

Changes to the *Local Authorities Election Act (LAEA)* 2024

Campaign Period, Donations, and Candidate Campaign Finances

Relevant *LAEA* sections

- *LAEA* s. 147.1 to 147.84

Previous *LAEA* requirements

The *LAEA* establishes the framework for local elections in Alberta for 332 municipalities and 61 school boards. The *LAEA* governs processes and procedures for election workers, voters, and candidates during the nomination, election, and post-election periods. The *LAEA* also regulates campaign finances, third party advertising, and the Chief Electoral Officer role in local elections.

The *LAEA* defined the “campaign period” as:

- In the case of a general election, the period of time from January 1 to December 31 in a year in which a general election is held, and
- in the case of a by-election, the period of time set by bylaw or resolution to 60 days immediately following the by-election.

Unions and corporations were prohibited from contributing to candidates and candidates were required to file financial disclosures by March 1 immediately following a general election.

The *LAEA* required municipalities to make candidates' campaign financial disclosure statements available to the public during regular business hours for four years after an election.

If a candidate's campaign had a surplus of \$1,000 or more, the candidate had 60 days after filing the disclosure statement to donate a sufficient amount to a registered charity, so the surplus was reduced to less than \$1,000.

What has changed

Campaign period

In Bill 20, the definition of the “campaign period” has been expanded to be January 1 of the year following a general election and ending December 31 immediately following the next general election period. This enables candidates to fundraise and incur campaign expenses throughout the full four-year election cycle.

Local jurisdictions will also be required to maintain a register of candidates who provide written notice they intend to run prior to the year of the election.

Individuals who intend to file and intend to run or become nominated cannot accept a contribution or incur a campaign expense unless they have provided written notice to the local jurisdiction in accordance with s. 147.22.

Candidates who have filed and intend to run or have become nominated are required to, by March 1, submit a financial disclosure for the previous calendar year if the candidate accepted contributions or incurred expenses in that year.

Corporate and union donations

Corporations and unions may donate to candidate campaigns; such donations may not exceed:

- \$5,000 in total to all candidates in a municipality during the campaign period;
- \$5,000 in total to all candidates per school board election during the campaign period; and
- \$5,000 in total to all candidates per separate school board election during the campaign period.

For example, a corporation or union may donate to the campaigns of several candidates in a municipality throughout the 4-year campaign period. The combined total of the donations over the course of the 4-year campaign period cannot exceed \$5,000.

Corporations associated with one another under the *Income Tax Act* (Canada) are considered a single corporation for campaign finance purposes, and union locals are considered to be part of the same union.

Candidate campaign financial disclosures and campaign surplus

The amendments to the *LAEA* now require candidate financial disclosures to be available on the local jurisdiction's website in perpetuity.

The *LAEA* already contained requirements for how campaign surpluses must be handled. Changes clarify that these provisions also apply to candidates who have filed an intent to run but withdraw from an election.

In both circumstances, if the surplus is \$1,000 or more the candidate has 60 days after filing the disclosure

statement to donate a sufficient amount to a registered charity so that the surplus is reduced to less than \$1,000.

What municipalities need to know

Municipalities should review and ensure that the information on official resources or websites are up to date.

Starting October 31, 2024, individuals were able to become candidates and begin accepting contribution and incurring expenses by submitting a notice of intent to run with the local jurisdiction in which the individuals intend to be nominated.

Municipal Affairs has developed a sample non-prescribed 'Notice of Intent' form, which is available at: <https://formsmgmt.gov.ab.ca/Public/LGS14717.xdp>.

Candidates who have submitted a notice of intent are subject to the same finance and disclosure rules as nominated candidates.

If candidates receive contributions or incur expenses in 2024, they must submit a financial disclosure in accordance with s. 147.4 by March 1, 2025.

Unions and corporations may contribute to candidates for the upcoming election, and must not contribute more than the maximums allowed.

Local jurisdictions must publish candidate financial disclosures on their websites, and they must be available in perpetuity.

Effective date

This change took effect on October 31, 2024. This legislation will be in effect for the 2025 local general election.

Nominations for the next general election are open between January 1, 2025, and September 20, 2025. For summer villages, the nomination period occurs between June or July, with election day held four weeks after the nomination period closes.

Resources

To learn more, please refer to:

- Strengthening local elections and councils: <https://www.alberta.ca/strengthening-local-elections-and-councils>
- Bill 20: https://docs.assembly.ab.ca/LADDAR_files/docs/bills/bill/legislature_31/session_1/20230530_bill-020.pdf

- Amendment summary for Bill 20: <https://www.alberta.ca/system/files/ma-municipal-affairs-statutes-amendment-act-fact-sheet.pdf>
- Municipal elections – Overview: <https://www.alberta.ca/municipal-elections-overview>

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