

*Excerpts from the*

**LOCAL AUTHORITIES  
ELECTION ACT**

### **Summer villages**

**12** The provisions of this Act that apply to municipalities apply to summer villages except that in respect of a summer village

- (a) election day
  - (i) in the case of a general election for council or for school representatives, shall be 4 weeks after nomination day for that election, and
  - (ii) in the case of a by-election or vote on a bylaw or question, shall be as established by resolution of the summer village council,
- (b) a person is entitled to vote at an election if
  - (i) the person is eligible to vote under section 47,
  - (ii) the person is 18, a Canadian citizen and is named on a certificate of title as the person who owns property within the summer village, or
  - (iii) the person is 18, a Canadian citizen and is the spouse or adult interdependent partner of a person referred to in subclause (ii),
- (c) the nomination of candidates for election as councillors shall be in the form prescribed for use under section 27(1) and shall be signed by at least 5 electors eligible to vote at that election,
- (d) in the case of a general election, nominations for councillors shall be received by the returning officer in June or July or both June and July in the year in which an election is to be held at a date and place and between the hours established by council, and sections 25 and 28(1) do not apply,
- (e) in the case of a by-election, nominations for councillors and school representatives, if any, shall be received by the returning officer between the hours of 10 a.m. and 12 noon at a date and place established by council,
- (f) voting hours in an election or in a vote on a bylaw or question shall be between the hours of 10 a.m. and 7 p.m., and section 46 applies except as to hours,
- (g) the time limit for withdrawal of nominations shall be 48 hours and section 32 applies except as to hours, and
- (h) in order to qualify for nomination as a councillor, a person is not required to be a resident of the summer village but must be entitled to vote in the election and have been a resident of Alberta for the 12 consecutive months immediately preceding election day.

RSA 2000 cL-21 s12;2002 cA-4.5 s52;  
2003 c27 s4;2006 c22 s7

### **Qualification of candidates**

**21(1)** A person may be nominated as a candidate in any election under this Act if on nomination day the person

- (a) is eligible to vote in that election,
  - (b) has been a resident of the local jurisdiction and the ward, if any, for the 6 consecutive months immediately preceding nomination day, and
  - (c) is not otherwise ineligible or disqualified.
- (2)** Notwithstanding subsection (1), in the case of a city, a candidate for councillor 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 city.
- (3)** Notwithstanding subsection (1), 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.
- (4)** If the boundaries of a local jurisdiction are altered by the addition of land, a person who has been a resident of the added land for at least the 6 months immediately preceding nomination day is deemed, for the purposes of this Act, to have been a resident, during that time, of the local jurisdiction to which the land was added.

1983 cL-27.5 s21;1985 c38 s6;1988 cS-3.1 s247;1990 c36 s52;  
1991 c23 s2(10)

### **Ineligibility**

**22(1)** A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day

- (a) the person is the auditor of the local jurisdiction for which the election is to be held;
- (b) the person is an employee of the local jurisdiction for which the election is to be held unless the person takes a leave of absence under this section;
- (c) the person is indebted to the municipality of which the person is an elector for taxes in default exceeding \$50, excluding from that amount
  - (i) any indebtedness for current taxes, and
  - (ii) any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of any money due under the agreement;
- (d) the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$500 and in default for more than 90 days;
- (d.1) the person has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada).
- (e),(f) repealed 2006 c22 s13.
- (1.1)** A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by
  - (a) a school district or division,
  - (b) a charter school, or
  - (c) a private school, in Alberta unless the person takes a leave of absence under this section.
- (1.2)** A person is not eligible to be nominated as a candidate for election as a councillor if
  - (a) the secretary transmitted a report to council under section 147.8(1) in respect of the person,
  - (b) the Court did not dispense with, or extend the time for, compliance with section 147.4 by an order under section 147.8(3), and
  - (c) subject to subsection (1)(d.1), nomination day for the election occurs within
    - (i) the 8-year period following the day on which the secretary transmitted the report to council, or
    - (ii) where the disclosure statement required by section 147.4 has been filed with the municipality, the 3-year period following the day of filing, whichever period expires first.
- (1.3)** Subsection (1.2) applies where a report has been transmitted under section 147.8(1) respecting a campaign period beginning on or after January 1, 2014.
- (2)** Repealed 2006 c22 s13.
- (3)** Subsection (1)(b) to (d) do not apply to a candidate for election as a trustee of a school board.
- (4)** Subsection (1) does not apply to a person by reason only
  - (a) that the person is a shareholder in a corporation having a contract or dealings with the local jurisdiction or elected authority for which the election is being held,
    - (i) unless the person holds or there is held by the person and the person's spouse or adult interdependent partner, parents, children, brothers and sisters more than 25% of the issued capital stock of the corporation, or
    - (ii) unless the contract or dealings are for the building or construction of a public work of the local jurisdiction;
  - (b) that the person has a contract with the local jurisdiction for the supplying to the person, the person's spouse or adult interdependent partner or child of a service, utility or commodity that the local jurisdiction has statutory authority to supply;
  - (c) that the person holds an interest in a publication
    - (i) in which official advertisements of the local jurisdiction appear, or
    - (ii) that is supplied to the local jurisdiction at the usual rates;
  - (d) that the person sells or leases to the local jurisdiction land or interest in land that the local jurisdiction has authority to expropriate;
  - (e) that the person supplies goods, merchandise or services to the local jurisdiction or to persons contracting with the local jurisdiction if they are supplied at competitive prices and in the ordinary course of the person's business or profession;
  - (f) that the person renders
    - (i) services to indigents who are residents of the local jurisdiction and for which the local jurisdiction is or may become liable to pay, or
    - (ii) services for which the local jurisdiction has provided a subsidy;
  - (g) that the person is appointed to a position under the Emergency Management Act;

- (h) that the person has rendered professional services as a lawyer to the local jurisdiction, if the fees for the services have been reviewed or assessed under the *Alberta Rules of Court*;
  - (i) that the person has received a gratuity or allowance for services on a committee or board appointed by or responsible to the local jurisdiction;
  - (j) that the person is a member of an association under the *Rural Utilities Act* or is a member of a cooperative under the *Cooperatives Act*;
  - (k) that the person is a vendor, purchaser, assignor or assignee of land bought or sold under the *Agriculture Financial Services Act*;
  - (l) that the person is a party to a contract for the purchase or lease of real or personal property from the local jurisdiction entered into before nomination day;
  - (m) that the person is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction or that the person is a volunteer for another purpose who performs duties under the direction of the local jurisdiction.
- (5)** An employee of a municipality who wishes to be nominated as a candidate in an election to be held for that municipality may notify his or her employer on or after July 1 in the year of a general election or on or after the day the council passes a resolution to hold a by-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 this section.
- (5.1)** 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 or 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 this section.
- (6)** Notwithstanding any bylaw, resolution or agreement of a local jurisdiction, every employee who notifies his or her employer under subsection (5) or (5.1) is entitled to a leave of absence without pay.
- (6.1)** Repealed 2012 c5 s107.
- (7)** An employee who takes a leave of absence under this section is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.
- (8)** If an employee who takes a leave of absence under this section is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after election day or, if the 5th day is not a working day, on the first working day after the 5th day.
- (9)** If an employee who takes a leave of absence under this section is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official.
- (10)** If an employee who takes a leave of absence under this section is declared elected but, after a recount under Part 4, is declared not to be elected, the employee may return to work on the first working day after the declaration is made, and subsections (7) and (8) apply.
- (11)** Subject to subsection (12), an employee who takes a leave of absence under this section and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's election is adjudged invalid.
- (12)** If, through no act or omission of the employee, an employee forfeits the elected office or the employee's election is adjudged invalid, the employee may return to work on the first working day after the office is forfeited or the election is adjudged invalid, and subsections (7) and (8) apply.

RSA 2000 cL-21 s22;2001 cC-28.1 s458;2001 c23 s1(11);  
 2002 cA-4.5 s52;2002 c23 s1;2006 c22 s13;2007 c12 s12;  
 2009 c53 s104;2010 c9 s1;2012 c5 s107

#### **Ineligibility for nomination**

- 23(1)** A person is not eligible to be nominated for more than one office of the same elected authority.
- (2)** A member who holds office on an elected authority is not eligible to be nominated for or elected to the same or any other office on the elected authority
- (a) unless the member's term of office is expiring, or
  - (b) if the member's term of office is not expiring, unless the member has resigned that office effective 18 days or more before nomination day.

### **Form of nomination**

**27(1)** Every nomination of a candidate shall be in the prescribed form and signed by at least 5 electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination, and shall be accompanied with a written acceptance signed in the prescribed form by the person nominated, stating

- (a) that the person is eligible to be elected to the office,
- (a.1) the name, address and telephone number of the person's official agent, and
- (b) that the person will accept the office if elected, and if required by bylaw, it must be accompanied with a deposit in the required amount.

**(2)** Notwithstanding subsection (1), a city that is a local jurisdiction with a population of at least 10 000 or a board of trustees under the School Act 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 5 and not more than 100.

**(3)** Notwithstanding subsection (1), if a system of wards is in effect, only an elector who is a resident of the ward for which a candidate for election is being nominated may sign the nomination of the candidate.

**(4)** If a bylaw has been passed providing for a deposit, a nomination paper is not valid nor shall it be acted on by the returning officer unless it is accompanied with the deposit.

RSA 2000 cL-21 s27;2003 c27 s10;2006 c22 s14

### **Nominations**

**28(1)** The returning officer shall receive nominations at the local jurisdiction office between 10 a.m. and 12 noon on nomination day.

**(1.1)** The person who is nominated as a candidate is responsible for ensuring that the nomination filed under subsection (1) meets the requirements of section 27.

**(2)** Notwithstanding subsection (1), 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.

**(3)** Any person may file a nomination described in section 27 with the returning officer or deputy.

**(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.

**(3.1)** Repealed 2006 c22 s15.

**(4)** 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.

**(5)** The returning officer or secretary must retain all the filed nomination papers until the term of office to which the papers relate has expired.

**(6)** 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.

RSA 2000 cL-21 s28;2003 c27 s11;2006 c22 s15;2012 c5 s108

### **Eligibility to vote**

**47(1)** A person is eligible to vote in an election held pursuant to this Act if the person

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

**(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.

**(3)** If a local authority establishes a voting station at a work site, the local authority may direct that those workers who are electors who wish to vote and who are required to work at the site during the hours for which the voting station is open shall vote at that voting station, notwithstanding that those workers do not reside in the voting subdivision in which that voting station is located.

**(4)** In the case of the performance of any function or the exercise of any right under this Act, a person shall be a resident on the day on which that function is performed or that right is exercised in the area, ward or voting subdivision in respect of which that function is performed or that right is exercised and shall have been a resident of Alberta for the 6 consecutive months immediately preceding the day on which that function is performed or that right is exercised, unless otherwise required by this Act.

RSA 2000 cL-21 s47;2003 c27 s15;2006 c22 s23

### **Rules of residence**

**48(1)** For the purposes of this Act, the place of residence is governed by the following rules:

- (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 (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
  - (ii) 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.

**(2)** 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 this Act.

**(3)** Notwithstanding subsection (2), a person who owns and lives in the person's residence and whose residence is assessable for public school purposes or for separate school purposes 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 this Act.

RSA 2000 cL-21 s48;2003 c27 s16;2010 c9 s1

### **Official agent**

**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 this Act, the *Election 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.

2006 c22 s32;2012 c5 s112

#### **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 a 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 this Act, the *Election 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.

**(3)** 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.

**(3.1)** 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.

**(4)** A candidate or official agent personally may

- (a) undertake the duties that the candidate's scrutineer may undertake, and
- (b) attend any place that the candidate's scrutineer is authorized by this Act to attend.

**(5)** 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.

**(6)** When, in the provisions of this Act that relate to the election of a member of an elected authority, expressions are used requiring or authorizing an act or thing to be done or implying that an act or thing is to be done in the presence of an official agent, a scrutineer or a candidate, the expression is deemed to refer to the presence of those an official agents and scrutineers

- (a) that are authorized to attend, and
- (b) that have in fact attended at the time and place where that act or thing is being done, and if the act or thing is otherwise properly done, the non-attendance of an official agent or a scrutineer at that time and place does not invalidate it.

RSA 2000 cL-21 s69;2006 c22 s33;2012 c5 s113

#### **Candidate self-funded election campaign**

**147.11(1)** Any money up to and including \$10 000 paid by a candidate out of the candidate's own funds for the purposes of the candidate's election campaign is not a campaign contribution for the purposes of this Part.

**(2)** If a candidate's entire election campaign is funded exclusively out of the candidate's own funds, the candidate is not required to

- (a) open and deposit the funds in a campaign account at a financial institution in the name of the candidate's election campaign or of the candidate,
- (b) file a disclosure statement with the municipality setting out the total amount contributed by the candidate to the candidate's own election campaign, or
- (c) file a disclosure statement with the municipality listing the campaign expenses incurred during the candidate's election campaign.

**(3)** This section does not apply if the candidate receives or accepts any campaign contribution from any other person, corporation, trade union or employee organization.

2010 c9 s1;2012 c5 s118

### **Limitations on contributions**

**147.2(1)** Campaign contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed \$5000 in any year.

**(1.1)** Money paid by a candidate out of the candidate's own funds to the candidate's election campaign shall not exceed \$10 000 in any campaign period.

**(2)** Repealed 2010 c9 s2.

**(3)** No prohibited organization, person normally resident outside Alberta or trade union or employee organization other than a trade union or employee organization as defined in this Part shall make any campaign contributions to a candidate.

**(4)** A corporation, trade union or employee organization that contravenes this section is guilty of an offence and liable to a fine of not more than \$10 000.

**(5)** A person or a candidate who contravenes this section is guilty of an offence and liable to a fine of up to \$5000.

2009 c10 s3;2010 c9 ss1,2

### **Registration of candidates**

**147.21(1)** No candidate may accept campaign contributions, including the funds of the candidate, unless the candidate is registered under this Act with the municipality in which the candidate intends to run.

**(2)** The municipality shall maintain a register of candidates in relation to each election and shall register in it any candidate who is eligible to be nominated at the time of registration and who files with the municipality an application for registration setting out

(a) the full name and address of the candidate,

(b) the addresses of the place or places where records of the candidate are maintained and of the place to which communications may be addressed,

(c) the names and addresses of the financial institutions to be used by or on behalf of the candidate as depositories for campaign contributions made to that candidate, and

(d) the names of the signing authorities for each depository referred to in clause (c).

**(3)** When there is any change in the information required to be provided under subsection (2), the registered candidate shall notify the municipality in writing within 48 hours after the change, and on receipt of the notice the municipality shall update the register of candidates accordingly.

**(4)** Notice under subsection (3) may be sent by fax or electronic mail.

**(5)** A candidate who contravenes subsection (1) or (3) is guilty of an offence and liable to a fine of not more than \$1000.

**(6)** This section does not apply to a candidate if the candidate's entire election campaign is funded exclusively out of the candidate's own funds up to a maximum of \$10 000.

**(7)** This section applies to a campaign period beginning on or after January 1, 2014.

2012 c5 s119

### **Duties of candidate**

**147.3(1)** A candidate shall ensure that

(a) a campaign account in the name of the candidate's election campaign or of the candidate is opened at a financial institution for the purposes of the election campaign as soon as possible after

(i) the total amount of campaign contributions from any person, corporation, trade union or employee organization first exceeds \$5000 in the aggregate, or

(ii) the total amount of campaign contributions from any person, corporation, trade union or employee organization in combination with any money paid by the candidate out of the candidate's own funds first exceeds \$5000 in the aggregate;

(b) if a campaign account has been opened in accordance with clause (a), all contributions of money are deposited into the campaign account;

(c) money in the campaign account shall only be used for the payment of campaign expenses;

(d) contributions of real property, personal property and services are valued;

(e) receipts are issued for every contribution and obtained for every expense;

(f) disclosure statements are filed in accordance with section 147.4;

- (g) records are kept of campaign contributions and campaign expenses and are retained by the candidate for a period of 2 years following the date on which disclosure statements were required to be filed under section 147.4;
  - (h) proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign expenses and accept or solicit campaign contributions on behalf of the candidate;
  - (i) a campaign contribution received in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
  - (j) an anonymous campaign contribution or a campaign contribution not returned to the contributor under clause (i) is paid to the secretary for the municipality in which the election is held.
- (2)** A candidate who contravenes any of the provisions of this section is guilty of an offence and liable to a fine of not more than \$1000.

2009 c10 s3;2010 c9 s2;2012 c5 s120

### **Campaign disclosure statements**

**147.4(1)** If a candidate's election campaign is funded exclusively from campaign contributions from any person, corporation, trade union or employee organization or is funded from a combination of money paid by the candidate out of the candidate's own funds and campaign contributions from any person, corporation, trade union or employee organization, then, 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 municipality a disclosure statement in the prescribed form, which must include

- (a) the total amount of all campaign contributions received during the campaign period that did not exceed \$100 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 \$100 in the aggregate,
- (c) the total amount of money paid by the candidate out of the candidate's own funds,
- (d) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (e) a financial statement setting out the total amount of revenue and expenses.

**(1.1)** If a candidate does not file nomination papers before the next general election, the candidate shall, within 6 months after the date of the next general election,

- (a) if there is a surplus, donate the amount of money disclosed under subsection (1)(d) to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada) or to the municipality where the candidate was declared elected in a previous general election, or
- (b) if there is a deficit, eliminate the deficit.

**(1.2)** A candidate who has a deficit referred to in subsection (1.1)(b) shall, within 30 days after the expiration of the 6-month period referred to in subsection (1.1), file an amended disclosure statement showing any campaign contributions accepted and any other funds received to eliminate the deficit.

**(2)** If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) has changed or has not been completely or accurately disclosed, the candidate shall, within 30 days, submit a supplementary statement in the prescribed form to the municipality.

**(3)** The municipality must ensure that all documents filed under this section are available to the public during regular business hours.

**(4), (5)** Repealed 2010 c9 s1.

2009 c10 s3;2010 c9 s1;2012 c5 s121

### **Campaign surplus**

**147.5(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, if a candidate's disclosure statement shows a surplus, the candidate shall pay the surplus to the municipality.

**(2)** The municipality shall hold any money received under subsection (1) in trust for the candidate at a financial institution.

**(3)** If the candidate in respect of whom the money is held under subsection (2) files nomination papers to be a candidate in the next general election or in a by-election called before that time, the municipality

shall pay the money and interest calculated at the rate prescribed by the Lieutenant Governor in Council to the candidate for use in that election.

**(4)** If the candidate in respect of whom money is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the municipality to donate the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada).

**(5)** If the municipality does not receive a direction under subsection (4), the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council become the property of the municipality.

2009 c10 s3;2010 c9 s1;2012 c5 s122

#### **Late filing period/penalties**

**147.7(1)** A candidate who contravenes section 147.4 or 147.5 and who fails to

(a) comply with that section within 30 days after the time period provided for in that section, and  
(b) pay the municipality a late filing fee of \$500, is guilty of an offence and liable to a fine of not more than \$5000.

**(2)** If a candidate is found guilty of contravening section 147.5, the Court may, in addition to the penalty provided for in subsection (1), order the candidate to pay any surplus to the municipality as soon as possible.

**(3)** Section 147.5(2) to (5) apply to money paid to a municipality pursuant to a court order under this section.

2009 c10 s3;2012 c5 s124

#### **Effect of non-compliance in relation to disclosure statements**

**147.8(1)** If a candidate fails to file a disclosure statement as required by section 147.4 before the end of the late filing period provided under section 147.7, the secretary shall transmit a report to that effect to council, which shall on its receipt make the report public.

**(2)** A candidate under subsection (1) may, within the 60-day period following the date on which the report under subsection (1) is made public, apply to the Court for relief.

**(3)** On hearing the application, the Court may

(a) dispense with compliance with section 147.4, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate and that it is not reasonably possible to comply with the section,  
(b) extend the time for compliance with section 147.4, or any provision of it, if it finds mitigating reasons for non-compliance with the section,  
(c) make any order that it considers appropriate to secure compliance with as much of section 147.4 as it considers reasonable in the circumstances, or  
(d) refuse the application.

**(4)** A candidate may apply to the Court under this section and name the municipality as the respondent.

**(5)** The decision of the Court is final and not subject to appeal.

2009 c10 s3;2010 c9 s1

#### **Offence**

**151** A candidate for elective office who signs a candidate's acceptance form that contains a false statement is guilty of an offence and liable to a fine of not more than \$1000.

1983 cL-27.5 s151