



Running for Municipal Office

A Nomination Guide

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Introduction

Welcome to the 2017 nomination guide! In picking up this package you have taken the first step toward letting your name stand as a candidate for the 2017 Municipal Election.

Lamont County Administration has prepared this information package primarily using information provided by Alberta Municipal Affairs. <http://www.municipalaffairs.gov.ab.ca>

It contains:

- A. Answers to the most frequently asked questions regarding elections procedures, and
- B. Important facts that prospective candidates may want to be aware of.

Contacts

If you have any questions that are not answered in his package, please contact:

Communications

Municipal Affairs and Housing

18th Floor, Commerce Place

10155-102 Street

Edmonton, AB T5J 4L4

PH: 780.427.2732 (Dial 310.0000 for toll free connection)

Fax: 780.422.1419

In addition, please feel free to contact the Chief Returning Officer for the 2017 Municipal Election for Lamont County:

Robyn Singleton

PH: 780.895.2233. Ext. 213

Email: robyn.s@lamontcounty.ca

Or the Executive Secretary for Lamont County:

Betty Koziak

PH: 780.895.2233 Ext. 231

Email: betty.k@lamontcounty.ca

Legislation

The following Provincial Acts are applicable to a General Municipal Election:

- Local Authorities Election Act
- Municipal Government Act, and

It is in your best interest to become familiar with the applicable legislation.

This legislation is available at no charge from the Alberta Queen's Printer website.

<http://www.qp.gov.ab.ca> or can be ordered in print format by contacting:

Alberta Queen's Printer
Main Floor, Park Plaza Building
10611-98 Avenue
Edmonton, AB T5K 2P7
PH: 780.427.4952
Email: qp@gov.ab.ca

Before you file your nomination paper

Here are some things you should consider:

Are you qualified?

To become a candidate you must be at least 18 years of age on nomination day, a Canadian citizen and you must have been a resident of the municipality, a resident of that division for the six consecutive months preceding nomination day.

Are you eligible to be nominated?

You would not be eligible to become a candidate under any of the following circumstances:

- If you are the auditor of the municipality
- If you are an employee of the County, unless granted a leave of absence
- If your property tax values are more than \$50 in arrears or you are in default for more than 90 days, or any other debt in the excess of \$500 to the municipality
- If you have, within the last 10 years, been convicted of an offence under this Act, the *Elections Act*, or the *Canada Elections Act*.

If you are a judge, Member of Parliament, senator, or member of the legislative assembly you must resign that position before you take office as a member of Council.

Do you have the time?

The demands on your time will be heavy. You will be elected for a four-year term of office and during that time you will be required to attend:

- Regular meetings of Council
- Council committee meetings
- Meetings of other Boards and agencies to which you are appointed as Council's representative
- Conferences, conventions, seminars and workshops for training and discussion
- Social and other events promoting your municipality

You will also need to spend time reading material and talking with residents, the Chief Administrative Officer (CAO), and others. This will all be a part of the necessary preparation for meetings so that you can make informed decisions. Don't forget the time you need for your personal life, work, etc.

Do you understand the position?

As a member of Council you will have the opportunity to significantly influence the future of your community. Your power as a member of Council depends on your ability to persuade the other members of Council to adopt your view. All decisions must be made at meetings, held in public, in which a quorum is present.

As an individual member of Council, you will not have the power to commit your municipality to any expenditure or to direct the activities of municipal employees.

Any promise you make as part of your election campaign that involves municipal expenditures or the activities of municipal employees can only be carried out if you can convince the majority of Council that it is a good idea.

Your role as a Councillor toward County employees is very limited; the Chief Administrative Officer (CAO) is technically the only employee of the Council.

Do you understand the powers of a Municipal Council?

The Canadian Constitution gives the Provinces power and responsibility for municipal institutions. Through a variety of legislations, the Alberta Legislative Assembly has delegated some of its authority to Municipal Councils. *The Municipal Government Act* (MGA) is the primary resource for local decision making and the Act you will use most often.

Are you familiar with local legislation?

Local legislation in the form of bylaws remains in effect until they are amended or repealed. You will not be starting with a blank slate and creating your ideal municipality from scratch. If you are running with some kind of reform in mind, you will have to become familiar with what exists, how it has been created – by bylaw, resolution or tradition – and why it exists before you will be able to start discussing your changes.

Some examples of local documents you will often refer to are the Meeting Procedures Bylaw, Land Use Bylaw, the bylaw establishing the Chief Administrative Officer, and the Policy Manual. Please contact Betty Koziak, Executive Assistant at 780.895.2233 for information and access to this information.

Do you know how the municipality is administered?

As a member of Council, it will be your duty to **establish** policy for your municipality. It is the job of the administration to **implement** the policy. You will need the support, advice and assistance of the CAO if you are to be an effective member of Council. Their training, experience and understanding of how and why things have developed as they have will be an important resource to you.

What other information should you have?

The best way to find out what the job is all about is to spend some time reading Council agendas and minutes, attending Council meetings and talking to current members of Council. Talk to the CAO to find out what other information is available. This will help you in your campaign and will assist you in assuming office. It is in your best interest to do your research now, so that you know what is expected of you if you are elected.

Filing your nomination

Nomination Day is Monday, September 18, 2017 between the hours of 10:00 a.m. and 12:00 p.m. (noon) in the Lamont County Administration Office located at 5303 50 Avenue, Lamont, AB.

Nomination Form

Your nomination must be filled out on the prescribed form. The prescribed Nomination Paper (FORM 3) for the office of Councillor is attached for your convenience, and provided separately online at www.lamontcounty.ca/2017-election. Should additional nomination papers be required, they are also available at the Lamont County Administration Building (5303 50 Ave., Lamont, AB.)

For advice on filling out the Nomination papers, please contact Robyn Singleton, Returning Officer, or Betty Koziak, Executive Secretary.

Qualifications of Candidates

A person may be nominated as a candidate if on nomination day he or she;

- a. Is eligible to vote in that election,
- b. Has been a resident of Lamont County for 6 consecutive months immediately preceding nomination day, and is not otherwise ineligible or disqualified.

Please see Section 22 of the Local Authorities Election Act for additional information on eligibility.

Candidates name

The candidate's name, as it appears in the Candidate's Acceptance portion of Form 3, is to be printed in the same manner on the ballot as it is on the form. Nicknames are acceptable on the ballot; however, titles such as Dr., Mr., Mrs., etc., **are not** acceptable.

Candidate's Acceptance and Affidavit

The candidate's affidavit at the bottom of the nomination form may be completed before a Commissioner for Oaths in advance of Nomination Day. A Commissioner for Oaths service is provided free of charge at the Lamont County Administration Building (5303 50 Ave, Lamont, AB). Otherwise, the nomination form is to be filed on Nomination Day, in the presence of the Returning Officer.

The affidavit states that the candidate has read and understands Sections 12, 21, 22, 27, 47 and 151 of the *Local Authorities Election Act*.

Nominators

Your form must be signed by five (5) people who are eligible to vote in the election and residents in the local jurisdiction on the date of signing the nomination paper. To ensure that sufficient eligible electors have signed the nomination form, it is recommended that you have more than the required number sign the form. Space is provided for this purpose on the reverse side of the nomination form.

For each nominator, the form must include the person's name, address (legal description of residence) and signature.

A person is eligible to vote in an election held pursuant to this Act if he/she:

- a. Is at least 18 years old,
- b. Is a Canadian citizen, and
- c. Has resided in Alberta for the six (6) consecutive months immediately preceding Election Day and is a resident of the area on Election Day.

Candidate

The Nomination form states that you are required to make an affidavit saying that you are eligible for nomination, not disqualified from office, and that you will accept the office if you are elected. You must swear or affirm that affidavit before a Commissioner for Oaths or the Returning Officer.

Under the Criminal Code (Canada), it is an offence to make a false affidavit and it is punishable by up to 14 years imprisonment.

No late nominations

The Returning Officer cannot accept nominations after noon on nomination day. **Be sure that your nomination paper is filed on time.**

Deposit

Lamont County requires by Bylaw (439.86) that every nomination for election be accompanied by a \$100.00 deposit. The nomination form is not valid unless the deposit in the form of cash, certified cheque or money order is attached to the nomination form.

The deposit will be returned to you after the election if:

- a. You have been declared elected,
- b. You obtain a number of votes at least equal to $\frac{1}{2}$ the total number of votes cast for the candidate elected to the office with the least number of votes, or
- c. You withdraw as a candidate in accordance with Section 32 of the *Local Authorities Election Act*.

Filing the form

The completed form is to be filed with the Returning Officer on Nomination Day in the Lamont County Administration Building located at 5303 50 Ave, Lamont AB **between 10:00 a.m. and 12:00 p.m. (noon)**.

You may want to file the form in person; however, if you are unable to personally attend, any person may file your appropriately signed and commissioned nomination paper with the Returning Officer on Nomination Day.

Nominations cannot be filed in advance nor accepted after 12:00 p.m. (noon). The cell phone carried by the Returning Officer will determine the time of opening and closing of nominations. Prospective candidates who are not inside the Lamont County Administration Building by 12:00 p.m. (noon) are not permitted to file nominations.

Alberta Municipal Affairs, which is responsible for the Local Authorities Election Act, has stated that FACSIMILIE (FAX) transmission of Nomination Papers is **NOT** acceptable.

Withdrawing

Within 24 hours of the close of nominations (noon, Tuesday, September 19, 2017), you may withdraw your nomination form provided that more than the required number of candidates have been nominated in the office you were seeking. The Returning Officer **cannot** accept your withdrawal if it would result in less than the required number of candidates (5 Councilors).

If you wish to withdraw, you must provide a written notice to the Returning Officer at 5303 - 50 Ave., Lamont, AB, T0B 2R0 before 12:00 p.m. (noon) **on Tuesday, September 19, 2017**.

A FAX withdrawal is not permitted.

Insufficient Nominations

If the number of nominations filed is less than the number of vacancies in any particular office, the Returning Officer will be available the next day (and for up to six days) from 10:00 a.m. to 12:00 p.m. (noon) to receive further nominations.

If, by 12:00 p.m. (noon) on any of the days, the number of candidates equals the number of vacancies in any particular office, nominations will be closed and the Returning Officer will declare the candidates elected by acclamation. That means the candidates are elected without the necessity of actually holding the election.

If more than the required nominations are received by noon on any of the days, nominations will be closed and the election will be held as originally planned.

Examination of Nomination papers

All Nomination Papers are available for inspection by qualified electors of the jurisdiction during office hours and in the presence of the Returning Officer of Chief Administrative Officer at 5303 - 50 Ave., Lamont, Alberta.

IT IS NOT THE RESPONSIBILITY OF THE RETURNING OFFICER TO RULE ON THE VALIDITY OF THE INFORMATION CONTAINED IN THE NOMINATION PAPER. The responsibility lies with the Courts if the election or nomination is challenged by an elector. The Returning Officer may, however, point out known discrepancies.

After filing

Campaigning

You will want your campaign style to match your municipality, your personality and your resources. The purpose of campaigning is to convince the electors that you are the best candidate for the position. You may want to do that by talking to people, preparing brochures, and/or advertising in the media. Following are some rules regarding proper campaign procedures.

Bribery

It is an offence to give or promise to give money or any other valuable consideration (such as an office or a job) to anyone in return for their voting or refraining from voting at an election. It is also an offence for anyone to accept money or any other valuable consideration in return for voting or not voting.

Undue Influence

It is an offence to use or threaten violence, injury, damage or intimidation to compel a person to vote or refrain from voting at an election or to obstruct a person from voting.

Allowable expenses

The payment of the following expenses is not considered a contravention of the legislation:

- Your personal expenses
- Expenses relating to setting up a campaign office and organization
- Expenses for printing and advertising
- Expenses for transportation

Lamont County does not require that candidates prepare and disclose to the public audited statements of all their contributions and campaign expenses. There are no prescribed limits on the amount of money that can be contributed to a candidate's campaign contributions or the amount of money that can be expended in that campaign.

Note: Candidates may have campaign expenses reimbursed by independent supporters in their run for office.

On Election Day - It is an offence to canvass or solicit votes in or immediately adjacent to a voting station. It is also an offence to display or distribute material inside or on the outside of a voting station.

Campaign advertising

Election campaign signs

Authorization is hereby given that signage for the purpose of the 2017 General Municipal Election may be placed on a municipal right-of-way provided that:

1. Such signs are removed within fourteen (14) days after the election date (October 30, 2017); and
2. Such signs do not obstruct or impair vision or traffic; and
3. If the signs are on private property, the consent of the property owner or occupant has been obtained; and
4. Such signs are not attached to utility poles
5. Such signs are not placed on or near the Lamont County Administration Building or Public Works properties.

****NOTE** Should campaign signs remain posted after the indicated time frame, the County shall direct such signs to be removed with all costs being charged back to the corresponding candidate.**

Prohibition on use of a form on a ballot

Candidates are not allowed to use a facsimile or representation of the ballot produced for Election Day in their advertising. The use of only the candidates name and an “arrow” beside it does not constitute a form of the ballot. If there are questions regarding the acceptability of planned material, please contact the Returning Officer.

Advertising on Election Day

Candidate advertising on Election Day is not permitted inside or on the outside of the Voting Stations. The Deputy Returning Officer at the Voting Station will remove advertising, which contravenes the *Local Authorities Election Act*.

THE VOTING STATIONS FOR THE LAMONT COUNTY 2017 GENERAL ELECTIONS SHALL BE DEFINED AS THE FOLLOWING LOCATIONS INCLUDING ALL THE ADJOINING PARKING LOTS:

- Division 1: Mundare Rec Centre and Moscow Hall
- Division 2: Chipman Drop-In Centre, Hilliard Hall, Ukrainian Village Red Barn
- Division 3: St. Michael Senior Centre, and Delph Hall
- Division 4: Andrew Village Office
- Division 5: Lamont Hall, Bruderheim Memorial Community Centre, Skaro Hall

Freedom of Information and Protection of Privacy

Under the *Freedom of Information and Protection of Privacy Act* (FOIP) the Municipality must follow strict guidelines for the use of personal information.

The personal information that is being collected under the authority of the *Local Authority Elections Act* will be used for the purposes under the Act. It is protected by the privacy provision of FOIP.

If you have any questions regarding the collection or use of personal information, please contact Betty Koziak at 780.895.2233.

Election Day

Election Day is Monday, October 16, 2017 between the hours of 10:00 a.m. and 8:00 p.m. at the designated Voting Stations of Lamont County.

Election Day

Your Returning Officer is available to explain the election process to you. All ballot boxes are kept in the control of the Deputy Returning Officer in each voting station until the closing of the vote. The ballot boxes are sealed after the ballots are counted, then the CAO must store them sealed, in a protected area until the time when the ballot boxes and contents may be destroyed. Unofficial results may be made available during and following the counting. The official results are announced at 12:00 p.m. (noon) on the fourth (4th) day after the election.

Candidates will be contacted individually with the unofficial vote results. Candidates may contact the County Administration Building for this information at 780.895.2233 during regular business hours. The results will also be released to the local media as soon as possible and posted in a conspicuous location at the Lamont County Administration Building at 5303 - 50 Avenue, Lamont, Alberta, and including the Lamont County website.

Qualifications for an Elector

A person is eligible to vote in a municipal election if he/she:

- a. Is at least 18 years old,
- b. Is a Canadian citizen, and
- c. Has resided in Alberta for the six (6) consecutive months immediately preceding Election Day and is a resident in the area on Election Day.

Agents

You are entitled to have one agent (sometimes called a scrutineer) at each voting station. The agent must be at least 18 years of age. Candidates may either personally, or by way of an agent, observe the election process at one or more voting stations. The agent must present a written notice, signed by the candidate, to the presiding deputy at the Voting Station, and

- a. State that the person presenting the notice is to represent that candidate as his/her agent at that voting station,
- b. The person presenting the notice shall be recognized by the presiding deputy as the agent of the candidate.

The candidate and his or her agent are both permitted to be in the Voting Station at the same time during voting hours; however, only one or the other is permitted to be present at the count of ballots.

Candidate and/or Agent

Candidates and/or their agent are permitted to observe the election procedures on Election Day except for the marking of a ballot by an elector.

The deputy may designate the place or places at a voting station where a candidate an agent of a candidate, or both may observe the election procedure.

The candidate may make objections to an elector being permitted to vote. The Deputy issuing ballots will record the objection and reasons; however, the elector is allowed to cast a vote.

Candidates or their agent may sign the Ballot Account, Form 14, Alberta Election Forms Regulation. This form is the official result of the count of the ballots at the Voting Station.

Agents are not permitted to participate in the election process at a Voting Station, other than to cast their own vote as an elector if qualified. They are not permitted to handle forms or ballots used in the process. This applies during voting hours and during counting of ballots.

Post-Vote Procedures

Counting of Votes

Immediately after the close of the voting station, the Deputy Returning Officer in each Voting Station will, in the presence of at least one (1) and any additional officers he/she considers necessary and the candidates or agents, if any, ensure that each ballot box is opened and that the votes are counted.

A Deputy shall not permit more than the candidate or his agent to be present at the same time in a voting station during the counting of the votes.

Void Ballots

A deputy will examine all of the ballots and any ballot:

- a. That does not bear the initials of the Deputy or election officer,
- b. On which more votes are cast than an elector is entitled to cast,
- c. On which anything is written or marked by which an elector can be identified,
- d. That has been torn, defaced, or otherwise dealt with by an elector so that they can thereby be identified,
- e. Which is not marked by an “X” or
- f. On which no vote has been cast by an elector

is void, and will not be counted.

On the back of a ballot, the Deputy will endorse “rejected” if he/she rejects it as void, and endorses “rejection objected to” if any objection is made to their decision and will initial each endorsement.

If a vote, though incorrectly marked on a ballot, clearly indicates for whom the elector intended to vote, the Deputy may count that ballot.

Note of Objection

A Deputy will in the prescribed form, make note of any objection made by a candidate or his/her agent to any ballot found in the ballot box and will decide any question arising out of the objection.

Every objection will be numbered and a corresponding number will be placed on the back of the ballot and initialed by a Deputy.

Election Results

Declaration of Election Result

The Returning Officer may publish unofficial results of the counting of the ballots after an election as the results are received.

The Returning Officer will, at 12:00 p.m. (noon) on the fourth (4th) day after Election Day, announce or post a statement of the results of the voting for candidates, including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected.

The Returning Officer will, if the result was announced, post in some conspicuous place a statement signed by them showing the number of votes for each candidate.

Candidate or Agent Recount Request

A candidate or an agent may request the Returning Officer do a recount within **44 hours** (4:00 p.m. Wednesday, October 18, 2017) of the closing of the polling station and no later. The individual requesting the recount must show grounds that **the record of the result of the vote count at the voting station is inaccurate**. These grounds must be considered reasonable by the Returning Officer.

If a candidate or agent feels that a recount should be done under these circumstances, it is requested that contact be made with the Returning Officer as soon as possible because of the length of time required to complete the recount.

Candidates will be notified 12 hours in advance if there is to be a recount.

Judicial Recount

Within nineteen (19) days of the close of the voting station on Election Day, any elector may apply to the Court by Notice of Motion for a recount.

The elector will file an affidavit with the Clerk of the Court alleging reasonable grounds for believing that the presiding officer at the polling station did improperly count or reject ballots.

The elector will make a \$300 deposit with Betty Koziak by cash, cheque or money order as security for the payment of costs and expenses.

The applicant, at least three (3) days prior to the application for a recount will provide a copy of the Notice of Motion and Affidavit to the Chief Administrative Officer, Returning Officer, and all candidates for the affected office.

On hearing the application for a recount, a Judge may set the day, time and place for the holding of a judicial recount.

The CAO will be present at the judicial recount with the sealed ballot boxes and the ballot account which were used at the election.

RESULTS: A judge will certify the result of the recount to the CAO, who will post a statement in the office declaring the result.

Forms (As Attached)

FORM 3 – “Nomination Paper and Candidate’s Acceptance”

Form 3 serves as an affidavit, which is a statement made under oath. It contains statements that are verified by the oath of the person, in this case, the candidate making the statement. Legal rights are therefore established. The importance of the affidavit is reflected in the Criminal Code which provides a maximum penalty of fourteen (14) years imprisonment for any person making a false affidavit.

The form also serves as a vehicle for the electors nominating the candidate to record their name, address and signature. The reverse of the form may be used if more than five (5) electors are nominating the candidate.

FORM 1 – “Oath of Returning Officer and Official Agent”

Form 1 serves as an affidavit, which is a statement made under oath. It contains statements that are verified by the oath of the person, in this case the candidate, making the statement. Legal rights are therefore established. The importance of the affidavit is reflected in the Criminal Code which provides a maximum penalty of fourteen (14) years imprisonment for any person making a false affidavit.

Every Returning Officer or official agent is required to take an Oath before performing their duties.

FORM 10 – “Statement of a Scrutineer”

Form 10 serves as a statement made by a person who presents to the presiding Deputy a written notice signed by a candidate appointing the person to represent that candidate as their scrutineer at the voting station.

When the “Statement of Scrutineer” has been made by the person, they are then recognized by the presiding Deputy as the scrutineer for the candidate.

The scrutineer is making a statement to act on behalf of the candidate, and to maintain the secrecy of the vote.

A person who makes a false statement is guilty of an offence and is liable to imprisonment up to six (6) months or a fine up to \$10,000, or to both a fine and imprisonment.

Appointment of Candidate’s Scrutineer or Official Agent

Candidates may also appoint a scrutineer to assist with the observing of the election process at the voting station. Each candidate can appoint as many scrutineers as they wish. Although scrutineers do not have to be electors, they do have to be at least 18 years of age.

The scrutineer must present the accepted form, “Appointment of Candidates’ Scrutineer and Official Agent” to the presiding Deputy Returning Officer at the voting station. The statement is signed by the candidate. The scrutineer will then complete a Statement of Scrutineer – Form 10 in front of the presiding Deputy at the voting station.

Important Pieces of the Municipal Government Act

Section 3 – Municipal Purposes

3 The purposes of a municipality are:

- (a) To provide good government,
- (b) To provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality, and
- (c) To develop and maintain safe and viable communities.

1994 cM-26.1 s3

Section 153 – General Duties of Councillors

153 Councillors have the following duties:

- (a) To consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;
- (b) To participate generally in developing and evaluating the policies and programs of the municipality;
- (c) To participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- (d) To obtain information about the operation or administration of the municipality from the Chief Administrative Officer or a person designated by the Chief Administrative Officer;
- (e) To keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
- (f) To perform any other duty or function imposed on councillors by this or any other enactment or by the council.

1994 cM-26.1 s153

Section 154 – General Duties of Chief Elected Officer (Reeve)

154(1) A chief elected official, in addition to performing the duties of a Councillor, must

- (a) Preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and
- (b) Perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.

(2) The chief elected official is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.

(3) Despite subsection (2), the chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in the chief elected official's personal name.

1994 cM-26.1 s154; 1995 c24 s21

Section 201 – Council's Principal Role in Municipal Organization

201(1) A council is responsible for

- (a) Developing and evaluating the policies and programs of the municipality;
- (b) Making sure that the powers, duties and functions of the municipality are appropriately carried out;
- (c) Carrying out the powers, duties and functions expressly given to it under this or any other enactment.

(2) A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

1994 cM-26.1 s201