



# Town of Drayton Valley

## AGENDA ITEM REPORT

### Regular Council Meeting

<b>MEETING:</b>	Regular Council - November 13, 2024		
<b>PRESENTED BY:</b>	Jennifer Stone, Intergovernmental Relations and Communications	<b>DEPARTMENT:</b>	Communications
		<b>DIVISION:</b>	Administration

**SUBJECT:** Election Candidate Criminal Record Check Bylaw 2024-01-A

**ATTACHMENTS:** [2024-01-A Criminal Record Check Bylaw](#)

#### **PROPOSAL AND BACKGROUND INFORMATION:**

During the September 4, 2024 Regular Meeting of Council, Administration was directed to prepare a Candidate Criminal Record Check Bylaw for the Town of Drayton Valley in anticipation of the passing of the Municipal Affairs Statutes Amendment Act, 2024, (Bill 20).

Bill 20 received Royal Assent on May 30, 2024 and came into force upon proclamation on October 31, 2024. This Bill sets out new rules for local elections through amendments to the *Local Authorities Elections Act* (LAEA) which establishes the framework for the conduct of elections in Alberta Municipalities

The changes to the *LAEA* aim to add greater transparency to, and trust in, local election processes.

Section 21.1 of the updated *LAEA* states that:

*An elected authority, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, may require a person seeking to be nominated as a candidate to provide a criminal record check.*

As such, Election Candidate Criminal Record Check Bylaw 2024-01-A is being presented to Council for First Reading.

#### **FINANCIAL IMPLICATIONS:**

N/A

#### **LEGAL/RISK IMPLICATIONS:**

N/A

**ORGANIZATIONAL IMPLICATIONS:**

N/A

**SERVICE LEVELS IMPLICATIONS:**

N/A

**STAKEHOLDER AND COMMUNICATION STRATEGY:**

N/A

**NEXT STEPS:**

Should Council give First Reading to Election Candidate Criminal Record Check Bylaw 2024-01-A, Administration will present the Bylaw to Council for Second and Third Readings at the November 27, 2024 Regular Meeting of Council.

**RECOMMENDATION(S):**

THAT, Council, give First Reading to Election Candidate Criminal Record Check Bylaw 2024-01-A as outlined in AIR-24-252.

**ALTERNATIVES:**

THAT, Council receive report AIR-24-252 as information.

Jennifer Stone, Intergovernmental  
Relations and Communications

Approved - 05 Nov 2024

Pat Vincent, Chief Administrative  
Officer

Approved - 05 Nov 2024

**BYLAW NO. 2024-01-A****Name of Bylaw: Election Candidate Criminal Record Check**

**WHEREAS** pursuant to Section 10(1) of the *Municipal Government Act*, “specific bylaw passing power” means a municipality’s power or duty to pass a bylaw that is set out in an enactment other than this Division but does not include a municipality’s natural person powers.

**AND WHEREAS** pursuant to Section 21(1) of the *Local Authorities Election Act*, an elected authority, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, may require a person seeking to be nominated as a candidate to provide a criminal record check.

**AND WHEREAS** pursuant to Section 23(1) of the *Local Authorities Election Act*, a candidate is disqualified and becomes ineligible to continue as a candidate in an election under this Act if, on or after the day the candidate’s nomination has been accepted under section 28(5) and on or before election day, the candidate

- (a) is convicted of an offence
  - (i) punishable by imprisonment for 5 or more years, or
  - (ii) under section 123, 124 or 125 of the Criminal Code (Canada), or
- (b) uses or expends a contribution in contravention of section 147(23) of the *Local Authorities Election Act*

**AND WHEREAS** pursuant to Section 27(1)(e) of the *Local Authorities Election Act*, every nomination of a candidate must, if required by bylaw, be accompanied with a criminal record check.

**AND WHEREAS** pursuant to Section 28(6) of the *Local Authorities Election Act*, at any time after the commencement of the nomination period 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.

**AND WHEREAS** pursuant to Section 28(6.2) of the *Local Authorities Election Act*, if a criminal record check accompanies a candidate’s nomination papers, the results of the criminal record check must not be withheld or redacted under subsection (6.1) except to ensure that the mailing address of the candidate and of the candidate’s official agent is not disclosed.

**NOW THEREFORE** the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

## **TITLE**

**1.0** This Bylaw may be cited as the “Election Candidate Criminal Record Check Bylaw” of the Town of Drayton Valley.

## **PURPOSE**

**2.0** The purpose of this Bylaw is to establish the requirement of criminal record checks to be filed with candidate nomination papers.

## **DEFINITIONS**

**3.0** In this Bylaw:

- (a) **“Act”** means the Local Authorities Election Act
- (b) **“Bylaw”** means a Municipal Bylaw of the Town of Drayton Valley
- (c) **“Candidate”** means an individual who has been nominated to run for election in a local jurisdiction as a councillor or mayor
- (d) **“Criminal Record Check”** means a document that determines if an individual has been charged or convicted of a crime
- (e) **“Election”** means a municipal election or by-election in the Town of Drayton Valley
- (f) **“Nomination Papers”** means the document prescribed pursuant to the Act which must be duly completed and submitted by a candidate for nomination in order for that candidate to be eligible to seek election.
- (g) **“Nomination Day”** means the day 4 weeks before election day ending at 12:00 noon
- (h) **“Returning Officer”** means a person appointed under the Act to conduct elections in the local jurisdiction; a returning officer includes a person acting in the returning officer’s place

## **GENERAL**

- 4.0** Every candidate seeking election for the position of mayor or councillor in the Town of Drayton Valley shall obtain a criminal record check.
- 5.0** The criminal record check must have been completed by the RCMP for not more than forty-five (45) days before the date of nomination paper is to be submitted to the Returning Officer.
- 6.0** The original criminal record check must be included with the nomination papers submitted by the candidate and will be made available to the public upon request; the mailing address and date of birth of the candidate will be redacted as well as any personal information that, in the opinion of the returning officer, deputy or secretary would compromise the personal safety of the candidate.
- 7.0** Nomination papers submitted without a criminal record check will be rejected by the Returning Officer, deputy or secretary. Candidates may resubmit their nomination papers with their criminal record check no later than 12:00 noon on Nomination Day.
- 8.0** Every candidate running for municipal office shall obtain a criminal record check at their own expense.

## **INTERPRETATION**

- 9.0** Words used in the singular include the plural and vice-versa.
- 10.0** When a word is used in the masculine or feminine it will refer to either gender.
- 11.0** Words used in the present tense include the other tenses and derivative forms.

## **SEVERABILITY**

- 12.0** If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

**AND THAT** this Bylaw shall come into force and have effect from and after the date of third reading thereof.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A. D.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A. D.

Read a third and final time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A. D.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER