



AGENDA ITEM

2021 Municipal Election Update

Candidate Financial Disclosure Statements

May 12, 2022

BACKGROUND

The Local Authorities Elections Act (LAEA) set out the requirements for election campaign finances and financial reporting for municipal elections. These requirements apply to all candidates who run for municipal office, including those who withdraw or were elected by acclamation. Section 147.4 provides that candidates must submit on or before March 1st in the year after a municipal election, a disclosure statement in the prescribed form.

Once submitted, this financial information must be made available for public inspection by the municipality and be retained for the next four years. The LAEA also outlines the consequences for candidates who fail to file their information with the municipality by the March 1st deadline.

This report is to provide Council with an update on the status of disclosure statement submissions in accordance with section 147.8(1) of the LAEA.

ANALYSIS

The failure to submit financial disclosure forms on a timely manner can have a significant impact on candidates.

Section 22(1.2) of the LAEA state that a person is not eligible to be nominated as a candidate for election as a councillor 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.

Non-compliant candidates have 60 days from the date of presentation of this report to seek relief from the Courts (July 11, 2022) from these requirements.



In addition to affecting eligibility for running in future elections, a failure to submit the required financial disclosure form by the March 1st deadline also results in the candidate being subject to a \$500 late fee payable to the County. Section 147.4 does provide for an additional 10 day limit grace period (March 11th) which has passed, and the amount becomes payable upon submission of this report to Council.

Finally, a failure to submit a financial disclosure could also result in the candidate being in contravention of the Act and guilty of an offence under the LAEA. A failure to submit by April 1st could result in action being taken by the Election Commissioner.

Submission of financial disclosures is the responsibility of candidates. However, the County did provide notice of deadlines as a courtesy to candidates. This notice was done through email (where email addresses were provided) and through notices sent to the candidates' mailing address of record.

The list of candidates who did not file their financial disclosure before the March 11, 2022 deadline is outlined in Appendix 1.

Alternatives:

1. Accept this report for information (Administrative recommendation)
2. Take other action(s) as determined by Council.

BUDGET IMPLICATIONS

No budget implications

LEGISLATIVE RESPONSIBILITIES

Section 22(1.2) of the Local Authorities Election Act outlines the eligibility for candidates who fail to file financial disclosure statements.

Section 147.4 of the Local Authorities Election Act outline the responsibility to submit financial disclosure statements and respective deadlines.

Section 147.7 of the LAEA, provides for financial penalty to candidates who fail to file by the March 1st deadline.

Section 147.8(1) of the LAEA requires secretary to report to Council the names of those candidates who have not filed the required financial disclosure information within the required timelines.

Section 147.84 of the LAEA outlines the penalties for candidates who fail to file within the prescribed time.



Section 205 requires the returning officer or secretary to report contraventions of the Act to the Elections Commissioner of Alberta.

RECOMMENDATION

That Council accept this report for information.

PREPARED BY: Michael Minchin, Corporate Services Director

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REVIEWED BY: Tim Timmons, County Manager

A blue ink signature of Tim Timmons, consisting of stylized initials "T.T." enclosed in a square box.



Appendix 1 – Municipal Election: Candidates in Non-Compliance with Disclosure Statement Filing Requirements

Municipal Council Candidates of the 2021 General Election who did not file a disclosure statement before March 11, 2022 are as follows:

Phillip RANDALL