



GUIDE FOR CANDIDATES

Election Act

E-25-204
Election Act

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This Guide has been produced to assist in the understanding of the *Election Act* as it applies to candidates. To ensure compliance with the legislation, please refer to the *Election Act*.

Definitions

Section 1 of the *Election Act* defines important terms used throughout the election process. This section should be consulted to determine the specific definition of a word or phrase used in the statute.

Writ of Election (s.39)

Each election is officially commenced with an Order in Council by the Lieutenant Governor in Council and the issuance of a Writ of Election by the Chief Electoral Officer to each Returning Officer, or, in the case of a by-election, the Returning Officer for the applicable electoral division.

The campaign period begins on the date on which the Writ of Election is issued.

The election period is a total of 28 days after the Writ of Election is issued. Nomination day is the tenth day following the Writ of Election being issued. If the tenth day is a holiday, nomination day is the next day that is not a holiday. Election Day is the 28th day after the Writ of Election is issued.

Election Proclamation (s.55)

The *Election Proclamation* contains the following information:

- the place and hours fixed for nomination of candidates, and the date fixed for the closing of nominations,
- the place, dates, and hours for advance voting,
- the date and hours for Election Day voting,
- the date and time for the announcement of the official results, and
- the name and contact information for the Returning Officer.

As soon as possible following the Writ of Election being issued, Elections Alberta will publish on the information on the *Election Proclamation* and a map of the electoral division(s), including the voting areas on its website.

List of Electors (s.18, 19.1, and 63)

The *Elections Act* limits the use and disclosure of personal information contained in the List of Electors. Copies of the List of Electors will be provided by the Chief Electoral Officer to registered political parties and candidates.

Prior to accessing the List of Electors, candidates and registered political party executives must sign a *Declaration Regarding Use of the List of Electors* and comply with the *Guidelines on Access to and Disclosure of Alberta's List of Electors* available at elections.ab.ca/resources/legislation-bulletin-guidelines.

If data contained on the List of Electors is lost, the candidate must immediately report it to the Chief Electoral Officer using the contact information on the back of this booklet. All efforts should be made to retrieve the data that has been lost. Procedures to follow are included in the *Guidelines on Access to and Disclosure of Alberta's List of Electors*.

Revisions to the Lists of Electors (s.50 and 51)

The Returning Officer will accept revisions to the Lists of Electors from the issuance of the Writ of Election until 4:00pm on the Saturday of the week before of advance voting begins.

Revisions may also be made by electors online using Voterlink (www.voterlink.ab.ca)

The Additions to the List of Electors will include names of electors who:

- were not included on the List of Electors,
- moved or changed their name since the List of Electors was prepared, or
- recently became eligible electors.

The Additions to the List of Electors is available to registered political parties and candidates throughout the election period in the Candidate Portal.

Candidates and their campaign staff should encourage persons who are eligible to vote, but whose names are not on the List of Electors, to register through Voterlink or contact their Returning Officer during the revision period so their names will be included on the List of Electors for voting days. This will reduce congestion at voting places by eliminating the need for electors to make a declaration with the Voting Officer or Registration Officer.

Eligible Electors (s.1)

An eligible elector is a person who is a Canadian citizen, 18 years of age or older on Election Day, and ordinarily resident in Alberta.

Persons Not Eligible to Vote (s.178 and 181)

Persons who have been convicted of a corrupt practice or do not meet the definition of an eligible elector are ineligible to vote.

Campaign Period (s.1(b.1))

The period beginning with the issuance of the Writ of Election and ending two months after Election Day.

Candidate Qualifications (s.56, 57, 58, 61, 178, and 181)

To qualify for nomination, a candidate must be a Canadian citizen, 18 years of age or older on Election Day, and ordinarily resident in Alberta for the 6 months preceding Election Day. Candidates may not be inmates, individuals who are prohibited from being nominated as a candidate as set out in s.57, 58, 178, or 181, or a member of the Senate or House of Commons of Canada. A person does not have to be ordinarily resident in an electoral division to be a candidate in that electoral division.

A candidate supported by a registered political party must first be endorsed by the party as the official candidate and the party must notify Elections Alberta of the endorsement by filing form PA-CE-02 *Endorsement of a Candidate*. Once endorsed, the candidate is automatically registered with Elections Alberta under the *Election Finances and Contributions Disclosure Act* (EFCDA) and is qualified to be nominated as a candidate under the *Election Act*.

A candidate with no party affiliation must first register as an “independent candidate” by filing a *Registration of a Candidate* form under the EFCDA with Elections Alberta, to qualify to be nominated as a candidate under the *Election Act*. Independent candidate registration applications are only accepted by Elections Alberta once the campaign period has started.

Additional information is available on Election Alberta’s website (under Elections > Run as a Candidate). By legislation, the Returning Officer cannot accept a *Candidate Nomination Paper* before a candidate has been registered with Elections Alberta and the \$500 candidate deposit is paid. The candidate’s deposit shall be cash, a certified cheque and/or a bank or postal money order made payable to “Government of Alberta.” The deposit must be paid directly to Elections Alberta as part of the candidate registration (EFCDA s.9).

Once the campaign period begins, registered candidates may begin to collect and spend funds on the candidate’s campaign (EFCDA s.9, and 17(3)).

Prospective candidates should consult all applicable Acts in conjunction with the *Election Act* to verify their status prior to completing the required declaration on their *Candidate Nomination Paper*.

Candidate’s Official Agent (s.60 and 67)

Each candidate is required to appoint an elector as an official agent. The name and contact information of the appointee must be on the *Candidate Nomination Paper* and will be published on Elections Alberta’s website.

A person may act as an official agent only in respect of one of the following:

- a) one or more of the endorsed candidates of one registered political party;
- b) an independent candidate.

The official agent shall not perform the duties of the Chief Financial Officer unless so appointed. Persons appointed as official agents must be electors, but need not be ordinarily resident in the electoral division where their candidate is seeking office. The official agent must

consent to the appointment by signing the appropriate section of the *Candidate Nomination Paper*.

If a change in appointment is made, the candidate shall immediately notify the Returning Officer in writing of the name and contact information of the new official agent.

A candidate cannot act as an official agent.

Candidate's Nomination (s.39, 59, and 61)

The *Candidate Nomination Paper* may be obtained from Elections Alberta's website (under Elections > Run as a Candidate) or from the Returning Officer during the campaign period, and must be filed with the Returning Officer before 2:00pm on the day fixed for the closing of nominations (the 10th day after the issuance of the Writ of Election). All forms must contain original signatures; **scanned or photocopied signatures will not be accepted.**

The *Candidate Nomination Paper* requires the names and signatures of 100 qualified electors from the electoral division in which the candidate seeks to be nominated. Because residency within the electoral division is a requirement, complete physical (residential) addresses must be listed (post office boxes and other mailing addresses will not be accepted). No elector may sign more than one nomination paper in respect of the same election.

Candidates are encouraged to collect more than 100 signatures to ensure the validity of the *Candidate Nomination Paper* should any signatures belong to unqualified electors. The nominators' signatures must be witnessed by an elector. The witness(es) must complete the required oath on the appropriate paper(s) containing the signatures they witnessed.

Registered political parties can provide confirmation of the candidate endorsement via form PA-CE-02 *Endorsement of a Candidate*. Candidates must indicate whether they are endorsed by a registered political party, or if they are running as an independent candidate. Where applicable, the Returning Officer will verify that the endorsement has been completed when the *Candidate Nomination Paper* is filed.

The candidate must complete the required affidavit to consent to their nomination, swear to their eligibility for nomination, confirm the appointment of their official agent, and that they are either the officially endorsed candidate of a registered political party or that they are an independent candidate. The candidate must also provide the Returning Officer with authorized identification to confirm their identity.

If, at the time the original nomination paper is submitted for filing, the person being nominated holds office as a municipal councillor or school board trustee, the person must provide the Returning Officer with proof of the person's unpaid leave of absence from the role under (s.61.1).

The Returning Officer will provide the candidate with a receipt for the deposit and formal acceptance of the *Candidate Nomination Paper*.

An elector residing in the electoral division may inspect the nomination papers any time after nomination day until Election Day, on application to the Returning Officer.

Material Provided to the Candidate (s.63 and 133)

Following the acceptance of the *Candidate Nomination Paper*, candidates will receive an email from Elections Alberta with instructions on how to access the Candidate Portal.

Through the Candidate Portal, Elections Alberta will provide the candidate with important documents, including:

- *Election Proclamation*,
- A list of the locations of the voting places,
- *Appointment of Scrutineer* forms, and
- List of Electors.

The Returning Officer will provide candidates with other guides and materials.

For independent candidates, the Returning Officer will provide one set of electoral division maps.

Canvassing in Multiple Dwelling Sites (s.133 and 133.1)

The candidate, upon receipt of the endorsement from a registered political party, can canvass in multiple unit dwelling sites in the electoral division in which they are a candidate. The candidate can identify one campaign worker to accompany them when canvassing. The candidate may request official candidate and campaign worker identification cards from Elections Alberta that can be used until the end of the campaign period.

Once the campaign period has begun, the candidate may obtain campaign worker identification cards for canvassing of multiple unit dwelling sites from the Returning Officer.

Ballots (s.83)

Candidates' names will be listed on the ballots in alphabetical order by surname. A candidate may include a given name, a middle name, a nickname and/or initials, in addition to their surname. No titles, degrees, prefixes, or suffixes may be included. The Chief Electoral Officer may disallow the use of a name that is not a candidate's legal name (including a nickname provided by the candidate), having regard to the integrity of the election.

The name of the registered political party, in the form requested by the party, will appear immediately below the name of the endorsed candidate. For a candidate who has not been endorsed by a registered political party, the word "Independent" will be printed beneath the candidate's name.

Scrutineers (s.79, 92, 93, and 111)

A candidate may have electors appointed as scrutineers in attendance at voting stations, registration stations, ballot box stations, and any location where a count of ballots is conducted to observe election procedures. Scrutineers must be electors and must be appointed in writing by the candidate.

Scrutineers are appointed to a voting place and may observe at any voting station, registration stations, or ballot box station. Up to four scrutineers may be appointed per voting station, registration station, and ballot box station. No more than one scrutineer per candidate may be present at any one time at a voting station, registration station, or ballot box station. A scrutineer may be appointed to more than one voting place.

Scrutineers shall take the *Oath of Secrecy* with the Site Supervisor at the voting place before performing their duties. Scrutineers may represent the candidate at each voting station, at the returning office, and at any other location used for the unofficial count on Election Day.

Scrutineers may also observe the opening of special ballot envelopes and the counting of special ballots.

Each scrutineer must have read and signed the *Code of Conduct for Scrutineers* and shall comply with the *Code of Conduct* at all times while performing their duties. A scrutineer may be removed from the voting place if, in the opinion of the Site Supervisor or Voting Officer, the scrutineer fails to comply with that code after receiving one written warning.

All scrutineers should be familiar with the contents of the *Guide for Scrutineers*, available online at www.elections.ab.ca/elections/volunteer-as-a-scrutineer/.

Voting Options

There are four types of voting options used to conduct voting in each electoral division: special ballot, mobile voting, advance voting, and Election Day.

1. Special Ballot (s.116 to 119)

A special ballot may be used by electors who are unable to vote in advance or on Election Day. An application for a special ballot may be made

- a) in writing,
- b) by telephone,
- c) by online application or email, or
- d) in person,

by an elector to the Returning Officer of the elector's electoral division or to the Chief Electoral Officer. Candidates have access to the *Special Ballot Application* form in the Candidate Portal, which may be provided to electors upon request.

Electors are responsible for the return of the special ballot and required documentation to Elections

Alberta. Special ballots must be returned **by mail only** and must be received by 5:00pm **the Friday before Election Day** to be counted. Applications for special ballots close one week before the receipt deadline (**two Fridays before Election Day**).

Electors must always complete the ballot and declaration themselves. Electors can, however, designate another person to pick up the special ballot package on their behalf.

2. Advance Voting (s.97 and 98)

Returning Officers in each electoral division must establish at least one advance voting place to allow electors to vote in advance of Election Day. These voting places allow electors from anywhere within the electoral division to vote at any advance voting location in the electoral division.

At least one advance voting place will be open from 9:00am to 8:00pm on the Tuesday, Wednesday, Thursday, Friday, and Saturday of the full week before Election Day. Additional advance voting places may be established on one or more of the advance voting days with full or reduced hours of operation. The dates and locations will be published by the Returning Officer in the Election Proclamation, on Election Alberta's website, and on Where to Vote cards.

3. Mobile Voting (s.120 to 125)

Returning Officers may establish one or more voting stations in treatment centres, supportive living facilities, emergency shelters, and community support centres which have 10 or more electors who are in-patients, residents, or individuals who are receiving supports and services. These voting stations may be established during the advance vote, on Election Day, or both.

The hours of mobile voting are set by the Returning Officer in consultation with the facility representatives. Facility staff may limit the persons allowed to be present at a mobile vote to the Voting Officer, Record Clerk, interpreter, and a facility staff member.

All electors who are resident in or receiving services at the facility in which the mobile vote is taking place are deemed resident of that facility. They are not required to show identification. They may only receive a ballot for the candidates for the electoral division in which the facility is located. Staff or visitors to the facility may not vote at a mobile voting station. In a hospital, only in-patient electors may vote at the mobile vote. Out-patients or persons who have not been admitted may not vote at the mobile voting location.

Electors who are in-patients at a treatment centre, resident at an emergency shelter, or who are receiving support and services at a community support centre will not appear on the mobile voting record and must sign the required declaration prior to voting.

Electors who are resident in a supportive living facility may or may not appear on the mobile voting record. If they do appear on the mobile voting record, they will not have to sign a declaration prior to voting. If they do not appear on the mobile voting record, they must sign the required declaration prior to voting.

Electors at any facility with a mobile vote may choose to use an alternate voting opportunity and do not have to vote at the mobile location as a deemed resident. They may request a special ballot, vote in the advance vote, or vote at their designated voting location on Election Day.

4. Election Day (s.52, 53, 54, 70, and 92)

All Election Day voting places are open from 9:00am to 8:00pm on the date published in the Election Proclamation. The location of each voting place will be advertised on Election Alberta's website and published within the 7 days immediately preceding Election Day.

Normally, one voting station will be established for each voting area. Several voting stations may be located at one voting place.

The Election Act permits a candidate to briefly visit voting places during voting hours, but campaigning is prohibited. Students and media are also permitted to briefly visit, with permission of an election officer, and cannot interfere with the voting process.

Cell phone calls are prohibited within a voting place to avoid disruptions.

The votes cast at all voting options are counted on Election Day.

Employees' Time for Voting (s.132)

An employee who is eligible to vote must be allowed three consecutive hours during the time voting places are open for the purpose of casting a ballot during one of the days of advance voting or on Election Day.

Spoiled Ballots (s.102)

If a voter mistakenly marks the ballot, another ballot may be obtained from the Voting Officer upon returning the spoiled ballot.

Declined Ballots (s.107.1)

If a voter receives a ballot and decides they do not wish to vote, they will return the ballot to the Voting Officer, who will place the ballot into a Declined Ballot Envelope. Declined ballots are not deposited into the ballot box. The Voting Officer will inform the voter that by declining the ballot they will be deemed to have voted and cannot return to receive another ballot.

Voter Assistance (s.78 and 96)

The Voting Officer may appoint an interpreter to translate questions and answers concerning voting procedures for persons not conversant in the English language. An interpreter must take the applicable oath.

Assistance in marking a ballot may be provided by a friend or an election officer at the request of the voter. If the voter requests assistance from a friend, the friend must take the appropriate oath before the friend accompanies the voter into a voting booth to assist in marking the ballot, as directed by the voter.

If the voter requests assistance from an election officer, the Voting Officer accompanies the voter into the voting booth and, in the presence of another election officer, assists in marking the ballot, as directed by the voter.

In each case, the voter or the person assisting the voter returns the marked ballot to the Voting Officer to verify it was the one issued before it is deposited into the ballot box by the voter, or the election officer, upon request.

A vision-impaired voter may use the Voter Template or their own assistive device to vote if the voter does not wish to be assisted by a friend or election officer.

If a voter is unable to access the voting place because of a physical disability, the Voting Officer and another election officer may, after advising the Site Supervisor and any scrutineers present, take the ballot box to some other place on the site on which the voting place is located. The scrutineer may accompany the election officers.

Unofficial Count (s.111,112, and 113)

The unofficial count of ballots will occur as follows:

- The unofficial count of **Election Day ballots** begins immediately following the close of voting on Election Day, at each voting place.
- The unofficial count of **advance vote ballots** begins at 5:00pm on Election Day, at a location determined by the Returning Officer.
- The unofficial count of **mobile vote ballots** begins at 8:00pm on Election Day, at a location determined by the Returning Officer.
- The unofficial count of **special ballots** begins at 5:00pm on Election Day, at a location in the electoral division or at a central counting location in or near Edmonton.

The procedures involved in the unofficial count of Election Day ballots are detailed in sec. 111 and 112. Each candidate, official agents, and/or one of their scrutineers, appointed in writing, may attend at all unofficial count locations. Disputes on ballots will be recorded and decided by the Voting Officer.

The election officers at all locations where the unofficial count is taking place will provide one copy of the Statement of Vote to candidates, official agents, or the scrutineers present at the conclusion of the unofficial count.

Official Count (s.136 to 138)

The official count or official results verification must be completed not later than the tenth day after Election Day. The official count or official results verification will be completed for all ballots cast on Election Day, in the advance vote, mobile vote, and special ballot vote.

Each candidate or official agent will receive written notice from the Returning Officer or Elections Alberta concerning the date, time, and place of the official count or official results verification. The candidate, official agent, and/or one of their scrutineers appointed in writing, may be present at the official count or official results verification.

If the difference between the votes for the candidate with the highest number of votes and the candidate with the next highest number of votes is 100 or less, the Returning Officer shall conduct a full official count.

If the difference between the votes for the candidate with the highest number of votes and the candidate with the next highest number of votes is 101 or more, the Returning Officer shall conduct an official results verification by:

- a. checking the accuracy of the *Statement of Vote*,
- b. deciding any questions arising out of an objection regardless of whether a decision was made by the election officer responsible for the count in the first instance,
- c. inspecting all rejected ballots and deciding on the validity of each ballot regardless of the previous rejection by the election officer responsible for the count, and
- d. reviewing such records and inspecting such ballots as necessary to satisfy the Returning Officer that the Returning Officer may sign the *Statement of Official Results* and *Certificate and Return*.

Campaign Printing and Advertising (s.134 and 135.5)

Subject to sec. 134, every printed or electronic election advertisement shall include the name and contact information of the sponsor, and shall indicate whether the sponsor authorizes the advertisement. This information must be stated at the beginning of any advertisement with audio or video content, whether transmitted by television, radio, online, or otherwise.

The *Advertising Guidelines for Political Participants* are available on Elections Alberta's website at <https://www.elections.ab.ca/resources/legislation-bulletin-guidelines/>.

If an advertisement is transmitted to a telephone, whether it is live or automated, the phone number of the sponsor must not be blocked so that it can be displayed on call display to those who subscribe to that service. At the beginning of the advertisement, it must state the name and party affiliation of the sponsor (sponsor = candidate), as well as whether the sponsor has authorized the advertisement. The telephone number of the sponsor or sponsor's campaign office must be stated at the end of the advertisement.

A registered candidate's campaign may only sponsor advertising during a campaign period. Prior to the campaign period, if the registered candidate is affiliated with a registered political party, the candidate's party or constituency association may sponsor the advertising.

If an advertisement is not compliant with the Act, the Chief Electoral Officer may have the advertising removed or discontinued. The Chief Electoral Officer or any person acting on their behalf is not liable for trespass or damage resulting from the removal.

No landlord, condominium corporation, or owner, can prohibit tenants from displaying election material on the premises of their units, but may set reasonable conditions as to the size or type of advertising that is displayed. The landlord may prohibit advertising in common areas.

Distributing election material within the voting place or displaying election or other advertising material within a voting place, on the outside of a building used for a voting place, or within the boundaries of the land on which the building used as a voting place is located is prohibited, except those posted by election officers as required by the *Election Act*.

Candidates should check municipal or local by-laws concerning prohibitions against posting election campaign material on public property.

Appeals (s.144 to 148)

A candidate or official agent may appeal any decision of the Chief Electoral Officer or the Returning Officer concerning a ballot to the Court for a recount of the votes. The application must be made not later than 8 days after the announcement of the official count.

Administrative Penalties and Offences (P.5 and 6)

The *Election Act* includes lengthy lists of offences and corrupt practices for which varying penalties are provided.

Inspection of Election Documents (s.152)

Within 90 days of the publication of elected candidates in the Alberta Gazette, a candidate, official agent, or authorized representative of a registered political party may inspect all election documentation from their electoral division, on request, with the exception of the ballots. Any candidate, official agent, or registered political party may request, in writing to the Chief Electoral Officer, a copy of the voting record for the relevant electoral division(s), at a cost determined by the Chief Electoral Officer, during the same 90-day period. Upon receipt, all reasonable steps must be taken to protect the voting record and all information in it from loss and unauthorized use and, if lost, the candidate, official agent, or registered political party shall immediately notify the Chief Electoral Officer. The Chief Electoral Officer shall direct them to take any action deemed necessary.

Controverted Election

The procedure for petitioning against the undue return or undue election of a candidate is contained in Part 7 of the *Election Act*.

Non-Compliance

Any non-compliance with the Chief Electoral Officer's *Advertising Guidelines for Political Participants* and provisions of the *Election Act* will be referred to the Election Commissioner, who may enter into a compliance agreement, issue a letter of reprimand or administrative penalty, or may refer the matter for prosecution.

Forms and Guides

The following forms and guides are available online at www.elections.ab.ca.

Forms and guides available under Elections > Run as a Candidate

- *Registration of a Candidate (independent candidates only)*
- *Candidate Nomination Paper*
- *Guide for Candidates on the Election Act*
- *Guide for Candidates on the EFCDA*
- *Advertising Guidelines for Political Participants*

Forms and guides available under Elections > Scrutineers

- *Appointment of Scrutineer form*
- *A Guide for Scrutineers (including Code of Conduct for Scrutineers)*

Forms and guides available online under Political Participants > Candidates

- *Registration of a Candidate*
- *Advertising Guidelines for Political Participants*
- *Candidate Guide to the EFCDA*
- *Candidate Guide on the Election Act*
- *Cryptocurrency Guidelines for Political Participants*
- *Frequently Asked Questions by Candidates and CFOs*
- *Guide for Contributors*
- *Guide for Scrutineers*
- *Guidelines on Access to and Disclosure of Alberta's List of Electors*

Copies of the *Election Act* and the *Election Finances and Contributions Disclosure Act* may be obtained from the King's Printer.



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