

Local Authorities Election Act - FAQ's

Frequently Asked Questions about Municipal Elections

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Do I need to be a Canadian citizen to vote in a municipal election?

Yes, you must be a Canadian citizen. You must also have been a residence of Alberta for at least six (6) months immediately preceding election day and your place of residence is located in the area on Election day.

Do I need to show voter identification when I vote?

Voter identification will be required for local authority elections where a list of electors is not prepared. The identification requirement sets a uniform standard of one piece of picture identification or [other authorized identification](#) as indicated for the purposes of section 95(1)(a) (ii) of that Act that establishes the elector's name and current address. Local authorities may also pass a bylaw no later than six months (*see MO L:011/13 – bylaw timing requirement changed to 4 months for 2013 elections*) prior to nomination day which provides the opportunity to supplement the number and types of identification required to allow a person to vote.

The general basic requirement for municipal elections as set out in Section 53 is for a single piece of identification. The two-piece identification referred to in the Chief Electoral Officer listing reflects the number of pieces of identification required for provincial elections, but this does not apply to municipal elections.

Someone voted who shouldn't. What do I do?

A note of objection can be made to the voting register on the objection to the voter by a returning officer, candidate, official agent or scrutineer on Election day. Upon a successful application to the courts, a person who votes knowing that they have no right to do so may be fined up to \$10,000 or may be imprisoned for not more than 6 months, or both.

Who is eligible to observe the election process?

A candidate, an official agent or scrutineer for a particular candidate may be in the voting station, however, they may not all be in a voting station at the same time during voting hours.

Can I look at the nomination papers on nomination day?

After 12 noon on September 23, 2013, a person may request to examine the filed nominations during regular business hours and in the presence of the returning officer, deputy or secretary. See section 28(4) of the Local Authorities Election Act.

Can a person with a criminal record run in a local election?

Yes, however, if that person has been convicted of an election offence (federal, provincial or local) within the previous 10 years, they are ineligible. Ineligibility to run in a local election is outlined in section 22 of the Local Authorities Election Act.

Do I have to vote for the required number of candidates?

No, however, you may only vote once for each candidate and only up to the number of candidates to be elected to the office. See section 57 of the Local Authorities Election Act.

I own property in more than one municipality, can I vote in both?

No, a person may be a resident of only one place at a time for the purposes of voting under the Act. Section 48 of the Local Authorities Election Act is amended and there are factors in determining the person's place of residence. An exception exists for Summer Villages. If you, your spouse, or adult interdependent partner is named on a certificate of title, you are also eligible to vote in a summer village.

If I own a business in a municipality, but do not live in that municipality, can I still vote in the municipality where I own my business?

No. You would not meet the eligibility to vote criteria contained in section 47(1) of the Local Authorities Election Act, as your place of residence must be located in the municipality on Election day. This would apply to a vote on a question in addition to the election of offices.

If I am a renter, not a property owner, am I entitled to vote?

Yes, a renter can vote if they meet the Eligibility to Vote, section 47 in the Local Authorities Election Act. A renter is also eligible to run for office if he meets the requirements of section 21, Qualification of Candidates, in the Local Authorities Election Act.

I'm going to be out of town on October 21, 2013. Can I vote in advance?

Only if the council has passed a resolution to provide for an advance vote or special ballot voting. Please check with your local authority to see if they passed on of these resolutions. See sections 73 and 77.1 of the Local Authorities Election Act.

I put my special ballot package in the mail. How do I know if my vote was counted?

It is your responsibility to ensure that your special ballot is received by the returning officer before the deadline to return special ballots. It is up to the returning officer to determine if the special ballot certificate envelope is accepted or rejected. See section 77.2(5) of the Local Authorities Election Act.

If a person has resided in a municipality 24 hours prior to the elections are they eligible to vote?

The rules of residency are outlined in section 48 of the Local Authorities Election Act and a person only has one place at a time for the purposes of voting. Therefore, if a person is only visiting, they are not eligible to vote in that municipal election.

The number of nominations is equal to the number of offices to be elected. Do I have to wait until after the October 21 election day before an organizational meeting?

No, the organizational meeting may be held when the returning officer declares those elected by acclamation. See sections 10 and 34 of the Local Authorities Election Act.

Are you allowed to campaign inside, outside or near a voting station on Election day?

No. See section 152 of the Local Authorities Election Act.

Council is considering providing for the submission of a question to be voted on by the electorate. Does this vote bind council?

If the question was not required to be put to a vote, then the decision does not bind council.

Who can challenge the validity of an election?

If the validity of an election of a member of an elected authority or the member's right to hold the seat is contested, or the validity of a vote on a bylaw or question is contested, the issue may be raised before the Court of Queen's Bench. See section 126 of the Local Authorities Election Act.

The issue may be raised by: -

- A candidate,
- The elected authority,
- Any elector if the right to sit is by acclamation or contested on the grounds that a member of the elected authority is ineligible, disqualified or has forfeited the member's seat since the election, or
- An elector who gave or tendered their vote at the election.

Who has the ability to ask for a recount?

The returning officer may make a recount if a candidate, official agent or a scrutineer shows grounds that the count of votes is inaccurate. The returning officer may also consider the number of rejected ballots, valid ballots objected to, or any administrative or technical errors. If a recount is requested, a recount application must be made by 4:00 p.m. on October 23, 2013.

Any elector may ask for a judicial recount by filing a notice of motion for a recount with the clerk of the Court of Queen's Bench before November 9, 2013. See sections 98 and 103 of the Local Authorities Election Act.

What do you do if there is a tie?

If a tie determines who is elected or not, the returning officer writes the names of those candidates on separate pieces of paper and "draws a name from a hat". The name on the withdrawn paper is considered to receive one more vote. See section 99 of the Local Authorities Election Act.

When are election results official?

Election results are considered official at 12 noon on October 25, 2013. The returning officer may publish unofficial election results. See section 97 of the Local Authorities Election Act.

Can I vote for both a public and separate school board trustee?

No. You may vote for either a public or separate school board trustee depending on residency. Residency is determined by faith. If you reside within the boundaries of a separate school district and share the same faith as those who establish the district, you are a resident of the separate school district, not of the public school district. See section 44 of the School Act.

What time is the voting station open?

Voting stations are open from 10:00 a.m. until 8:00 p.m. on Election day unless the local authority passed a bylaw allowing voting stations to open earlier than 10:00 a.m.

Employees who are electors have the right to have three consecutive hours to cast their vote while the voting station is open. If the hours of the employee's employment do not allow for three consecutive hours, the employer shall allow him or her any additional time for voting that is necessary to provide three consecutive hours. The additional time for voting shall be granted at the convenience of the employer. If the employee's normal employment hours end at 5:00 p.m., the employee would have three consecutive hours in which to vote, from 5:00 p.m. to 8:00 p.m. See sections 46 and 58 of the Local Authorities Election Act.

What are allowable election campaign expenses?

Allowable expenses are the actual personal expenses of the candidate, the cost of acquiring premises, accommodation, goods or services used for proper election campaign expenses, payments for the cost of printing and advertising, reasonable payment to any person for the hire of transportation used by a candidate or speakers in travelling to and from public meetings or by any person in connection with and for the proper purposes of an election. See section 118 of the Local Authorities Election Act. There is a requirement for the candidate to submit the campaign contribution and disclosure statement. A candidate whose campaign is entirely self funded has a funding cap of \$10,000 in a campaign period and is not required to open a bank account or file a disclosure statement unless there is a surplus from a previous election. A candidate must declare campaign contributions funded from any person, corporation, trade union, or employee organization by completing a Candidate Campaign Contribution and Disclosure Statement Form. Campaign contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed \$5,000 in any year. A candidate who funds a campaign by contributions must open a campaign account at a financial institution.

Can a candidate put up campaign signage prior to Nomination Day?

There are no limitations on when a candidate may start campaigning in the *Local Authorities Election Act*, however some municipalities may have bylaws restricting when and where campaign signage may be placed. Candidates should contact their municipal office for details on signage restrictions. Alberta Transportation also has guidelines for campaign signage on Alberta highways, which can be found [here](#).

How many signatures are required on my nomination papers?

You must have at least 5 signatures of electors eligible to vote in that election. A city with a population over 10,000 may by bylaw, require that up to 100 signatures are required. Section 27, Local Authorities Election Act.

Can I fax my nomination paper in?

No. Original documents must be filed with the Returning Officer between 10:00 a.m. and 12 noon, September 23, 2013.

I'm not around on nomination day (September 23, 2013 between 10:00 a.m. and 12 noon). Can I file my nomination papers earlier?

Only if the elected authority has passed a bylaw allowing the returning officer to receive

nominations earlier than 10:00 a.m. Any person may file your completed nomination papers on your behalf.

Section 28, Local Authorities Election Act

Do I have to pay a deposit when I file my nomination papers?

Only if the elected authority has passed a bylaw (at least 30 days prior to nomination day) requiring a deposit. The amount of the deposit will be stated in the bylaw. Section 29, Local Authorities Election Act

Do I get my nomination deposit back?

Your deposit will be returned to you if you:

- are elected,
- or withdraw your nomination in accordance with Section 32 of the Local Authorities Election Act, or
- receive at least half the number of votes as the candidate elected in your race with the least number of votes.

Example: If the winning candidates in your ward receive 10,000 and 8,000 votes, you need to receive at least 4,000 votes (half the votes of the second place winner) to reclaim your deposit. If you do not meet any of these conditions, your deposit is paid into the general revenues of the local jurisdiction or the appropriate School District. Section 30, Local Authorities Election Act.

What if no nominations are received for a particular position?

If the required number of nominations are not received for the number of positions available on nomination day, the Returning Officer will continue to receive nominations on Tuesday, September 24, 2013, at the local jurisdiction, between 10 a.m. and 12 noon. Nominations will continue to be received at the same place between the same times until the required number of nominations has been received or a period of six working days, including nomination day. Section 31, Local Authorities Election Act

Is it possible to withdraw my nomination?

You can withdraw within 24 hours after the close of nominations: that is, before 12 Noon on September 24, 2013. Your notice of withdrawal must be submitted in person, in writing, to the Returning Officer at the local jurisdiction. Faxed notices of withdrawal are NOT accepted. Your nomination cannot be withdrawn after the 24-hour deadline has passed, and your name will appear on the ballot.

In addition, you can only withdraw your nomination if the number of remaining candidates meet the positions in the race. In other words, if you are the only candidate running for School Board

Trustee in your division or ward, you cannot withdraw your nomination. If you are running for councillor in a local jurisdiction with 6 seats and there are only six nominated candidates, no candidate may withdraw. Section 32, Local Authorities Election Act

What happens if a candidate dies after nomination day?

A local jurisdiction may pass a bylaw providing for the discontinuation of an election if a candidate dies prior to the opening of the voting stations on Election Day. If a candidate dies, the election for the position will be discontinued and a new election will be held.

If the candidate dies after being nominated and a bylaw has not been passed, the returning officer will post a notice of the death in a conspicuous location at all relevant voting stations. However, the deceased person's name will remain on the ballot. Section 33, Local Authorities Election Act.

What happens if the nominations received meet, but do not exceed, the number of positions available?

If the number of nominations does not exceed the number of positions available, after the close of nominations, the Returning Officer will declare the candidate(s) nominated for the position elected by acclamation. Section 34, Local Authorities Election Act

What is your responsibility as a Federal public servant before you file nomination papers in a municipal election?

Before a federal public servant employee can seek nomination as a candidate in a municipal election he/she must request and obtain permission from the Public Service Commission of Canada (PSC) to do so. For further information please contact the PSC directly or refer to the Public Service Employment Act.

For further assistance: Toll-free number: 1-866-707-7152, E-mail: pa-ap@psc-cfp.gc.ca

Do you have to pass the special ballot resolution each year?

If a municipality has an election bylaw that includes the provision of special ballots, then they don't have to pass a separate resolution for each election. However, if there is a change in election personnel (returning officer), it might be difficult to find an existing resolution that was passed a couple of elections ago, so it would be best to pass another resolution to allow for special ballots.

Can anyone vote at an institutional vote if it is held with an advance vote?

Section 80(2) of the Local Authorities Election Act states that only:

An elector who on election day

(a) is confined to a hospital, auxiliary hospital or nursing home in the local jurisdiction, or

(b) is a resident in the local jurisdiction in a seniors' accommodation facility,

that is established as an institutional voting station for the election is allowed to vote at that institutional voting station.

Section 80(4) indicates that an advance vote can be held for any **residents** of seniors' accommodation.

Form 4A, Notice of Election with List of Electors requires that the acceptable forms of identification be shown. Does this mean that the entire list must be advertised?

The municipality should list the most common types of identification required to vote and a statement indicating that other types of identification that may be acceptable to verify identity and address, and the elector should check with the municipal office or on the municipal website.

Can a letter of attestation for residents in an institutional voting station e.g. seniors residence, be considered sufficient identification for the purposes of voting in a municipal election under the Local Authorities Election Act?

Section 53 (1)(b) of the LAEA prescribes that a person who makes a statement in the presence of an officer at a voting station and produces government issued ID which contains a photograph, name and address of the elector or ID authorized by the Chief Electoral Officer inspection, they are eligible to vote.

The Chief Electoral Officer has included 'Attestation of Identity and Residence issued by the authorized representative of a supportive living facility or treatment centre' as authorized identification with elector's name and address. Therefore an authorized representative of an institutional voting station e.g. seniors facility may issue a letter of attestation to each resident of the senior's facility for the purposes of voting in an election under the Local Authorities Election Act.

Is a person who holds the position of Volunteer Fire Chief eligible to run for municipal office in that municipality?

Section 21 of the Local Authorities Election Act (LAEA) prescribes that a person who is at least 18 years of age, a Canadian citizen, has been a resident of the local jurisdiction for 6 consecutive months and not otherwise ineligible, is qualified to run for municipal office.

Section 22(1) of the LAEA titled 'Ineligibility' sets out provisions for persons who may not be eligible to run for council.

Section 22(4) sets out specific exceptions to the ineligibility for nomination criteria. Section 22(4)(m) states that a person who is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction is not ineligible to be nominated.

- Date modified: 2013-09-30

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