2).**

- (b) *whose signature is witnessed but for which no affidavit is attached to the petition,*
  - (c) *whose signature appears on any page or form that does not contain the notice of recall petition referred to in section 240.2(2),*
  - (d) *whose printed name is not included or is incorrect,*
  - (e) *whose street address or legal description of land is not included or is incorrect,*
  - (f) *if the date when the person signed the recall petition is not stated*
  - (g) *when a recall petition is restricted to certain persons,*
    - (i) *who is not one of those persons, or*
    - (ii) *whose qualification as one of those persons is not, or is incorrectly, described or set out,*
- or*
- (h) *who signed the recall petition after the expiry of the recall petition signature period.*

*(4) If 5000 or more petitioners are necessary to make a petition sufficient, a chief administrative officer may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.*

(18) Section 240.8 presently reads:

*240.8(1) The chief administrative officer of the municipality must, within 45 days after the date on which a recall petition is filed, determine whether the recall petition is sufficient or insufficient in accordance with the regulations, if any, and any direction and orders referred to in section 240.96.*

*(2) The chief administrative officer of the municipality must, at the first council meeting after determining whether the recall petition is sufficient or insufficient, make a declaration to the council as to whether the recall petition is sufficient or insufficient.*

**(19) Section 240.9 is repealed and the following is substituted:**

**Insufficient recall petition**

**240.9** If a recall petition is insufficient or if no recall petition is submitted to the Minister before the end of the recall petition signature period, the Minister must

- (a) declare that the recall petition is insufficient,
  - (b) provide the declaration to
    - (i) the chief administrative officer of the municipality,
    - (ii) the representative recall petitioner, and
    - (iii) the councillor named in the notice of recall petition,
- and
- (c) direct the chief administrative officer to publish the declaration of insufficiency on the municipality's website no later than 7 days after the declaration is provided.

**(20) Section 240.91(1) and (2) are repealed and the following is substituted:**

**Sufficient recall petition**

**240.91(1)** If the Minister determines that a recall petition is sufficient, the Minister must declare that the recall petition is sufficient, and on the making of the declaration,

- (a) the individual named as the councillor in the notice of recall petition is recalled,
- (b) the individual is no longer a member of the council or of any council committee, and
- (c) the position to which the individual was elected as a councillor is vacant.

**(2)** On declaring that a recall petition is sufficient, the Minister must

- (a) provide the declaration to



(19) Section 240.9 presently reads:

*240.9 If a recall petition is insufficient or if no recall petition is submitted to the chief administrative officer of the municipality before the end of the recall petition signature period, the chief administrative officer of the municipality must*

- (a) publish the declaration of insufficiency referred to in section 240.8(2) on the municipality's website, and*
- (b) provide the declaration to the following:*
  - (i) the Minister;*
  - (ii) the representative recall petitioner;*
  - (iii) the councillor named in the notice of recall petition.*

(20) Section 240.91(1) and (2) presently read:

*240.91(1) If a recall petition is declared to be sufficient, on the making of the declaration,*

- (a) the individual named as the councillor in the notice of recall petition is recalled,*
- (b) the individual is no longer a member of the council or of any council committee, and*
- (c) the position to which the individual was elected as a councillor is vacant.*

*(2) On declaring that a recall petition is sufficient, the chief administrative officer of the municipality must*

- (a) publish the declaration of sufficiency referred to in section 240.8(2) on the municipality's website, and*
- (b) provide the declaration to the following:*

- (i) the chief administrative officer of the municipality,
  - (ii) the representative recall petitioner, and
  - (iii) the councillor named in the notice of recall petition,
- and

- (b) direct the chief administrative officer of the municipality to publish the declaration of sufficiency on the municipality’s website no later than 7 days after the declaration is provided.

**(21) Section 240.92(1) is amended by striking out “240.9(a) or 240.91(2)(a)” and substituting “240.9(c) or 240.91(2)(b)”.**

**(22) The following is added after section 240.94:**

**Transitional**

**240.941** Sections 168(1)(a), 240.1 to 240.3, 240.7 to 240.92 and 540(d.1) as they read immediately before January 1, 2025, apply to a recall petition commenced before January 1, 2025.

**(23) Section 304(1) is amended by adding the following after clause (k);**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>(l) a parcel of land, or a part of a parcel of land, and the improvements to it held under a lease, licence or permit from the owner of the land where the land and improvements are used in connection with an electric generation system as defined in the regulations.</li> </ul> | <ul style="list-style-type: none"> <li>(l) the holder of the lease, licence or permit.</li> </ul> |
|---|---|

**(24) Section 317(d) is amended by adding “or (e)” after “363(1)(d)”.**

- (i) *the Minister;*
- (ii) *the representative recall petitioner;*
- (iii) *the councillor named in the notice of recall petition.*

(21) Updates cross-references.

(22) Transitional.

(23) Section 304(1) presently reads in part:

*304(1) The name of the person described in column 2 must be recorded on the assessment roll as the assessed person in respect of the assessed property described in column 1.*

*Column 1  
Assessed  
property*

*Column 2  
Assessed  
person*

(24) Section 317(d) presently reads:

**(25) Section 363 is amended**

**(a) in subsection (1) by adding the following after clause (d):**

- (e) affordable housing accommodation as defined in the *Alberta Housing Act* that is not exempt under section 361 of this Act.

**(b) in subsection (3) by adding “or (e)” after “subsection (1)(d)”.**

**(26) Section 364.2 is amended**

**(a) by adding the following after subsection (1):**

**(1.1)** A council may, by bylaw, for the purpose of encouraging residential development and the provision of housing in an assessment class specified in section 297(1)(a) for the general benefit of the municipality, provide for

- (a) full or partial exemptions from taxation under this Division for property in that assessment class, or
- (b) deferrals of the collection of tax under this Division on property referred to in clause (a).

**(b) in subsection (3) by striking out “subsection (2)” and substituting “subsection (1.1) or (2)”.**

*317 In this Division, “equalized assessment” means an assessment that is prepared by the Minister in accordance with this Division for an entire municipality and reflects*

- (d) assessments of property in the municipality made taxable or exempt as a result of a council passing a bylaw under Part 10, except any property made taxable under section 363(1)(d), and*

(25) Section 363 presently reads in part:

*363(1) The following are exempt from taxation under this Division:*

- (d) student dormitories.*
- (3) A council may by bylaw make any property referred to in subsection (1)(d) subject to taxation to any extent the council considers appropriate other than for the purpose of raising revenue needed to pay the requisitions referred to in section 326(1)(a).*

(26) Section 364.2(3) presently reads:

- (3) A bylaw under subsection (2)*
  - (a) must set criteria to be met for property to qualify for an exemption or deferral,*
  - (b) must establish a process for the submission and consideration of applications for an exemption or deferral,*
  - (c) must not provide for an exemption or deferral to have effect in respect of a property for more than 15 consecutive taxation years, but may, if the council considers it appropriate, provide for subsequent exemptions or deferrals of 15 consecutive taxation years or less to be applied for and granted in respect of the property, and*
  - (d) if the bylaw provides for any person other than the council, including a designated officer, to refuse to grant an exemption or deferral or to cancel an exemption or deferral, must establish a process for applications to the council for the review of those decisions and must specify the period of time within which the application must be made.*

**(27) Section 437(c)(iii) is amended by striking out “(j)(i) or (k)” and substituting “(j)(i), (k) or (l)”.**

**(28) Section 540(d.1) is amended by striking out “section 240.8(2)” and substituting “section 240.91(1)”.**

**(29) The following is added after section 603:**

**Regulations re bylaws**

**603.01(1)** The Lieutenant Governor in Council may make regulations directing a municipality, with or without conditions, to amend or repeal a bylaw.

(2) A regulation made under this section may apply generally or specifically.

**(30) The following is added after section 615.1:**

**Requirement to take action**

**615.11(1)** The Lieutenant Governor in Council, by order, may require a council to take any action that the Lieutenant Governor in Council considers necessary in the circumstances to protect public safety or health.

(2) If a council does not carry out an order under subsection (1) to the satisfaction of the Lieutenant Governor in Council, the Lieutenant Governor in Council may direct the Minister to make

(a) one or more orders referred to in section 574(2)(a) to (g), and

(b) an order dismissing the council or any member of it.

(3) Before making an order under subsection (2), the Minister must give the municipal authority notice of the intended order and at least 14 days in which to respond.

(27) Section 437(c)(iii) presently reads:

*437 In this Division,*

*(c) "tax" means*

*(iii) a property tax or community revitalization levy imposed in respect of property referred to in section 304(1)(c), (f), (g), (h), (i), (j)(i) or (k);*

(28) Updates cross-reference.

(29) Regulations re bylaws.

(30) Requirement to take action.

(4) Section 574(3), (5) and (6) apply to a dismissal under subsection (2)(b).

**(31) Section 670.1 is amended by adding the following after subsection (5):**

(6) The Minister may make regulations respecting joint use and planning agreement criteria, requirements and exemptions and any other matters respecting joint use and planning agreements.

**(32) Section 694(1) is amended by adding the following after clause (f):**

(f.1) prescribing the types of studies that a development authority is permitted to request prior to development approval;

**(33) Subsections (3), (14) to (22), (24), (25) and (28) come into force on January 1, 2025.**

## **Referendum Act**

**Amends RSA 2000 cR-8.4**

**3(1) The *Referendum Act* is amended by this section.**

**(2) Section 8.1 is amended**

**(a) by repealing subsection (1) and substituting the following:**

### **Eligible electors**

**8.1(1)** The permanent electors register for a municipality that is compiled and revised under the *Local Authorities Election Act* shall be used for conducting a vote for the purposes of a referendum in that municipality.

**(b) by repealing subsection (2).**



(31) Adds regulation-making authority.

(32) Adds regulation-making authority.

(33) Coming into force.

### **Referendum Act**

**3(1)** Amends chapter R-8.4 of the Revised Statutes of Alberta 2000.

(2) Section 8.1 presently reads:

*8.1(1) The list of electors, if any, for a municipality compiled and revised under the Local Authorities Election Act is the list of electors for conducting a vote for the purposes of a referendum in that municipality.*

*(2) Where a referendum is to be held in a Metis settlement, a list of electors must be compiled and revised in accordance with the Local Authorities Election Act for the purposes of the referendum.*





**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>