

Election Act – Summary of Changes

July 4, 2025

Summary of amendments to the *Election Act* contained in Bill 54: *Election Statutes Amendment Act*.

Terminology changes

- Amended definitions of “chief financial officer” to remove “by a candidate”, “voting record” to remove vouching, “inmate” to remove reasons for special ballot (s.1).
- Added definitions for “election period” and “population centre” (s.1).
- Added “leadership contestant”, “registered candidate”, and “registered prospective candidate association” to align with *Election Finances and Contributions Disclosure Act* (s.1).
- Added “municipal council” and “municipal councillor”, to align with *Municipal Government Act* (s.1).
- Added “school board” and “school board trustee” to align with *Education Act* (s.1).

Test of new equipment and procedures

- The Chief Electoral Officer (CEO) must not propose the testing of a voting machine, tabulator, or other similar type of electronic equipment to be used for the counting of votes (s.4.1).

Directives issued by the Chief Electoral Officer

- The CEO must not make a directive that provides for the counting of votes by means of a voting machine, tabulator, or other similar type of electronic equipment (s.4.11).

Accessible voting equipment

- Amends definition of “accessible voting equipment” to remove “and related vote-counting equipment” (s.4.12(4)).

Advice and recommendations

- The CEO may provide advice to a person to whom the Act applies on that person's powers, duties, or rights under the Act (4.21(1)).
- Advice provided by the CEO may set out the material facts on which the request is based, be based on facts as set out from the person as material facts, and other considerations the CEO considers appropriate (s.4.21(2)).
- If a change to material fact has occurred related to a person's request before the CEO provides advice, that person must notify the CEO as soon as practicable (s.4.21(3)).
- The CEO must keep advice provided to a person requesting it confidential unless the person makes it publicly available, the person provides written consent to make it available to another person or the public, or it is required to be disclosed for the purpose of a proceeding (s.4.21(4)).
- The CEO may make advice publicly available, including material facts, other considerations, and recommendations, of a general nature in respect of the enforcement, interpretation, or application of the *Election Act* or advice provided to a person if identifying information has been removed (s.4.21(5) and (6)).

- A person who has relied on the advice provided by the CEO may not be the subject of a civil or administrative proceeding or administrative penalty to the extent it is based on their reliance on the advice (s.4.2(7)).

Contents of list of electors

- Contents of list of electors is subject to regulations (s.17).

Restricted use of list of electors

- Use of list of electors subject to regulations (s.20(2)).

Persons eligible to vote

- Removed vouching as a method to prove identity if the elector does not have identification (s.43(2)).

Persons ineligible to be election officers

- Municipal councillors, school board trustees, and chief financial officers may not be appointed or act as returning officers or election clerks, aligned with terminology changes in section 1 (s.46(1)).

Location of voting places

- The returning officer must locate voting places within a voting area so that on election day 95% of the electors' residences in the voting areas are within 50km of a voting place; and each population centre with at least 1000 residents is required to have a voting place (s.52(2)).
- The number of residents in a population centre will be determined by the most recent order specifying population according to section 604.1 of the *Municipal Government Act* or the most recent decennial Statistics Canada census or the most recent province-wide census, whichever is more recent (s.52(2.1)).

Change of voting place

- Advance voting place added (s.53(1)).
- Requires returning officers to notify electors of a change in voting place in a clear and accurate manner by posting a reasonable number of signs, publicly visible attached to or near the original voting place if possible, or a notice in any other manner in publicly visible locations and which has general and immediate circulation to electors in the voting area (s.53(2)).

Prohibition against nomination

- Chief financial officer of the registered candidate added to the section regarding prohibition from nomination as a candidate in an election (s.57).

Nomination of candidates

- Removes period from when registered party or constituency association endorses the official candidate to nomination day (s.59(1.01)).
- Language changed throughout from "candidate for" to "candidate in" (s.59).

Official agents or candidates

- A person may act as an official agent only for endorsed candidates of one registered party or one independent candidate (s.60(1.2)).

Filing nomination papers

- A person who holds office as a municipal councillor or school board trustee at the time of filing nomination papers must provide the returning officer proof of an unpaid leave of absence from their role (s.61(1)(d.2)).
- When a nomination paper is filed, the returning officer must provide a receipt, which is used as proof of the filing of the nomination paper. The receipt is no longer proof of the deposit (s.61(3)).

Municipal councillor and school board trustee leaves of absence

- Municipal councillors and school board trustees must take an unpaid leave of absence if they wish to be nominated as a candidate in an election or by-election (s.61.1(1)).
- A notice of leave of absence must be provided before the last working day before the writ is issued for the election or by-election (s.61.1(2)).
- A municipal councillor or school board trustee, who provides notice is entitled to a leave of absence without pay (s.61.1(3)).
- A person who has taken a leave of absence is not considered a municipal councillor or school board trustee and may not exercise their powers or perform the duties of a councillor or trustee. The council or board must not treat the office as vacant and must not hold a by-election for that office (s.61.1(5)).
- If the person is not elected, the person is considered to hold the office on the council or board as of the day another person is declared elected, or the returning officer declares no candidate can be elected (s.61.1(6)).
- The person is considered to have resigned their position as councillor or trustee on the day the person takes the oath of allegiance as a member of the Legislative Assembly (s.61.1(7)).
- If the person is elected and then resigns, is disqualified, or is expelled as an MLA, they are not entitled to return to their position on the council or board (s.61.1(9)).

Withdrawal of a candidate

- Election officers must advise electors when issuing a ballot that a candidate has withdrawn if the candidate has withdrawn but their name remains on the ballot (s.65(5)).

Scrutineers

- Scrutineers may observe on behalf of a candidate in a manner that does not compromise the secrecy of voting, each element of the election procedures including issuing ballots to electors, verifying electors' eligibility to vote, declaration completion and signing, opening of special ballot envelopes, and counting of ballots including special ballots. Scrutineers may do this at more than one voting station (s.79).
- Removed reference to vouching procedures.

Voting place hours

- At least one advance voting place in all electoral divisions is required each day of advance voting (Tuesday to Saturday) from 9:00am – 8:00pm, the week before Election Day (s.88(1)(a)(i)).

- Advance voting places in population centres with at least 2500 residents will have at least one advance voting place on each day of advance voting (Tuesday to Saturday of the full week preceding Election Day) from 9:00 am to 8:00 pm (s.88(1)(a)(i)).
- Advance voting places in population centres with at least 1000 residents but fewer than 2500 residents must be open on at least one advance voting day (Tuesday to Saturday of the full week preceding Election Day) from 9:00 am to 8:00 pm (s.88(1)(a)(ii)).

Persons entitled to remain in voting place

- Removed reference to vouching procedures (s.92(1)(f.1)).

Voting places for advance voting

- At least one advance voting place must be established in each electoral division on each day of advance voting (s.98(1.1)(a)(i)).
- The returning officer must establish an advance voting place on at least one of the days fixed for advance voting in population centres with at least 1000 but fewer than 2500 residents (s.98(1.1)(a)(ii)).
- The returning officer must establish an advance voting place on each of the days fixed for advance voting in population centres with at least 2500 residents (s.98(1.1)(a)(iii)).
- The number of residents in a population centre will be determined by the most recent order specifying population according to section 604.1 of the *Municipal Government Act*, or the most recent decennial Statistics Canada census or the most recent province-wide census, whichever is more recent (s.98(1.11)).
- Electors may only vote at an advance voting place in their electoral division where they are ordinarily resident, unless that voting place is changed (s.98(2.1)).
- Electronic document references removed (s.98(6.1-6.3)).

Voting at a voting station

- Removed references to vouching procedures and changed “current address” to “address” (s.100).

Elector with matching identification and address

- The name and residential address on electors’ identification must match the name and residential address on the voting record (s.100.1(c)).

Elector with identification but address does not match voting record

- If the elector provides identification where the residential address does not match the residential address on the voting record, the elector may confirm their identity and address by signing a declaration (s.100.2).

Elector on the voting record but without identification

- Removed. Electors may not have another elector vouch for them by signing a declaration (was s.100.3).

Elector with identification but not on voting record

- The elector may provide identification to confirm their identity and residential address, and sign a declaration. The election officer will enter the elector’s name and residential address in the voting record and indicate the elector signed a declaration (s.100.4).

Elector without identification not on voting record

- Removed. Electors may not have another elector vouch for them by signing a declaration (was s.100.5).

Declarations and vouching

- Election officers must indicate on the declaration the type of identification the elector provided supporting their declaration (s.100.6).

Elector's declaration

- Removed reference to vouching procedures (s.104(5)).

Procedure on close of voting on election day

- At least one election officer is responsible for counting the votes on the ballots, and at least one election officer is responsible for entering the vote count on the tally sheets (s.111(3.1)).
- Votes must not be counted using electronic equipment such as voting machines or tabulators (s.111(3.2)).
- Special ballot votes may be counted if it clearly indicates the voter's intention to vote for a particular candidate, a particular registered political party, or the leader of a particular registered political party (s.111(5.1)).
- The unofficial count must be completed no later than 12 hours after the close of voting on Election Day (s.111(12)).

Procedure on conclusion of unofficial count

- Separate statements of votes will be complete for each voting area, unless more than one voting area in the same electoral division must be combined, in the opinion of the election officer, to maintain the secrecy of the vote (s.112(1)).

Advance vote count

- The count of advance vote ballots may begin no more than 3 hours before the closing of all voting places in an electoral division (s.113(1)).
- Anyone performing or attending the count must not communicate with another person who is not in attendance, unless voting has closed on Election Day, or they have approval from the returning officer (s.113(2.1)).

Vote by Special Ballot

- Removed reasons for electors to apply for special ballot. An elector who is unable to vote at an advance voting place or an Election Day voting place may apply to vote by special ballot (s.116(1)).
- A person may apply for a special ballot on behalf of an elector only if the elector requires assistance due to disability or illness (s.116(2.01)).
- Special ballot applications must be received by the returning officer no later than 7 days before the Friday immediately preceding Election Day (s.116(2.01)(a)(ii)).
- The Chief Electoral Officer may provide, on receipt of an application, a special ballot to electors serving in the Canadian Forces, temporarily residing outside of Canada, or living in remote area no earlier than the third Monday in July in the year in which the election is held. (s.116(3.2)).

Voting by Special Ballot

- Added ability for electors to write the name of the leader of a registered party on their special ballot (s.118(1.1)).
- Voters must deliver the outer envelope to the address specified by the CEO for receipt of special ballots for the electoral division (s.118(2)(g)).
- Special ballots cannot be accepted after 5:00 pm on the Friday immediately preceding Election Day or at an address other than the one specified by the CEO for receiving special ballots (s.118(3)).
- Special ballot sealed outer envelopes must be received by mail. If the CEO determines mail delivery is not reasonably possible, they may permit them to be delivered to the returning officer by courier or personal delivery (s.118(3.1 and 3.3)).
- Except when delivery by courier or personal delivery has been permitted by the CEO, a person cannot collect from or deliver the sealed outer envelope for an elector unless an elector requires assistance due to disability or illness (s.118(3.2)).
- No later than 5:00 pm on the Sunday immediately preceding Election Day, the contents of the special ballot package will be validated to ensure the name on the certificate is the same as that of a person on the special ballot voting record, a copy of the prescribed identification has been included, whether the voter's signature on the certificate reasonably matches the identification signature, and whether part 1 of the certificate has been completed properly (s.118(4)).
- Candidates, official agents, or scrutineers may be present and observe the opening of the outer envelope (s.118(4.1)).
- Reasons for voting by special ballot have been removed (s.118(5)(a)(vi)).
- Special ballots count may begin 3 hours before the close of voting on Election Day (s.118(6.02)).
- Anyone performing or attending the count must not communicate with another person who is not in attendance unless voting has closed on Election Day or they have approval from the returning officer (s.118(6.03)).

Canvassing in a multiple dwelling site before the campaign period

- Terminology amended from "registered party" to "registered political party" (s.133.1).

Printed or electronic advertising

- The CEO must make advertising guidelines, subject to the regulations (s.134(3)).

Restrictions on government advertising

- Removed election period definition from this section (s.134.1(1)).
- A government department or provincial corporation may advertise or publish information about its programs or activities to provide safety, security, or emergency management information during an election, by-election, or referendum period. This includes advertisements, publications, appearances, and press conferences (s.134)

Election surveys

- Removed all restrictions related to election surveys (were s.135.1-135.4).

Conduct of official count

- Scrutineers may be present at an official count (s.137(2)).

- A person allowed in the room for an official count may enter or leave the room while the count is being conducted (s.137(2.01)).
- Voting machines, tabulators, or similar electronic equipment may not be used for the purpose of conducting the official count (s.137(3.01)).

Judicial recount

- An application for a judicial recount may be filed by the authorized representative of a registered political party that endorsed a candidate, and the registered political party must receive at least 4 days' notice of the recount's time and place. Registered political parties may also make application for a further recount (s.144).

Persons to attend recount

- Authorized representatives of each political party that endorsed a candidate will be notified and may be present at any recount of votes (s.145(3)(a.1)).

Conduct of recount

- If a recount application is for a recount of only some of the votes, the recount may be limited to only the ballots containing those votes if each applicant who requested the recount, the returning officer who conducted the recount, each candidate present, and the authorized representative of the registered political party all consent (s.146(2)).
- Special ballot outer envelopes received by the CEO after 5:00 pm on the Friday immediately preceding election day will not be opened (s.146(6)).

Costs

- The crown must pay the reasonable costs related to a recount, not exceeding the maximum, to a candidate in the electoral division subject to the recount and the registered political party. Costs are to be determined by the Court of King's Bench or the Court of Appeal (s.148.1).

Post-election custody of election documents

- The CEO must retain election documents for 6 months after receiving them from the returning officer or 6 months after the final determination of a recount or appeal (s.151).

Inspection of election documents

- A registered candidate, their official agent, and an authorized representative of a registered political party that has endorsed a candidate may inspect any election documents, except ballots, for a period of 90 days after the elected candidate's name is published in the Alberta Gazette. They may also request a copy of the voting records for the relevant electoral division. (s.152).

Duties and powers of the Election Commissioner

- The Election Commissioner may conduct an investigation into a matter the Election Commissioner has reasonable grounds to believe is an offence under the *Election Act* (s.153.09(1)).
- Added "registered prospective candidate association" to the list of premises the Election Commissioner may enter to examine, copy, or temporarily remove to copy records (s.153.09(3)).

- The Election Commissioner may summon a person as a witness to provide evidence when conducting an investigation and may require the person to appear within 30 or more days of the date a summons is served. The Election Commissioner must reasonably accommodate the person as it relates to compelling the person to personally appear before the Election Commissioner (s.153.09(3.1)).
- The Election Commissioner must not compel a person to participate in an investigation or provide a response to a complaint unless 30 or more days notice has been provided by summons and must allow the person's legal counsel to be present when the person is being interviewed. The person appearing before the Election Commissioner must be allowed to record the interview (s.153.09(3.2)).
- Added "registered prospective candidate association" as an entity required to provide information that is reasonably required by the Election Commissioner in the course of their duties, unless an extension has been granted (s.153.09(5)).
- The Election Commissioner may grant a request to extend the period for an appearance or response if the Election Commissioner determined the request is reasonable considering the basis on which it is made and the impact to timely completion of the investigation (s.153.09(6)).
- During an election period, the Election Commissioner may request appearance or response within a shorter time period following a summons or request and must complete the investigation before Election Day unless they determine there is no reasonable chance of completing the investigation before Election Day considering the subject matter or time to conduct investigation (s.153.09(7)).

Notice of investigation and conclusion

- The Election Commissioner must, at the beginning of an investigation, provide notice to each person who is the subject of the investigation. Notice must include the fact the person is the subject of an investigation, the substance of the allegations on which the investigation is based, and the grounds for the belief the matter is an offence under the *Election Act*, unless the Election Commissioner determines that providing notice could reasonably compromise the investigation (s.153.091(1)).
- The Election Commissioner shall not make an adverse finding against a person who is the subject of an investigation unless that person has had reasonable notice of the substance of the allegations on which the investigation is based (s.153.091(3)).
- The Election Commissioner may refuse to conduct an investigation under 153.09(1) if the Election Commissioner is of the opinion the substance of the allegations are frivolous or vexatious or there are no grounds to warrant the investigation (s.153.091(2)).
- If the Election Commissioner refuses to conduct an investigation, they must provide notice of that refusal to each person who would have been the subject of the investigation and each person who made a complaint on which the investigation would have been based (s.159.091(4)).
- On the completion of an investigation, the Election Commissioner must provide notice of the outcome to each person who was the subject of the investigation and each person who made a complaint on which the investigation was based. Notice of the outcome may also be provided to any other person involved in a matter (s.159.091(5)).

Time limit

- A letter of reprimand or notice of administrative penalty must be served less than:
 - one year after the date on which the Election Commissioner received the complaint or
 - two years after the date on which the Election Commissioner knew or ought to have known of a matter that permits investigationwhichever is earlier (s.153.2(1)).
- If the Election Commissioner receives more than one complaint on substantially the same subject matter, the date is calculated from the first complaint received (s.153.2(1.1)).

Appeal of administrative penalty

- During an appeal, the onus is on the Election Commissioner to establish that the person who was served the administrative penalty contravened the provision of the *Election Act* to which the notice of administrative penalty applies, and the amount of the penalty is appropriate based on the contravention (s.153.3(6.1)).

Compliance agreements

- Publication of notices under section s.153.7 removed and replaced with section 206.1 (s.153.4(4)).

General offence

- Increased fine to not more than \$10,000 (from \$5000) to a person who contravenes the *Election Act* or the regulations, other than sections 155 to 163 or commits a corrupt practice in Part 6 (s.154(1)).

Refusal by election officer to carry out duties

- Fines increased to not more than \$10,000 (from \$5000) for returning officers and not more than \$5000 (from \$2000) for any other election officer (s.155).

False statements about candidate

- Fine increased to not more than \$50,000 (from \$10,000) (s.160).

Consent to prosecute

- A prosecution under the *Election Act* must be commenced within one year of the of the alleged offence. (s.163.1(2)).

Fraudulent voting

- Removed reference to vouching (s.167(b)).

Disclosure

- Removed nomination contestants from jurisdiction to align with changes in the *Election Finances and Contributions Disclosure Act* (s.206.1(2)(d)).
- The Election Commissioner must make the following information publicly available on Election Alberta's website on written request from a person who received notice, an administrative penalty is imposed, a letter of reprimand issued, a compliance agreement is entered into, or the Election Commissioner consents to a prosecution:
 - the person's name;
 - each provision of the Act that is the subject of the notice or the person contravened;

- reason the Election Commissioner refused to conduct an investigation, if applicable;
- outcome of the investigation, amount of administrative penalty, or terms of the compliance agreement obligations, if applicable (s.206.1).

Prohibition on municipal bylaws

- A municipal council may not pass a bylaw or resolution about election signs or election advertisements (s.206.5(1)).

Regulations

- The Lieutenant Governor in Council may make regulations regarding:
 - procedures and documents required to demonstrate Canadian citizenship,
 - contents and uses of lists of electors,
 - prescribing the maximum amount of reasonably incurred legal fees for a judicial recount appeal (s.207(1)).

Ministerial Regulations

- The Minister may make regulations establishing rules respecting election advertisements or signs including placement or limiting the CEO's authority to establish guidelines (s.207.1).



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