

## **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 the day established by council for the receipt of nominations 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), (1.1) and (1.2) 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.

### **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 division 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 division.

**(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 section, to have been a resident, during that time, of the local jurisdiction to which the land was added.

### **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 board of a school division if on nomination day the person is employed by

- (a) a school 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 board of a school division.

**(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 board of a school division 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.

### **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 must

(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 the candidate's 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 receipt of the notice the local jurisdiction shall update the information accordingly.

**(1.3)** Notice under subsection (1.2) may be sent by fax or e-mail.

(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 *Education Act* of a local jurisdiction with a population of at least 10 000 may, by a bylaw passed prior to December 31 of the year before 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) Repealed 2018 c23 s13.

### **Nominations**

**28(1)** Subject to subsection (1.2), nominations shall be submitted at the local jurisdiction office at any time during the nomination period.

(1.1) An elected authority may, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, provide that a returning officer may establish one or more locations, in addition to the local jurisdiction office, where a deputy may receive nominations.

(1.2) If an elected authority passes a bylaw referred to in subsection (1.1), nominations shall be submitted to the local jurisdiction office or any location established by the returning officer at any time during the nomination period.

(2) The person nominated as a candidate is responsible for ensuring that the nomination filed under this section meets the requirements of section 27.

(3) Any person may file a nomination described in section 27 in accordance with this section.

(4) A returning officer shall not accept the following for filing:

(a) a nomination that is not completed in the prescribed form;

(b) a nomination that is not signed by at least the minimum number of persons required to sign the nomination;

(c) a nomination that is not sworn or affirmed by the person nominated;

(d) if a bylaw has been passed under section 29(1), a nomination that is not accompanied by the deposit required by the bylaw.

(5) If the returning officer has not rejected a nomination form under subsection (4), the returning officer must sign the form to indicate that the form has been accepted.

(6) 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.

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

(8) 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.

(9) A statement referred to in subsection (8) may be forwarded by electronic means, including by fax or e-mail.

(10) Within 48 hours of the close of nominations on nomination day, the returning officer shall post or cause to be posted at the local jurisdiction office the names of all candidates that have been nominated and the offices for which they were nominated.

### **Material to be provided to candidate**

**28.1** The returning officer, on receiving a nomination paper, must, if requested by the candidate, provide to the candidate a sufficient number of copies of the prescribed form for the identification of an official agent, campaign workers and scrutineers for the purposes of identification under section 52.

### **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) resides in Alberta and the person's place of residence is located in the local jurisdiction 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)** Repealed 2018 c23 s19.

### **Option for 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*, the *Election Finances and Contributions Disclosure 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.

## **Part 5.1 Election Finances and Contributions Disclosure**

### **Interpretation**

**147.1(1)** In this Part,

- (a) "campaign expense" means any expense incurred, or non-monetary contribution received, by a candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a candidate during a campaign period, and includes an expense incurred for, or a non-monetary contribution in relation to,
  - (i) the production of advertising or promotional material,
  - (ii) the distribution, broadcast or publication of advertising or promotional material in any media or by any other means during a campaign period, including by the use of a capital asset,
  - (iii) the payment of remuneration and expenses to or on behalf of a person for the person's services as a chief financial officer or in any other capacity,
  - (iv) securing a meeting place,

- (v) the conduct of election surveys or other surveys or research during a campaign period, or
- (vi) the production of a review engagement required by this Act;

(b) “campaign period” means

- (i) in the case of a general election, the period of time from January 1 to December 31 in a year in which a general election is held, and
- (ii) in the case of a by-election, the period of time set by bylaw or resolution to 60 days immediately following the by-election;

(c) “contribution” means any money, personal property, real property or service that is provided to or for the benefit of a candidate’s election campaign without fair market value compensation from that candidate, but does not include a service provided by an individual who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or time spent providing the services;

(d) “employee organization” means an organization, other than a trade union, that bargains collectively for employees;

(e) “group” means an unincorporated group of individuals or corporations acting in consort for a common purpose and includes a trade union and an employee organization or any combination of individuals, corporations, trade unions or employee organizations;

(f) “prohibited organization” means a corporation and an unincorporated organization, including a trade union and an employee organization;

(f.1) “review engagement” means a review engagement as defined in the *Chartered Professional Accountants Act*;

(g) “trade union” means an organization of employees that has a written constitution, rules or bylaws and has as one of its objects the regulation of relations between employers and employees.

(2) The value of a contribution, other than money, provided to a candidate is the fair market value of the contribution at the time it is provided.

(3) If any personal property, real property or service or the use of personal property or real property is provided to a candidate for a price that is less than the fair market value at the time it is provided, the amount by which the value exceeds the price is a contribution for the purposes of this Part.

(4) For the purposes of this section, the use of goods in a 2nd or subsequent election is a non-monetary contribution.

(5) In this section, “expense incurred” means an expense that is incurred, whether it is paid or unpaid.

**147.11** Repealed 2018 c23 s51.

#### **Application of Part**

**147.12** This Part applies to candidates for election as a councillor in a municipality or as a trustee of a school board.

#### **Responsibility of contributors**

**147.13(1)** A prospective contributor is responsible for ensuring, before making a contribution under this Act, that the contributor is not prohibited from making a contribution and is not making a contribution that is in excess of the limit prescribed by section 147.2(3).

(2) Every candidate and every person acting on behalf of a candidate shall make every reasonable effort to advise prospective contributors of the provisions of this Part relating to contributions.

#### **Limitations on contributions**

**147.2(1)** Only an individual ordinarily resident in Alberta may make a contribution to a candidate.

(2) No prohibited organization and no individual ordinarily resident outside Alberta shall make a contribution to a candidate.

(3) Subject to subsection (4), no individual ordinarily resident in Alberta shall contribute in any campaign period an amount that exceeds

(a) \$5000 to any candidate for election as a councillor, and

(b) \$5000 to any candidate for election as a school board trustee.

(4) A candidate may contribute an amount of up to \$10 000 that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period to the candidate's own campaign expenses.

(4.1) Any amount paid by a candidate for campaign expenses from the candidate's own funds that is not reimbursed to the candidate from the candidate's campaign account by the end of the campaign period, including an amount referred to in subsection (4), is a contribution to the candidate's own campaign for the purposes of this Act.

(5) No candidate and no person acting on behalf of a candidate shall, directly or indirectly, solicit or accept a contribution if the candidate or person knows or ought to know that the prospective contributor is a prohibited organization or an individual ordinarily resident outside Alberta.

(6) No candidate and no person acting on behalf of a candidate shall solicit or accept a contribution if the candidate or person knows or ought to know that the amount of the contribution will exceed the amounts referred to in subsection (3).

**147.21** Repealed 2018 c23 s51.

#### **Acceptance of contributions**

**147.22(1)** No person shall accept a contribution or incur a campaign expense unless the person has been nominated as a candidate.

(2) No candidate and no person acting for a candidate shall accept a contribution except during the campaign period.

(3) Subsections (1) and (2) do not apply to the following:

(a) a person who accepts not more than \$5000 in the aggregate per year in contributions outside the campaign period;

(b) a candidate who makes a contribution of not more than \$10 000 in the aggregate per year to the candidate's own campaign from the candidate's own funds.

#### **Anonymous and unauthorized contributions**

**147.23** Any anonymous contributions and any contribution or portion of a contribution made in contravention of this Part accepted by a candidate or a person acting on behalf of a candidate must not be used or expended, and the candidate or the person acting on behalf of the candidate shall (a) return the contribution to the contributor if the contributor's identity can be established, or (b) if the contributor's identity cannot be established, pay an amount equivalent to the contribution to a registered charity or to the local jurisdiction for which the candidate is running for election.

#### **Contributions not belonging to contributor**

**147.24(1)** No individual shall contribute to a candidate (a) funds not belonging to that individual, or (b) funds that have been given or furnished to the individual by another individual or a prohibited organization for the purpose of making a contribution of those funds to a candidate.

(2) No individual and no prohibited organization shall give or furnish funds to another individual for the purpose of having that other individual make a contribution of those funds to a candidate.



(3) No candidate and no person acting on behalf of a candidate shall solicit or accept a contribution if the candidate or person knows or ought to know that the contribution is contrary to subsection (1).

#### **Duties of candidate**

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

(a) a campaign account in the name of the candidate or the candidate's election campaign is opened at a financial institution for the purposes of the election campaign at the time of nomination or as soon as possible after the total amount of contributions first exceeds \$1000 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) records are kept of contributions and campaign expenses and are retained by the candidate for a period of 3 years following the date on which disclosure statements were required to be filed under section 147.4, and

(g) 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 contributions on behalf of the candidate.

(2) A candidate shall not knowingly make a false or misleading statement in any disclosure statement or financial statement or other information required to be filed under this Part.

#### **Fund-raising functions**

**147.31(1)** In this section, "fund-raising function" includes any social function held for the purpose of raising funds for the candidate's election campaign by whom or on whose behalf the function is held.

(2) The gross income from any fund-raising function must be recorded by the candidate on whose behalf the function was held.

(3) If a fund-raising function is held by the sale of tickets by or on behalf of a candidate, the amount of the contribution is to be determined under clause (a) or under clause (b), at the option of the candidate:

(a) if the individual charge

(i) is \$50 or less, it is not considered to be a contribution unless the individual who pays the charge specifically requests that it be so considered, in which case 1/2 of the amount is allowed for expenses and 1/2 is considered to be a contribution,

(ii) is more than \$50 but not more than \$100, \$25 is allowed for expenses and the balance is considered to be a contribution, and

(iii) is more than \$100, 25% of the amount is allowed for expenses and the balance is considered to be a contribution;

(b) the amount of the contribution is the difference between the price of the ticket and the fair market value of what the ticket entitles the bearer to obtain.

(4) The price paid at a fund-raising function in excess of the fair market value at that time for goods or services received is considered to be a contribution to the candidate's election campaign.

#### **Receipts**

**147.32** Every candidate or a person acting on behalf of the candidate shall issue a receipt for every contribution accepted in a form acceptable to the local jurisdiction.

## **Loans**

### **147.33(1)** A candidate

(a) may borrow money only from a financial institution, and

(b) shall record all loans and their terms and shall report accordingly to the relevant local jurisdiction.

(2) Only a person ordinarily resident in Alberta may make a payment on behalf of the borrower in respect of a loan to which subsection (1) applies.

(3) Any payment in respect of a loan to which subsection (1) applies made by a person referred to in subsection (2) becomes, for the purposes of this Act, including, without limitation, section 147.2,

(a) a contribution by that individual, and

(b) a contribution accepted by the borrower, if the individual is not reimbursed by the borrower before the borrower is next required to file a disclosure statement.

(4) This section does not apply to the borrowing of money for purposes unrelated to the candidate's election campaign.

## **Campaign expense limits**

**147.34** No candidate and no chief financial officer of a candidate shall incur campaign expenses that exceed, in the aggregate, the amounts determined by the regulations.

## **Campaign disclosure statements**

**147.4(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, a candidate shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form, which must include

(a) the total amount of all contributions received during the campaign period that did not exceed \$50 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 \$50 in the aggregate,

(c) the total amount of all contributions received as referred to in section 147.22(3),

(d) the total amount from fund-raising functions,

(e) the total amount of other revenue,

(f) the total amount of campaign expenses,

(g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate,

(h) the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,

(i) the total amount of any campaign surplus, including any surplus from previous campaigns, and

(j) the amount of any deficit.

(2) A candidate who has incurred campaign expenses or received contributions of \$50 000 or more shall file a review engagement with the disclosure statement referred to in subsection (1).

(3), (4) Repealed 2020 c22 s17.

(5) With respect to the period during which a candidate is nominated, this section applies to a candidate who withdraws as a candidate.

(6) If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) or the review engagement required under subsection (2) 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 local jurisdiction.

(7) The local jurisdiction must ensure that all documents filed under this section are available to the public during regular business hours for a period of 4 years after the election.

(8) to (10) Repealed 2020 c22 s17.

#### **Offence — candidate's acceptance**

**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.

## ***ELECTION ACT***

#### **Resident student**

**4(1)** Subject to this section, a student is a resident student of the board of the school division in which the student's parent resides.

(4) Where a separate school district is established, an individual residing within the boundaries of the separate school district who is of the same faith as those who established that district, whether Protestant or Roman Catholic,

#### **Eligibility**

**74(1)** In addition to section 48(1) and (1.1) of the *Local Authorities Election Act*, this section applies to determine whether an individual is a resident of a public school division or a separate school division for the purposes of determining eligibility to vote or to be nominated as a candidate for election as a trustee of a school board under the *Local Authorities Election Act*.

(2) Subject to subsection (3), for the purposes of subsection (1), an individual is a resident of the school division in which the individual resides.

(3) Where a separate school district is established, an individual residing within the boundaries of the separate school district is a resident of the separate school division if the individual declares that the individual is of the same faith as those who established the separate school district, whether Protestant or Roman Catholic.

(4) Notwithstanding the *Local Authorities Election Act*, a resident of a separate school division is eligible

(a) to vote for, and

(b) to be nominated as a candidate for election as, a trustee of the board of either the public school division or the separate school division in which the person's residence is located, but not both.

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