



City of Beaumont 2023 By-election

Nomination Package for Office of Councillor

Revised September 6, 2023

This handbook has been developed to help assist you in preparing for the 2023 Municipal By-election being held on October 23, 2023, for the office of two (2) Council positions.

The term of the office remaining is for 2 years and concludes in October 2025

The information provided is for the convenience of reference only and has no legislative sanction. It contains answers to the most frequently asked questions regarding election procedures, important facts candidates should be aware of and general information. It also includes some of the relevant excerpts from the Local Authorities Election Act (LAEA) and the Municipal Government Act (MGA). Both acts can be accessed on the Government of Alberta website at [LAEA](#) & [MGA](#)

Information Sources

General information on Municipal elections can be found here: [Municipal Elections](#)

Additional questions can also be answered by calling Alberta Municipal Affairs: 780-427-2225 or by email lgsmail@gov.ab.ca

Each candidate is responsible for ensuring their compliance with the laws governing elections and for obtaining any necessary legal advice. Please refer to specific legislation when references are made to legislation in this handbook.

2023 BY-ELECTION

The City of Beaumont conducts a general municipal election every four (4) years for the following municipal offices:

- 1 Mayor and 6 Councillors

A By-election is held if a vacancy occurs before the term of the office expires and is more than 20 months before the next scheduled General Election.

All municipal elections in Alberta are conducted under the authority of the LAEA. You should be aware of the contents of this Act, as there may be severe penalties (including fines, imprisonment, and disqualification from elected office) if you are found to be in breach of its provisions.

As this information is not inclusive of all the information contained within the relevant pieces of legislation, any person wishing a complete copy of the LAEA, the MGA or any other piece of legislation should contact:

Alberta King's Printer

Telephone: 780-427-4952

Website: <https://www.alberta.ca/alberta-kings-printer.aspx>

Candidate Release of Information to the Public

Throughout the election campaign, the Returning Officer receives numerous requests for candidates' contact information. These come from the news media, organizers of election forums, and the public. In addition, the Deputy Minister of Municipal Affairs requires contact information for candidates.

For the Returning Officer to release contact information, candidates are asked to complete a Release of Candidate Information form and provide it to the Returning Officer along with their Nomination Forms, Form 4 and 5. These forms have been included in this package for your convenience.

The contact information provided by candidates on this form will be released to the news media upon request and provided in response to any inquiries.

Qualification of a Candidate

Section 21 of the LAEA outlines qualification of a candidate. Generally, a person is eligible to be nominated as a candidate if on Nomination Day the person:

- is eligible to vote in that election.
- has been a resident of the City of Beaumont for 6 consecutive months immediately preceding Nomination Day of September 25, 2023; and
- is not otherwise ineligible or disqualified.

The nomination form requires the candidate to make an oath saying that the candidate is eligible to be elected, not disqualified from office, that the candidate will accept the office if elected and that relevant sections of the LAEA have been read and understood. The candidate must swear or affirm before the Returning Officer or a Commissioner for Oaths.

The person who is nominated as a candidate is responsible for ensuring that the nomination filed meets the requirements of the LAEA. The Returning Officer is not responsible for reviewing the validity of information contained in nomination papers. The Returning Officer is required to refuse a candidate's nomination form if it has not been signed by the required number of eligible electors. If a nomination is challenged, the courts will assess eligibility.

Under the Criminal Code of Canada, it is an offence to make a false affidavit and it is punishable by up to two (2) years imprisonment.

Ineligibility for Nomination as a Candidate

Sections 22 and 23 of the LAEA details instances a person is not eligible to be nominated as a candidate in a general municipal election. A person is not eligible to be nominated as a candidate in any local authority election if on Nomination Day:

- the person is the auditor for the City of Beaumont;
- the person is an employee of the City of Beaumont, unless on a granted leave of absence;
- the person's property taxes are more than \$50.00 in arrears;
- the person is indebted to the City of Beaumont for any debt exceeding \$500 for more than 90 days; and/or
- the person has, within the previous 10 years, been convicted of an offence under the LAEA, or the Canada Elections Act.

As the foregoing information does not detail all instances of ineligibility, candidates are encouraged to consult the LAEA. It is the candidate's responsibility to ensure the candidate is not in violation of conditions of eligibility.

Candidates Checklist

- Learn as much as possible about the office you are interested in running for.
- Visit Municipal Affairs web site at [Municipal Elections Overview](#) to learn more about election information.
- Complete & submit your Nomination Papers before 12 noon of September 25, 2023.
- Provide release of Candidate Information Form to the Returning Officer on Nomination Day.

The checklist above is intended to address some common questions raised during previous election campaign preparations. It has no legal validity and is by no means exhaustive.

Please use the LAEA to understand your duties & responsibilities.

NOMINATIONS

Nominations will be accepted from July 12, 2023, to September 25, 2023. The Returning Officer or substitute Returning Officer will accept nomination papers at the City Office building (5600 49 Street) during regular office hours 8:30 am - 4:30 pm until 12:00 Noon on Nomination Day – September 25, 2023. Nominations cannot be accepted after noon on Nomination Day.

Nomination Requirements

Nomination Papers:

Every nomination of a candidate, according to Section 27 of the LAEA, shall be in the prescribed form.

Required Signatures:

Form of Nomination

Every nomination of a candidate must be in the prescribed form (Form 4), be signed by at least five (5) persons who are electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination. An elector is someone who:

- is at least 18 years of age.
- is a Canadian citizen, and
- resides in Alberta and the person's place of residence is located in the local jurisdiction on election day.

The nomination 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 person will accept the office if elected.

Candidates Acceptance:

As a candidate you must swear or affirm that:

- You are eligible to be nominated and elected;
- You are not disqualified from office;
- You will accept the office if you are elected; and
- You have not been convicted of an offence under the LAEA, the Canada Elections Act within the 10 previous years.

All portions of your nomination paper must be completed, and the candidate's acceptance must be sworn or affirmed before a Commissioner for Oaths. This step can be completed with the City of Beaumont's Returning Officer or Deputy Returning Officer.

Filing of Nomination:

You, or someone acting on your behalf, must submit your completed nomination forms to the Returning Officer during office hours. Nomination papers are accepted starting Wednesday, July 12, 2023, to Monday, September 25, 2023 (Nomination Day) closing at 12 noon. Although appointments are not necessary, please call ahead to confirm the Returning Officer is available for the day you wish to submit 780-929-8782.

Ensure both forms, Form 4: Nomination Paper & Candidate's Acceptance and Form 5: Candidate Financial Information are filled out. Form 4: Nomination Paper & Candidate's Acceptance must be sworn or affirmed by a Commissioner for Oaths to be valid. Faxed or electronically submitted nominations are not acceptable.

The person who is nominated as a candidate is responsible for ensuring that the nomination filed meets the requirements of the LAEA.

After 12:00 noon on Nomination Day, a person may request to examine the filed nomination papers during regular business hours in the presence of the Returning Officer. Business hours are from 8:30 am until 4:30 pm Monday through Friday.

Withdrawal of Nomination

A person nominated as a candidate may withdraw as a candidate at any time during the nomination period July 12, 2023, to September 25, 2023.

Within 24 hours after the close of the nomination period (up to noon on September 26, 2023) a candidate may withdraw their nomination, provided that more than the required number of candidates has been nominated for the office the candidate is seeking. The Returning Office cannot accept a withdrawal if it would result in less than the required number of candidates for that office.

If a candidate wishes to withdraw, a written notice must be provided to the Returning Officer no later than 12:00 noon, Tuesday, September 26, 2023.

Election by Acclamation

If at the close of nominations, the number of persons nominated for any office is the same as the number required to be elected, the Returning Officer shall declare the persons nominated to be elected to the offices for which they were nominated.

CAMPAIGNING

Advertising

In accordance with Section 148(5) of the LAEA, candidates are not permitted to use a facsimile or representation of the ballot produced for election day in their advertising. The use of only the candidate's name and an "X" beside it does not constitute a form of the ballot.

Violations under Section 148 of the LAEA could result in a fine of not more than \$10,000.00 or imprisonment for not more than 6 months or to both fine and imprisonment.

Candidate advertising on election day is not permitted inside or on the outside of a voting station. The Returning Officer or Deputy Returning Officer at the voting station will remove advertising, which contravenes Section 152 of the LAEA. Violations under Section 152 of the LAEA could result in a fine or not more than \$500.

Placement of Signage

Election signs do not require a development permit from the City of Beaumont. Elections signs may be placed on private property with the permission of the landowner.

A candidates elections signs must adhere to the City of Beaumont's Election Sign Bylaw. Failure to adhere may result in removal of the signs and/or fines in the amount no less than \$250 and not to exceed \$10,000.00.

For more additional information on placement of signs along "provincial" highways (i.e., SEC HWY 625), please refer to the "Guidelines for the Installation of Election Signs" requirements of Alberta Transportation [Election Sign Guidelines](#)

Campaign Contributions

In accordance with Part 5.1 of the LAEA. Section 147 of the LAEA addresses the rules for dealing with campaign financing and disclosure. It can be accessed by visiting [LAEA](#). The legislation is binding on all candidates running for municipal election in Alberta.

The material that follows is provided for information only. This summary is not intended to replace the candidate's responsibility for reading and understanding this legislation, or to seek appropriate legal or accounting advice from professionals as required. The candidate is responsible for ensuring that their campaign complies with all provincial laws.

Limitations on Contributions

147.2 (1) Only an individual ordinarily residing in Alberta may make a contribution to a candidate,

(2) No prohibited organization and no individual ordinarily residing outside Alberta shall make a contribution to a candidate,

(3) Subject to subsection (4), no individual ordinarily residing in Alberta shall contribute in any campaign period an amount that exceeds:

a) \$5000 to any candidate for election as a Councillor

(4) A candidate may contribute an amount of up to \$10,000 that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period to the candidate's own campaign expenses.

(4.1) Any amount paid by a candidate for campaign expenses from the candidate's own funds that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period, including an amount referred to in subsection (4), is a contribution to the candidate's own campaign for the purposes of this Act.

Acceptance of Contributions

147.22(1) No person shall accept a contribution or incur a campaign expense unless the person has been nominated as a candidate.

(2) No candidate and no person acting for a candidate shall accept a contribution except during the campaign period.

(3) Subsections (1) and (2) do not apply to the following:

(a) a person who accepts not more than \$5000 in the aggregate per year in contributions outside the campaign period; and

(b) a candidate who makes a contribution of not more than \$10 000 in the aggregate per year to the candidate's own campaign from the candidate's own funds.

Duties of Candidate

147.3 (1) A candidate shall ensure that:

(a) a campaign account in the name of the candidate or the candidate's election campaign is opened at a financial institution for the purposes of the election campaign at the time of nomination or as soon as possible after the total amount of contributions first exceeds \$1000 in the aggregate.

Campaign disclosure statements

147.4 (1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the Returning Officer of the candidate's local jurisdiction a disclosure statement in the prescribed form which must include:

- (a) the total amount of all contributions received during the campaign period that did not exceed \$50 in the aggregate from any single contributor;
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$50 in the aggregate;
- (c) the total amount of money of all contributions received as referred to in section 147.22(3);
- (d) the total amount from fund-raising functions;
- (e) the total amount of other revenue;
- (f) the total amount of campaign expenses;
- (g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate;
- (h) the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund;
- (i) the total amount of any campaign surplus, including any surplus from previous campaigns; and
- (j) the amount of any deficit.

The prescribed form noted above is Form 26; Campaign Disclosure Statement and Financial Statement can be found here [Forms](#). For purposes of this by-election Form 26 is due on or before February 20, 2024.

Campaign surplus

147.5(1) if a candidate's disclosure statement shows a surplus, the candidate, within 60 days after filing the disclosure statement with the local jurisdiction:

- a) shall, with respect to any amount that is \$1000 or more, donate an amount to a registered charity that results in the surplus being less than \$1000; and

b) may, with respect to any amount that is less than \$1000:

- (i) retain all or any portion of that amount; and
- (ii) donate all or any portion of that amount to a registered charity.

(2) A candidate who donates an amount to a registered charity in accordance with subsections (1)(a) or (b)(ii) shall, within 30 days after the expiration of the 60-day period referred to in subsection (a), file an amended disclosure statement showing that the surplus has been dealt with in accordance with this section.

(3) This section applies to a candidate whether or not the candidate is elected.

ELECTION DAY

By-election Day

Election Day is Monday, October 23, 2023

Location

Beaumont Community Centre: 5204 50 Ave, Beaumont, Alberta, T4X 1E3

Voting

The Voting station will open at 10:00 am and remain open continuously until 8:00 pm.

The Returning Officer or presiding deputy or another person presiding at the voting station, will immediately after the opening of the voting station, display the empty ballot box(es) to all present and then close and seal the ballot box(es). These boxes will remain closed and sealed during the hours of voting.

When the voting station is declared closed at 8:00 pm, 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. When all the voters inside the voting station at the time the station closed have voted and left, the ballots will be counted.

Eligibility to Vote

47(1) A person is eligible to vote in an election held pursuant to the Local Authorities Election Act if the person:

- is at least 18 years old;
- is a Canadian citizen; and

- resides in Alberta and the person's place of residence is in the local jurisdiction on election day.

47(2) Subject to subsection (3) and sections 75, 77.1, 79, 81 and 83, an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on election day.

The voter will take the ballot to the voting booth, color in the circle fully "•", and bring the ballot back to the deputy supervising the ballot box. The deputy will verify the initials and promptly deposit the ballot in the ballot box. The deputy may allow the elector to deposit the ballot into the ballot box.

The City of Beaumont does not compile a voters list. Voter identification will be required. An Elector may vote after producing government issued identification containing the elector's photograph, current address, and name, or one piece of identification authorized by the Chief Electoral Officer that establishes the elector's name and current address.

OPTION FOR OFFICIAL AGENT

An official agent and/or scrutineer is an individual appointed by the candidate to represent the candidates' interests at any voting station on Election Day. Candidates may choose to act as their own agent, but only one official agent or scrutineer can represent a candidate at any time at each voting station.

68.1(1) Each person nominated as a candidate may, on the nomination form, appoint an elector to be the candidate's official agent.

(1.1) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the Returning Officer in writing of the contact information of the new official agent.

(2) A person who has, within the previous 10 years, been convicted of an offence under the LAEA, the Election Act, the Election Finances and Contributions Disclosure Act or the Canada Elections Act (Canada) is not eligible to be appointed as an official agent.

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

(4) The duties of an official agent are those assigned to the official agent by the candidate. The official agent must present identification (Form 11 Enumerator, Candidate or Official Agent Proof of Identification for Section 52 Access), provided by the candidate, and signed by the Returning Officer to the Deputy Returning Officer at each voting station attended.

The Returning Officer will provide the required Form 11, if requested by the candidate.

Campaign Worker

Section 52 of the LAEA states a person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification in the prescribed form indicating that the person is an enumerator, a candidate, an official agent or a campaign worker shall not:

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing two or more residences or to each residence in a mobile home park.

The required Campaign Worker Proof of Identification (Form 12).

Candidate's Scrutineer

69(1) If, at any time during voting hours, a person who is at least 18 years old presents to the presiding Deputy a written notice, in a form acceptable to the Returning Officer:

- (a) signed by the candidate, and
- (b) stating that the person presenting the notice is to represent that candidate as the candidate's scrutineer at the voting station, the person presenting the notice shall be recognized by the presiding Deputy as the scrutineer of the candidate.

(1.1) A person who has, within the previous 10 years, been convicted of an offence under the Local Authorities Election Act, the Election Act, the Election Finances and Contributions Disclosure Act or the Canada Elections Act (Canada) is not eligible to be recognized as a scrutineer.

(2) Before a person is recognized as a scrutineer, the person shall make and subscribe before the Presiding Deputy at the voting station a statement in the prescribed form Statement of Scrutineer or Official Agent Form 16.

VOTING STATION

Voting Station Attendance

As stated in Section 69(3) of the LAEA, the presiding Deputy shall not permit a candidate to have an official agent or a scrutineer present while a candidate is present in a voting station during voting hours.

Section 69(3.1) states the presiding Deputy shall not permit a candidate to have both an official agent and a scrutineer present at the same time in a voting station during voting hours.

The candidate, official agent or scrutineer are not permitted to observe the marking of a ballot by an elector.

For the purposes of this section of the LAEA the City of Beaumont only has one voting station.

Ballot Count Attendance

Candidates, agents, or scrutineers observing the closing of the election must be present in the voting station before 8:00 pm, the close of voting. No one is permitted to enter the voting station after 8:00 pm.

Candidates, official agents or scrutineers are permitted to observe the process of tabulating the ballots; however, Section 85(2) stipulates that only one is permitted to be present at each voting station.

ELECTION RESULTS

Unofficial Election Results

Following the close of voting stations at 8:00 pm, unofficial election results will be available for the convenience of candidates and the public through the following sources:

- a) the City of Beaumont website: <https://www.beaumont.ab.ca/>; and
- b) the City of Beaumont official social media pages.

As it is difficult to determine when the unofficial election results will be available, your patience is requested while the election staff work towards providing the most timely and accurate results possible.

Official Election Results

At 12 noon on Friday, October 27, 2023, the Returning Officer will post the official election results at the City Office, and the City of Beaumont website. This report will state all the votes cast for each candidate and declare which candidate has won the election (see Section 97, LAEA).

RECOUNTS

Recounts Before Official Results

Request for Recounts must be made prior to Wednesday, October 25, 2023, 4:00 pm (see Section 98, LAEA).

Returning Officer Recount

On Tuesday, following election day, the Returning Officer examines the ballot account from voting station in conjunction with the unofficial results. If there are sufficient “valid ballots objected to” or “rejected ballots other than those on which no vote has been cast” to affect the result of the election or the Returning Officer is of the opinion that there may have been an administrative or technical error that may cause an error in the count of votes, then the Returning Officer may make a recount. Candidates who may be affected by a recount will receive 12 (twelve) hours’ notice of the recount.

Candidate or Agent Recount Request

A candidate, official agent or scrutineer may make application to the Returning Officer within 44 hours (4:00 p.m. Wednesday, October 25, 2023) of the close of voting stations and no later. The application must show grounds that the Returning Officer considers reasonable for alleging that the record of the result of the count of votes at voting station is inaccurate.

If the candidate, official agent, or scrutineer feels that a recount should be made under these circumstances, it is requested that contact be made with the Returning Officer as soon as possible.

Candidate Notification on Recount

Candidates who may be affected by a recount will receive 12 hours’ notice of the recount.

Recount Procedures

The procedure for a recount is the same as for election day. After completion of the recount, if necessary, the Returning Officer will adjust the ballot account for the voting station.

Judicial Recount

At any time within 19 days after the close of the voting stations on election day, any elector may apply to the Court by notice of motion for a recount. Sections 103 to 110 and Sections 112 to 115 of the LAEA outline the recount procedure. It is suggested that legal advice be consulted on these sections if a judicial recount request is considered, as the City of Beaumont will not provide guidance on these sections of the Act.

If, under the strict examination of the Returning Officer, it is felt that circumstances warrant a recount, certain procedures are then undertaken. Information contained here outlines what may justify a recount, how to make this request, and the formal process that follows.

RULES OF RESIDENCE

For the purposes of the LAEA, the place of residence is governed by the following rules: (Sect 48):

- (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 the person lives and sleeps and to which, when the person is absent, the person intends to return;
- (c) a person does not lose the person's residence by leaving the person's home for a temporary purpose;
- (d) subject to clause a student who; and
 - (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 residents 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.

ELECTED OFFICIALS

Once the official results are declared, a swearing in ceremony will be scheduled for October 30, 2023.

All elected officials must by oath, either swear or declare that they will faithfully, diligently and to the best of their ability fulfill the duties of the office to which they have been elected.

For additional information please contact the Returning officer at:
legislative@beaumont.ab.ca or at 780-929-8782

Resources

Forms

Release of Candidate Information form (City of Beaumont)

Form 4 - Nomination Paper and Candidate's Acceptance

Form 5 - Candidate Financial Information

Form 11 - Official Agent Proof of Identification for Section 52 Access

Form 12 - Campaign Worker Proof of Identification

Form 16 - Statement of Scrutineer or Official Agent

Form 26 - Campaign Disclosure Statement & Financial Statement

Website Information

Local Authorities Election Act: <https://kings-printer.alberta.ca/documents/Acts/L21.pdf>

Municipal Government Act:

https://kingsprinter.alberta.ca/1266.cfm?page=m26.cfm&leg_type=Acts&isbncln=9780779842322

Municipal Elections General Information: <https://www.alberta.ca/municipal-elections.aspx>

Alberta Kings Printer: <https://www.alberta.ca/alberta-kings-printer.aspx>

Municipal Election Overview: <https://www.alberta.ca/municipal-elections-overview.aspx>

Election Sign Guidelines for Provincial HWY's: <https://www.alberta.ca/election-signs.aspx>

Municipal Election Forms: <https://www.alberta.ca/municipal-election-forms.aspx>

City of Beaumont: <https://www.beaumont.ab.ca/>