

# 2017 School Board Elections Information Package

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# PREFACE

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The *Local Authorities Election Act, Revised Statutes of Alberta 2000, Chapter L-21 (LAEA)* provides a standardization of election procedures for all local authorities. Local authorities include villages, towns, counties, municipal districts and school boards. The *LAEA* is available from the Queen's Printer at:

[www.qp.alberta.ca/1266.cfm?page=L21.cfm&leg\\_type=Acts&isbncln=9780779769339](http://www.qp.alberta.ca/1266.cfm?page=L21.cfm&leg_type=Acts&isbncln=9780779769339).

This information package has been developed to assist school boards in conducting an election in accordance with the *LAEA*, the *School Act* and any other relevant regulations and legislation. It is important to note that this package is intended to be used as a reference for returning officers who are planning an upcoming school board election, by-election, or vote on a question or bylaw. There have not been any changes to the *LAEA* since the 2013 general election.

Whenever the *LAEA* directs a jurisdiction to contact or advise the Minister or Deputy Minister, school boards should contact the Business Operations and Stakeholder Support (BOSS) Branch of Alberta Education.

Please contact either of the following if you have questions about local authority elections:

Business Operations and Stakeholder Support Branch  
8<sup>th</sup> Floor, Commerce Place  
10155 – 102 Street  
Edmonton, AB T5J 4L5  
**Phone:** 780-427-2055

Capacity Building Organizational Unit  
Alberta Municipal Affairs  
17<sup>th</sup> Floor, Commerce Place  
10155 – 102 Street  
Edmonton, AB T5J 4L4  
**Phone:** 780-427-2225

# IMPORTANT DATES

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## 2017 School Board General Elections

- Prior to March 1 [Section 262\(1\) to \(8\), School Act](#)  
Amend or replace a bylaw providing for the nomination and election of trustees by wards or electoral subdivisions
- Prior to March 18 [Section 53\(3\), \(4\) and \(5\), LAEA](#)  
Pass a bylaw to provide for the number of types of identification required for a person to produce to verify the person's identity
- Prior to April 15 [Section 118\(2\), LAEA](#)  
Pass a bylaw that requires candidates prepare and disclose campaign contributions.
- Monday, June 19 [Section 190, School Act](#)  
Last day to give public notice of the board's intention to consider a resolution to authorize holding a plebiscite to obtain approval to impose a special school tax levy.
- Prior to June 30 [Section 11\(2\), LAEA](#)  
Pass a bylaw to provide that the election day in the local jurisdiction is to be the Saturday immediately preceding the third Monday in October.
- [Section 27\(2\), LAEA](#)  
Pass a bylaw specifying the minimum number of electors required to sign the nomination of a candidate for a local jurisdiction with a population of at least 10,000.
- [Section 28\(2\), LAEA](#)  
Pass a bylaw to receive earlier nominations and to establish additional locations to receive nominations.
- [Section 46\(1\) and \(2\), LAEA](#)  
Pass a bylaw to provide that a voting station is to be opened before 10:00 a.m.
- Prior to August 18 [Section 190, School Act](#)  
Pass a resolution to authorize holding a plebiscite to obtain approval to impose a special school tax levy.

## Important Dates

- Prior to August 19 [Section 29\(1\), LAEA](#)  
Pass a bylaw requiring every nomination be accompanied with a deposit in a fixed amount.
- Prior to August 21 [Section 43\(3\), LAEA](#)  
Pass a bylaw for the printing of ballots.
- Monday, September 4 [Section 26\(1\), LAEA](#)  
Provide for first notice of nomination day in the prescribed form and methods.
- Monday, September 11 [Section 26\(1\), LAEA](#)  
Provide for second notice of nomination day in the prescribed form and methods.
- Tuesday, September 12 Confirm all materials for nomination day (not legislated).
- Prior to September 18 [Section 33\(1\), LAEA](#)  
Pass a bylaw for provisions of the death of a candidate who has been nominated.
- [Section 77.1, LAEA](#)  
Pass a resolution to provide for special ballots and the provision methods.
- [Section 77.2, LAEA](#)  
Pass a resolution to set an earlier date and time for the returning officer to receive an outer envelope.
- Monday, September 18 [Section 25, LAEA](#)  
**Nomination Day**
- Tuesday, September 19 [Section 28\(6\), LAEA](#)  
The returning officer shall forward a signed statement showing the candidate's name/information. Submit to Education's BOSS Branch.
- Wednesday, September 20 Order/confirm election materials (not legislated).
- Thursday, September 21 [Section 35, LAEA](#)  
Prepare notice of election form (Form 4) as required.
- [Section 74, LAEA](#)  
Prepare notice of advance vote.

## Important Dates

- Monday, October 2 [Section 35, LAEA](#)  
Provide for the first notice of election day in the prescribed form and methods.
- Monday, October 9 [Section 35, LAEA](#)  
Provide for the second notice of election day in the prescribed form and methods.
- Saturday, October 14 [Section 73, LAEA](#)  
Last day for holding advance vote.
- Monday, October 16 [Section 11, LAEA](#)  
**Election Day**
- Wednesday, October 18 [Section 98, LAEA](#)  
Last day for candidate to request a returning officer to recount ballots.
- Friday, October 20 [Section 97, LAEA](#)  
The returning officer shall declare the official election results at noon.
- Friday, November 3 [Section 103, LAEA](#)  
Last day for an elector to request a judicial recount.
- Monday, November 13 [Section 64, School Act](#)  
Last day for the school board to hold an organizational meeting.
- Monday, November 27 [Section 101, LAEA](#)  
Election material shall be destroyed unless otherwise ordered by a judge.

# IMPORTANT BYLAW & RESOLUTION TIMELINES

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**Prior to March 1, 2017**

## **Section 262(1) to (8) of the *School Act***

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Election for trustees of the board of a district or division, with the approval of the Minister, may by bylaw amend or replace its bylaw providing for the nomination and election of trustees by wards or electoral subdivisions (as applicable) or provide for the nomination and election of trustees by wards or electoral subdivisions, as the case may be.

A bylaw passed under this section, or any bylaw that amends or replaces it, does not apply to the general election next following the passing of the bylaw, unless it is passed before March 1 in the year in which that general election is held, and does not apply to or affect the composition of the board until the date of the next general election to which the bylaw applies.

Note: School divisions must pass a bylaw that identifies all applicable sections of the *School Act* when rearranging the division's wards (i.e., Section 210(d) and Section 247(3) if applicable, Section 262(5), and Section 262(6)).

**Prior to  
March 18, 2017  
(Nomination Day is  
September 18, 2017)**

## **Section 53(3), (4) and (5) of the *LAEA – Proof of Elector Eligibility***

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An elected authority may, by a bylaw passed no later than six months prior to nomination day of a year in which an election is to be held, provide for the number of types of identification that are required to be produced by a person to verify the person's identity and age for the purpose of determining whether the person is eligible to vote.

An elected authority may, by a bylaw passed no later than six months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person who wishes to vote by a special ballot to verify the person's identity and age for the purpose of determining whether the person is eligible to vote.

## Important Bylaw & Resolution Timelines

When an elected authority intends to pass a bylaw under subsections (3) and (4), it must:

- a) advertise the proposed bylaw in accordance with Section 53.1;
- b) include in the notice of election day, under Section 35, the proposed number and types of identification to be required.

### **Prior to April 15, 2017**    **Section 118(2) of the LAEA – Allowable Election Expenses**

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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.

### **Prior to June 20, 2017**    **Section 190 of the School Act – Special School Tax Levy**

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Provides that a board, by resolution at least 60 days (prior to August 18, 2017) before election day in a year in which a general election will be held, may authorize holding a plebiscite to obtain approval of the electors of the district or division to impose a special school tax levy.

Section 190 also mandates that a board, at least 60 days before the board intends to consider a resolution, shall give public notice of its intention to consider the resolution. The latest date that public notice can be given is June 19, 2017.

For additional information, please review the Special School Tax Levy Information Package:  
[education.alberta.ca/school-board-elections/special-school-tax-levy/everyone/regulations/](http://education.alberta.ca/school-board-elections/special-school-tax-levy/everyone/regulations/).

**Prior to June 30, 2017**

**Section 11(2) of the LAEA – Election Day**

An elected authority may, by a bylaw passed prior to June 30 of a year in which a general election is to be held, provide that the election day in the local jurisdiction is to be the Saturday immediately preceding the third Monday in October.

**Section 27(2) of the LAEA – Form of Nomination**

Notwithstanding the requirements of Section 27(1), a board of trustees of a local jurisdiction with a population of at least 10,000 may, by a bylaw passed prior to June 30 of a year in which a general election is to be held, specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be at least five and not more than 100.

**Section 28(2) of the LAEA – Nominations**

An elected authority may, by a bylaw passed prior to June 30 of a year in which an election is to be held, provide that the returning officer:

- a) may receive nominations earlier than 10 a.m.; and
- b) may establish locations, in addition to the local jurisdiction office, where a deputy may receive nominations.

**Section 46(1) and (2) of the LAEA – Voting Hours**

On election day, every voting station shall be opened promptly at 10:00 a.m. and be kept open continuously until 8:00 p.m. However, an elected authority may, by way of a bylaw passed prior to June 30 of a year which an election is to be held, provide that the voting station is to be open before 10:00 a.m.

**Prior to  
August 18, 2017**

**Section 29(1) and (2) of the LAEA –  
Candidate’s Deposit**

An elected authority may, by a bylaw passed not fewer than 30 days before nomination day, require that every nomination be accompanied with a deposit in the amount fixed in the bylaw. An amount fixed in a bylaw may not exceed:

- a) \$1000, in the case of a local jurisdiction with a population of more than 10,000; or
- b) \$100, in any other case.

**Prior to  
August 21, 2017**

**Section 43(3) of the LAEA – Contents of Ballot**

If an elected authority passes a bylaw two months before an election that provides that:

- a) ballots shall be printed in as many lots as there are candidates for the office;
- b) in the first lot the names of the candidates shall appear in alphabetical order;
- c) in the second lot, the names shall appear in the same order, except the first name in the first lot shall be placed last;
- d) in each succeeding lot, the order shall be the same as that of the preceding lot, except that the first name in the preceding lot shall be placed last; and
- e) tablets of ballots to be used at each voting station shall be made up by combining ballots from the different lots in regular rotation so that no two consecutive electors may receive ballot papers from the same lot and so that each candidate's name shall appear first and in each other position substantially the same number of times on the ballots used, then the ballots used in an election while the bylaw is in force shall be in the form described in this subsection.

**During the Weeks of  
September 4, 2017, and  
September 11, 2017**

**Section 26(1) of the LAEA – Notice of  
Nomination Day**

The returning officer shall give notice of nomination day in the prescribed form by publishing a notice at least once a week in each of the two weeks before nomination day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before nomination day.

**Prior to  
September 18, 2017**

**Section 33(1) of the LAEA – Death of Candidate**

An elected authority may, by a bylaw passed prior to nomination day, provide that if, prior to the opening of the voting stations on election day, a candidate for an elected authority dies after being nominated:

- a) the election for the position for which the deceased candidate was nominated shall be discontinued, and
- b) the elected authority shall as soon as practicable provide for the holding of a new election for that office.



**Section 77.1(2), (2.1), (2.2), (2.3) and (2.4) of the LAEA – Vote by Special Ballot**

An elected authority may, by resolution passed prior to nomination day, provide for special ballots and provide that the application for special ballots may be made in a number of ways (see Section 77.1 and 77.2 in its entirety). If such a resolution is passed, the elected authority must notify the Minister of the resolution by nomination day (September 18, 2017).

**Section 77.2(3.1) of the LAEA**

An elected authority may, by resolution, set a time and date earlier than the closing of the voting station on election day for when an outer envelope must be received by a returning officer.

**September 18, 2017, and  
September 19, 2017**

**Section 28(1) and 28(6) of the LAEA – Nominations**

The returning officer shall receive nominations at the local jurisdiction office between 10 a.m. and 12 noon on nomination day.

Twenty-four hours after the close of nominations on nomination day, the returning officer shall, as soon as practicable, forward a signed statement showing the name of each nominated candidate and any information about the candidate that the candidate has consented to being disclosed to the relevant Minister's Deputy Minister. Please forward this information or a copy to BOSS.

**During the Weeks of  
October 2, 2017, and  
October 9, 2017**

**Section 35(2) of the LAEA – Notice of Election**

If an election is required, the returning officer shall give notice of it in the prescribed form by publishing a notice at least once a week in each of the two weeks before election day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before election day.

**October 20, 2017, at  
12 noon**

**Section 97(1) to (4) of the LAEA –  
Declaration of Election Results**

The returning officer may publish unofficial results of the counting of ballots after an election as the results are received from voting stations.

## Important Bylaw & Resolution Timelines

The returning officer shall, at 12 noon on the fourth day after election day, at the office of each local jurisdiction for which an election was held:

- a) announce or cause to be announced; or
- b) post or cause to be posted

a statement of the results of the voting for candidates, including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected.

The returning officer shall, if the result was announced, post in some conspicuous place a statement signed by the returning officer showing the number of votes for each candidate.

The returning officer shall forward a signed statement showing the number of votes for each candidate and indicate each candidate declared to be elected to the secretary and the relevant Minister's Deputy Minister.

The returning officer shall forward a signed statement (Form A, [education.alberta.ca/media/159573/form-a-official-election-results.pdf](http://education.alberta.ca/media/159573/form-a-official-election-results.pdf)) showing the number of votes for each candidate and indicate each candidate declared to be elected to the secretary and the relevant Minister's Deputy Minister.

Please forward this information to BOSS.

**Prior to  
November 14, 2017**

### **Section 64(1) of the *School Act* – Organizational Meeting**

The organizational meeting of a board, in any year in which a general election takes place, shall be held within four weeks following the date of that election at a time and place to be fixed by the secretary of the board. The Secretary-Treasurer shall submit Form B – Report of Organizational Meeting ([education.alberta.ca/media/159574/form-b-report-of-organizational-meeting.pdf](http://education.alberta.ca/media/159574/form-b-report-of-organizational-meeting.pdf)) to BOSS.

# BYLAWS & RESOLUTIONS WITH NO SPECIFIC STATUTORY TIMELINE

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Unless otherwise stated, all section references are to the LAEA.

## Joint Elections

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**S. 2(2) & 3(1)**

An elected authority may, by resolution, enter into an agreement with one or more elected authorities in the same area for the conduct of an election. An elected authority may, by resolution, enter into an agreement for the conduct of an election with one or more elected authorities of local jurisdictions that do not have contiguous boundaries but do have areas in common.

## Appointment of Returning Officers

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**S. 13(1)**

An elected authority may, by resolution, appoint a returning officer for the purposes of conducting elections.

## Voting Subdivisions

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**S. 36(1)**

The elected authority, by resolution, or the returning officer if authorized by resolution of the elected authority, may divide the local jurisdiction into voting subdivisions and may from time to time alter its boundaries but may not alter them between the time of the giving of notice of an election and the election day.

## Voting Stations

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**S. 37(1)**

The returning officer shall designate the location of one voting station only for each voting subdivision, and the location may be outside the area. The *Modified Voting Procedure Regulation*, as amended, provides that the returning officer of an elected authority that has passed a bylaw in accordance with Section 160(2) of the LAEA may designate the locations of more than one voting station for a voting subdivision.

### Form of Ballot

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- S. 44(1)** If there is to be a vote on a bylaw or question, the elected authority by resolution:
- a) must determine the wording to be used on the ballot; and
  - b) may determine the form of the ballot.

### List of Electors

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- S. 50(1)** The elected authority, if it so desires, may by bylaw:
- a) direct the secretary or returning officer to prepare a list of electors who are entitled to vote in an election; and
  - b) prescribe procedures and forms governing the enumeration of electors and provide for the use of information from a permanent electors register, if any.

### Advance Vote

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- S. 73(1), (2) & (3)** An elected authority may, by resolution, provide for holding an advance vote on any vote to be held in an election. No advance vote shall be held within 24 hours of election day. If a resolution is enacted under Section 73(1), the returning officer must determine the days and hours when the advance vote is to be held.

### Notice of Advance Vote

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- S. 74(1) & (2)** Notice of the days, the locations of the voting stations and the hours fixed for an advance vote shall be given in the form prescribed for use under Section 35 by publishing a notice at least one week before the date set for the advance vote in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before the date set for the advance vote.

### Incapacitated Elector at Home

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- S. 79(1)** An elected authority may, by resolution, provide for the attendance of two deputies at the residence of an elector during the hours an advance voting station is open or other times as may be fixed by resolution in order to take the votes of an elector who, because of physical incapacity, is unable to attend a voting station or an advance voting station to vote.

### **Institutional Vote Eligibility and Staff**

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- S. 80(1)** An elected authority, by resolution, or the returning officer, if authorized by resolution of the elected authority, may designate the location of one or more institutional voting stations for an election in addition to voting stations designated under Section 37.

### **Voting Machines**

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- S. 84(1)** An elected authority may by bylaw provide for the taking of the votes of the electors by means of voting machines, vote recorders or automated voting systems.

# IMPORTANT ISSUES TO CONSIDER DURING SCHOOL BOARD GENERAL ELECTIONS

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Unless otherwise stated, all section references are to the *LAEA*.

## Joint Elections

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An elected authority may, by resolution, enter into an agreement for the conduct of an election with the authority of another jurisdiction. The elected authorities who wish to conduct joint elections must be within local jurisdictions that have areas in common, and must pass a resolution to enter into a joint election agreement.

Any agreement made under Section 3 of the *LAEA* must clearly specify which local authority is responsible for conducting the election. Each local authority must appoint a returning officer for the election, and they may appoint one single person to act as a returning officer for each authority.

## Qualifications of Trustees

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Section 22 and Section 22(1.1) of the act provide that an employee of a school jurisdiction, charter school or private school is not eligible to be nominated as a candidate for election on a school board on nomination day unless that person takes a leave of absence under Section 22. An employee referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may notify his/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 Section 22(5.1). A school jurisdiction, charter school or private school must grant every application for leave it receives.

Depending on whether a candidate is elected, Section 22(8) to (12) may apply.

## Pecuniary Interest of Trustees

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Section 80 of the *School Act* defines what constitutes a pecuniary interest. The pecuniary interest of the trustee's spouse or adult interdependent partner is the pecuniary interest of the trustee.

An adult interdependent partner is defined in the *Adult Interdependent Relationships Act* (Section 3) as an individual with whom a person has lived in a relationship of interdependence for a continuous period of not less than three years, or of some permanence, if there was a child of the relationship by birth or adoption, or the person entered into an adult interdependent partner agreement.

## Important Issues to Consider During School Board General Elections

In addition, in accordance with Section 81 of the *School Act*, each trustee must now file a statement with the secretary of the board showing the names and employment of the trustee and the trustee's spouse and children; the names of the corporations, partnerships, firms, governments or persons in which the trustee has a pecuniary interest; and the names of the corporations, partnerships, firms, governments or persons in which the trustee's spouse or children, under 18 years of age, have a pecuniary interest.

### Residence

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There are two distinct dimensions to determining a person's place of residence, as determined in Section 48 of the *LAEA*.

Minority faith education rights are guaranteed under the *Constitution of Canada*. They are also ensured through provincial legislation in Section 17 of the *Alberta Act, 1905*, which guarantees the constitutional right of the minority religious group, either Protestant or Roman Catholic, to establish a separate school district. The Government of Alberta and the *School Act* recognize one publicly funded system of education in Alberta whose primary mandate is to provide education programs to students through two dimensions – public schools and separate schools.

When a separate school district is formed, it is amalgamated with an existing separate school jurisdiction within the relevant separate school region. The persons of the same faith as those who formed the separate school district become residents of the separate school district and are not residents of the public district. Furthermore, when a separate school district exists and the faith of an individual is the same as the faith of those who established the separate school district, the property of that individual is assessable for separate school purposes, as indicated in Section 154 of the *School Act*. The concept of residence by faith is addressed in Section 44(4) of the *School Act*.

### Section 47 – Eligibility to Vote

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To be eligible to vote, a person must first be qualified as an elector. Section 47 sets out the criteria of an elector as a person with the following characteristics:

- a) is at least 18 years old;
- b) is a Canadian citizen; and
- c) has resided in Alberta for the six consecutive months immediately preceding election day and the person's place of residence is located in the area on election day.

### Section 21 – Qualification of Candidates

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Section 21 addresses the time period qualification required for residence. Before seeking office as a trustee, a candidate must have been a resident of the local jurisdiction and ward, if any (except in school districts situated wholly or partly within a city), for the six consecutive months immediately preceding nomination day. Similar to

## Important Issues to Consider During School Board General Elections

voting rules, candidates must satisfy both residence requirements as described above when a separate school district exists.

Sections 22 and 23 describe circumstances that deem a candidate ineligible.

### Section 48 – Rules of Residence

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In the context of physical residence, the following rules apply to residence:

- (1)(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 the purposes of this act;
  - (b) the residence of a person is the place where that 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 (e), a student who:
    - (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 purposes 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 licence or motor vehicle operator's licence 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.

Section 48(2) further states that 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 the *LAEA*.

Where a separate school district/division/regional division exists, the residents of that school district/division/regional division (the persons who reside within the boundaries of that district/division/regional division and who are of the same faith as those who



## Important Issues to Consider During School Board General Elections

established the district/division/regional division) are electors of the separate school district/division/regional division and elect trustees to the separate school board. All others are electors of the public school district/division/regional division and elect trustees to the public board.

Separate and public school jurisdiction boundary maps are available on Alberta Education's website at [education.alberta.ca/boundary-maps/types-of-maps](http://education.alberta.ca/boundary-maps/types-of-maps) to assist you in determining the boundaries of each jurisdiction.

### Section 44 – School Act

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This section states that, where a separate school district is established, an individual residing within the boundaries of the separate school district who is of the same faith as those who established the district, whether Protestant or Roman Catholic, is a resident of the separate school district and is not a resident of the public school district. This section, in conjunction with other relevant sections of the *LAEA* (Section 48(2)(3)), establishes that where a separate school district exists, those persons who are of the same faith as those who established the separate school district are eligible to vote for a separate school district trustee. All others are eligible to vote for a public school trustee. Eligibility to vote for a trustee for a particular system is determined by faith. If you have children attending the public system but are a separate school elector, you must vote for a separate school trustee.

### Voting Register

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Electors use the voting register as a prescribed form to make a statement of eligibility to vote. It outlines the criteria that must be satisfied by all prospective voters. It also requires that, where applicable, a prospective voter indicate his/her eligibility to vote for either a public or separate school trustee.

A person of the Roman Catholic faith is defined as someone who is in communion with the See of Rome. A person of the Protestant faith is someone who is a Christian and not a Roman Catholic.

#### Impact of Voting Register

Separate school jurisdictions always share a geographical area with public school jurisdictions. People living in the shared geographical area are eligible to vote for a trustee of either the separate or the public school jurisdiction. They are not eligible to vote for a trustee for both jurisdictions.

As previously discussed, faith determines a person's eligibility to vote for a trustee of a particular system. However, there is one exception to this rule. Eligible Francophone electors can vote in both the Francophone regional authority and the public or separate school authority. Section 256(4) of the *School Act* states that a person eligible to vote in an election for a board other

## Important Issues to Consider During School Board General Elections

than a regional authority and in an election for a regional authority may exercise the right to vote in both elections.

### Electoral Structure

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Elections are a fundamental element of democratic governance. They grant individuals an equal voice and foster community involvement in the delivery of education. An informed and effectual board of trustees must be comprised of community representatives. The *School Act* and *LAEA* allow school authorities to design electoral structures that best serve the demographic and geographical makeup of their respective education communities.

Section 262 of the *School Act* allows school authorities to elect trustees at large or by wards. When elections are at large, all persons residing in the school authority's geographical area vote for all candidates.

Wards subdivide the total geographical area of the school authority into smaller geographical units. Persons who reside in a particular ward vote for a candidate to represent the ward in which they reside.

Section 262 of the *School Act* also permits divisions and regional divisions to subdivide wards into electoral subdivisions. Electoral subdivisions further divide wards into smaller geographical units. Persons who reside in a particular electoral subdivision vote for a candidate to represent the subdivision in which they reside.

Further confirming the above provisions, Section 47 of the *LAEA* requires that, where wards or electoral subdivisions are established, a person is only eligible to vote in the ward or electoral subdivision in which the person resides.

In addition to wards and electoral subdivisions, voting subdivisions may be established (Section 36 of the *LAEA*). Voting subdivisions further divide the wards or electoral subdivisions into smaller geographical areas for the taking of votes.

Candidates for office (except in the case of cities and Francophone authorities) must reside in the ward or electoral subdivision they wish to represent. Candidates do not represent voting subdivisions.

### Electoral Structure Impact

No matter the electoral structure—election at large, by ward or electoral subdivision—candidates and electors must meet the residence requirements of both Section 21 of the *LAEA* and Section 44 of the *School Act*.

### Special School Tax Levy

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Section 190(1) of the *School Act* provides that a board, by resolution passed at a public meeting of the board, at least 60 days before election day in a year in which a general election will be held, may authorize holding a plebiscite to obtain approval of the electors of the district or division to impose a special school tax levy. August 17, 2017, is the latest date such a resolution can be passed.

Section 190(2) of the *School Act* mandates that a board, at least 60 days before the board intends to consider a resolution, shall give public notice of its intention to consider the resolution. June 19, 2017 is the latest date that public notice can be given.

#### Special School Tax Levy Impact

Section 190(1) states that a board may hold a plebiscite of the electors. Electors must be 18 years of age, Canadian citizens and a resident in Alberta for six consecutive months before the election (and as defined in Section 44 of the *School Act*).

The ballot to be used for a plebiscite for a special school tax levy is set out in the *Special School Tax Levy Plebiscite Regulation, A.R. 94/1998* (as amended). It asks electors to indicate whether or not they approve of the special school tax levy.

If the plebiscite receives a “yes” vote from more than 50 per cent of the electors, the special school tax levy will be imposed on the declared property contained in the geographical area governed by the school authority for education purposes.

For additional information on this process, please refer to the Special School Tax Levy Information Package at [education.alberta.ca/school-board-elections/special-school-tax-levy/everyone/special-school-tax-levy-overview/](http://education.alberta.ca/school-board-elections/special-school-tax-levy/everyone/special-school-tax-levy-overview/). This document contains the process, links and contact numbers for a number of questions regarding the levy.

### Petition for Plebiscite to Withdraw a Ward from a Regional Division

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According to Section 228 of the *School Act*, four years after the establishment of a regional division, the electors residing in a ward in the regional division may petition the division’s board to provide for a plebiscite to determine whether or not the ward should be withdrawn from the regional division.

The petition must be signed in accordance with the regulations and forwarded to the secretary of the board; a copy of the petition must also be forwarded to the Minister. If the petition meets the requirements under Section 263 of the *School Act*, the board shall provide for a plebiscite to be conducted in the ward at the next general election and specify the questions, in accordance with the regulation, that are to be determined by the plebiscite.

## Important Issues to Consider During School Board General Elections

The *Withdrawal of Ward Plebiscite Regulation, A.R. 27/2004* (as amended) was enacted under Section 235 of the *School Act* to provide a process to follow when a ward wishes to withdraw from a regional division.

If the majority of the electors vote in favour of withdrawing the ward from the original regional division, the electors of the ward, as required by Section 229 of the *School Act*, elect three representatives who are residents of the ward and who will negotiate with another board of a district or division for the purpose of adding all lands in the ward to another existing district or division.

The negotiations must be successfully completed by April 30 of the year following the year in which the plebiscite is held. If the representatives cannot negotiate an agreement with an existing district or division by April 30, the ward remains with the regional division.

If, as a result of successful negotiations relating to the addition of the ward to a regional division, district or school division, the proposed recipient of the ward has passed a resolution approving the addition of the ward to that district or division, the Minister shall, by order, take all the lands in the ward out of the original regional division and add all lands in the ward to the district or division proposed as the recipient of the ward.

In the event that a plebiscite is not successful, no further petition can be presented to the board until the expiry of six years following the date the board received the petition that initiated the plebiscite and the ward remains within the original regional division.

# FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY (FOIP) ACT CONSIDERATIONS

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School boards, including Francophone regional authorities, are subject to the *FOIP Act* as local public bodies. This act requires local public bodies (as defined in the *FOIP Act* and including municipalities), when collecting personal information as defined in Section 1(n), provide a specific notice to the individual whose information is being collected. Section 34(2) of the *FOIP Act* requires that the notice include the following elements:

- a) the purpose for which the information is collected;
- b) the specific legal authority for the collection; and
- c) the title, business address and business telephone number of an officer or employee of the public body who can answer the individual's questions about the collection.

For further information/clarification, please contact your jurisdiction's designated FOIP Coordinator.

# PART 1 – ELECTION PROCEDURE

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Unless otherwise stated, all section references are to the *LAEA*.

## **General Elections**

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- S. 10 & 11** A general election is an election held for all the members of all elected authorities. They are held at four-year intervals (e.g. 2017, 2021).

Each elected member holds office for four years from the time of the organizational meeting following the general election.

## **Joint Elections**

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- S. 2 & 3** An elected authority may, by resolution enter into an agreement for the conduct of an election with the authority of another jurisdiction. The elected authorities who wish to conduct joint elections must be within local jurisdictions that have areas in common, and must pass a resolution to enter into the joint election agreement.

## **Returning Officer**

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- S. 13** Section 13 – The returning officer is responsible for running a local authority election. The secretary of each elected authority is the returning officer unless the elected authority passes a resolution appointing a person other than the secretary.
- S. 13.1(1)** A returning officer must be independent and impartial when performing his/her duties.

## **Duties of Returning Officer**

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- S. 14** The returning officer shall appoint a presiding deputy, deputies, constables and other persons as required. The returning officer must designate at least two deputies to work at each voting station, one of whom shall be designated as the presiding deputy, who is to be in charge of the voting station.

## **Presiding Deputy**

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- S. 14.1** The presiding deputy shall carry out his/her duties under the Local Authorities Election Act and any other duties that a returning officer assigns.

### Oath of Office

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**S. 16(1)** Before commencing any of their duties, the returning officer must take and subscribe to the official oath in the prescribed form.

**S. 16(2)** Every deputy, enumerator, scrutineer and constable must subscribe to a statement in the prescribed form before performing the duties of that office.

### Election of Employees

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**S. 22 & 22(1.1)** An employee of a school jurisdiction, charter school or private school is not eligible to be nominated as a candidate for election on a school board on nomination day unless that person takes a leave of absence under Section 22. An employee referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may notify his/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 Section 22(5.1). A school jurisdiction, charter school or private school must grant every application for leave it receives.

Depending on whether a candidate is elected, Sections 22(8) to (12) may apply.

### Bylaw or Question

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**S. 7** If the *LAEA* or any other act provides for the submission of a bylaw or question to the electors or proprietary electors for their assent or approval, the bylaw or question shall be submitted to a vote in accordance with the *LAEA*.

### Nomination Day

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**S. 25** Nomination day for each general election shall be four weeks before the third Monday in October and for each by-election, shall be as established by resolution of the elected authority.

### Notice of Nomination Day

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**S. 26(1)** The returning officer shall give notice of nomination day in the prescribed form by publishing a notice at least once a week in each of the two weeks prior to nomination day.

### Qualifications of Candidates

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Subject to the exceptions in Sections 22, 23, and 24 of the *LAEA* and Section 256(3) of the *School Act*, to be eligible for nomination as a candidate, a person must on nomination day:

- S. 21(1)**
- a) be eligible to vote in the election in which the person is a candidate;
  - b) have been a resident of the local jurisdiction and the ward, if any, for six (6) consecutive months immediately preceding nomination day; and
  - c) not be otherwise ineligible or disqualified.

Notwithstanding the above terms, a candidate for trustee of a board of a school district 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 school district.

### Form of Nomination

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All nominations must be completed in the prescribed form. The nomination must be signed by at least five electors eligible to vote in that election and resident in the local jurisdiction on the date of signing, and shall be accompanied with a written acceptance signed in the prescribed form by the person nominated stating that the person is eligible to be elected to the office, the name, address and telephone number of the person's official agent and that the nominee will accept the office, if elected.

- S. 27**
- A city that is a local jurisdiction with a population of at least 10,000 or a board of trustees of a local jurisdiction with a population of at least 10,000 may, by a bylaw passed prior to June 30 of a general election year, specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be at least five and not more than 100. If a system of wards is in effect, only a resident of the ward for which the candidate is being nominated is eligible to sign the nomination form.

If a bylaw has been passed providing for a deposit, a nomination paper is not valid unless it is accompanied by the deposit.



### Receipt of Nominations

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Nominations shall be received by the returning officer between the hours of 10 a.m. and 12 noon on nomination day. A bylaw passed prior June 30 of a general election year may allow for nominations to be received before 10 a.m. A similar bylaw may also allow for nominations to be accepted at alternate locations in addition to the jurisdiction office.

**S. 28**

Nomination papers may be handed in by any person, not necessarily by candidates.

All nominations received may be examined by any elector during regular business hours and in the presence of the returning officer, deputy or secretary.

**S. 28(1.1)**

The person nominated as a candidate is responsible for ensuring the filed nomination meets all requirements of Section 27.

**S. 28.1**

On receiving a nomination paper, the returning officer must, if requested by the candidate, provide to him/her a sufficient number of copies of the prescribed form for the identification of an official agent, campaign workers and scrutineers.

**S. 28(3.01)**

If a nomination is not signed by at least the minimum number of electors required to sign the nomination, the returning officer shall not accept it for filing.

### Candidate's Deposit

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**S. 29**

An elected authority may, by bylaw, require that each candidate provide a deposit with the nomination. Such a bylaw shall be passed not less than 30 days before nomination day and shall establish the deposit amount required—not to exceed \$1,000 for jurisdictions with a population of 10,000 or more and not over \$100 for all other jurisdictions.

When a bylaw has been passed to provide for a deposit, the returning officer shall require the deposit to be provided in cash, by certified cheque or by money order.

**S. 30**

The candidates' deposits will be returned to them except those who fail to receive at least half as many votes as are received by the candidate elected with the least number of votes. In such a case, the deposit is forfeited and becomes general

revenue of the local jurisdiction for which the deposit was established.

### **Insufficient Nominations Received**

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- S. 31(1)** If sufficient nominations to fill all vacancies are not received during the specified hours on nomination day, the time for receiving nominations shall be adjourned to the next day at the same place at 10 a.m. and shall remain open until 12 noon and shall continue to be adjourned each day in the same manner until the required number of candidates has been nominated or a period of six days including nomination day, but not including Saturdays, Sundays and holidays, has elapsed.
- S. 31(4)** If sufficient nominations are not received at the end of the six consecutive days, the secretary shall immediately notify the relevant Minister and await further advice.

### **Withdrawal of Nominations**

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- S. 32** If more than the required number of persons are nominated for any office, any person so nominated may withdraw as a candidate at any time within 24 hours after the close of the nomination period, except that if the number of nominations is reduced by withdrawals to be equal to the number of vacancies, no further withdrawals may be accepted and the balance of the candidates will be declared elected by acclamation. All requests for withdrawals of nominations shall be submitted to the returning officer in writing.

### **Death of a Candidate**

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- S. 33(1)** An elected authority may, by a bylaw passed prior to nomination day, provide that in the event of a candidate's death between nomination and election day, the election for that position for which the deceased person was nominated shall be discontinued and a new election called in the same manner as any by-election.
- S. 33(2)** If a candidate dies after being nominated and a bylaw has not been passed under subsection (1), the returning officer shall cause a notice of the death to be posted at a conspicuous location in all the relevant voting stations.

### Acclamations

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- S. 34** If, at the close of nominations, the number of persons nominated for any office is equal to and does not exceed the number required to be elected, the returning officer shall declare the persons so nominated to be elected to the offices for which they were nominated. If this is the case, the returning officer shall immediately notify the secretary and the relevant Deputy Minister in writing of the persons so elected and the offices for which they were elected. If all positions are filled by this manner, this is the end of the election process. The returning officer shall then deliver the nomination forms and all other materials related to the nominations to the secretary responsible for their safekeeping.

### Notice of Election

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- S. 35(1)** If, after the expiration of the 24-hour withdrawal period, there remain more nominations than the number required to fill all the vacant positions, the returning officer shall declare that an election will be held and state the positions to be filled by election. The returning officer shall give notice of the election or give notice of vote on a bylaw or question in the prescribed forms.

- S. 35(2)** If an election is required, the returning officer shall give notice of it in the prescribed form by publishing a notice at least once a week in each of the two weeks before election day in a newspaper or other publication circulating in the area or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before election day.

- S. 35(4)** On complying with subsection (2), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

### Access to Apartments

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- S. 52** This provision allows enumerators, candidates, official agents and campaign workers on behalf of a candidate access to multiple family dwellings, apartments and mobile home parks. Any person desiring access under this section must carry proper identification indicating their position.

### Designation of Voting Locations

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- S. 36** The elected authority may, by resolution, divide the local jurisdiction into voting subdivisions or it may authorize the returning officer to establish voting subdivisions for the purpose of dividing the electors into smaller units to expedite the voting. If voting subdivisions are not so established, then the area, ward or electoral subdivision, if any, is considered one voting subdivision.

The returning officer shall designate the location of one voting station only for each voting subdivision. Voting stations may be located outside of the area.

- S. 37** Notwithstanding Section 37, the *Modified Voting Procedure Regulation, A.R. 5/2007* provides that the returning officer of an elected authority that has passed a bylaw in accordance with Section 160(2) of the act may designate the locations of more than one voting station for a voting subdivision.

### Ballot Boxes

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- S. 39** It is the responsibility of the secretary to provide the returning officer with sufficient ballot boxes to contain the maximum number of ballots that could be cast at each voting station.

### Printing of Ballots

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- S. 41 & 42** When it has been established that an election will be necessary, the returning officer shall arrange to have the sufficient number of ballots printed. Separate ballots shall be used for each office for which an election will be held and the ballots shall be in the prescribed form.

Ballots for voting on a question or bylaw shall be in a form determined by resolution of the local authority.

Note: It is absolutely imperative that sufficient ballots are printed so that no voting station runs short.

### Eligibility to Vote

---

A person must first qualify as an elector to vote. Section 47 defines the criteria of an elector as follows:

- a) is at least 18 years old;
- b) is a Canadian citizen; and
- c) has resided in Alberta for the six (6) consecutive months immediately preceding election day and the person's place of residence is located in the area on election day.

The definition of residing in the area on election day can be difficult to interpret and has caused debate in the past.

Section 48 defines place of residence as follows:

- (1)(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 the purposes of this act (*LAEA*);
- (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.

**S. 47–48, LAEA**  
**S. 44, School Act**

- (1.1) For the purposes 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 licence or motor vehicle operator's licence 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.

Section 48(2) further states that a person who is a resident of a public school district/division or of a separate school district/division under the *School Act* is deemed to be a resident of the public school district/division or the separate school district/division as the case may be under this act.

Section 44(4) of the *School Act* states that where a separate school district is established, an individual who resides within the boundaries of the separate school district who is of the

same faith as those establishing that district, whether Protestant or Roman Catholic,  
a) is a resident of the separate school district, and  
b) is not a resident of the public school district.

**Therefore, where a separate school district exists, the residents of the separate school district (that is, those persons who reside within the boundaries of the separate school district and are of the same faith as those who established the separate school district) are electors of the separate school district and elect trustees to the separate school board. All others are electors of the public school district and elect trustees to the public board.**

### **Voting Machines**

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- S. 84** Local authorities using computers or other electronic voting machines must authorize their use by a bylaw that prescribes the form of the ballot, directions for the marking of a ballot by an elector and voting procedures for examination of ballots and counting of votes.

### **Number of Votes**

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- S. 57** An elector may vote only once for each of the persons he/she chooses to vote for but shall not vote for more than the number of persons to be elected to the office. The number to be elected shall be recorded on each ballot. An elector may vote only once on any question or bylaw.

### **Voting Time Off for Employees**

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- S. 58** Every employee who is an elector is entitled to three consecutive hours while the voting stations are open for the purpose of voting on election day. If the employee's normal hours terminate at 5 p.m., said employee would have three consecutive hours in which to cast a vote. For employees unable to take three consecutive hours, the employer must ensure the employee additional time to make up the three hours without any loss of pay or penalty, but the additional time for voting must be granted at the convenience of the employer. However, this will not apply if the employer makes arrangements for the employee electors to attend the voting station and return to work during the hours of employment, nor does it apply to election employees who may get a certificate from the returning officer stating that they are eligible to vote at

the station where they are employed or at an advance voting station.

### **Candidate's Official Agents**

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Each person nominated as a candidate may, on the nomination form, appoint an elector to be his/her official agent. 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.

#### **S. 68.1(1) & (1.1)**

A person who has been convicted of an offence in the last 10 years under this act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be appointed as an official agent.

No candidate shall act as an official agent for any other candidate.

### **Candidate's Scrutineer**

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In a form acceptable to the returning officer, a candidate can state by written notice that the person presenting the notice is to represent that candidate as the candidate's scrutineer at the voting station. The presiding deputy may designate the place or places from where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure. Section 69.5 further clarifies that 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 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. A scrutineer must be a person who is at least 18 years old who has subscribed to a statement in the prescribed form.

#### **S. 69**

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, nor shall the presiding deputy permit a candidate to have both an official agent and a scrutineer present at the same time in a voting station during voting hours.

A person who has been convicted of an offence in the last 10 years under this act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be appointed as a scrutineer.

**S. 71** Each scrutineer must produce a written notice of appointment before being admitted as a scrutineer to the voting station. In addition, they must take and subscribe to the statement under Section 16 in the prescribed form.

**S. 85(2)** After the close of the voting station and during the counting of the votes, only a candidate or the candidate's official agent or scrutineer may be present in the voting station but not all.

### **Bylaw or Question Scrutineers**

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**S. 70** In a vote on a question or bylaw, two or more electors may request the returning officer to appoint scrutineers for promoting the bylaw or affirmative voting on the question or for opposing the bylaw or negative voting on the question and the returning officer shall appoint, in writing, such scrutineers as are submitted by the electors. Each scrutineer must be at least 18 years old and must subscribe a statement in the prescribed form before the presiding deputy. Not more than one scrutineer for each side of the bylaw or question shall be permitted in the voting station at any one time.

### **Posting Instructions**

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**S. 45** Before opening the voting station, each presiding deputy must ensure a copy of "Instructions for Electors" in the prescribed form is posted in the voting station and in each voting compartment. The local jurisdiction may authorize the presiding deputy to post the printed instructions in languages other than English.

### **Opening of Voting Station**

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**S. 46** On election day, every voting station shall be opened promptly at 10 a.m. and kept open continuously until 8 p.m. However, an elected authority responsible for the conduct of the election under an agreement by way of a bylaw passed prior to June 30 may provide that the voting station be opened prior to 10 a.m.

### **Sealing Ballot Boxes**

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**S. 40** When the voting station opens, the presiding deputy shall open all ballot boxes and display them to those present to witness that the boxes are empty. The presiding deputy shall then seal each box so that they cannot be opened without breaking the seal.



### **Proof of Elector Eligibility**

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Each person who attends at a voting station must be permitted to vote if his/her name appears on the list of electors, if any, or if the person makes a statement stating that he/she is eligible to vote as an elector. The prescribed statement is contained in the voting register form, which is a prescribed form.

- S. 53** An elected authority may, by bylaw passed no later than six months prior to nomination day or a year in which an election is to be held, provide for the number of types of identification that are required to be produced by a person to verify the person's identity and age for the purpose of determining whether the person is eligible to vote and/or by a person who wishes to vote by a special ballot. The bylaw must be advertised in accordance with Section 53.1 and include in the notice of election day under Section 35 the proposed number and types of identification required.

A person who attends at the voting station for the purpose of voting must be permitted to vote if the requirements of eligibility are met and the person produces the identification required by the bylaw.

Upon signing the statement, the elector shall be given ballots for each position checked off in the voting register for which the person is entitled to vote. If the person refuses to sign the statement or provide the necessary required identification (after a bylaw is passed), he/she shall not be given any ballots.

### **Objection to a Vote**

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- S. 54** If a candidate, official agent or scrutineer objects to a person who makes a statement at the time the person makes the statement, the deputy shall note in the voting register the reason for the objection and the name of the objecting candidate, official agent or scrutineer and shall initial the objection in the voting register.

If a returning officer believes that a person is not eligible to be an elector based on reasonable and probable grounds, the returning officer must note in the voting register the reason for the belief and initial it.

### Voting Register

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- S. 59** In the voting register, the deputy shall record (Form 8) that an elector received a ballot for each of the offices or questions for which the elector is entitled to vote.

### Initialing of Ballot

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- S. 60** Each ballot delivered shall be folded and initialed by the deputy so the initial is visible without opening the ballot.

### Explanation of Voting Procedure

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- S. 61** The deputy may, and on request shall, explain to the elector the proper method of voting.

### Elector Declining to Vote

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- S. 66** If an elector returns a ballot and states that he/she is declining to vote, the elector is not entitled to another ballot for that office and the supervising deputy shall deposit the declined ballot in the ballot box.

### Interpreter

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- S. 72** If an elector does not understand the English language, the elector may have an interpreter to translate the statement and other documents or questions to assist the elector in casting a ballot.

Before acting, each interpreter shall make a statement in the prescribed form.

### Advance Voting

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- S. 73** An elected authority may, by resolution, hold an advance vote. The resolution shall state the hours and days when the advance vote will be held.

Notice of the advance vote shall be given in the prescribed form:

- S. 74**
- a) by publishing the notice at least one week before the date set for the advance vote in a newspaper or other publication circulating in the area, or
  - b) by mailing or delivering a notice to every residence in the local jurisdiction at least one week before the date set for the advance vote or by both of the above methods and as many additional times as the returning officer considers desirable.

- S. 75** The returning officer shall establish the number of advance voting stations. A fresh ballot box must be used on each day of the advance vote.

Vote by special ballot: An elected authority, by passing a resolution and notifying the Minister of the resolution prior to nomination day, may provide for special ballots and provide for an elector to apply by any one or more of the following methods:

- a) in writing;
- b) by telephone;
- c) by telecopier;
- d) in person; or
- e) by email.

Application for a special ballot must include the following:

- a) first and last name of the elector;
- b) municipal address of the residence of the elector;
- c) school elector status, if the elector is voting for a school trustee;
- S. 77.1** d) mailing address to which the special ballot is to be sent;
- e) contact telephone number;
- f) contact email address, if the elector is unavailable; and
- g) reason why a special ballot is requested.

On receipt of an application under this section, if the elected authority by resolution before nomination day provides for special ballots, the returning officer or deputy must

- a) enter the following in the special ballot elector register:
  - (i) the elector's name and place of residence; and
  - (ii) the name and number of the voting subdivision for the elector's place of residence.
- b) cause the appropriate forms to be provided to the applicant.

If an elected authority provided for application for a special ballot, Sections 77.1 to 77.3 should be reviewed.

### **Incapacitated Elector at the Voting Station**

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- S. 78** If an elector is unable to read or is incapacitated by blindness or other physical disability, such that the elector cannot mark the ballot and if the elector makes a statement in the prescribed form to this effect, the deputy may mark the elector's ballot in the manner directed by the elector, or any other person appointed by the elector as an interpreter. The interpreter, friend or relative of the elector is required to make a statement in the prescribed form.

### **Incapacitated Voters at Home**

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- S. 79** An elected authority may, by resolution, allow for vote taking at the residence of physically incapacitated electors who are unable to attend a regular or advance voting station.

All other voting procedures shall follow the provisions of the act as nearly as possible.

### **Institutional Voting Stations**

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- S. 80** An elected authority by resolution, or the returning officer if authorized by resolution of the elected authority, may designate the location of one or more institutional voting stations. If an elected authority provides for the holding of an advance vote, the returning officer may provide for the taking of the advance vote at an institutional voting station.

If an institutional vote is provided for, the returning officer shall fix the times on election day at which such votes will be taken and make all other necessary arrangements.

- S. 81** The candidate, official agent and scrutineer may attend an institutional vote only if the vote is conducted at a fixed location in a public area of the institution and may not attend voting conducted in the room of a resident of the institution.

Notice of voting stations shall be given in the prescribed form and posted in a conspicuous place in the institution not less than two days before election day.

- S. 82** All voting procedures shall as nearly as possible follow the provisions of the act except that candidates or official agents are not entitled to be present at the voting. The ballot boxes shall not be opened until the close of the voting stations on election day.

## PART II – PROCEDURE AFTER CLOSE OF VOTING STATION

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Unless otherwise stated, all section references are to the *LAEA*.

### Closing of Voting Station

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- S. 46** Promptly at 8 p.m. on election day, the deputy shall declare the voting station closed and any elector in the voting station who wishes to vote shall be permitted to do so, but no other person shall be allowed to enter the voting station for that purpose.

### Counting of Votes

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- S. 85** Immediately after the close of the voting station, the presiding deputy shall open each ballot box and count the votes in the presence of at least one of the officers the deputy considers necessary, and the candidates, official agents or scrutineer, if applicable. Only the candidate, official agent or scrutineer may be permitted in the voting station during the vote counting, but not more than one at the same time.

- The deputy shall examine all the ballots and reject any ballot:
- S. 86(1)**
- a) that does not bear the initials of the officer;
  - b) on which more votes are cast than an elector is entitled to cast;
  - c) on which anything is written or marked by which an elector can be identified;
  - d) that has been torn, defaced or otherwise dealt with by an elector so that the elector can thereby be identified;
  - e) which is not marked by an "X"; or
- on which no vote has been cast by an elector.  
and the rejected ballots shall not be counted.

- On the back of a ballot, the deputy shall endorse:
- S. 86(2)**
- a) "rejected", if he rejects it as void; and
  - b) "rejection objected to", if any objection is made to his decision.
- and shall initial each endorsement.

- S. 86(3)** Notwithstanding subsection (1)(e), if an incorrectly marked ballot clearly indicates for whom or what the elector intended to vote, the deputy may count that ballot.

The deputy shall make note, in the prescribed form, of any objection made by a candidate or the candidate's official agent or scrutineer to any ballot found in the ballot box and shall decide any question arising out of the objection.

**S. 87**

Every objection shall be numbered and the corresponding number placed on the back of the ballot and initialed by the deputy.

### **Ballots Counting**

The deputy shall count the ballots marked for each candidate on the ballots not rejected and the presiding deputy shall prepare a ballot account in the prescribed form with the following information:

- S. 88(1)**
- a) the name of the local jurisdiction;
  - b) the name or number of the voting subdivision and voting station;
  - c) the date of the election;
  - d) the name of each candidate and the number of valid ballots marked for each;
  - e) the number of ballots supplied;
  - f) the number of valid ballots;
  - g) the number of valid ballots objected to;
  - h) the number of rejected ballots;
  - i) the number of ballots rejected because no vote was cast by an elector;
  - (i.1) the number of special ballots not returned;
  - j) the number of unused ballots;
  - k) the number of spoiled ballots;
  - l) the number of ballots not accounted for; and
  - m) the number of persons objected to under Section 54.

In the case of a vote on a bylaw or question, a deputy shall count the number of ballots marked for and against the bylaw, or in the affirmative or in the negative on the question and the presiding deputy shall prepare a ballot account in the prescribed form with the following information:

- S. 88(2)**
- a) the name of the local jurisdiction;
  - b) the name or number of the voting subdivision and voting station;
  - c) the date of the election;
  - d) the number of ballots supplied;
  - e) the question or a description of the bylaw and the number of valid ballots marked for the bylaw or in the affirmative on the question;

- f) the question or a description of the bylaw and the number of valid ballots marked against the bylaw or in the negative on the question;
- g) the number of valid ballots objected to;
- h) the number of rejected ballots;
- i) the number of ballots rejected because no vote was cast by an elector;
- j) the number of unused ballots;
- k) the number of spoiled ballots; and
- l) the number of ballots not accounted for.

### **Ballot Accounts General**

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**S. 89** The ballot account shall be signed by at least two deputies involved in the count. If a candidate or his/her official agents or scrutineers request to sign the ballot, they are permitted to do so.

The deputy, on request, shall provide a copy of the ballot account to persons authorized to sign the ballot account as soon as practicable.

### **Presiding Deputy's Certification**

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**S. 90(1)** The presiding deputy, at the close of the voting station, shall certify on the prescribed form, in words, the number of persons who registered to vote at the voting station at which the deputy was designated to preside.

**S. 90(2)** The presiding deputy must make a copy of the voter register on which an objection has been noted under Section 54 at the close of the voting station on election day.

**S. 90(3)** After the close of voting stations on election day and prior to the disposition of election materials, any person who may object under Section 54 may view the copy of the voter register on which objections have been noted in the presence of the secretary or returning officer during regular business hours.

### **Packet of Ballots**

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**S. 91(1)** Once the ballots are counted, the presiding deputy shall make up the following into separate packets:

- a) the valid ballots;
- b) the valid ballots objected to, together with the notes of objections made to the ballots found in the ballot box;

## Part 2 – Procedure After Close of Voting Station

- c) the rejected ballots, including those on which no vote has been cast by an elector;
- d) the spoiled ballots;
- e) the unused ballots;
- f) the voting register together with the statement referred in prescribed Form 9; and
- g) the list of electors, if any.

### Sealing Ballot Packets

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Each packet of ballots shall be sealed with the deputy's seal and each packet marked with the following on the outside:

- S. 92** a) a short statement of the contents of the packet;
- b) the date of the election;
- c) the name of the deputy; and
- d) the voting subdivision name or number.

### Securing Election Documents

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The presiding deputy shall then place all ballot packets, the voting register forms, the special ballot certificate envelopes and copies of special electors' identification, if any, all

- S. 93** statements made on voting day and a list of electors, if any, in the ballot box. The ballot box shall be closed and sealed with a deputy's seal so that it cannot be opened without breaking the seal and marked with the voting station name or number on the outside.

### Delivery of Ballot Box and Ballot Account

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The presiding deputy shall personally deliver the following to the returning officer as soon as practicable:

- S. 94** a) the sealed ballot box; and
- b) the ballot account and the copies made under Section 90 of the voter registers on which objections have been made.

**Note:** **DO NOT** put the ballot account into the ballot box. It must be delivered separately to the returning officer.



### Election Results

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At any general election or by-election, the candidate or candidates receiving the highest number of votes shall be declared elected.

**S. 95**

Unless another enactment provides otherwise, if more than 50 per cent of the persons voting are in favour of the bylaw or vote affirmatively on the question, then the bylaw or question is deemed to be assented to by the electors.

### Tie Vote

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In the event of a tie vote and if necessary for determining which candidate is elected, the returning officer shall write the names of those candidates on a separate blank sheet of paper, deposit the sheets of paper in a receptacle and direct someone to withdraw one of the sheets. The person whose name appears on the sheet drawn will be declared to have one more vote than the other candidate.

**S. 99**

### Declaration of Election Results

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The returning officer may publish unofficial results of the ballot count after an election, as the results are received from voting stations.

**S. 97**

At noon on the fourth day after election day, the returning officer shall announce or post a statement of the election results at the office of the local jurisdiction and forward a signed copy of the statement to the secretary and the relevant Deputy Minister. A suggested form for the returning officer's signed statement can be found at [education.alberta.ca/school-board-elections/elections/](http://education.alberta.ca/school-board-elections/elections/) under Reporting Forms.

### Recounts

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The returning officer may recount the votes cast at one or more voting stations if any of the following conditions apply:

**S. 98**

- a) a candidate, an official agent or a scrutineer of a candidate, within 44 hours of the closing of the voting, shows reasonable grounds that the count is inaccurate;
- b) rejected ballots other than those on which no vote was cast by an elector was sufficient to affect the result of the election if they had not been counted or rejected; or
- c) there may have been an administrative or technical error that caused an error in the count of votes.

**S. 102** Other than during a recount by the returning officer, no person may inspect the contents of a ballot box in the custody of the secretary, except on order of a judge.

**S. 103** Within 19 days of the close of the voting stations, any elector may apply to the court for a recount. A deposit of \$300 is required.

Procedures relating to a judicial recount are outlined in Sections 104 to 115.

### **Disposition of Election Materials**

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**S. 101** The secretary, unless ordered by a judge, shall retain copies of voter registers, if any, and the ballot boxes with unbroken seals for six weeks from the date of voting and then shall destroy the contents in the presence of two witnesses, who shall take affidavits that they witnessed the destruction. A suggested form for the witness affidavit can be found at [education.alberta.ca/school-board-elections/elections/](http://education.alberta.ca/school-board-elections/elections/) under Optional Forms.

### **Controverted Elections**

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**S. 116 to 147** This portion of the act relates primarily to the matters of bribery, undue influence, allowable election expenses and the penalties relating to offenses to the act in those regards.

These issues usually arise from challenges under judicial recounts, but may occur separately.

### **Offenses**

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**S. 148** No person shall:

- a) supply an unauthorized ballot to any person;
- b) fraudulently deposit a ballot;
- c) fraudulently remove a ballot from the voting station;
- d) interfere with a ballot box or packet of ballots;
- e) request a ballot in the name of some other person;
- f) vote more than once at the same election;
- g) vote knowing that the person has no right to do so;
- h) make or sign a false statement for any purpose related to an election or vote held or to be held under this act; or
- i) print or distribute in any advertisement, handbook, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the returning officer indicating it marked for a particular candidate(s).

## Part 2 – Procedure After Close of Voting Station

For proper detail, see Sections 148 to 158 of the act. The act also makes reference to offenses in other sections.

Part 6 of the act defines the penalties relating to the above offenses and provides for penalties for offenses under other portions of the act. It is recommended the returning officer carefully review those sections, as amended, to ensure he/she and the persons they advise are aware of the possible offenses and the penalties involved.

### **Regulations**

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- S. 159** The Lieutenant Governor in Council has the authority to make specific regulations under the act. The Minister of Municipal Affairs may make regulations prescribing forms under the act and respecting standards for ballot boxes.

# FRANCOPHONE ELECTION INFORMATION

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## Elector and Candidate Eligibility

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Section 256 of the *School Act* sets out the qualification of electors and candidates in elections for regional authorities as follows.

For the purposes of the *School Act* and the *LAEA*, an individual is eligible to vote in an election for members of a regional authority if:

- a) the individual
  - (i) is a Francophone;
  - (ii) has a child who is enrolled in a school operated by the regional authority;
  - (iii) is 18 years of age or older;
  - (iv) is a Canadian citizen; and
  - (v) has been a resident of Alberta for the six consecutive months immediately preceding election day; or
- b) the individual is a member of a class of individuals prescribed by the Lieutenant Governor in Council as being eligible to vote.

In addition to the requirements stated above, Section 256(1.1) of the *School Act* states that a separate school elector may only vote for a candidate who is standing for election as a separate school member. Conversely, a public school elector may only vote for a candidate standing for election as a public school member (definitions are set out in Section 252.1 of the *School Act*).

A candidate for election as a separate school member must be of the same faith, whether Protestant or Roman Catholic, as the minority of all individuals living within the boundaries of the region, as determined by the Minister under Section 253.1 of the *School Act*.

A candidate for election as a public school member may not be of the same faith, whether Protestant or Roman Catholic, as the minority of all individuals living within the boundaries of the region, as determined by the Minister under Section 253.1 of the *School Act*.

Section 256(2) of the *School Act* indicates that, for the purposes of the *School Act* and the *LAEA*, and notwithstanding Section 21 of the *LAEA*, an individual who may vote in an election for the members of a regional authority may nominate an individual as a candidate for election as a member of the regional authority as follows:

## Francophone Election Information

- a) in the case of a separate school elector, nominate an individual as a candidate to stand for election as a separate school member; and
- b) in the case of a public school elector, nominate an individual as a candidate to stand for election as a public school member.

A person who is eligible to vote in an election for a board other than a regional authority and in an election for a regional authority may exercise the right to vote in both elections (Section 256(4) of the *School Act*).

A person may be a member of only one of a regional authority or a board at any particular time (Section 256(5) of the *School Act*).

### Expansion of Class of Electors Eligible to Vote in an Election of Regional Authority Members

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Under Section 256(1)(b) of the *School Act*, the Lieutenant Governor in Council has the authority to expand the class of individuals eligible to vote in an election of members to a regional authority. This expansion occurred and Order in Council 218/2004, dated May 19, 2004, was issued.

In accordance with Order in Council 218/2004, the individuals eligible to vote in a Francophone regional authority election has been expanded to include the following:

- a) individuals who:
  - (i) were enrolled as students in a school operated by a regional authority;
  - (ii) have received an Alberta High School diploma or certificate from a regional authority;
  - (iii) are Canadian citizens;
  - (iv) are 18 years of age or older; and
  - (v) have been a resident of Alberta for the six consecutive months immediately preceding election day, and
- b) individuals who:
  - (i) are the biological parents or the adoptive parents of individuals referred to in clause (a);
  - (ii) are Canadian citizens;
  - (iii) are 18 years of age or older; and
  - (iv) have been a resident of Alberta for the six consecutive months immediately preceding election day.

### Summary of Elector Eligibility

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To qualify as an elector, a person must meet the following criteria:

- have not voted before in this election;
- be a Francophone;
- be 18 years of age or older;
- be a Canadian citizen;
- have been a resident in Alberta for the six consecutive months immediately preceding election day.

and

- have a child enrolled in a school operated by a regional authority for which the election is to be held; or
- be an individual who was enrolled as a student in a school operated by a regional authority and received an Alberta High School Diploma or Certificate from a regional authority; or
- is the biological or adoptive parent of an individual who was enrolled as a student in a school operated by a regional authority.

The individual who graduated from a school operated by a regional authority is not required to have graduated from the regional authority in which he/she is intending to vote. In other words, the individual may have graduated from a school operated by regional authority A and, if this individual now resides in the geographic area of regional authority B, may vote for the member of regional authority B. An elector must reside within the geographic area of the regional authority for which he/she will vote.

A Francophone is defined in Section 1(k) of the *School Act* as an individual referred to in Section 10 of the *School Act*. This definition encompasses individuals who have rights under Section 23 of the *Canadian Charter of Rights and Freedoms* as persons whose first language, learned and understood, is French or who received their primary instruction in French or who have children whose siblings have received their primary or secondary instruction in French in Canada.

Under Section 256(3) of the *School Act* and under the *LAEA*, an individual is eligible to be elected as a member of a regional authority if the individual:

- a) is 18 years of age or older;
- b) is a Canadian citizen;
- c) has been resident of Alberta for the six consecutive months immediately preceding nomination day; and
- d) is not otherwise ineligible under the *LAEA*.

### Summary

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A candidate does not need to be a Francophone, as defined in the *School Act*, nor does he/she need to have a child enrolled in a school operated by the Francophone authority. In addition, a candidate does not need to reside in the area served by a Francophone authority.

However, a candidate may only be nominated by an individual eligible to vote in the election in which the candidate wishes to run.

# DUTIES OF THE SECRETARY

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Unless otherwise stated, all section references are to the *LAEA*.

## **Returning Officer**

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- S. 13** If the elected authority does not appoint a returning officer, then the secretary is deemed to be the returning officer.

## **Oath, Statement of Office**

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- S. 16** The secretary shall subscribe to the oath of office of returning officer if a returning officer is not appointed.

## **Information and Assistance**

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- S. 19** The secretary shall provide assistance and information to the returning officer.

## **Custodian**

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- S. 19** On the voting results or declaration of election by acclamation by the returning officer, the secretary shall take custody of all election materials and provide for their safe keeping and destruction.

## **Inspection of Nomination Papers**

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- S. 34(3)** The nomination papers and other related material may be inspected by an elector during regular business hours in the presence of the returning officer, deputy or secretary.

## **Ballot Boxes**

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- S. 39** The secretary shall provide sufficient ballot boxes to the returning officer.

## **Retention of Election Material**

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- S. 101** Unless otherwise ordered by a judge, the secretary shall retain the ballot boxes with their seals unbroken for six weeks from the voting date.

## **Disposal of Election Material**

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- S. 101** In the presence of two witnesses, the secretary shall destroy the contents of the ballot boxes after six weeks from the voting date unless otherwise ordered by a judge.



### **Inspection of Ballots**

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- S. 102** The secretary shall not allow any person to inspect the contents of a ballot box in the custody of the secretary, except on order of a judge.

### **Notice of Application – Judicial Recount**

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- S. 104** At least three days prior to the application for a recount, a copy of the application and the affidavit filed shall be served by the applicant on the secretary, the returning officer and all candidates for the affected office.

### **Judicial Recount**

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- S. 106** The secretary shall be present at a judicial recount.

### **Certification of Recount**

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- S. 112** The secretary shall post a statement in the secretary's office declaring the result of a judicial recount.

### **Report on Bribery**

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- S. 122** The secretary shall receive a report from a judge on any person found guilty of bribery or undue influence and the secretary shall record the names of these people.

### **Production of Election Material**

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- S. 134** As required by a judge, the secretary shall provide the judge with all election materials that the judge considers necessary.

### **Invalid Election**

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- S. 138** The secretary has all the power to hold an election if a judge declares an election invalid and orders a new election.

### **Disclaimer**

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- S. 145** The secretary shall report the receipt of a disclaimer to the elected authority.

# DUTIES OF THE RETURNING OFFICER

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Unless otherwise stated, all section references are to the *LAEA*.

## **Appointment**

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- S. 13** The returning officer is appointed by resolution of the elected authority. If the elected authority does not appoint the returning officer, then the secretary is deemed to be the returning officer.

## **Impartiality**

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- S. 13.1(1)** A returning officer must be independent and impartial when performing his/her duties.

## **General Duties**

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- S. 14** In addition to performing all other prescribed duties, a returning officer shall perform the duties set out in this section. Planning an election is a complex process, and there are a large number of details that need to be taken care of, in addition to the legislative requirements, to ensure a successful election. This individual has many responsibilities listed throughout the *LAEA*, and Section 14(1) prescribes the main duties.

## **Oath of Office**

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- S. 16** The returning officer must subscribe to the official oath prior to assuming the duties of office.

## **Substitute Deputy or Constable**

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- S. 18** If a person who has been appointed a deputy or constable becomes incapable of carrying out the duties of that office, the returning officer or a deputy returning officer may, in writing, appoint another person to act in place of that person.

## **Administration of Oaths**

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- S. 20** The returning officer is authorized to administer an oath to a person making an oath that is authorized or required by this act.

## **Notice of Nomination Day**

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- S. 26** The returning officer shall give notice of nomination at least once a week in each of the two weeks prior to nomination day, in the prescribed form.

### Nomination Day

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The returning officer shall receive nominations at the local jurisdiction office between 10 a.m. and 12 noon on nomination day or prior to 10 a.m., if an enabling bylaw is passed prior to June 30. If a nomination is not signed by at least the minimum number of electors required to sign the nomination, the returning officer shall not accept it for filing.

The returning officer may refuse nomination papers only if:

- a) The papers are not signed by at least the minimum number of electors required; or
- S. 28** b) The papers are not accompanied by the required deposit established by the elected authority (if applicable).

The returning officer does not have the authority to challenge the validity of the information provided for on the nomination papers. The responsibility to question the validity of the nomination papers is left to the electors of the elected authority and may be challenged through the Court.

By bylaw passed prior to June 30, an elected authority may allow for a deputy returning officer to receive nominations at a location other than the jurisdiction office.

### Deposit

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- S. 27** If the elected authority, by bylaw, requires that every nomination be accompanied by a deposit in the determined amount, the returning officer may not accept a nomination paper if it is not accompanied by a deposit.

- S. 28.1** On receiving a nomination paper, the returning officer must, if requested by the candidate, provide to the candidate a sufficient number of copies of the prescribed forms for the identification of an official agent, campaign workers and scrutineers for the purposes of identification under Section 52.

### Insufficient Nominations

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- S. 31** If the returning officer does not receive sufficient nominations, nomination day shall stand adjourned until the next day at the same place between the hours of 10 a.m. and 12 noon and continue to be adjourned in the same manner each day until the required number of nominations has been received or a period of six days (including nomination day and excluding Saturday, Sunday and holidays) has elapsed.

### **Notify Relevant Minister**

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- S. 31** If the returning officer does not receive sufficient nominations when the six-day period has elapsed, the returning officer must immediately notify the secretary, who in turn must notify the relevant Minister (through the Business Operations and Stakeholder Support Branch for school jurisdictions).

### **Withdrawal of Nominations**

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- S. 32** The returning officer shall accept written withdrawals from candidates anytime within 24 hours after the close of the nomination period if there are more candidates than there are positions to be filled.

If after one or more candidates have withdrawn, the number of remaining candidates does not exceed the number of vacancies to be filled, the returning officer shall refuse to accept further withdrawals.

### **Death of Candidate**

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- S. 33(2)** If a candidate dies after being nominated and a bylaw by the elected authority has not been passed, the returning officer shall post a notice of death at conspicuous locations in all relevant voting stations.

### **Election by Acclamation**

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- S. 34** The returning officer shall declare those persons nominated to be elected if, at the close of nominations, the number of persons nominated is the same as the number required to be elected.

### **Report to Secretary**

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- S. 34(1)(2)** After having declared the candidates elected, the returning officer shall notify in writing the secretary and the relevant Minister's Deputy Minister of the persons so elected and the offices to which they were elected. The returning officer shall deliver the nomination papers and other materials relating to the receipt of nominations to the secretary.

### **Examination of Nomination Papers**

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- S. 34(3)** At any time after 12 noon on nomination day until the term of office to which the filed nomination papers relate has expired, 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.

### Retention of Nomination Papers

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- S. 34(4)** The returning officer or secretary must retain all filed nomination papers until the term of office to which the nomination papers related has expired.

### Notice of Election

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- S. 35(1)** If there are more candidates than there are vacancies after 24 hours from the closing of nominations, the returning officer shall declare an election to be held.
- S. 35(2)** The returning officer shall give notice of an election in the prescribed form.

### Voting Subdivisions

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- S. 36** The returning officer, if authorized by resolution, may divide the local jurisdiction into voting subdivisions and may from time to time alter their boundaries prior to the notice of election.

### Voting Stations

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- S. 37** The returning officer shall designate the location of the voting station and a location may be outside of the area. (The returning officer shall ensure the voting station is available and properly furnished to accommodate an election.)

### Voting Compartments

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- The returning officer shall ensure that each voting station is furnished with one or more voting compartments.
- S. 38**
- a) Each voting compartment shall be arranged so that an elector is screened from observation and may mark the ballot without interference or interruption.
  - b) Each voting compartment shall be provided with a table, desk or shelf with a hard surface and a black lead pencil or other suitable marking instrument.

### Printing of Ballots

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- S. 41** The returning officer shall ensure that a sufficient number of ballots are printed in the prescribed form.

### List of Electors

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- S. 50** The returning officer or secretary shall prepare a list of electors who are entitled to vote in an election, if directed to do so by a bylaw of the elected authority.

### Appointment of Enumerators

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- S. 51** If a bylaw is passed directing the preparation of a list of electors, the returning officer or secretary shall appoint a sufficient number of enumerators and provide each enumerator with an identification badge.

### Person Objected To

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- S. 54(2)** If a returning officer believes that a person is not eligible to be an elector based on reasonable and probable grounds, the returning officer must note and initial his/her reason for the belief on the voting register.

### Appointment of Scrutineers

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- S. 70** The returning officer shall appoint scrutineers to represent those persons interested in promoting the passing of the bylaw or question and shall also appoint scrutineers to represent those persons interested in opposing the passage of the bylaw or question if requested to do so by two or more electors.

### Notice of Advance Vote

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- S. 74(1)** The returning officer shall give notice of the time and place fixed for an advance vote, as prescribed in Section 35, if the elected authority, by resolution, holds an advance vote.

### Advance Vote Stations

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- S. 75** The returning officer shall establish the number of advance voting stations.

### Vote by Special Ballot

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- S. 77.1(3)** On receipt of an application under this section, if the elected authority by resolution before nomination day provides for special ballots, the returning officer or deputy must enter in the ballot elector register, the elector's name and the elector's place of residence, the name and number of the voting subdivision for the elector's place of residence, and cause the appropriate forms to be provided to the applicant.

- S. 77.1(4)** The returning officer must, on request, make available to any candidate or a candidate's official agent or scrutineer in the voting station the names and addresses of those electors in the voting station who have applied for and been provided with the appropriate forms under this section.

Sections 77.2 and 77.3 further outlines the process the returning officer must follow once the appropriate forms have been received by the returning officer.

### **Incapacitated Elector at Home**

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- S. 79** The returning officer shall prepare a list of incapacitated electors and advise them that their applications have been accepted or rejected and appoint sufficient deputies to attend at the elector's residence, if the elected authority, by resolution, provides for the attendance of a deputy at the residence of the elector.

### **Institutional Voting**

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- S. 80 & 81** If an institutional vote is provided for, the returning officer shall fix the time and designate the location of one or more institutional voting stations at which the votes in the institution shall be taken and appoint at least two deputies to take votes.

### **Deputy's and Constable's Votes**

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- S. 83** On the request of an elector appointed deputy or constable to attend at a voting station during the whole of election day other than where that elector is entitled to vote, the returning officer shall provide the elector with a certificate stating the elector is eligible to vote at the station the elector is to be stationed during election day. The returning officer shall provide the elector with a certificate, if an elector is assigned as an officer in a local jurisdiction other than the one in which that elector is eligible to vote.

### **Delivery of Sealed Ballot Box**

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- S. 94** After the closing of the voting stations, the returning officer shall receive the ballot box, the ballot account and the copies made under Section 90 of the voter registers on which objections have been noted from the presiding deputy as soon as is practicable.

### **Declaration of Results**

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- S. 96 & 97** The returning officer shall declare the voting result at noon on the fourth day after the election. The returning officer may publish unofficial election results as the results are received from the voting stations.

### Recount

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- S. 98** The returning officer may make a recount if a candidate, an official agent or a scrutineer of a candidate, pursuant to Section 69, disagrees with the ballot account and indicates reason for this disagreement.

An application under this section may be made during the 44 hours immediately following the closing of the voting stations.

### Equality of Votes

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- S. 99** In the event that two or more candidates have received the same number of votes, the returning officer shall deposit their names separately in a receptacle and direct a person to draw one name. The returning officer shall declare the candidate whose name appears on the withdrawn sheet to have one more vote than the other candidate.

### Delivery of Election Material

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- S. 100** The returning officer shall deliver the sealed ballot boxes, the ballot account and the nomination papers to the secretary as soon as practicable after the election.



# DUTIES OF THE PRESIDING DEPUTY RETURNING OFFICER

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Unless otherwise stated, all section references are to the *LAEA*.

## Appointment of Presiding Deputy Returning Officer

- S. 14** There must be a minimum of two deputy returning officers at each voting station, one of which must be designated as the presiding deputy returning officer. The presiding deputy is in charge of the voting station.
- S. 14.1** A presiding deputy shall carry out his/her duties and any other duties that a returning officer assigns to the presiding officer.

## Appointment of Constable

- S. 15** The presiding deputy at a voting station is charged with maintaining the peace at the voting station and with the approval of the returning officer, may appoint a constable to maintain order at the voting station, and may summon to the deputy's assistance in a voting station or any other person for the purpose of maintaining order, preserving the public peace, preventing any breach of the public peace, or removing any person who, in the opinion of the deputy presiding at the voting station, is obstructing the voting or contravening this act.

## Administration of Oaths

- S. 20** The returning officer, a presiding deputy or a commissioner for oaths is authorized to administer an oath to a person who is authorized or required by this act.

## Sealing the Ballot Box

- S. 40** The presiding deputy at a voting station shall show each ballot box to the persons present immediately after the opening of the voting station so they can see that it is empty, then close and seal the box so it cannot be opened without breaking the seal and place the box in the presiding deputy's view for the receipt of ballots. The presiding deputy shall keep each ballot box closed and sealed and in full view of all present during the hours of voting.

### **Instructions for Voters**

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- S. 45** The presiding deputy shall ensure instructions for the electors are posted in each voting compartment. If authorized by the local jurisdiction, the presiding deputy shall post the printed instructions in languages other than English at the voting stations as the local jurisdiction considers appropriate.

### **Counting of Votes**

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- S. 85** The presiding deputy shall open each ballot box and count the votes immediately after the closing of the voting station.

### **Certificate in Voting Register**

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- S. 90** The presiding deputy shall certify, on the prescribed form, the number of persons who voted at the voting station and place the signed certification on top of the completed voting register forms.

### **Certification of Ballot Account**

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- S. 91** The presiding deputy shall make up the ballots into separate packets, as specified in Sections 91 and 92. The presiding deputy shall prepare and sign the certification of the ballot account.

### **Securing Election Documents**

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- S. 93** The presiding deputy shall place all the packets containing the ballots, the voting register, all statements made on voting day and the list of electors, if any, in the ballot box and close and seal it with a deputy's seal. The ballot box must be marked on the outside with the voting station name or number.

### **Delivery of Ballot Box and Ballot Account**

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- S. 94** The presiding deputy shall deliver the ballot box and the ballot account to the returning officer as soon as is practicable after the ballot counting.

# DUTIES OF THE DEPUTY RETURNING OFFICER

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Unless otherwise stated, all section references are to the *LAEA*.

## **S. 16** Oath of Office

The deputy shall subscribe to an oath of office.

## **S. 18** Substitute Deputy

The returning officer may, in writing, appoint a substitute deputy.

## **S. 20** Administration of Oaths of Office

The returning officer, by virtue of the office, is authorized to administer an oath to a person who is authorized by this act.

## **S. 40** Locking of Ballot Boxes

Immediately after opening the voting station, the deputy shall show each ballot box to the persons present at the voting station so that they can see the boxes are empty, then lock and seal the ballot boxes. The boxes shall remain locked and sealed during voting hours.

## **S. 46** Closing of Voting Station

The deputy shall declare the voting station closed promptly at 8 p.m. The deputy shall allow those in the voting station at the closing of the station to vote, if they wish.

## **S. 54** Notice of Objection

The deputy shall note and initial all objections to a person voting in the voting register.

## **S. 59** Ballot Recording

The deputy shall record the ballot for each office received by an elector in the voting register.

## **S. 60** Ballot to Elector

The deputy shall ensure that all ballots are folded properly and initialed before they are handed to the elector.

## **S. 61** Explanation to Elector

The deputy may, and on request shall, explain to an elector as concisely as possible the proper method of voting in accordance with the instructions for electors.

### **Deposit Ballot in Ballot Box**

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- S. 63** The deputy shall ensure that the appropriate initials are on the ballot prior to depositing it in the ballot box.

### **Spoiled Ballot**

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- S. 65** The deputy may replace an inadvertently spoiled ballot. The spoiled ballot shall be so marked and preserved.

### **Recognition of Agent**

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- S. 69(1)** The deputy shall take a statement in the prescribed form from an agent.

### **Candidate's Agent**

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- S. 69** The deputy shall not allow more than one agent in a voting station at any time.

### **Interpreter**

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- S. 72** The deputy may allow an interpreter to translate the statement and any other question necessary for the proper purposes of the election, after the interpreter has made a statement in the prescribed form.

### **Elector's Declaration – Advance Poll**

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- S. 77** The deputy shall require all persons applying to vote at an advance voting station to make a statement in the prescribed form.

### **Incapacitated Elector – At Voting Station**

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- S. 78** The deputy, when requested, shall mark the vote for an incapacitated elector. The deputy, when requested, shall permit a friend of an incapacitated elector to mark the vote for the elector.

- S. 78** The deputy shall cause to be entered in the voting register opposite the name of the voter and in the appropriate column either “voter assistance” or “template.”

### **Incapacitated Elector – At Home**

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- S. 79** The deputy, accompanied by another deputy when required to do so by resolution of an elected authority, shall attend at the home of an incapacitated elector.

### **Institutional Vote**

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**S. 80 & 81** The deputy, when required, shall attend at an institution for the purpose of taking the vote of electors confined to a hospital, nursing home or resident in a senior citizens home or unit. The vote may be taken on the date established as the day of the advance vote or on election day.

**S. 82** The deputy shall post a copy of the notice prescribed under Section 35 in at least one conspicuous place in the institution at least two days before the day on which the vote is to be taken.

### **Void Ballots**

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**S. 86** The deputy shall endorse and initial each void ballot.

### **Note of Objection**

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**S. 87** The deputy shall make note of any objection to any ballot in the prescribed form.

### **Ballot Account**

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**S. 88** The deputy shall prepare a ballot account in the prescribed form.

### **Signature – Ballot Account**

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**S. 89** At least two deputies involved in the count shall sign the ballot account.

# DUTIES OF THE CONSTABLE

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Unless otherwise stated, all section references are to the *LAEA*.

## Constable

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- S. 15** A constable is to maintain peace and order at the voting station and may summon to the deputy's assistance in a voting station a police officer or any other person for the following purposes:
- a) maintaining order;
  - b) preserving the public peace;
  - c) preventing any breach of the public peace; or
  - d) removing any person who is obstructing the voting or contravening this act.

## Oath of Office

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- S. 16** The constable shall subscribe to a statement of office prior to assuming his/her duties.

# CANDIDATE'S OFFICIAL AGENT

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Unless otherwise stated, all section references are to the *LAEA*.

## **Appointment**

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- S. 68.1(1)** A candidate may, on the nomination form, appoint an elector to be his/her official agent. The official agent must be at least 18 years of age and cannot have been convicted of an offence under the *LAEA*, the *Election Act* or the *Canada Election Act* (Canada) in the last 10 years.

## **Oath of Office**

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- S. 69** A candidate's official agent must make a statement in the prescribed form

## **Attendance at Voting Station**

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- S. 69** Only one official agent may be present at a voting station at any time.

## **Observe Election Procedures**

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- S. 69** The deputy may designate the place or places where an agent may observe the election procedure.

## **Act or Thing to Be Done**

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- S. 69** An agent's absence at an act or thing to be done at which he/she may attend does not invalidate the act or thing as long as it is otherwise properly done.

# BYLAW SCRUTINEER

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Unless otherwise stated, all section references are to the *LAEA*.

## **Appointment**

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- S. 70** A scrutineer may be appointed, by the returning officer, if requested in writing by two or more electors. The scrutineer must be at least 18 years of age and cannot have been convicted of an offence under the *LAEA*, the *Election Act* or the *Canada Election Act* (Canada) within the last 10 years.

## **Oath of Office**

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- S. 70** A scrutineer shall make a statement in the prescribed form.

## **Attendance at Voting Station**

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- S. 70** Only one scrutineer for each side of the bylaw or question may be in attendance at a voting station at one time.

## **Observe Election Procedures**

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- S. 70** The returning officer may designate the place or places at a voting station where a scrutineer may observe the election conduct.

## **Certificate of Appointment**

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- S. 71** A scrutineer shall produce a certificate of appointment before being admitted to a voting station.



# QUESTIONS & ANSWERS

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- 1) An emerging issue requires a decision from the school board by October 23, 2017. This date is after the election but prior to the organizational meeting of the new board. Who has the responsibility to act in this case?

The old board has the responsibility to act. The newly elected trustees do not commence their duties until they have taken the Oath of Office (Section 76, *School Act*).

- 2) I am considering running for trustee. Do I have to run in the ward in which I reside?

The only exception to this rule is if a candidate resides within the boundaries of a city, he/she does not have to run in the ward in which he/she resides but must be a resident of the school district (Section 21(3), *Local Authorities Election Act*).

- 3) The board of trustees for my school division is not making any changes to their ward structure or to the trustee representation. Do we have to pass any ward-related bylaws prior to the next election?

Technically, no. However, all boards are encouraged to review their existing bylaws well in advance of the election. Please note that even if your ward structure or trustee representation has not changed, it is still possible that the legislation your bylaws reference has. For example, your old bylaws could be referencing sections of the *School Act* or *LAEA* that are no longer applicable.

- 4) The votes have been counted (and recounted) in a particular ward where two candidates are running for one trustee position. Both candidate A and candidate B are tied with the same number of votes. How is the tie broken?

The returning officer writes the names of each candidate on separate pieces of paper of equal size, colour and texture and places them in a receptacle and directs someone to withdraw one of the sheets. The candidate's name that is withdrawn shall be declared elected with one more vote than the other candidate (Section 99, *LAEA*).

## Questions & Answers

- 5) Catholic residents residing in a Catholic school district have challenged the results of the election because they claim their Catholic neighbours, who also reside in the Catholic school district, voted for the public school candidates. As returning officer, how do you handle this situation?

The returning officer is not responsible for handling the situation other than to indicate to the electors that challenges must be handled through the courts. In past court cases, judges have ruled the faith of the electors is what they state it is, and no one can question it.

- 6) If all candidates are declared elected by acclamation, does the newly elected board need to wait until after election day to hold the organizational meeting?

No. If every position is acclaimed, those declared elected may hold an organizational meeting before the date of the general election (Section 10(2), *LAEA*).

- 7) A newly elected trustee is not able to physically attend the organizational meeting of the board. Can this individual participate in the meeting via teleconference?

Yes. If the trustee has arranged to take the Oath of Office prior to the organizational meeting, he/she can attend and participate via electronic means and be deemed present at the meeting (Section 71, *School Act*).

- 8) A municipal annexation in a city occurs and, as a result, ward boundaries are split between the city and the county and the residence of an elected trustee changes from the county to the city. Is the trustee still allowed to hold office?

No. The trustee would be disqualified. The trustee would cease to be eligible for nomination under the *LAEA* (Section 82 of the *School Act* and Section 21 of the *LAEA*).

- 9) A candidate files nomination papers to run in a separate school district. Two days after nomination day, the Minister signs an order that adds lands that include the candidate's residence in the separate district. The candidate is acclaimed to his/her position. Is he/she eligible to be nominated?

No. The candidate did not meet the requirement of being able to vote in the election on nomination day (Section 21, *LAEA*). If he/she attempts to hold office, the board should ask him/her to resign and hold a by-election to fill the vacancy. The candidate would be eligible to run in the by-election.

10) Are substitute teachers eligible to run for school board trustee positions?

It depends on the relationship between the employee and the board. If the substitute teacher is considered an employee of the local jurisdiction for which the election is to be held, the candidate would be ineligible to run as school board trustee (Section 22(1), *LAEA*). If the board and potential candidate consider substitute teachers not to be employees of the board, the substitute teacher could run for office.

11) Is the president of a school council eligible to run for trustee?

Yes. Members of school councils are not employees of the local jurisdiction and are eligible to run for office provided they meet all other eligibility criteria (Section 22(1), *LAEA*).

12) An elected trustee is moving out of his/her ward but is remaining within the boundaries of the school authority. Is he/she eligible to remain in office?

If the trustee is not located in a school district within a city, he/she would be disqualified because the trustee ceases to be qualified for nomination under the *LAEA* (Section 82(1), *School Act*). If the trustee is located in a school district located wholly or partly within a city, he/she would remain qualified to act as trustee. A candidate for trustee of a board 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 school district (Section 21(3), *LAEA*).

13) Can more than one voting station be set up in each voting subdivision?

Yes, if the proper procedures are followed. Where an elected authority has passed a bylaw in accordance with Section 160(2) of the *LAEA*, Section 37 of the act is modified as follows: The location of more than one voting station may be designated for each voting subdivision (*Modified Voting Procedure Regulation*).

14) What happens if nomination day passes and the returning officer does not receive enough nominations to fill all the trustee positions?

If the number of persons nominated do not meet or exceed the positions required to be elected, the returning officer is required to open and accept nominations at the local jurisdiction office the next day between the hours of 10 a.m. and 12 noon for the purpose of receiving further nominations for the elected office (Section 28, *LAEA*).

The returning officer shall continue to remain open and be adjourned in the same way from day to day until 12 noon of the day that the required number of

## Questions & Answers

nominations are received or a period of six days, including nomination day, but not including Saturday, Sunday and holidays.

If a bylaw has been passed, the returning officer must be open to accept nominations that comply with the hours specified in the bylaw.

If sufficient nominations to fill the vacancies are not received, the secretary is required to immediately notify the relevant minister.