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BARRISTERS SOLICITORS

Reynolds  
Mirth  
Richards  
& Farmer LLP

Municipal Elections  
Thursday, September 17, 2020

# MUNICIPAL ELECTIONS

## So Far Yet So Close

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# Bill 23: *An Act to Renew Local Democracy in Alberta*

- Passed December 5, 2018
- Amended *Local Authorities Election Act* ("LAEA") by:
  - Limiting campaign contributions
  - Banning corporate and union donations
  - Improving transparency and accountability
  - Mirrored changes made to provincial election laws

# Bill 29: *Local Authorities Election Amendment Act*

- Passed July 21, 2020
- Came into effect September 1, 2020
- Further amends *Local Authorities Election Act*
- Has raised concerns about the potential to introduce big money and partisan politics into municipal elections

# LAEA Changes

- Election Procedure
- Voting Procedure
- Elections Finances and Contributions Disclosure
- Third Party Advertising

# Election Procedure

- Nomination period (from Jan. 1 to 12 noon on Nomination Day)
- By Bylaw, returning officer or deputy can accept Nomination Papers at different locations
- Any person can request to examine filed nomination papers during nomination period
- Practical considerations

# Election Procedure

- Counting centres
- Bylaw to allow counting of special ballots, advance vote ballot and institutional vote ballots in advance of close of voting stations on election day

# Voter Participation

- Rules of residence – no changes but always a challenge to apply
- Proof of elector eligibility and voter identification
- Expanding vouching provisions
  - Identification requirements
- Vouching restriction (s. 53(6)):
  - An individual may only vouch for a single person, except if all of those vouched for reside at a single location (i.e. a family)

# Voter Participation

- Advance vote required in municipalities with a population greater than 5000
- Further limits on campaign activities at advance vote and at voting stations



# Election Finances and Contribution

- Increased campaign contribution limits
- Introduced candidate self-contribution of up to \$10,000.00
- Increased limits on fundraising outside election period
- Review of financial statements of candidates who spend/receive over \$50,000.00

# Election Finances and Contribution

- Contribution includes money, personal property, real property, or service provided to or for the benefit of a candidate's election campaign without fair market value compensation from that candidate (not include volunteer time).

# Election Finances and Contribution

- Only individuals residing in Alberta may make contribution
- No prohibited organization (corporation and unincorporated organization, including trade union) can make a contribution
- Individuals can now contribute to multiple candidates
  - Up to \$5,000 to any candidate for election as a councilor
  - Up to \$5,000 to any candidate for election as a school board trustee
- Candidates can self-contribute up to \$10,000 to their campaign

# Campaign Contributions

- Responsibility of contributors (s. 147.13 and 147.22)
- Responsibility of candidates and agents (s. 147.13 and 147.22)
- Can only accept contributions during campaign period (Jan 1 – Dec 31 in year of general election (s. 147.22))
  - For by-election period set by bylaw
- Exceptions:
  - up to \$5,000 before campaign period
  - Self-contribution of up to \$10,000 can occur outside of the campaign period

# Campaign Contributions

- Anonymous and unauthorized contributions not permitted (s. 147.23)

# Campaign Contributions

- Duties of candidate (s. 147.3)
  - Campaign account
  - Value contributions of real property, personal property and services
  - Receipts
  - Records (3 years after disclosure statements)
  - Direct agent

# Campaign Contributions

- Campaign disclosure statements due March 1 after general election
- Review Engagement (147.4)
  - Candidates who incurred campaign expenses or received contributions of more than \$50,000 must have their disclosure statement reviewed by an accounting professional
- No longer the ability to require pre-election disclosure statement

# Campaign Contributions

- Fundraising functions (s. 147.31)
- Contribution is:
  - Ticket price in excess of fair market value of goods and services; or
  - Sliding scale depending on value of tickets



# Campaign Contributions

- Loans (s. 147.33)
- Disclosure statements (s. 147.4)
- Campaign surplus (s. 147.5)
- Late filing (s. 147.7)
- Effect of non-compliance (s. 147.8)
- Prosecution and offences (s. 147.81 and 147.82)

# Campaign Contributions

- Campaign Surplus (s. 147.5) (no longer held by municipality)
  - Surplus over \$1000 must be donated to registered charity;
  - Surplus under \$1000 may be retained by Candidate or donated
- Campaign Deficit (s. 147.52)
  - Candidates with a deficit in disclosure statement must eliminate deficit within 60 days of filing disclosure statement

# Third Party Advertising

- Election advertising
  - excludes advertising messages that take a position on an issue with which a candidate is associated
- Political advertising no longer regulated outside of election advertising period (May 1 to Election Day)
- Third parties required to register whenever \$1,000 spent or accepted (s. 163)
- Third parties can register with Registrar of Third Party Advertising if planning to advertise in more than 10 jurisdictions

# Third Party Advertising

- Disclosure requirements
- Election advertising period (May 1 – election day)
- Expense limit

# Enforcement

- Provincial elections commissioner has the power to investigate, prosecute and enforce relating to campaign finance and third party advertising provisions

# COVID-19 and Local Elections

- Social Distancing during Local Elections
- Increased number of advance poll days
- Reconsider voting stations and polling locations
  - Plexiglass
  - Distance Markers
  - Avoid congested entryways and hallways
- Special Ballots - limitations

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# Thank you for attending!

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