Bill 20 – *Municipal Affairs Statutes Amendment Act, 2024* (AMENDED)

The proposed *Municipal Affairs Statutes Amendment Act, 2024,* would make changes to two key pieces of municipal-related legislation: the *Local Authorities Elections Act (LAEA)* and the *Municipal Government Act (MGA)*.

- The ***LAEA*** establishes the framework for the conduct of elections in Alberta municipalities, school divisions, irrigation districts, and Metis Settlements.
- The ***MGA*** establishes the rules governing the conduct of local elected officials once on council, as well as the overall administration and operation of municipal authorities in Alberta.

On May 23, 2024, amendments were tabled to more clearly outline the authorities to dismiss a councillor and repeal a bylaw.

Changes to local election rules under the *LAEA*

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

Description of Proposed Changes	Current Status
Align candidate eligibility criteria with councillor disqualification criteria in the *MGA*.	Candidates elected to council may face immediate disqualification due to misalignment with the *MGA*'s criteria.
Allow municipalities to require criminal record checks for candidates.	No provisions in place.
Allow union and corporate donations to local candidates, with the same donation limits as individual donors ($5,000 per municipality per year). Allow donations outside the local election year and require annual reporting of donations.	Unions and corporations were prohibited from donating to municipal campaigns in the 2021 campaign. Donations outside of the campaign period (January 1 to December 31 in the year of a general election) were restricted to a maximum of $5,000 per year.
Require third-party advertisers interested in plebiscites to register and report finances. Only Albertans, Alberta companies and Alberta unions can contribute to issues-based third-party advertisers, up to a maximum of $5,000.	The *LAEA* only regulates third-party advertising for the promotion or opposition of a candidate during an election. There is no reference to issue-based advertising.
Limit donations to third party advertisers to $5,000 per election period, which begins May 1 of the election year.	The current donation limit is $30,000 for all individuals, unions, and corporations.
Enable regulation-making authority to define local political parties. This approach will be piloted in Calgary and Edmonton.	No provisions in place to regulate political parties at the local level.
Repeal the municipal authority to develop a voters list.	Municipalities can prepare a voters list, which must be shared with all candidates.
Require municipalities to use the most current provincial register of electors from Elections Alberta.	A permanent electors register is an internal document that assists with the conduct of an election. Municipalities can choose to develop one or not.
Expand the use of special ballots while strengthening special ballot processes.	Special ballots can only be requested for very specific reasons, including physical disability, absence from the municipality, or for municipal election workers.
Limit vouching to the ability to vouch for someone's address.	An elector can vouch for an individual's age, residence, and identity.
Repeal the ability for a candidate's official agent or scrutineer to object to an elector.	Candidate's official agents or scrutineers can object to an elector; however, the elector can still vote.
Enable regulation-making authority to postpone elections in emergencies.	No provisions in place to enable the Minister to postpone an election in the event of a natural disaster.

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Prohibit automated voting equipment, such as electronic tabulators.	The *LAEA* permits municipalities, by bylaw, to process ballots by automated voting equipment.
Require recounts if requested by a candidate when the margin is within 0.5 percent of total votes.	Returning officers have discretion regarding recounts.
Clarifying rules and streamlining processes for scrutineers.	Concerns have been raised that the rules for scrutineers are not clear.

Strengthening the accountability of local councils under the *MGA*

Proposed changes to the *MGA* will help ensure local councils and elected officials are mindful of the common interests of Albertans and held to greater account by the citizens who elected them.

Description of Proposed Changes	Current Status
Require a councillor's seat to become vacant upon disqualification.	Municipal councils or electors can only remove a disqualified councillor through the courts if they refuse to vacate their seat.
Require mandatory orientation training for councillors.	Training for councillors must be offered, but there is no requirement for the councillor to attend the training.
AMENDED: Allow Cabinet to remove a councillor by ordering a vote of the electors to determine whether the councillor should be removed. An elector vote to remove a councillor is limited to councillors who Cabinet consider to be unwilling, unable, or refusing to do the job for which they were elected, or if Cabinet considers such a vote to be in the public interest by taking into consideration illegal or unethical behaviour by a councillor.	Minister can only remove a sitting councillor through the municipal inspection process and only under very specific circumstances.
Allow elected officials to recuse themselves for real or perceived conflicts of interest.	Elected officials can only recuse themselves for matters in which they have a financial interest.
Make the Minister responsible for validating municipal recall petitions.	A municipality's chief administrative officer is responsible for validating recall petitions.
AMENDED: Enable Cabinet to require a municipality to amend or repeal a bylaw given specific requirements are met that allow Cabinet to intervene (including: the bylaw exceeds the scope of the *MGA* or otherwise exceeds the authority granted to a municipality under the *MGA* or any other statute, conflicts with the *MGA* or any other statute, is contrary to provincial policy, or contravenes the Constitution of Canada. Give Cabinet authority to direct a municipality to take specific action to protect public health and/or safety.	Cabinet may only intervene with respect to a land use bylaw or statutory plan. No provisions exist.
Allow the Minister to outline joint use planning agreement criteria and requirements.	All criteria for these agreements are currently in the *MGA*.
Specify that the assessed person for an electric generation system is the operator.	There is a lack of clarity regarding who should be assessed for electrical generation systems.

Accelerating housing development under the *MGA*

Affordable and attainable housing has become one of the most urgent concerns across the country, and Alberta's government is constantly searching for innovative ways to meet this challenge, including new tools for municipalities to leverage under the *MGA*.

Description of Proposed Changes	Current Status
Require municipalities to offer digital options for public hearings on planning and development and restrict them from holding extra hearings when not required by legislation.	No requirements in place for digital options. Municipalities can hold extra hearings beyond what's legislated.

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Description of Proposed Changes	Current Status
Fully exempt non-profit subsidized affordable housing from property taxation.	No provisions in place.
Enable multi-year residential property tax incentives.	Municipalities may offer multi-year incentives for non-residential development, but not residential development.
Limit the ability of municipalities to require non-statutory studies as requirements for building and development permits.	No provisions in place.

Next steps

Should the legislation pass, supporting regulations would be developed through stakeholder engagement with municipalities and other partners, which is expected to take place in late spring and summer of 2024. If passed, it is anticipated that the majority of the legislation would come into force upon proclamation. Provisions that have property tax implications retain a January 1, 2025, coming into force date.

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