

Local Authorities Election Act (LAEA)

Principles:

- School Boards are the local authorities governing the education of our children
- Legislation addressing School Boards and Municipalities as local governments elected by the people, should be consistent in defining the expectations for each authority
- The democratic process of election local representatives by the people should encourage participation of ordinary citizens and should not be hindered by bureaucratic barriers
- Democracy works best, and the profile of local governments is increased, when there is competition among candidates
- Financial support obtained by candidates should not, in any way, lead to pecuniary interest
- Rules and expectations for candidate fundraising and reporting for provincial MLA's and local candidates should be aligned

LAEA Discussion Guide – Board submissions

CAMPAIGN FINANCE

Campaign Finance Provisions for School Boards

1.1 Should prospective school board trustee candidates be subject to the campaign finance and contribution disclosure requirements? **Yes ✓** No

1.2 Do you have any comments regarding the proposal or alternate suggestions?

- This helps create accountability for funds being collected for campaigns related to elections and by-elections. The public and individuals and interested parties have the right to know how funds collected are being spent and how much was collected. This will be more related to bigger school divisions that have more nominations and voters.

Corporate, Trade Union and Employee Organization Contributions

2.1 Do you agree with the approach to allow only individuals resident in Alberta donate to municipal and school board election campaigns? **Yes ✓** No

2.2 Do you have any comments regarding the proposal or alternate suggestions?

- Candidates are elected to represent residents, not corporations, union groups or organizations.

Fundraising Contributions

3.1 Do you agree with the proposal to deem a portion of fundraising proceeds as contributions? **Yes ✓** No

3.2 Do you have any comments regarding the proposal or alternate suggestions?

- All funds raised need to adhere to the same rules, irrelevant of how they were raised.

Contribution Limits

4.1 Do you agree with the proposal that individuals should be given a maximum limit of what they can contribute to all candidates rather than just one? Yes ✓ No

4.2 Do you have any comments regarding the proposal or alternate suggestions?

- Providing a maximum limit (\$5,000/person) of what they can contribute to all candidates ensures a more level playing field.

Campaign Contributions Made By Candidates

5.1 Do you agree with the proposed reduction of the limit on personal contributions to a candidate's own election campaign? Yes ✓ No

5.2 Do you agree with the proposed requirement for financial disclosure where the candidate has paid for campaign costs out of their own funds? Yes ✓ No

5.3 Do you have any comments regarding the proposals or alternate suggestions?

- There should be a limit of \$5,000 on personal contributions to a candidate's own election campaign.

Candidate Registration

6.1 Do you agree with the proposal that would require all prospective candidates to register? Yes ✓ No

6.2 Do you have any comments regarding the proposal or alternate suggestions?

- Promotes transparency and accountability- both of which are good goals in any election.

Campaign Finance Disclosure

7.1 Do you agree with the proposal to require campaign expenses to be reported by category? Yes ✓ No

7.2 Do you have any comments regarding the proposal or alternate suggestions?

- This would allow the public and the candidates to view how the campaign expenses were spent and will also encourage candidates to spend funds more responsibly.

Tax Incentives

8.1 Do you agree with the proposal to provide a provincial tax credit for municipal campaign contributions? Yes **No ✓**

8.2 Do you agree with the alternate proposal to enable municipalities to implement a tax rebate or credit program out of municipal revenues? Yes **No ✓**

8.3 If a tax rebate or credit out of municipal revenues were to be implemented, should it be mandatory that all municipalities provide the incentive? **Yes ✓** No

8.4 Do you have any comments regarding the proposal or alternative proposal, or do you have alternate suggestions?

- Leave it as is. However, if changes are made they must be universally consistent. Tax credits only at the provincial level. Any tax rebates would need to be provincially administered.
- School boards cannot and should not be using public education dollars to provide tax rebates.

Third Party Advertising

9.1 Should the Act be amended to include rules for third party advertising? **Yes ✓** No

9.2 Do you have any comments regarding the proposal or alternate suggestions?

- Third parties should be held accountable.

Campaign Spending Limits

10.1 Should campaign spending limits be considered? **Yes ✓** No

10.2 Do you have any comments regarding spending limits, or alternate suggestions?

- This is very important to keep the playing field equal and fair.

ACCESSIBILITY

Advance Vote

11.1 Do you agree with the proposed requirement for advance votes in municipalities with a population over 1,000? **Yes ✓** No

11.2 Do you have any comments regarding the proposal or alternate suggestions?

- Voter turnout is also an issue and anything that encourages it is good.

Institutional Voting

12.1 Do you agree with the proposed policy shift to expand the definition of seniors' accommodation facility to reflect the level of care of the facility's residents rather than age?

Yes ✓ No

12.2 Do you have any comments regarding the proposal or alternate suggestions?

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Voter Identification Requirements

13.1 Do you agree with the proposal to allow for additional flexibility in meeting the voter identification requirements? Yes ✓ No

13.2 Do you have any specific suggestions for documents that should be included in the Minister's list of eligible types of identification?

- Any government issued ID or current utility bill with land location or physical address should suffice.
- Should align with provincial election requirements.

13.3 Do you have any comments regarding the proposal or alternate suggestions?

- Picture ID is preferred but not always possible, so vouching for others can be key.

Campaign Activities at Voting Stations

14.1 Do you agree with the proposed amendment to restrict campaign activities within a 100m radius of the entrance or access to a voting station, and expand the list of prohibited campaign activities in this area? Yes ✓ No

14.2 Do you have any comments regarding the proposal or alternate suggestions?

- There should not be any campaigning/coercion within or near a vote station.

OTHER AMENDMENTS

Substitute Returning Officer

15.1 Do you agree with the proposed amendment to have the elected authority, rather than the chief elected official, appoint a substitute returning officer? Yes ✓ No

15.2 Do you agree with the approach to allow the substitute returning officer to be appointed at the same time as the returning officer? Yes ✓ No

15.3 Do you have any comments regarding the proposals or alternate suggestions?

- It is important to ensure the reliability of the election process regardless of what may befall some of those working behind the scenes to carry it out so this is a wise management decision.

Prosecution of Offences

16.1 Do you agree with the proposal to extend the time to prosecute contribution offences?

Yes ✓ No

16.2 Do you have any comments regarding the proposal or alternate suggestions?

- Prosecution of offences should be initiated before the following election.

Deadline for Reporting Requirements

17.1 Do you agree with the simplification of offence provisions for failure to comply with campaign disclosure or surplus requirements? Yes ✓ No

17.2 Do you have any comments regarding the proposal or alternate suggestions?

- Make sure that there is consistent enforcement of the requirements.

Please note: for the followings sections, please see attached document.

Consistency and Readability of Legislation

18.1 Please indicate changes that would improve the clarity and consistency of the Act.

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Modified Voting Regulation

19.1 Please provide any suggestions you have with respect to this regulation.

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GENERAL QUESTIONS ON THE ACT

20.1 From your experience, what parts of local authority elections work well?

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20.2 What parts of the legislation should be changed?

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20.3 Is there anything else you want to suggest with respect to local authority elections in Alberta?

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Local Authorities Election Act – 2016 Review

	Section	Current LAEA Legislative Provision	Comment
1.	1 Definitions		Section 1 of the <i>LAEA</i> includes a definition for “council” and “councillor” for municipalities, but there are no corresponding definitions for school boards. A definition for “board” and “trustee” as relates to school boards should be added to section 1.
2.	1 Definitions	(k) “elected authority” mean (i) A council under the <i>Municipal Government Act</i> , or (ii) a <u>board of trustees under the <i>School Act</i></u> ; ...	“Board of trustees” is not a defined term under the <i>School Act</i> . Rather the <i>School Act</i> defines a “board”, “trustee”, “district”, “division”, “school division”, and “regional division” (among other terms). The more accurate definition for section 1(k) of the <i>LAEA</i> may be “a board under the <i>School Act</i> ” or “a board of trustees of a board under the <i>School Act</i> .”
3.	1 Definitions	(x) “secretary” means a chief administrative officer or designated officer of a municipality if the council has assigned the functions of the secretary under this Act to the designated officer, or a <u>school secretary</u> ;	“School secretary” is not a defined term or position. Under s.116(a) of the <i>School Act</i> , boards are required to appoint a secretary and a treasurer, or one person to act as secretary-treasurer. Section 1(x) of the <i>LAEA</i> should be amended to state “..., or a secretary or secretary-treasurer of a board under the <i>School Act</i> .” Throughout the <i>LAEA</i> there are a number of references to “secretary” that would be affected and improved by this revised definition.
4.	12 Summer villages	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 <u>school representatives</u> , shall	“School representatives” is not a defined term. Section 12 should be amended to state “...or for a board of trustees of a board under the <i>School Act</i> .” Section 12 should be reviewed in its entirety to determine whether its provisions appropriately

		<p>be 4 weeks after nomination day for that election, and</p> <p>...</p> <p>(e) in the case of a by-election, nominations for councillors and <u>school representatives</u>, 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,</p>	<p>cover school board elections as well as council elections. Currently, subsections (a) and (e) refer to nominations for “councillors and school representatives”; however subsections (c), (d), and (h) only refer to “councillors”.</p>
5.	17 Substitute returning officer	<p>17 If a person who has been appointed a returning officer becomes incapable of carrying out the duties of that office, the chief elected official of a municipality or chair of the <u>board of trustees</u> may, in writing, appoint a person to act in the place of the returning officer.</p>	<p>“Board of trustees” is not currently defined in the <i>LAEA</i>. Either a definition should be added or this section should be amended to state “...chair of the board of trustees of a board under the <i>School Act</i>.”</p>
6.	21 Qualification of candidates	<p>(3) Notwithstanding subsection (1), a candidate for trustee of a <u>board of a school district</u> that is wholly or partly within the boundaries of a city is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the <u>school district</u>.</p>	<p>Neither “board” nor “school district” are defined in the <i>LAEA</i>. Either these terms should be defined or section 21(3) should be amended to state “...a candidate for trustee of a board of trustees of a board of a district or division under the <i>School Act</i> ..., but must be a resident of the district or division.”</p>
7.	22 Ineligibility	<p>(1.1) A person is not eligible to be nominated as a candidate for election as a trustee of a <u>school board</u> if on nomination day the person is employed by</p> <ul style="list-style-type: none"> (a) a <u>school district or division</u>, (b) a charter school, or (c) a private school, <p>in Alberta unless the person takes a leave of absence under this section.</p> <p>...</p> <p>(3) Subsection (1)(b) to (d) do not apply to a candidate for election as a trustee of a <u>school board</u>.</p> <p>...</p>	<p>“School board” is not defined in the <i>LAEA</i>. This should likely be amended to state “board of trustees of a board under the <i>School Act</i>.”</p> <p>In order to be consistent with the <i>School Act</i>, persons are not employed by the “school district or division” but by the board of trustees of a school district or division. The terminology throughout the <i>LAEA</i> should be consistent and align as much as possible with the <i>School Act</i>.</p>

		(5.1) An employee referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a <u>school board</u> may notify his or her employer on or after July 1 in the year of an election but before the employee's last working day prior to nomination day that the employee is taking a leave of absence without pay under this section.	
7.	42 Names on ballot	42(1) A separate ballot shall be used for (a) the office of chief elected official; (b) the offices of councillors; (c) the offices of <u>school representatives or trustees</u> . (2) The names of the candidates for (a) the office of chief elected official; (b) the offices of councillors; (c) the offices of <u>school representatives or trustees</u> ; must be placed on the ballot in the prescribed form.	"School representatives" is not a defined term and the only elected offices are trustees so there should be no reference to "school representatives". Section 42 should be amended to state "the offices of trustees of a board of trustees of a board under the <i>School Act</i> ."
8.	48 Rules of residence	(2) A person who is a resident of a public school district, school division or regional division or of a separate school district, school division or regional division under the School Act is deemed to be a resident of the public school district, school division or regional division or the separate school district, school division or regional division, as the case may be, under this Act. (3) Notwithstanding subsection (2), a person who owns and lives in the person's residence and whose residence is assessable for public school purposes or for separate school purposes under the School Act is deemed to be a resident of the public school district, school division or regional division or the separate school district, school division or regional division, as the case may be, under this Act.	The distinction between subsection (1) and (2) is not clear.
9.	59 Entries in voting register	59 The deputy shall record on the voting register that an elector has received a ballot for any one or more of the following that are applicable to the election: (a) chief elected official;	"Representative" is not a defined term and the only elected offices are trustees so there should be no reference to "representatives". Further "public school trustee" and "separate school

		<p>(b) councillors; (c) <u>public school trustees or representatives</u>; (d) <u>separate school trustees or representatives</u>; (e) bylaw or question.</p>	<p>trustee” are not defined terms in either the <i>LAEA</i> or the <i>School Act</i>. More appropriate wording may be “a trustee of a board of a public or separate school district or division under the <i>School Act</i>.”</p>
10.	118 Allowable election expenses	<p>(2) With respect to an election of a <u>school board trustee</u> under this Act, an elected authority may, by a bylaw passed prior to April 15 of a year in which a general election is held require that candidates prepare and disclose to the public statements of all their campaign contributions and campaign expenses and may prescribe how campaign contributions not used for campaign expenses must be used.</p>	<p>“School board trustee” is not a defined term. Section 118 should be amended to state “...election of a trustee of a board of trustees of a board under the <i>School Act</i>.”</p>