

**BYLAW 2021-01  
TOWN OF BLACK DIAMOND**

**A BYLAW TO REQUIRE A DEPOSIT TO ACCOMPANY EVERY NOMINATION  
WITHIN THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.**

**WHEREAS**, the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto, provides that a Council may pass a Bylaw respecting people, activities and things in, on or near a public place or place that is open to the public or respecting services provided by or on behalf of the municipality;

**AND WHEREAS**, the *Local Authorities Election Act*, R.S.A. 2000, c.L-21; and amendments thereto, authorizes the Council to pass a Bylaw requiring that every nomination be accompanied by a deposit;

**AND WHEREAS**, the Council wishes to exercise its authority to require a nomination deposit;

**NOW THEREFORE** the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. TITLE**

- 1.1. This Bylaw may be cited as the “Nomination Deposit Bylaw”.

**2. DEFINITIONS**

- 2.1. “*Bylaw*” means a bylaw of the Town;
- 2.2. “*Council*” means the Council of the Town of Black Diamond;
- 2.3. “*Returning Officer*” means a person appointed in accordance with the *Local Authorities Election Act* as a Returning Officer and includes a person acting in the Returning Officer’s place;
- 2.4. “*Town*” means the Corporation of the Town of Black Diamond.

**3. NOMINATION DEPOSITS REQUIRED**

- 3.1. Every nomination shall be accompanied by a deposit in the amount of one hundred dollars (\$100.00).
- 3.2. The Returning Officer shall require the deposit, as set in section 3.1., to be paid by any method permitted by section 30(1) of the *Local Authorities Election Act*.

**4. NOMINATION DEPOSITS RETURNED**

- 4.1. A candidate’s deposit shall be returned:
- a) if the candidate is declared elected,

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- b) if the candidate obtains a number of votes at least equal to ½ of the total number of votes cast for the candidate elected to the office with the least number of votes,
  - c) if the candidate withdraws as a candidate, in accordance with section 32 of the *Local Authorities Election Act*, or
  - d) in accordance with any other provision of the *Local Authorities Election Act*.
- 4.2. If a candidate does not obtain the number of votes described in section 4.1.b) of this Bylaw, the deposit shall be paid into the general revenue of the Town of Black Diamond.

**5. GENERAL**

- 5.1. It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.
- 5.2. Within the text of this Bylaw:
- a) Use of a pronoun or determiner which indicates one gender shall include all genders unless the context requires otherwise, and
  - b) Use of the singular shall include the plural, and the plural shall include the singular, as the context requires.
- 5.3. Bylaw 10-11 and any amendments thereto are repealed in their entirety.
- 5.4. This Bylaw will take force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 6<sup>th</sup> day of January A.D. 2021.

READ A SECOND TIME this 6<sup>th</sup> day of January A.D. 2021.

READ A THIRD AND FINAL TIME this 6<sup>th</sup> day of January A.D. 2021.

  
MAYOR Deputy Mayor. AKS

  
LEGISLATIVE SERVICES MANAGER

January 18 2021  
Date signed