



2018 By-election

Information for Potential Candidates

Nomination Day September 17, 2018
Advance By-election Day September 26, 2018
By-election Day October 15, 2018

Visit www.birchhillscounty.com for up-to-date by-election information

This package is for information only and has no legislative sanction. Relevant statutes, regulations and by-laws should be consulted in their entirety.

TABLE OF CONTENTS

INTRODUCTION	4
Elected Positions	4
Information Sources.....	4
Returning Officer.....	4
CANDIDATE INFORMATION	5
Purposes, Powers, and Capacity of Municipalities.....	5
Understanding the Position.....	6
Before you File	7
Roles and Responsibilities of Officials in a Local Government.....	8
Time Commitment.....	10
Councillor Remuneration and Benefits.....	10
Committees.....	11
NOMINATION PROCESS	12
Filing Your Nomination.....	12
Nomination Day.....	13
Candidate Ineligibility.....	14
Disqualification of Councillors.....	18
BY-ELECTION INFORMATION	20
By-election Day.....	20
Eligibility to Vote.....	21
Rules of Residence.....	21
Elector Identification Requirements.....	23
CAMPAIGN INFORMATION	25
Printing of Campaign Literature.....	25
Placement of Campaign Literature (By-election Signs).....	26
Location Guidelines	27
Advertisement Distribution.....	28
Campaign Contributions – Disclosure Requirements.....	30
Candidates’ Official Agent.....	31
Candidates’ Scrutineers... ..	32
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FOIP)	34
OFFENCES	35
APPENDIX A	37
County Councillor Remuneration Information	37
FORMS	40

Included at the back of the package:

APPENDIX A

Birch Hills County Councillor Remuneration Information

The following forms must be included with your Nomination Papers:

- Nomination Paper and Candidate's Acceptance
- Authorization for Release of Personal Information
- Application for Registration of Notice of Intent to Become a Candidate for Municipal Office
- Self-Funded Campaign Voluntary Statement

The following forms have been included for your convenience:

- Appointment of Candidate's Scrutineer

A full list of By-election Forms is available on the Municipal Affairs website.
<http://municipalaffairs.alberta.ca/-election-forms>

INTRODUCTION

ELECTED POSITIONS

Birch Hills County electoral structure consists of seven electoral wards where residents in their respective wards vote for the local Councillor.

INFORMATION SOURCES

This information package has been assembled for your assistance; however, it is not inclusive of all the information contained within the specific acts and other legislation. Any person wanting a complete copy of the ***Local Authorities Election Act (LAEA)***, the ***Municipal Government Act (MGA)***, or the ***School Act*** may obtain/purchase copies from Alberta Queen's Printer:

Suite 700, Park Plaza Building
10611 – 98th Avenue NW
Edmonton, AB T5K 2P7
Phone: (780) 427-4952
Fax: (780) 452-0668
Email: qp@gov.ab.ca

MGA <http://qp.alberta.ca/documents/Acts/m26.pdf>

LAEA <http://qp.alberta.ca/documents/Acts/L21.pdf>

Copies of the *Municipal Government Act*, the *Local Authorities Election Act*, and relevant County bylaws are available for viewing on the County website. If further information is required or for viewing of the Acts and bylaws, please contact the Birch Hills County Administration office:

4601 50 Street
PO Box 157
Wanham, AB T0H 3P0
Phone: 780-694-3793
Email: finance@birchhillscounty.com
www.birchhillscounty.com

RETURNING OFFICER

A Returning Officer is a person appointed for the purpose of conducting a by-election under the *Local Authorities Election Act*. If you require additional information regarding the By-election, please contact the following:

Birch Hills County
Shelley Braun Returning Officer
Phone: 780-694-3793
Email: shelleyb@birchhillscounty.com

As previously noted this is an information package only and has no legislative sanction. For certainty, the relevant statutes, regulations, and bylaws in their entirety should be consulted.

CANDIDATE INFORMATION

PURPOSES, POWERS, AND CAPACITY OF MUNICIPALITIES

The Canadian Constitution delegates responsibility for municipal institutions to the provinces. The province of Alberta provides the structure for local governments by statute with the *Municipal Government Act* being the primary set of rules under which municipalities operate. The purposes, powers and capacity of municipalities are stated in the *Municipal Government Act (MGA Part 1)* as follows:

- (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.
- (4) A municipality is a corporation.
- (5) A municipality
 - (a) has the powers given to it by this and other amendments;
 - (b) has the duties that are imposed on it by this and other enactments and those that the municipality imposes on itself as a matter of policy; and
 - (c) has the functions that are described in this and other enactments.

Councillors' principal role in the municipal organization and their general duties are also stated in the *Municipal Government Act (MGA Section 201)* as follows:

- (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.

UNDERSTANDING THE POSITION

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, at 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 by-election campaign that involves municipal expenditures or the activities of employees can only be carried out if a majority of Council votes in favor of the matter in a meeting.

All municipalities in Alberta are governed by the provincial [Municipal Government Act](#); therefore, it is imperative that the provisions of this Act are adhered to when making decisions at the local level. Copies of this Act are available through the Queen's Printer as previously mentioned on page 4, and copies are available for viewing at the Birch Hills County Administration office.

Are You Familiar With Local Legislation?

Local legislation is in the form of bylaws. Generally, these remain in effect until they are amended or repealed, so you will not be starting with a blank slate and creating your ideal municipality from scratch. If you are running for office with some kind of reform in mind, you will have to become familiar with what exists, how it has been created—by bylaw or resolution,— 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 Land Use Bylaw, Municipal Development Plan, Procedural Bylaw, the bylaw establishing the position of the Chief Administrative Officer and the Policy Manual.

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. Birch Hills County has a competent and dedicated senior management team whose support, advice, and assistance will be very beneficial in helping you 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 for 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 (agendas and minutes are posted on the website at www.birchhillscounty.com), and talking to current members of Council. An option is also to sit in on some Council meetings (normally held on 2nd and 4th Thursdays every month, commencing at 9:00 am). The complete 2018 council meeting date calendar is available on the County website (www.birchhillscounty.com). Talk with the County CAO or County Administration staff to find out what other information is available. This will help you in your campaign and will assist you in assuming office. If you don't do research now, you'll have to do it after you are elected anyway, and you probably have more time now than you will if you are elected.

BEFORE YOU FILE

Here are some things you should consider before you file a nomination paper.

Are You Qualified? - To become a candidate you:

- (1) must be at least 18 years of age on nomination day;
- (2) must be a Canadian citizen;
- (3) for position of Councillor, must have been a resident of the ward of Birch Hills County for which you intend to run for the six months preceding nomination day and
- (4) are not otherwise ineligible or disqualified.

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, unless granted a leave of absence;
- if your property taxes are more than \$50 in arrears or you are in default, for more than 90 days, on any other debt in excess of \$500 to the municipality;
- if, within the previous 10 years, you have been convicted of an offence under the *Local Authorities Election Act*, the *Election Act* or the *Canada Elections Act* (Canada).

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.

Further information regarding ineligibility is noted in Sections 22 and 23 of the Local Authorities Election Act and is printed on page 14 to 17 of this package.

Please contact the Birch Hills County Administration office for Ward details.

ROLES AND RESPONSIBILITIES OF OFFICIALS IN A LOCAL GOVERNMENT

The term of office is four (4) years.

The Birch Hills County electoral structure consists of seven (7) electoral wards each represented by one (1) Councillor, and the Reeve who is elected by the ward Councillors.

Council Roles and Responsibilities

The Council is the governing body of the municipal corporation and the custodian of its powers, both legislative and administrative. The Municipal Government Act provides that Councils can only exercise the powers of the municipal corporation in the proper form, either by **bylaw or resolution**.

The Councillor's job is to work with other council members to set the overall direction of the municipality through their role as a policy maker. The policies that Council sets are the guidelines for administration to follow as it does the job of running a municipality. A Councillor will spend a lot of time while on Council creating new policies and programs or reviewing the current ones to make sure they are working as they should.

The Councillors

Under the Municipal Government Act (Section 153), Councillors have the following duties:

- 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;
- to participate generally in developing and evaluating the policies and programs of the municipality
- to participate in Council meetings and Council committee meetings and meetings of other bodies to which they are appointed by the Council;
- to obtain information about the operation or administration of the municipality from the Chief Administrative Officer;
- to keep in confidence matters discussed in private at a Council committee meeting until discussed at a meeting held in public;
- to perform any other duty or function imposed on Councillors by this or any other enactment or by the Council.

The Chief Elected Official (CEO) and Reeve (MGA 153(154))

The Reeve, in addition to performing a Councillor's duties, must preside when attending a Council meeting, unless a bylaw provides otherwise. The Reeve must also perform any other duty imposed under the MGA or any other enactment. In practice, the Reeve is also generally the main spokesperson for the municipality, unless that duty is delegated to another Councillor.

In a municipal district, council appoints the Reeve from among the Councillors unless it passes a bylaw providing that the official is to be elected by a vote of the municipality's electors. The Reeve's role includes:

- Chairperson of Council
- Consensus seeker amongst members of Council
- Liaison with senior staff
- Advisor to Council
- Executive official member on various boards and committees

ROLES AND RESPONSIBILITIES OF OFFICIALS IN A LOCAL GOVERNMENT CONTINUED....

- Key representative with regard to ceremonial responsibilities
- Liaison with other levels of government
- Advice with regard to policy development

A Deputy Reeve will assume this role if the Reeve is not available.

To learn more about elected officials please visit the website for the: [Rural Municipalities of Alberta \(RMA\)](#) - Deals with issues and services for rural municipalities.

The Entire Municipality

A Councillor is elected to look after the interests of the entire municipality. A Councillor who is in a municipality must be careful not to place the interest of the electoral district above the interest of the whole municipality. As tough as it may be at times, the Councillor must base any decision on what is best for the entire municipality. Council's effectiveness depends on Councillors providing input on their areas while thinking and voting for the whole municipality. Councillors also have to make certain that they do not put themselves in a conflict of interest situation. They must ensure that decisions made do not benefit them, their immediate family, or their friends.

Chief Administrative Officer (CAO)

Every Council must establish, by bylaw, a position of CAO. The Council may give the position an appropriate title, such as Town Manager or Administrator. The CAO is the administrative head of the municipality. The CAO's responsibilities include ensuring that the municipality's policies and programs are implemented, advising and informing the council on the operation of the municipality, performing other duties assigned by the Council, and ensuring appropriate staffing is in place.

Staying out of the day-to-day operation of the municipality allows Councillors to concentrate on policy making and program monitoring. Councillors should work with the CAO to keep informed on what the municipality is doing and will depend on the administration to provide information so that they can make sound decisions.

Designated Officers

A CAO may delegate any of his or her powers, duties, or functions to a designated officer or to another employee. Designated officer positions are established by bylaw and are subject to the CAO's supervision, unless otherwise provided by bylaw. A designated officer may also further delegate to an employee of the municipality any of those powers, duties, or functions.

To learn more about municipal administrators in Alberta, visit the website for the: [Society for Local Government Managers \(SLGM\)](#) - Deals with administrator interests and training, [Rural Municipalities of Alberta \(RMA\)](#) - Represents rural administrators in Alberta, [Local Government Administration Association \(LGAA\)](#) - Represents municipal administrators in Alberta.

TIME COMMITMENT

Councillors - The demands on Councillors' time will be heavy. During your four-year term of office you will be required to attend:

- Regular meetings of Council, which are normally held on every second and fourth Thursday (except holidays) commencing at 9:00 a.m. and are usually full-day meetings. In preparation for these meetings, an agenda is prepared and distributed to allow time for reading and reviewing the issues;
- Other meetings of Council committees such as Municipal (Council) Workshops, Audit Committee meetings and annual budget meetings, which are also held during the day;
- Meetings of other boards, commissions and agencies to which you are appointed as the Birch Hills County representative. Meeting times for these boards, commissions and agencies vary from annual, quarterly, monthly, or on an as-called basis, and the time commitment varies dependent on the committee or board;
- Conferences, conventions, seminars, and workshops for training and discussion;

Birch Hills County is a member of the Rural Municipalities of Alberta (RMA) which is an association consisting of members from all Alberta rural municipalities. The mission statement of this association is "The RMA empowers its members through proactive leadership, strategic partnerships, effective advocacy and collective business services." Its vision statement is "Strong, vibrant and resilient communities." More information is available on the website at www.rmalberta.com;

An annual RMA Convention that attracts elected and administrative representatives for most of the rural municipalities is held in Edmonton in the spring and fall, to which you are expected to attend. When the convention is held during an election year it usually is geared toward newly elected Council members, successful candidates are encouraged to attend these specific sessions;

The **2018 Fall RMA Convention** will be held
Monday, November 19, through Thursday, November 22, 2018.
Please mark these dates on your calendar;

- Social and other events promoting the County.

You will also need to spend time reading material and talking with residents, the County CAO and others. This will all be part of the necessary preparation for meetings so that you can make informed decisions.

ADDITIONAL INFORMATION – questions regarding Council and Council Committee procedures, nomination and by-election matters can be asked by contacting the Birch Hills County Administration office at 780-694-3793. The elected Councillors need to set aside the following date:

- The annual Organizational Meeting of Council is held in October each year as mandated under the Municipal Government Act. This year's **Organizational Meeting is scheduled for Thursday, October 25, 2018**. Election of the Reeve and Deputy Reeve along with appointment to Council Committees and Boards will take place at this meeting.

COUNCILLOR REMUNERATION AND BENEFITS

Council remuneration is set through the Payment of Honorarium Policy. For complete information, please view Councillor Remuneration Information included in the appendix.

COMMITTEES

Following are committees that Councillors may be nominated to or are required to serve on, but are not limited to include:

Agricultural Service Board (ASB)

The ASB is the political board that sets policy and direction relating to administrative operations for weed inspections, herbicide applications, roadside mowing, Communities in Bloom, Rural Beautification, and predator control. All Councillors sit on this board. These meetings are 4-6 times a year on the second Thursday of the month after Regular Council.

Central Peace Regional Emergency Management (CPREM)

CPREM committee sets policy direction for the municipal emergency preparedness operations. In the event of a local disaster, they are called to be the political decision makers.

Regional Assessment Review Board

The Regional Assessment Review Board (RARB) either confirms or revises property assessment based upon evidence presented at a Review Hearing.

Ward Fire Guardian

Each Councillor is a Fire Guardian for their Ward.

This is just a brief listing of Committees that a Councillor would be part of. There are more committees and societies that we are involved with. Appointments to other Committees will be considered should there be a need.

NOMINATION PROCESS

FILING YOUR NOMINATION

Your nomination must be filed on the prescribed form, which you will find enclosed with this package. This form must be signed by five people “*eligible*” to vote in the by-election.

IT IS IMPERATIVE THAT A PERSON WHO SIGNS NOMINATION PAPERS IS ELIGIBLE TO VOTE.

A person is eligible to vote in a by-election held pursuant to the Local Authorities Election Act if he/she:

- (1) is at least 18 years of age on nomination day;
- (2) is a Canadian citizen; and
- (3) has resided in Alberta for the six (6) consecutive months immediately preceding By-election Day and is a resident in the area. (Area is defined as the electoral ward of Birch Hills County for which the candidate intends to run).

For each elector, the form must include the person’s name, address (street address or legal land description of residence of the elector) and signature.

To ensure validity of the nomination paper, a candidate may submit more than the required five electors’ signatures.

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.

NOMINATION DAY

Nomination Day is **Monday, September 17th, 2018**. The completed form is to be filed with the Returning Officer between **10 a.m. and 12 noon sharp** on Nomination Day at **the Birch Hills County Administration Building**, at 4601 50 Street Wanham, AB.

You may want to file the form in person; however, **anyone** can file it on your behalf as long as it is fully completed.

Nominations submitted by fax or e-mail **WILL NOT** be accepted.

After nominations have been closed on Nomination Day, the *Local Authorities Election Act* (Section 28 (4)) states:

- After 12 noon on nomination day, a person may request to examine the filed nomination papers during regular business hours and in the presence of the Returning Officer, deputy or secretary.

Withdrawal of nomination (Section 3 2 of the *Local Authorities Election Act*)

Within 24 hours of the close of nomination, you may withdraw your nomination form, provided that more than the required number of candidates has been nominated for the office you were seeking. The returning officer cannot accept your withdrawal if it would result in less than the required number of candidates. If you wish to withdraw, you must provide written notice to the Returning Officer.

INSUFFICIENT NOMINATIONS (Section 31 of the *Local Authorities Election Act*)

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

If, by noon on any of the days, the number of candidates nominated equals the number of vacancies, 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 a by-election.

If more than sufficient nominations are received by 12:00 noon on any of the days, nominations will be closed and the by-election will be held as originally planned.

NO LATE NOMINATIONS (Section 32 of the *Local Authorities Election Act*)

The Returning Officer cannot accept nominations after 12:00 noon on nomination day. **Be sure that your nomination is filed on time – Monday, September 17th, 2018, between 10:00 a.m. and 12:00 noon sharp.**

Nomination papers can be filed with the Returning Officer at the Birch Hills County Administration office – 4601 50 Street Wanham, AB.

CANDIDATE INELIGIBILITY

Excerpts from the Local Authorities Election Act (R.S.A. 2000 Section 22 & 23)

Ineligibility

22(1) A person is not eligible to be nominated as a candidate in any by-election under this Act if on nomination day

(a) the person is the auditor of the local jurisdiction for which the by-election is to be held;

(b) the person is an employee of the local jurisdiction for which the by-election is to be held unless the person takes a leave of absence under this section;

(c) the person is indebted to the municipality of which the person is an elector for taxes in default exceeding \$50, excluding from that amount

(i) any indebtedness for current taxes, and

(ii) any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of any money due under the agreement;

(d) the person is indebted to the local jurisdiction for which the by-election is to be held for any debt exceeding \$500 and in default for more than 90 days;

(d.1) the person has, within the previous 10 years, been convicted of an offence under this Act, the Election Act or the Canada Elections Act (Canada).

(1.2) A person is not eligible to be nominated as a candidate for by-election as a Councillor if

(a) the secretary transmitted a report to council under section 147.8(1) in respect of the person,

(b) the Court did not dispense with, or extend the time for, compliance with section 147.4 by an order under section 147.8(3), and

(c) subject to subsection (1)(d.1), nomination day for the by-election occurs within

(i) the 8-year period following the day on which the secretary transmitted the report to council, or

(ii) where the disclosure statement required by section 147.4 has been filed with the municipality, the 3-year period following the day of filing, whichever period expires first.

(1.3) Subsection (1.2) applies where a report has been transmitted under section 147.8(1) respecting a campaign period beginning on or after January 1, 2014.

(2) Repealed 2006 c22 s13.

(3) Subsection (1)(b) to (d) does not apply to a candidate for by-election as a trustee of a school board.

CANDIDATE INELIGIBILITY CONTINUED.....

- (4) Subsection (1) does not apply to a person by reason only:
- (a) that the person is a shareholder in a corporation having a contract or dealings with the local jurisdiction or elected authority for which the by-election is being held,
 - (i) unless the person holds or there is held by the person and the person's spouse, parents, children, brothers and sisters more than 25% of the issued capital stock of the corporation, or
 - (ii) unless the contract or dealings are for the building or construction of a public work of the local jurisdiction;
 - (b) that the person has a contract with the local jurisdiction for the supplying to the person, the person's spouse or child of a service, utility or commodity that the local jurisdiction has statutory authority to supply;
 - (c) that the person holds an interest in a publication
 - (i) in which official advertisements of the local jurisdiction appear; or
 - (ii) that is supplied to the local jurisdiction at the usual rates;
 - (d) that the person sells or leases to the local jurisdiction land or interest in land that the local jurisdiction has authority to expropriate;
 - (e) that the person supplies goods, merchandise or services to the local jurisdiction or to persons contracting with the local jurisdiction if they are supplied at competitive prices and in the ordinary course of his business or profession;
 - (f) that the person renders
 - (i) services to indigents who are residents of the local jurisdiction and for which the local jurisdiction is or may become liable to pay; or
 - (ii) services for which the local jurisdiction has provided a subsidy;
 - (g) that the person is appointed to a position under the *Emergency Management Act*;
 - (h) that the person has rendered professional services as a lawyer to the local jurisdiction, if the fees for the services have been taxed under the *Alberta Rules of Court*;
 - (i) that the person has received a gratuity or allowance for services on a committee or board appointed by or responsible to the local jurisdiction;
 - (j) that the person is a member of an association under the *Rural Utilities Act* or is a member of a cooperative under the *Cooperatives Act*;

CANDIDATE INELIGIBILITY CONTINUED.....

- (k) that the person is a vendor, purchaser, assignor or assignee of land bought or sold under the *Agriculture Financial Services Act*;
 - (l) that the person is a party to a contract for the purchase or lease of real or personal property from the local jurisdiction entered into before nomination day;
 - (m) that the person is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction or that the person is a volunteer for another purpose who performs duties under the direction of the local jurisdiction.
- (5) An employee of a municipality who wishes to be nominated as a candidate in a by-election to be held for that municipality may apply to the Council for a leave of absence without pay on or after July 1 in the year of a general by-election or on or after the day the council passes a resolution to hold a by-election but before the employee's last working day prior to nomination day.
 - (6) Notwithstanding any bylaw, resolution or agreement of a municipality, the Council shall grant every application it receives under this section.
 - (7) An employee who has been granted a leave of absence is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.
 - (8) If an employee who has been granted a leave of absence is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after by-election day or, if the 5th day is not a working day, on the first working day after the 5th day.
 - (9) If an employee who has been granted a leave of absence is declared elected, the employee is deemed to have resigned the employee's position as an employee the day the employee takes the official oath of office as an elected official.
 - (10) If an employee who has been granted a leave of absence is declared elected but, after a recount under Part 4, is declared not to be elected, the employee may return to work on the first working day after the declaration is made, and subsections (7) and (8) apply.
 - (11) Subject to subsection (12), an employee who has been granted a leave of absence and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's by-election is adjudged invalid.

CANDIDATE INELIGIBILITY CONTINUED.....

- (12) If, through no act or omission of the employee, an employee forfeits the elected office or the employee's by-election is adjudged invalid, the employee may return to work on the first working day after the office is forfeited or the by-election is adjudged invalid, and subsections (7) and (8) apply.

Ineligibility for nomination

- 23(1) A person is not eligible to be nominated from more than one office of the same elected authority.
- (2) A member who holds office on an elected authority is not eligible to be nominated for or elected to the same or any other office on the elected authority
- (a) unless the member's term of office is expiring; or
 - (b) if the member's term of office is not expiring, unless the member has resigned that office effective 18 days or more before nomination day.

DISQUALIFICATION OF COUNCILLORS

Excerpts from the Municipal Government Act R.S.A 2000 (Section 174)

- (1) A Councillor is disqualified from Council if
 - (a) when the Councillor was nominated, the Councillor was not eligible for nomination as a candidate under the *Local Authorities Election Act*;
 - (b) the Councillor ceases to be eligible for nomination as a candidate under the *Local Authorities Election Act*;
 - (b.1) the Councillor
 - (i) fails to file a disclosure statement as required under section 147.4 of the *Local Authorities Election Act* before the end of the late filing period provided under section 147.7 of the *Local Authorities Election Act*, and
 - (ii) has not been relieved from the obligation to file a disclosure statement by a court order under section 147.8 of the *Local Authorities Election Act*;
 - (c) the Councillor becomes a judge of a court or a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;
 - (d) the Councillor is absent from all regular Council meetings held during any period of 8 consecutive weeks, starting with the date that the first meeting is missed, unless subsection (2) applies;
 - (e) the Councillor is convicted
 - (i) of an offence punishable by imprisonment for 5 or more years, or
 - (ii) of an offence under section 123, 124 or 125 of the *Criminal Code*(Canada);
 - (f) the Councillor does not vote on a matter at a Council meeting at which the Councillor is present, unless the Councillor is required or is permitted to abstain from voting under this or any other enactment;
 - (g) the Councillor contravenes section 172 (*Disclosure of Pecuniary Interest*);
 - (h) the Councillor has a pecuniary interest in an agreement that is not binding on the municipality under section 173;
 - (i) the Councillor uses information obtained through being on council to gain a pecuniary benefit in respect of any matter;
 - (j) the Councillor becomes an employee of the municipality;
 - (k) the Councillor is liable to the municipality under section 249 (*Civil Liability of Councillors*).

DISQUALIFICATION OF COUNCILLORS CONTINUED.....

- (2) A Councillor is not disqualified by being absent from regular council meetings under Subsection (1)(d) if the absence is authorized by a resolution of council passed
 - (a) at any time before the end of the last regular meeting of the Council in the 8-week period, or
 - (b) if there is no other regular meeting of the Council during the 8-week period, at any time before the end of the next regular meeting of the council.
- (3) For the purpose of this section, a Councillor is not considered to be absent from a Council meeting if the Councillor is absent on council business at the direction of Council.
- (4) A Councillor who is disqualified under this section is eligible to be elected at the next general by-election in the municipality if the person is eligible for nomination under the *Local Authorities Election Act*

BY-ELECTION INFORMATION

Monday, October 15th, 2018

Every voting station will open promptly at 10:00 a.m. and will be kept open continuously until 8:00 p.m. sharp.

By-election Process

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, the Returning Officer must store them sealed, in a protected area until the time when the ballot boxes and contents may be destroyed (unless otherwise ordered by a judge) 6 weeks from the date of voting.

Unofficial results may be made available during and following the counting. The official results are announced at 12:00 noon on the fourth day after the by-election - **Friday, October 19, 2018.**

If you are elected at a general by-election, you will take office at the Annual Organizational Meeting of Council on **Thursday, October 25, 2018**, beginning at **9:00 a.m.**

2018 VOTING STATIONS

The voting station list will be available by September 25th, 2018.

ELIGIBILITY TO VOTE

Excerpts from the [Local Authorities Election Act R.S.A 2000 \(Section 47\)](#)

- (1) A person is eligible to vote in a by-election held pursuant to this Act if the person
 - (a) is at least 18 years old,
 - (b) is a Canadian citizen, and
 - (c) has resided in Alberta for 6 consecutive months immediately preceding By-election Day and is resident in the area on By-election Day.
- (2) an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on By-election Day.

NOTE: "Area" in section 47(1)(c) above means the area within the boundaries of the local jurisdiction. As we have electoral wards in Birch Hills County, the area where a person is entitled to vote is the Electoral Ward where the person's residence is located.

Birch Hills County does not compile a Voters' list.

RULES OF RESIDENCE

Excerpts from the [Local Authorities Election Act R.S.A. 2000 \(section 48\)](#)

- (1) For the purposes of this Act, the place of residence is governed by the following rules:
 - (a) a person may be a resident of only one place at a time for the purposes of voting under this Act;
 - (a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (1.1), designate one place of residence as the person's place of residence for purposes of this Act;
 - (b) the residence of a person is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return;
 - (c) a person does not lose the person's residence by leaving the person's home for a temporary purpose;
 - (d) subject to clause (c), a student who

ELIGIBILITY TO VOTE CONTINUED.....

- (i) attends an educational institution within or outside Alberta,
 - (ii) temporarily rents accommodation for the purpose of attending an educational institution, and
 - (iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institution is deemed to reside with those family members;
- (e) if a person leaves the area with the intention of making the person's residence elsewhere, the person loses the person's residence within the area;
- (1.1) For the purpose of subsection (1)(a.1), a person shall designate the person's place of residence in accordance with the following factors in the following order of priority:
- (a) the address shown on the person's driver's license or motor vehicle operator's license issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta;
 - (b) the address to which the person's income tax correspondence is addressed and delivered;
 - (c) the address to which the person's mail is addressed and delivered.

ELECTOR IDENTIFICATION REQUIREMENTS

Excerpts from the [Local Authorities Election Act R.S.A. 2000 \(Section 53\)](#)

- (53)(1)** Every person who attends at a voting station for the purpose of voting must be permitted to vote
- (a) if the person's name appears on the list of electors, if any, or
 - (b) if the person makes a statement in the presence of an officer at the voting station, in the prescribed form, that the person is eligible to vote as an elector and produces for inspection the following proof of the person's identity and current residence and, where required by a bylaw passed under subsection (3), age:
 - (i) if a bylaw has not been passed under subsection (3),
 - (A) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and current address, or
 - (B) one piece of identification authorized by the Chief Electoral Officer under the *Election Act* for the purposes of section 95(1)(a)(ii) of that Act that establishes the elector's name and current address;
 - (ii) if a bylaw has been passed under subsection (3), the number and types of identification required by the bylaw to verify the person's name and current address and, if applicable, age.

Birch Hills County does not have a list of electors and a bylaw relative to Section 53 was not adopted. As a result, **electors wishing to vote in the 2018 municipal by-election**, in addition to making the statement (Form 8 Voting Register), **will be required to produce a valid government issued identification containing the elector's photograph, current address (where the voter lives and sleeps) and full surname and given name. This includes an Operator's (Driver's) License or an Alberta Identification Card, or Passport.**

If the elector is unable to produce government issued identification, the elector must produce one piece of identification that establishes the elector's current address (where the voter lives and sleeps – (LAEA 48(1B))).

ELECTOR IDENTIFICATION REQUIREMENTS CONTINUED.....

Examples of Identification with Elector's Name and Address include –

- (1) Attestation of Residence issued by the responsible authority of a Supportive Living Facility;
- (2) Bank/credit card statement or personal cheque;
- (3) Correspondence issued by a school, college or university;
- (4) Government cheque or cheque stub;
- (5) Income/property tax assessment notice;
- (6) Insurance policy or coverage card;
- (7) Letter from a public curator, public guardian or public trustee;
- (8) One of the following issued by the responsible authority of a shelter or soup kitchen: Eg. Attestation of residence, letter of stay, admission form or statement of benefits;
- (9) Pension Plan statement of benefits, contributions or participation;
- (10) Prescription bottle insert;
- (11) Residential lease or mortgage statement;
- (12) Statement of government benefits: Eg. Employment insurance, old-age security, social assistance, disability support, or child tax benefit;
- (13) Utility bill: Eg. Telephone, public utilities commission, television, hydro, gas or water;
- (14) Vehicle ownership or Insurance Certificate

PRINTING OF CAMPAIGN LITERATURE

Excerpts from the Local Authorities Election Act R.S.A. 2000 (Section 148)

- (148)** (5) No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the Returning Officer, indicating or showing it to be marked for any candidate or candidates.
- (6) Notwithstanding anything in this section, the Returning Officer may at any time after nomination day cause a facsimile of the ballot for Chief Elected Official, member of an elected authority, bylaw or question to be published as often as the Returning Officer considers necessary in a newspaper circulating in the area, for the information of the electors.
- (7) A person who contravenes subsection (5) is guilty of an offence and liable to a fine of not more than \$10,000 or to imprisonment for not more than 6 months or to both fine and imprisonment.

PLACEMENT OF CAMPAIGN LITERATURE (BY-ELECTION SIGNS)

Under the regulations passed pursuant to the *Safety Codes Act Electrical & Communication Utility System* of the Province of Alberta, electrical utility poles and structures shall be kept free of all materials not required for the system. Action may be taken against candidates or their agents who deface utility poles with by-election campaign literature.

Signs may be placed on private or public property with the permission of the landowner / public authority.

The following guidelines for placement of by-election signs along public roadways or on public property are set by Alberta Transportation and Birch Hills County and are to be adhered to by all candidates in the upcoming Municipal by-election. It is recommended that the same guidelines be adhered to for placement of by-election signs on private property.

1. Maximum sign size is 1.5 square metres (16 sq. ft.), with a maximum height of 3.6 metres(12').
2. By-election signs will be permitted along the provincial highway system from the date the by-election is called until three days after the by-election. On all other properties, there is no restriction on the start date for location of by-election signs; however, the signs must be removed within three days after the by-election.
3. The following types of signs will **not** be allowed:
 - a. signs that display an intermittent flashing, rotating or moving light;
 - b. signs that are floodlit which could cause interference to the motoring public;
 - c. any yard lights, area lighting or other lights that, in the opinion of Public Works or County Enforcement, are excessively distracting to the public or create a traffic hazard;
 - d. signs that have moving or rotating parts;
 - e. signs that imitate the wording of a standard or commonly used highway traffic sign, such as stop, stop ahead or yield; and
 - f. signs that imitate or resemble the visual appearance of traffic control device (i.e. stop sign).

If a sign is in contravention of these guidelines, a peace officer or a person authorized by Birch Hills County or Alberta Transportation may, without notice or compensation, remove the sign.

LOCATION GUIDELINES

In general, by-election signs shall be placed as far from the shoulder lines as practical, always allowing the traveling public to have an unobstructed view of the roadway.

1. Signs must be placed no closer than 2 metres (6') from the edge of pavement, or, in the case of gravel roads, no closer than 2 metres (6') from the shoulder of the road.
2. During winter conditions, there is a high probability that signs less than 6 metres (18') from the road will be either covered with snow or damaged during snow removal and sanding operations.

Birch Hills County or Alberta Transportation is not responsible for any signs damaged for any reason.

Click Before You Dig - Alberta One Call 1-800-242-3447 or www.albertaonecall.com

3. No by-election signs will be allowed within the median of a divided provincial highway.
4. No by-election signs shall be mounted on highway signs or sign posts. Any signs so mounted will be removed immediately.
5. No by-election signs shall be placed in or within 500 metres (1640') of construction zones.
6. No by-election signs shall be placed that obstruct a motorist's view of an intersection in an urban area or within 250 metres (820') of an intersection in a rural area.
7. When the removal of a by-election sign is necessary due to safety or operational concerns, Birch Hills County will notify the responsible candidate to take the required action to remove/relocate the sign. Failure to respond within the specified time will result in the sign being removed. Signs will be stored at Birch Hills County Administration Office. The candidate will be notified to arrange to have the sign(s) picked up.

Signs that pose an immediate hazard to the public will be removed immediately without notification to the candidate.

Safety Precautions

- Individuals installing signs should use safety precautions to ensure their safety and prevent driver distraction.
- Reflective vests and bright clothing should be worn when working near a roadway.
- By-election signs should be installed during daylight hours only.
- Every effort should be made to minimize the impact to the travelling public when

transporting and installing by-election signs. Vehicles should be parked as far as possible from the travel lanes and four-way hazard warning signals should also be utilized.

Removal of Signs - Candidates are responsible to ensure that all advertising be promptly removed from both public and private property immediately following the by-election (within 3 days).

Removal of signs includes removal of the sign panel, supporting structure and any tie wire used to install and support the sign; cleaning up of the site; and filling of any holes created by the sign installation.

ADVERTISEMENT DISTRIBUTION

On By-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 campaign material inside or on the outside of a voting station.

No campaign signs are allowed on the properties where the voting stations are located.

Excerpts from the Local Authorities Election Act R.S.A. 2000 Section 152

- (1) Subject to subsection (2), a person who, on By-election Day,
 - (a) displays inside or on the outside of a building used for a voting station, or
 - (b) distributes within a building used for a voting station, an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than \$500.
- (2) When a voting station is located in a building containing a complex of interlocking offices, store or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area used as a voting station.
- (3) The distribution of or on behalf of a candidate or the candidate's official agent or scrutineer of newspapers, pamphlets or other literature containing articles or reports on matters of public interest is not a contravention of this section.
- (4) Where a person displays an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper contrary to subsection (1), the deputy may cause it to be removed, and neither the deputy nor any person acting under the deputy's instructions is liable for trespass or damages resulting from or caused by the removal.

INTERFERENCE WITH POSTED DOCUMENTS

Excerpts from the Local Authorities Election Act R.S.A. 2000 Section 153

A person who, without authorization, takes down, covers up, mutilates, defaces or alters any notice or other document required to be posted under this Act is guilty of an offence and liable.

- (a) if the person is an officer, to a fine of not more than \$1000, and
- (b) in any other case, to a fine of not more than \$200.

CAMPAIGN CONTRIBUTIONS – DISCLOSURE REQUIREMENTS (Section 147 of the LAEA)

Campaign Disclosure Statements

If a candidate's entire by-election campaign is funded exclusively out of the candidate's own funds and the candidate's funds are not more than \$10,000, under Section 147.11 of the *Local Authorities Election Act*, the candidate is not required to file this document or open and deposit the funds into a campaign account.

The campaign disclosure statement is filed on a prescribed form that includes information about campaign contributions received, other sources of funding, campaign expenditures, and the campaign surplus or deficit. Where the campaign was for a by-election, the statement must be filed within 120 days after the by-election.

Part 5.1, Municipal Election Finance and Contribution Disclosure, of the Local Authorities Election Act lists the requirements in relation to campaign contributions.

Some of the effects of this legislation on municipal by-election candidates are as follows:

- Limitations and restrictions are placed on the campaign contributions that may be made by the candidate and any other person, corporation, trade union or employee organization.
- Candidates are required to make an accounting for all funds received, which includes opening a separate bank account for campaign contributions once a certain dollar level is reached.
- Candidates are required to file a disclosure statement that includes information regarding the campaign contributions received and a list of campaign expenses. A candidate whose campaign is entirely self-funded by no more than \$10,000 in a campaign period is not required to file a campaign disclosure statement.
- Requirements on how surplus campaign funds are to be disposed of.

A candidate who incurs a deficit in campaign finances must clear that deficit and file an amended disclosure statement showing funds received to eliminate the deficit.

It is recommended that all candidates refer to Part 5.1 (Section 147.1 to 147.92) of the LAEA to ensure proper process is being followed with regard to Campaign Contributions.

ALLOWABLE CAMPAIGN EXPENSES

The payment of the following expenses (related to the campaign) is not considered a contravention of the legislation:

- your personal expenses
- cost of acquiring premises, accommodation, goods or services for proper by-election campaign expenses, payments for the costs 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 by-election.

CAMPAIGN CONTRIBUTIONS

A candidate must open a bank account in their own name or the name of the campaign as soon as possible after the amount of contributions exceeds \$5,000 in aggregate or the amount of contributions and any of the candidate's own funds exceeds \$5,000 in aggregate.

All contributions must be deposited in that account, and the money is to be used only for campaign expenses. A candidate whose campaign is entirely self-funded has by no more than \$10,000 in a campaign period is not required to open a bank account. Contributions of real and personal property and services have a value. Receipts must be issued for every contribution and obtained for every expense. Records of all contributions and expenses are to be kept for at least 2 years.

Any anonymous or ineligible contributions received must be returned to the contributor immediately or paid to the municipality.

CANDIDATES' OFFICIAL AGENT

A candidate may, when filing his/her nomination papers, appoint an elector to be his/her official agent.

Excerpts from the [Local Authorities Election Act R.S.A. 2000 Section 68.1](#)

Official Agent

- (1) Each person nominated as a candidate may, on the nomination form, appoint an elector to be the candidate's official agent.
 - (1.1) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the contact information of the new official agent.
- (2) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be recognized as an official agent.
- (3) No candidate shall act as an official agent for any other candidate.
- (4) The duties of an official agent are those assigned to the official agent by the candidate.

NOTE: Appointment of the Candidate's Official Agent is accomplished by filling in the necessary information on the candidate's Nomination Paper (included with this package).

CANDIDATES' SCRUTINEERS

A candidate may, by written notice to the presiding deputy, appoint **one** scrutineer to represent him/her at each voting station. The scrutineer shall be at least 18 years of age. The scrutineer shall subscribe a Statement in the prescribed form before a presiding deputy at the voting station.

If a candidate would like to either personally **or** by way of the official agent or a scrutineer, observe the by-election process at one or more of the voting stations, the following process shall be followed:

Excerpts from the [Local Authorities Election Act R.S.A. 2000 Section 69](#)

Appointment of Scrutineer

- (1) If, at any time during voting hours, a person who is at least 18 years old presents to the presiding deputy a written notice, in a form acceptable to the returning officer,
 - (a) signed by a candidate, and
 - (b) stating that the person presenting the notice is to represent that candidate as the candidate's Scrutineer at the voting station, the person presenting the notice shall be recognized by the presiding deputy as the Scrutineer of the candidate.
- (1.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be recognized as a Scrutineer.
- (2) Before a person is recognized as a Scrutineer, the person shall make and subscribe before a presiding deputy at the voting station a statement in the prescribed form.

Number of Scrutineers Permitted

- (3) The presiding deputy shall not permit a candidate to have an official agent or a Scrutineer present while the candidate is present in a voting station during voting hours.
- (3.1) The presiding deputy shall not permit a candidate to have both an official agent and a Scrutineer present at the same time in a voting station during voting hours.

Candidate as a Scrutineer

- (4) A candidate or official agent may personally
 - (a) undertake the duties that the candidate's Scrutineer may undertake, and
 - (b) attend any place that the candidate's Scrutineer is authorized by this Act to attend.

Scrutineer at the Voting Station

- (5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the by-election procedure, and in designating the place or places, the presiding deputy shall ensure that the candidate, official agent or scrutineer can observe any person making a statement under section 53(1)(b) or (2), 77 or 78.

CANDIDATES' SCRUTINEERS CONTINUED.....

- (6) When, in the provisions of this Act that relate to the by-election of a member of an elected authority, expressions are used requiring or authorizing an act or thing to be done or implying that an act or thing is to be done in the presence of an official agent, a scrutineer or a candidate, the expression is deemed to refer to the presence of those official agents and scrutineers
- a. that are authorized to attend, and
 - b. that have in fact attended at the time and place where that act or thing is being done, and if the act or thing is otherwise properly done, the non-attendance of an official agent or a scrutineer at that time and place does not invalidate it.

NOTE:

Enclosed in this package is a form (Form 10) that is acceptable to the Returning Officer and is provided for your convenience in the event you wish to appoint scrutineers. You may make copies of this Form 10 as required.

What is FOIP?

The *Freedom of Information and Protection of Privacy Act* aims to strike a balance between the public's right to know and the individual's right to privacy as related to information in the custody or under the control of the County. The law proclaimed in October 1995 came into effect for municipalities on October 1, 1999.

Access to Information

The *Act* legislates open and accountable government guaranteeing individuals the right to see their own information and other County records, with some specific exceptions. Exceptions apply where the release could

- Be an unreasonable invasion of another's privacy
- Cause harm to another person or organization
- Interfere with the public safety
- Harm law enforcement efforts

Privacy

The *Act* prevents others from seeing an individual's personal information without his/her consent and ensures that it is protected from unauthorized collection, use or disclosure. Under the *Act*, the County must follow strict guidelines for the use of personal information.

Are records of elected officials of municipalities excluded from the *FOIP Act*?

Personal or constituency records of a council member are excluded from the *Act*

- [Section 4(1)(m)]. This exclusion is intended to cover Records such as private correspondence of an elected official that has not been sent or received by the official in his or her capacity as a council member but which may be maintained in his or her office for convenience.
- Records relating to the by-election campaign of a council member (other than those records required to be submitted to the authority governing the by-election).
- Records relating to the private business activities of a council member.

Records dealing with the business of the municipality are covered by the *Act* even if they are stored at a Councillor's home.

For more information regarding FOIP and how it relates to you, contact Birch Hills County's FOIP Coordinator at 780-694-3793.

Excerpts from the Local Authorities Election Act R.S.A. 2000 (Section 148, 150 & 151)

- (148) (1) No person shall
- a. without authority supply a ballot to any person;
 - b. fraudulently put into a ballot box any paper other than a ballot that the person is authorized by this Act to deposit;
 - c. fraudulently takes a ballot out of the voting station;
 - d. without authority destroys, take, open or otherwise interfere with any ballot box or packet of ballots then in use for the purpose of an by-election.
- (2) No person shall
- a. request a ballot in the name of some other person, whether the name is that of a person living or dead or of a fictitious person; or
 - b. having voted once, request at the same by-election a ballot in the person's own name.
- (3) No person shall vote knowing that the person has no right to do so.
- (4) No person shall make or sign a false statement for any purpose related to an by-election or vote held or to be held under this Act.
- (5) No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the returning officer, indicating or showing it to be marked for any candidate or candidates.
- (6) Notwithstanding anything in this section, the returning officer may at any time after nomination day cause a facsimile of the ballot for Chief Elected Official, member of an elected authority, bylaw or question to be published as often as the returning officer considers necessary in a newspaper circulating in the area, for the information of the electors.
- (7) A person who contravenes subsection (1), (2), (3), (4) or (5) is guilty of an offence and liable to a fine of not more than \$10,000 or to imprisonment for not more than 6 months or to both a fine and imprisonment.
- (150) (1) Every returning officer, deputy, candidate, constable, official agent and scrutineer in attendance at a voting station shall maintain and aid in maintaining the secrecy of the voting at the voting station.
- (2) No person shall interfere with or attempt to interfere with an elector when the elector is marking the elector's ballot, or shall otherwise attempt to obtain at the voting station information as to which candidate or candidates any elector at that voting station is about to vote or has voted for.

Excerpts from the Local Authorities Election Act R.S.A. 2000 (Section 148, 150 & 151)

- (3) No person shall
 - (a) during the hours when a voting station is open, canvass or solicit votes in a building where the voting station is located, or
 - (b) make any communication to an elector in a voting station respecting the by-election otherwise than through the deputy.
- (4) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (3) applies only to the store, office or facility comprising the area used as a voting station.
- (5) No person shall display at the voting station or distribute or post in it a specimen ballot paper marked for a candidate or any other material purporting to explain to the electors how to vote or leave or post a ballot or other material in a voting compartment other than the material that is required to be posted in accordance with this Act.
- (6) No person shall communicate at any time to any person information obtained at a voting station as to which candidate any elector at that voting station is about to vote or has voted for.
- (7) No returning officer, deputy, official agent or scrutineer in attendance at the counting of the votes shall communicate or attempt to communicate any information obtained at that counting as to which candidate or candidates any vote is given for.
- (8) No person shall directly or indirectly induce an elector to display the elector's ballot, after the elector has marked it, so as to make known to any person the name of any candidate for whom the elector has or has not marked the elector's ballot.
- (9) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5,000 or to imprisonment for a term not exceeding 2 years, or to both a fine and imprisonment.

A candidate for elective office who signs a candidate's acceptance form that contains a false statement is guilty of an offence and liable to a fine of not more than \$1,000 (section 151).

APPENDIX A

County Councillor Remuneration Information

The elected position of a County Councilor is time consuming. There are four important tasks involved in carrying out the responsibilities which a Councilor performs on behalf of their constituents and for the County.

1. Attending meetings directly with County business, including regular and special Council meetings, and committee meetings as an appointed member (if not otherwise reimbursed).
2. Reading background documents related to effective participation in the debates and considerations before the Council, on-site observation of problems, and informal meetings with constituents.
3. Public relations obligations requiring attendance at special events where ratepayers are the predominant participants, social functions sponsored by ratepayers and external social functions.
4. Attendance at conferences, short courses, workshops, and other in-service activities.

Per Diem Guidelines

A per diem rate (daily), which includes honoraria and a general expense allowance, is established from time to time by the County Council. The Current rate is appended to this policy, as Exhibit A, Policy: Payment of Honorarium. The general expense allowance is intended to compensate Councilors for expenses incidental to the performance of duties, as detailed in Policy: Travel Expense Remuneration. A Councilor should not be otherwise compensated for these expenses.

For the purpose of applying the per diem rate, the following criteria apply:

1. Any qualifying meeting or meetings for consideration for per diem shall be at the rate of \$175.00 per day regardless of the length.
2. A Councilor may claim a second honorarium if two meetings are attended in one day.
3. Councilors will be paid a monthly reading fee in the amount of \$500.00.
4. When a meeting is scheduled to commence prior to 4:00 p.m. and travel to the meeting location is in excess of 4 hours, the representative may travel the day prior to the meeting and be entitled to all applicable honoraria and applicable expenses.
5. When a meeting ends after 2:00 p.m. and travel home will be in excess of 4 hours, the representative may choose to travel the day after the meeting and be entitled to all applicable honoraria and applicable expenses.

6. It is expected that all Councilors attend the RMA's Convention, Zone Meetings and Conferences.
7. With the exception of RMA events, the Council, Board or Committee will normally appoint only one member as a delegate to a Conference or Workshop. The delegate shall be responsible for reporting back to the appropriate body. In the event that a timeline does not allow for Council to approve attendance, the CAO may use discretion in selecting an appropriate member of Council to attend an event.
9. Attendance to all other conferences, workshops, or meetings shall be subject to prior approval of Council.
10. Elected Officials of Birch Hills County have the option of participating in the Council benefits package as designed for Elected Officials through the current benefit provider. Elected Officials shall pay the Councillor portion of the benefit as determined from time to time by the benefit provider. Coverage will commence November 1 of the by-election year or the 1st of the month following a by-election.
11. All statements of expenses and per diem entitlements are to be approved by the Reeve and reviewed by the County Administrator.

Remuneration Summary- Exhibit A (Effective March 9, 2011)

Council Per Diem Rate Schedule

	General Expense Honorarium
A. <u>Council Meetings</u>	
• Reeve	\$175.00/Day
• Councillor	\$175.00/Day
B. <u>Committee Meetings</u>	\$175.00/Day
C. <u>Convention or Other Meetings</u>	\$175.00/Day
D. <u>Monthly Reading Fee</u>	\$500.00/Month

Travel Expense Rate Schedule

- A. Mileage Rate for travel on County business, using own personal vehicle, other than for regular and special Council meetings
\$0.50/kilometer
- B. Mileage Rate for travel to regular and special Council meetings (taxable at source)
\$0.50/Kilometer
- C. Meals (no receipt required), for travel away from principal place of residence requiring an overnight stay, to a temporary work site. Not taxable, as considered reasonable.
\$52.00/day (plus GST)
- D. Accommodation allowance for travel away from principle place of residence requiring an overnight stay, to a temporary work site. The County will only reimburse for a standard room.
\$250.00/day maximum
- E. Other including economy class airfare, cab fare, registration fees, if applicable (receipts required). Not taxable as is a reimbursement.

* Note that airfare and conference registration fees are normally paid directly by Birch Hills County.*

Other Remunerations

- A) Development Appeal Board (per diem)- \$175.00
- B) Mileage \$0.50/kilometer
- C) Members Appointed at Large- to the Recreation Boards and County Library Board, for regular meetings only, \$100.00 per diem and \$0.50 per kilometer for mileage.

The following forms must be included with your Nomination Papers:

- Nomination Paper and Candidate's Acceptance
- Authorization for Release of Personal Information
- Application for Registration of Notice of Intent to Become a Candidate for Municipal Office
- Self-Funded Campaign Voluntary Statement

The following forms have been included for your convenience:

- Appointment of Candidate's Scrutineer

A full list of election Forms is available on the Municipal Affairs website.
<http://municipalaffairs.alberta.ca/-election-forms>



Nomination Paper and Candidate's Acceptance

Local Authorities Election Act
(Sections 12, 21, 22, 27,
47, 151) School Act
(Section 44(4))

Local Jurisdiction: **Birch Hills County, Province of Alberta**

We, the undersigned electors of Birch Hills County, nominate

_____ of _____
 (Candidate's Surname) (Given Names) (Street Address or Legal Land Description of Candidate's Residence)

as a candidate at the by-election about to be held for the office of **Councillor, Ward _____** of Birch Hills County.

Signatures of at least **5 ELECTORS ELIGIBLE TO VOTE** in this by-election in accordance with Sections 27 and 47 of the *Local Authorities Election Act*.

Printed Name of Elector	Complete Address (Legal Land or Street) and Postal Code of Elector	Signature of Elector

Candidate's Acceptance

- I, the above-named candidate, solemnly swear (affirm):
- THAT I am eligible under Sections 21 and 47 (and Section 12, in the case of summer villages) of the *Local Authorities Election Act* and Section 44(4) of the *School Act* (if applicable) to be elected to the office;
 - THAT I am not otherwise disqualified under Section 22 of the *Local Authorities Election Act*;
 - THAT I will accept the office if elected;
 - THAT I have read Sections 12, 21, 22, 23 27, 47, 68.1, 147.11, 147.2, 147.21 and 151 of the *Local Authorities Election Act* and Section 44(4) of the *School Act* (if applicable) and understand their contents; and
 - That I am appointing:

 (Name, Contact Information or Complete Address, Postal and Telephone Number of Official Agent) (If applicable) as my official agent.



Nomination Paper and Candidate's Acceptance Continued.....

Print name as it should appear on the ballot:

(Candidate's Surname) (Given Names {may include nicknames, but not titles, i.e.,

Mr. Mrs. Dr.}) SWORN (AFFIRMED) before me

at the _____ of _____,
in the Province of Alberta,
this ____ day of _____, 2018.

(Candidate's Signature)

(Signature of Returning Officer or
Commissioner for Oaths)

It Is an Offence to Sign a False Affidavit or a Form That Contains a False Statement

Note: The personal information that is being collected under the authority of the *Local Authorities Election Act* will be used for the purposes under that Act. It is protected by the privacy provisions of the *Freedom of Information and Protection of Privacy Act*. If you have any questions about the collection, contact the FOIP Coordinator at (780) 694-3793.



Authorization for Release of Personal Information

Birch Hills County may receive requests for personal information regarding candidates running for County Councillor in the 2018 Municipal By-election from organizations, individuals, and media. The *Local Authorities Election Act*, Section 28 (4) states:

After 12:00 noon on nomination day, a person eligible to vote in the by-election may request to examine the filed nominations during regular business hours and in the presence of the returning officer.

The County, therefore, **can** release the information as stated on the nomination forms but **cannot** release personal information such as mailing address or telephone number without the candidate's consent.

Please fill in the information that you will allow to be released.

Please print clearly as this will be printed on the ballots.

Name: _____

Mailing Address: _____

Home Phone: _____

Work Phone: _____

Cell Phone: _____

Fax: _____

E-mail: _____

DISCLAIMER

I, _____,
as a potential candidate for the position of Councillor, give permission for my name and telephone number to be released for publication purposes, both to the media and to Birch Hills County for use on their website.

Signature

Date

The personal information requested on this form is being collected for the purpose of the 2018 Municipal By-election, under the authority of the Freedom of Information and Protection of Privacy (FOIP) Act and is protected by the FOIP Act. If you have questions about the collection of this information, contact the County's FOIP Coordinator at (780) 694-3793.



APPOINTMENT OF CANDIDATE'S SCRUTINEER

Local Jurisdiction: **Birch Hills County, Province of Alberta**

BY-ELECTION DATE: **October 15th, 2018**

TO: PRESIDING DEPUTY RETURNING OFFICER

I, _____
(Name of Candidate) PLEASE PRINT
hereby appoint

_____ to act as my Scrutineer in
(Name of Scrutineer) PLEASE PRINT

Ward: _____

VOTING STATION: _____
(Hall Name)

(Signature of Candidate)

(Date of Appointment)



SELF-FUNDED CAMPAIGN VOLUNTARY STATEMENT

Full Name of Candidate: _____

Candidate for By-election for the Office of: Birch Hills County

This is to confirm that I will fund my campaign completely from my own personal resources to an amount that does not exceed \$10,000 and will not accept campaign contributions from any other person or entity. Therefore, pursuant to section 147.11 of the *Local Authorities Election Act*, R.S.A. 2000, I am not filing a Campaign Disclosure Statement or Financial Statement Form 21.

Signature of Candidate

Date

Your personal information is being collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act* and will be used to confirm the declaration of a self-funded campaign as defined under the *Local Authorities Election Act*.

If you have any questions about the collection or the use of your personal information, contact the Returning Officer at the County Administration Building by phone at 780-694-3793 or email shelleyb@birchhillscounty.com.