



Local Authorities Election Act Amendments

AUMA Positions

July 2018

Note: This document has been developed in response to the [Discussion Guide](#) posted by Municipal Affairs on July 20, 2018. Positions included in this document were passed by AUMA members [by resolution](#) at the 2016 AUMA Conference. Areas with no existing AUMA position have been left blank. Additional positions outside those passed by resolution have been added by the AUMA Board, and are denoted by *.



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1.0 – Campaign Contributions and Finance Disclosures

#	Question	Level of Support	Comment Response
1.1	Candidates who fund their own election campaigns should be required to disclose their campaign finances, regardless of amount of money funded.	Agree	Require campaign expenses to be reported by category. Having well-defined categories will improve transparency and consistency of reporting. Word the legislation to make it clear that surplus and deficit amounts must be reported regardless of whether candidate is running in the next election.
1.2	All municipal election candidates, including self-funded campaigns should be required to open a campaign bank account.	Agree	Specify that financial contributions must be deposited into a separate account at a financial institution in candidate's name.
1.3	Unions and corporations should not be allowed to donate to municipal election campaigns.	Strongly Disagree	AUMA supports prohibiting contributions from corporations, trade unions and employee organizations to candidates in local elections <u>only if</u> a provincial tax credit will be provided when individuals donate to a local election campaigns.
1.4	Donations from fundraising functions should be subject to contribution limits.	Neutral	
1.5	Fundraising functions should be defined the same as fundraising functions in provincial elections	Agree	Align treatment of fundraising activities with the rules used for provincial elections by deeming the donation portion of fundraising proceeds to be a campaign contribution, providing that anonymous contributions of less than \$100 are allowed. This would recognize that a portion of the proceeds for fundraising goes towards covering the cost of the event and the remainder is the true campaign contribution. For example, a \$100 dinner ticket could be allocated as \$60 for the cost of the dinner, with \$40 allocated as a campaign contribution with an allowable tax credit. A \$100 threshold recognizes that it is very difficult and time consuming to keep detailed records of small fundraising items in silent auctions, pass the



			hat, and other events. These contributions do not represent material amounts and therefore do not need the same level of scrutiny and record keeping.
1.6	The dollar values and percentages for ticket sales, considered to be a contribution, should be the same as in provincial elections.	Agree	<p>Align treatment of fundraising activities with the rules used for provincial elections by deeming the donation portion of fundraising proceeds to be a campaign contribution, providing that anonymous contributions of less than \$100 are allowed. This would recognize that a portion of the proceeds for fundraising goes towards covering the cost of the event and the remainder is the true campaign contribution. For example, a \$100 dinner ticket could be allocated as \$60 for the cost of the dinner, with \$40 allocated as a campaign contribution with an allowable tax credit.</p> <p>A \$100 threshold recognizes that it is very difficult and time consuming to keep detailed records of small fundraising items in silent auctions, pass the hat, and other events. These contributions do not represent material amounts and therefore do not need the same level of scrutiny and record keeping.</p>
1.7	Annual individual contribution limits should be the same as the individual limits for provincial elections at \$4,000.	Neutral	It is unclear what the justification is for reducing the contribution limit to \$4,000.
1.8	The contribution limit for municipal elections should be applied “per donor, per year”.	Strongly Disagree	<p>The province should not legislate a maximum limit for what individuals can contribute collectively to all candidates.</p> <p>Given that municipal candidates do not operate under a party system as is the case federally and provincially, it will be administratively challenging to implement the contribution limit provisions. Under the provincial system, each party is able to monitor contributions from an individual; however, without a central coordinating body, enforcing this will be challenging. If this was to become a requirement, the province would need to clarify responsibility for enforcing reporting requirements. Given these challenges</p>



			<p>it may be beneficial to track contributions annually so as to report via annual tax returns.</p> <p>Given the cumulative impact of the proposed restrictions to donations and self-funding, many candidates will have to reduce their campaign activities, making it much more difficult for new candidates to have an impact and compete against incumbents.</p>
1.9	Do you have anything to add regarding campaign accounts, disclosure statements, contribution limits or banning corporate and union donations?	N/A	<p>Changes relating to campaign financing and reporting should not be enforced until January 1, 2022 after the completion of the 2021 elections.</p> <p>Many candidates have already begun fundraising activities for the next election and as such any new rules could lead to inequities among candidates, create public confusion as to which candidates are following the new legislation versus the old, potentially lead to abuse by candidates, as well as prove difficult to enforce equally.</p> <p>--</p> <p>*Donations from provincial and federal political parties should be banned in addition to corporate and union donations.*</p> <p>Provide clear and comprehensive definitions and timeframes for campaign contributions, allowable campaign expenditures, campaign period, and campaign surplus and campaign deficit.</p> <p>--</p> <p>In-kind donations are not currently explicitly defined in the Act. There should be a section that requires in-kind donations to be fully cost attributed and be included in the contribution limits for individuals, corporations, trade unions, and employee organizations.</p>



		<p>The definition of campaign period should be explicitly defined so it can be consistently applied.</p> <p>--</p> <p>The LAEA should include a provincially funded income tax credit for Albertans who financially support municipal candidates using rates equivalent to the existing provincial tax credit for contributions to provincial election campaigns. Tax credits are critical if the province is restricting donations from unions and corporations.</p> <p>If the province is looking at thresholds and maximum annual credit amount at one half of the provincial credit, then the province should rationalize why it is setting the thresholds and maximum amount at half of the provincial credit.</p> <p>The financial cost should not be shifted to municipalities as it will create inequities between the few municipalities who have the financial flexibility to provide and those that do not.</p> <p>--</p> <p>Extend the time to prosecute an offence of contribution rules to five years after the alleged offence occurred. This accommodates the four year election cycle while providing time for complaint investigation.</p> <p>--</p> <p>Remove the 30 day period and associated late filing fee provisions, and thereby allow the general offence provisions to apply where a candidate has not complied with the requirements. A late payment fee should not excuse a</p>
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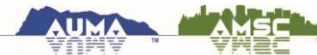
			candidate from having to meet a deadline that is based on a reasonable time period and is able to be clearly communicated in advance (i.e., candidate has ample time to prepare and is well aware).
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2.0 – Campaign Expenses			
#	Question	Level of Support	Comment Response
2.1	All prospective candidates should be required to register before they spend campaign funds or accepting campaign contributions.	Strongly Agree	<p>Require all prospective candidates to register with the municipality before or at the time of filing nomination papers, regardless of whether they are self-funding or receiving contributions from others. This will ensure full and consistent disclosure of all sources of funding.</p> <p>As well, it will enable any campaign finance caps to be calculated consistently in terms of the time periods as the start date will be the date of the registration.</p>
2.2	Municipalities should be required to set campaign spending limits.	Disagree	Municipalities should be <u>enabled</u> to set limits through municipal bylaws as an option, rather than a requirement.
2.3	Do you have anything to add regarding candidate registration or campaign spending limits?	N/A	<p>Campaign spending limits should <u>not</u> be legislated.</p> <p>It is not appropriate to set a campaign spending limit when the scope and activities vary according to the size of the constituency that a candidate is representing. For example, the activities of a candidate in a city ward with tens of thousands of residents will be very different from a candidate who is running in a village election.</p>

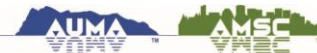


3.0 – Third Party Advertising			
#	Question	Level of Support	Comment Response
3.1	The <i>Local Authorities Election Act</i> should include rules on third-party advertising.	Strongly Agree	AUMA supports the establishment of disclosure provisions for third party lobby groups through the LAEA and/or through other legislation consistent with the requirements of the Election Finances and Contributions Act.
3.2	If the answer to question 3.1 was Agree or Strongly Agree, the rules for third-party advertising should align those used in the <i>Election Finances and Contributions Disclosure Act</i> for Alberta provincial elections (including definition of third-party advertiser, registration, spending limits, receipts, and reporting).	Strongly Agree	N/A
3.3	If the answer to question 3.1 was Disagree or Strongly Disagree, please explain.	N/A	N/A
3.4	Do you have anything to add about third-party advertising?	N/A	Given that municipalities do not follow a political party platform, much of the campaigning may not be able to be linked to a particular candidate.
3.5	Do you have alternate suggestions to address third-party advertising?	N/A	In instances where a third party advertises for or against a specific candidate, provisions could be set out for contribution limits and disclosure.



4.0 – School Board Trustee Elections

#	Question	Level of Support	Comment Response
4.1	School board trustee candidates should be subject to the same campaign finance and disclosure rules as municipal candidates.	Strongly Agree	Prospective school board trustee candidates should be subject to the same campaign finance and contribution disclosure requirements as municipal candidates. This will promote consistency for local elections and better understanding for the public.
4.2	Do you have anything to add about the application of campaign finance and disclosure requirement to school board trustee candidates?	N/A	





5.0 - Campaign Finance General Clarifying and Technical Amendments

#	Question	Level of Support	Comment Response
5.1	Do you have any additional comments/suggestions regarding campaign surpluses specifically, surpluses donated to the municipality?	N/A	
5.2	Do you have any additional comments/suggestions regarding campaign surpluses, generally?	N/A	Provide clear and comprehensive definitions and timeframes for campaign contributions, allowable campaign expenditures, campaign period, and campaign surplus and campaign deficit. Word the legislation to make it clear that surplus and deficit amounts must be reported regardless of whether candidate is running in the next election.
5.3	Do you have any additional comments/suggestions regarding the definition of campaign "expenses"?	N/A	AUMA supports alignment of the definition of "campaign expense" with the <i>Alberta Election Finances and Contributions Disclosure Act</i> .
5.4	Do you have any additional comments/suggestions regarding campaign expense reporting?	N/A	Require campaign expenses to be reported by category. Having well-defined categories will improve transparency and consistency of reporting.
5.5	Do you have any additional comments/suggestions regarding candidate registration during municipal elections?	N/A	AUMA supports proposed amendments to require candidates to register with the municipality prior to accepting campaign contributions.
5.6	Do you have anything to add about campaign finance and disclosure?	N/A	



6.0 – Advanced Votes			
#	Question	Level of Support	Comment Response
6.1	Municipalities greater than 5,000 should be required to hold an advance vote(s).	Disagree	AUMA agrees with the requirement to hold an advanced vote for all municipalities with a population greater than 1,000. Municipalities should have the option to apply to the Minister for an exemption if the municipality believes that the conduct of an advanced vote is not warranted in their election, by-election, or vote on a question.
6.2	Small municipalities (under 5,000) should have the option to hold an advance vote(s).	Disagree	AUMA agrees that all municipalities should have the <u>option</u> to hold an advanced vote. However, all municipalities with a population greater than 1,000 should be <u>required</u> to hold an advanced vote.
6.3	Do you have anything to add about the proposed changes to the rules for advanced votes?	N/A	Municipalities should have the option to apply to the Minister for an exemption if the municipality believes that the conduct of an advance vote is not warranted in their election, by-election, or vote on a question.



7.0 – Residency Requirements			
#	Question	Level of Support	Comment Response
7.1	An elector should not need to reside in Alberta for six months before Election Day to be eligible to vote in elections under the LAEA.	Agree	
7.2	Do you have anything to add about residency requirements?	N/A	<p>Section 48(1) (Rule of Residence) should be clarified to ensure that a voter only votes once, regardless of the voter's location.</p> <p>Specifically, 48(1)(a.1) should strike "in accordance with subsection (1.1), designate" and replace it with "declare", 48(1)(b) should strike "works, lives, and sleeps and to which" and replace it with "ordinarily lives and sleeps and the residence to which", and 48(1)(e) should strike "if a person leaves the area with" and replace it with "if a person leaves his or her residence" and strike "residence within the area" and replace it "residence is at the new location".</p>



8.0 – Voter Identification			
#	Question	Level of Support	Comment Response
8.1	<p>Are there any additional forms of voter identification that should be accepted on Election Day?</p> <p>Please explain or provide your comments.</p>	N/A	<p>Allow for additional flexibility in meeting the voter identification requirements by expanding the use of attestations (vouching) to include attestations by a voter who has provided proof of their own identity and residence in the jurisdiction, regardless of whether a voters list has been prepared, providing the municipality has the option to address issues through setting out requirements in their local bylaws.</p> <p>Additional flexibility could be enabled by bylaw for municipalities that believe that they require additional flexibility or controls, whether or not they have a list of voters.</p>
8.2	An elector who has shown appropriate identification and signed the required statement should be able to vouch for another elector, regardless of the list of electors.	Strongly Agree	
8.3	Do you have anything to add about voter identification or the proposed changes to vouching?	N/A	There is a need to improve education and processes around voter identification, including how to address situations of recent relocation so that there is consistency within a municipality



9.0 – Substitute Returning Officers			
#	Question	Level of Support	Comment Response
9.1	The council/board (e.g. council or board of trustees), rather than the Mayor/Reeve/Board Chair, should appoint a substitute returning officer if the returning officer is unable to fulfill their duties.	Strongly Agree	
9.2	Do you have anything to add about the proposed changes to substitute returning officer appointments?	N/A	<p>Elected authorities should have the option to appoint a substitute returning officer at the same time the returning officer is appointed.</p> <p>In addition, section 17 should include the following:</p> <p>“If the secretary is the returning officer and becomes incapable of performing the duties of that office, the person who replaces the secretary will be the substitute returning officer.”</p>



10.0 – Nomination Day and Nomination Papers

#	Question	Level of Support	Comment Response
10.1	Returning officers should be able to refuse nomination papers that are not sworn/affirmed by a potential candidate.		
10.2	Do you have anything to add about nomination day?	N/A	<ul style="list-style-type: none"> • Provide the same time between the nomination date and election date as the timeframe for federal and provincial elections (i.e., at least five weeks). • Allow municipalities to adopt a bylaw to create a nomination period with a set deadline rather than a nomination day. • Require candidates to complete an orientation on council responsibilities and read and agree to comply with the council's code of conduct as part of filing nomination papers.



11.0 – Election Campaign Advertising and Voting Stations

#	Question	Level of Support	Comment Response
11.1	<p>Please choose one of the following. Campaign activities should be prohibited:</p> <ul style="list-style-type: none"> - Within 25m of a facility used as a voting station - Within 50m of a facility used as a voting station - Within 100m of a facility used as a voting station - On the property surrounding the building used as a voting station <p>Please explain or provide your comments.</p>	N/A	Within 100m of a facility used as a voting station.
11.2	The returning officer should have the authority to enforce campaign advertising at voting stations.		
11.3	Do you have anything to add about campaigning at voting stations?	N/A	Expand the list of prohibited campaign activities in the area that campaign activities are prohibited within. Allowable and restricted campaign activities should be clearly articulated (e.g. relating to signage)



12.0 – Candidate List

#	Question	Level of Support	Comment Response
12.1	Municipalities should be required to release a list of candidates immediately after the time limit for withdrawal of nominations has passed.		AUMA does not have an existing position on candidate lists. It is unclear what timeframe “immediately” refers to, and how municipalities will be expected to release the list (e.g. online, newspaper, posted to a bulletin board).
12.2	Do you have anything to add about posting information during an election?	N/A	



13.0 – Special Ballots

#	Question	Level of Support	Comment Response
13.1	The Minister of Municipal Affairs should not appoint special ballot advisors.		
13.2	The Returning Officer should have the authority to accept or reject a special ballot.		
13.3	Municipalities should not have to notify the Minister of the use of special ballots.		
13.4	Do you have anything to add about the proposal or alternative suggestions?	N/A	



14.0 – Additional Items for Consideration

#	Question	Level of Support	Comment Response
14.1	Do you have anything to add about the regulations under the <i>Local Authorities Election Act</i> ?	N/A	
14.2	Municipalities should have the authority to create rules regarding the use of cell phones in voting stations.		Rules regarding the use of cell phones in voting booths should be aligned with provincial standards.
14.3	Do you have anything to add about the use of cell phones in voting stations?	N/A	
14.4	Do you have anything to add about the definitions of “candidate” and “campaign period”?		
14.5	Do you have any other comments or suggestions to add regarding the proposed changes to the <i>Local Authorities Election Act</i> ?		<p>Provide the returning officer with the authority to enforce those areas within their responsibility (e.g. ability to remove people with electronic devices from voting locations, power to scrutinize and reject nomination forms, etc.)</p> <p>--</p> <p>Allow municipalities the option of using electronic voting.</p> <p>--</p> <p>Enable municipalities to adopt a bylaw setting out how they will address a tie vote (e.g., draw name, conduct a by-election or establish another action).</p>



			<p>Consolidate penalty provisions in Part 6 Offenses section of the Act.</p> <p>--</p> <p>Clarify responsibility for enforcing reporting requirements.</p> <p>--</p> <p>Ensure that the application and enforcement of penalties applies equally to candidates, regardless of whether they won the election or not.</p> <p>--</p> <p>Broaden the criteria for an institutional voting station to include other supportive living facilities based on the level of care rather than age. This recognizes that mobility and access issues are not limited to seniors or hospital patients.</p> <p>--</p> <p>Forms:</p> <ul style="list-style-type: none"> • Ensure all forms and materials are updated to align with legislation in its entirety. • Provide more space on nomination forms for candidates to fill in required information. • Create a form for self-funded candidates to disclose. <p>Process:</p> <ul style="list-style-type: none"> • Educate and clarify the enforcement of section 152, Advertisement distribution, on voting day.
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		<ul style="list-style-type: none"> • Educate Returning Officers on how to scrutinize nomination forms and the appropriate degree to which they are responsible for examining or rejecting improper nomination papers and processes by which they should scrutinize nomination forms. • Clarify if and when nicknames are acceptable in the nomination process. • Improve education and processes around voter identification, including how to address situations of recent relocation so that there is consistency within a municipality. • Additional education and partnerships are required between municipalities, Municipal Affairs, and Justice and Solicitor General on the enforcement of LAEA provisions. <p>--</p> <p>The LAEA should include a provincially funded income tax credit for Albertans who financially support municipal candidates using rates equivalent to the existing provincial tax credit for contributions to provincial election campaigns. Tax credits are critical if the province is restricting donations from unions and corporations.</p> <p>If the province is looking at thresholds and maximum annual credit amount at one half of the provincial credit, then the province should rationalize why it is setting the thresholds and maximum amount at half of the provincial credit.</p> <p>The financial cost should not be shifted to municipalities as it will create inequities between the few municipalities who have the financial flexibility to provide and those that do not.</p>
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