

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) subject to subsection (4), 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*, the *Election Finances and Contributions Disclosure 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- (e),(f) repealed 2006 c22 s13.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 or a school board trustee if

- (a) a report was transmitted 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 the school board, or
 - (ii) where the disclosure statement required by section 147.4 has been filed with the secretary, the 3-year period following the day of filing,whichever period expires first.

(1.3) Subsection (1.2) applies

- (a) with respect to a candidate for election as a councillor, if a report has been transmitted under section 147.8(1)(a) respecting a campaign period beginning on or after January 1, 2014, and
- (b) with respect to a candidate for election as a school board trustee, if a report has been transmitted under section 147.8(1)(b) respecting a campaign period beginning on or after January 1, 2019.

(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)(b) does not apply to a person by reason only

- (a) - (f) repealed 2018 c23 s11;
- (g) that the person is appointed to a position under the *Emergency Management Act*;
- (h) repealed 2018 c23 s11;
- (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) - (l) repealed 2018 c23 s11;

(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) A person who is an employee of a municipality and who wishes to be nominated as a candidate in an election to be held for that municipality may notify that person's 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 person's last working day prior to nomination day that the person is taking a leave of absence without pay under this section.

(5.1) A person employed by an entity 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 that person's employer on or after July 1 in the year of an election but before the person's last working day prior to nomination day that the person is taking a leave of absence without pay under this section.

(6) Notwithstanding any bylaw, resolution or agreement of a local jurisdiction, every person who notifies an employer in accordance with 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;2018 c23 s11

Form of nomination

27(1) Every nomination of a candidate must

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- (a) be in the prescribed form,
 - (b) be signed by at least 5 persons who are electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination,
 - (c) be accompanied with a written acceptance sworn or affirmed in the prescribed form by the person nominated, stating
 - (i) that the person is eligible to be elected to the office,
 - (ii) the name, address and telephone number of the person's official agent, if one has been appointed,
 - (iii) that the person will accept the office if elected,
 - (iv) that the person will read and comply with the municipality's code of conduct if elected, and
 - (v) that the persons who have signed the nomination are electors who are eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination,
- and
- (d) if required by bylaw, be accompanied with a deposit in the required amount.

(1.1) A person who files a nomination shall also submit, in the prescribed form, the following information to the returning officer:

- (a) the full name and contact information of the candidate;
- (b) the address of the place or places where records of the candidate are maintained and of the place to which communications may be addressed;
- (c) the name and address of the financial institutions to be used by or on behalf of the candidate for its campaign account, if applicable;
- (d) the names of the signing authorities for each account referred to in clause (c), if applicable.

(1.2) When there is any change in the information required to be provided under subsection (1.1), the candidate shall notify the local jurisdiction in writing within 48 hours after the change, and on

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