

Petition to the Minister of Municipal Affairs

Information for the General Public
Elected Officials and Municipal Officers



Revised March 2018



Municipal Capacity Building, Municipal Capacity and Sustainability Branch
Petition to the Minister of Municipal Affairs – Information for the General Public, Elected Officials and
Municipal Officers
Alberta Municipal Affairs
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www.municipalaffairs.alberta.ca

ISBN 978-1-4601-2427-7 (Print)
ISBN 978-1-4601-2428-4 (PDF)

Printed in Canada

The contents of this publication are intended to provide general information. Readers should not rely on the contents herein to the exclusion of independent legal advice.

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1. Introduction

The intent of this document is to identify those areas of the *Municipal Government Act (MGA)* relating to petitions, and to supplement and explain specific sections or applications of the *MGA*.

This is not a legal document. It is only a brief summary of the petitioning requirements. **Do not** base your decisions on this summary alone, but use it in conjunction with the appropriate legislation.

You are urged to obtain an office consolidation of the *MGA*, including amendments, prior to initiating a petition. Copies of the *MGA* and *Local Authorities Election Act* can be obtained from the Queen's Printer bookstore.

Queen's Printer Bookstore
 Suite 700; Park Plaza Building
 10611 - 98 Avenue NW
 Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668
Email: qp@gov.ab.ca
 Website: www.qp.alberta.ca

This document is only a guide to the legislation. Consult your solicitor for advice on specific situations.

2. Definitions

Elector	means a person who is eligible to vote in an election as defined in section 1 of the <i>MGA</i> and section 1 of the <i>Local Authorities Election Act (LAEA)</i> .
<i>LAEA</i>	refers to the <i>Local Authorities Election Act</i> , Chapter L-21 of the Statutes of Alberta 2000, and amendments thereto.
Minister	means the Minister of Municipal Affairs.
<i>MGA</i>	refers to the <i>Municipal Government Act</i> , Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto.
Petition	is a formal request to the Minister signed by a number of electors.
Petitioner	is an elector as defined in section 1 of the <i>MGA</i> and sections 1 and 12 of the <i>LAEA</i> who signs a petition.
Reviewer	a person appointed by the Minister to carry out the duties of a chief administrative officer in respect to the petition.
RSA	Revised Statutes of Alberta.
Summer village residence	means a parcel of land having at least one building the whole or any part of which was designed or intended for, or is used as, a residence by one person or as a shared residence by 2 or more persons, whether on a permanent, seasonal or occasional basis. For the purposes of the definition of "summer village residence"

“building” includes a manufactured home, mobile home, modular home or travel trailer but does not include a tent.

“The Act” or “Act”

refers to the *Municipal Government Act (MGA)*.

Witness

means an adult person who claims that he or she was personally present and saw the signatory sign his or her name.

3. Protection of Personal Information

Personal information contained in a petition must not be disclosed to anyone except the reviewer and the reviewer’s delegates, and must not be used for any purpose other than validating the petition. See section 226.2.

The minimal disclosure that occurs during the collection of signatures is not considered to be a breach of privacy.

Every page of a petition must contain an identical statement outlining the above information.

4. What Is a Petition

A petition, within the context of this document and the *MGA*, is a formal request to those in authority for an action to be taken.

5. Who May Petition

Only the electors of a municipality are eligible to be petitioners for most purposes. See section 222 of the *MGA*. Please refer to sections 12, 47 and 48 of the *LAEA* to determine eligibility.

6. What Can Be Petitioned

The *MGA* provides for petitions to the Minister on five specific matters. The Minister can be petitioned to form a Municipality (s. 85), to change the status of a Municipality (section 93), to undertake a viability review (section 130), to appoint an auditor (section 282) or for an inspection into the affairs of a municipality (section 571).

7. Number of Petitioners Required

The minimum number of petitioners required is substantial, but the specific number varies in relation to the purpose and nature of the petition.

<i>MGA</i> Section	Purpose of Petition	Population Requirement
Section 85	Initiating Formation	Electors within the boundaries of the proposed municipality numbering at least 30% of the population within the proposed municipality.
Section 93	Change of Municipal Status (petitioning for status change to a hamlet is not permitted. See Section 130.)	The majority of the electors in the municipality requesting the change in status

Section 130	Viability review	Electors numbering at least 30% of the municipality’s population or, in the case of a summer village, **electors of the summer village equal to at least 50% of the number of summer village residences.
Section 282	Auditor Appointment	Electors numbering at least 10% of the municipality’s population or in the case of summer village, **electors of the summer village equal to at least 20% of the number of summer village residences.
Section 571	Inspection	Electors equal in number to at least 20% of the population, or in the case of a summer village, **electors of the summer village equal to at least 30% of the number of summer village residences.

** This means the number of parcels with residences. Summer village residence is defined at the beginning of this document. Do not include buildings or parts of buildings used other than for residential purposes. The total number of summer village residences can be found on the Municipal Affairs website, on the statistical information page for each summer village.

Elector is defined in sections 12 and 47 of the LAEA.

8. General Requirements

The general requirements for a petition are contained in section 224 of the MGA. Each page of the petition must contain an identical statement of the purpose of the petition. The wording of a petition is very important. It is recommended that legal or professional assistance be obtained to draft a petition. Each page must also contain an identical statement on the protection of personal information.

The petition must include, for each petitioner:

- (a) the printed surname and printed given names or initials of the petitioner,
- (b) the signature of the petitioner,
- (c) the street address of the petitioner (a “Rural Route” or “Post Office Box” address is not sufficient), or the legal description of the land on which the petitioner lives,
 - (c.1) the petitioner’s telephone number or e-mail address, if any, and
- (d) the date on which the petitioner signs the petition.

A sample petition format is attached as Appendix C.

The signature of an adult witness must be included next to each petitioner's signature. Each witness must also take an affidavit that, to the best of the person's knowledge, the signatures witnessed are those of the persons entitled to sign the petition.

9. Role of a petition witness

As a witness to the petitioner's signature, it is your responsibility to determine that each person signing the petition is eligible to do so. This requires you to determine, at a minimum, that the petitioner is an eligible voter as described in sections 12 and 47 of the *LAEA*.

The basic requirements are:

Section 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) has resided in Alberta for the 6 consecutive months immediately preceding election day and the person's place of residence is located in the area on election day.

In the case of a petition, section 47(1)(c) is intended to mean that they do live in the municipality and could vote in an election in that municipality.

As a witness, you must be present and see the person sign the petition document.

Section 12(1)(b) of the *LAEA* outlines the voter requirements for a resident of a summer village as:

- (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 or a person referred to in sub clause (ii).

Again, as a witness, you must be present and see the person sign the petition document.

A final checklist for the witness is attached as Appendix A.

A sample witness affidavit is attached as Appendix D.

Upon completion of the petitioning process, and prior to submission, a signed affidavit from each witness, and a signed statement of the Representative of the Petitioners must be attached to the petition.

A sample is attached as Appendix E.

The statement must state:

- (a) that the person named in the statement is the representative of the petitioners, and
- (b) that the Minister of Municipal Affairs may direct any inquiries about the petition to the representative.

Be aware that petitioners cannot sign the petition more than 60 days before the petition is filed.

A final checklist for the representative of the petitioners is attached as Appendix B.

10. Determining Sufficiency

When a petition is received by the Minister, the Minister must designate a person to carry out the duties of a CAO (reviewer) to determine sufficiency. See section 220 of the *MGA*.

Names cannot be added or removed from a petition once it has been filed with the Minister. See section 225(2) of the *MGA*.

The person the Minister assigns to review the petition must not count any names that do not comply with the requirements for a petition. See section 225(3) of the *MGA*. These include:

- (a) a signature that is not witnessed,
 - i. a signature that is witnessed and no affidavit is attached for that witness signature,
- (b) each page of the petition must have an identical purpose statement,
- (c) a petitioner whose printed name is not included or is incorrect,
- (d) a petitioner whose street address or legal description of land is not included or is incorrect,
- (e) if the date of signing is not included,
- (f) when a petition is restricted to certain persons,
 - i. who is not one of those persons, or
 - ii. whose qualification as one of those persons is not, or is incorrectly, described or set out, and
- (g) the names of any petitioners who signed the petition more than 60 days prior to the date the petition was filed with the Minister cannot be counted.

Section 226.2(3) also requires that each page of the petition must contain an identical protection of personal information statement.

See section 225 of the *MGA* for a complete listing.

Within 45 days of the date when the petition has been filed, a declaration is made to the Minister as to whether or not the petition is sufficient. See section 226 of the *MGA*.

11. Response to a Petition

The actions requested in a petition directed to the Minister are discretionary and are at the option of the Minister. There is also no timeline for the Minister to make a decision on the action to be taken.

12. Cost of an Inspection

Effective November 2017, Municipal Affairs adopted an Inspection Cost Allocation Policy that charges costs for an inspection back to the municipality. The amount charged back is based on the fiscal capacity of the respective local authority. See section 579 of the *MGA*.

13. Additional Information

If you still have questions after reading the applicable sections of the *MGA*, and reviewing this document, please contact the Municipal Capacity and Sustainability Branch of Alberta Municipal Affairs at 780-427-2225, toll-free in Alberta by dialing 310-0000 first.

REFERENCES TO PETITIONS – *MGA*

Identification of the pertinent sections of the *Municipal Government Act (MGA)* in regard to petitions

- 85 - petition to the Minister to form a municipality
- 93 - petition to the Minister to change the status of a municipality
- 130 - petition to the Minister to undertake a viability review
- 219 - rules and scope of petitions
- 221 - sufficiency requirements for a petition
- 222 - who can petition
- 223 - the normal number of petitioners required
- 224 - requirements for petition statement, signatures and documents
- 225 - counting petitioners to determine sufficiency
- 226 - reporting on the sufficiency of a petition
- 282 - petition to the Minister to appoint an auditor to audit the books of a municipality
- 571 - petition to the Minister for an inspection into the affairs of a municipality

Appendix A

Witness Check List

- Read the relevant sections of the *Municipal Government Act (MGA)* and the *Local Authorities Election Act (LAEA)*.
- Ensure you have read and understand the Witness Affidavit prior to collecting any signatures. (Appendix D)
- Ensure each petitioner signature that you witness is an eligible elector of the municipality by asking if they are:
 - a Canadian citizen, over 18 years of age, and a resident of the municipality
- Ensure you personally see the petitioner complete the petition document.

After collecting signatures:

- Ensure you complete the Witness Affidavit (Appendix D), and that it is properly signed by a Commissioner for Oaths.

Appendix B

Representative of Petitioners Check List

- Read the relevant sections of the *Municipal Government Act (MGA)* and the *Local Authorities Election Act (LAEA)*.
- Be aware of the number of signatures required for the type of petition you are presenting.
- Ensure the Witnesses are aware of their responsibility.

When a petition is received by the Ministry, it **must** include:

- Each page of the petition must contain an identical statement of the purpose of the petition (Appendix C).
- Each page of the petition must contain an identical statement of the protection of personal information on petitions (Appendix C).
- A completed Witness Affidavit for each witness (Appendix D), properly signed by a Commissioner for Oaths.
- A signed and dated Statement of Representative Petitioners (Appendix E).

The personal information contained in this petition will not be disclosed to anyone except the person appointed as reviewer and the reviewer’s delegates, and will not be used for any purpose other than validating the petition.

PETITION BY ELECTORS

(pursuant to the *Municipal Government Act* and amendments thereto)

To: The Minister of Alberta Municipal Affairs.

The undersigned persons, being electors of the (type of municipality) of (name of municipality), in the Province of Alberta, hereby petition the Minister of Municipal Affairs for/to:

(2) *Accurately state purpose and objectives of Petition in this space.*

EACH PETITIONER, by signing this petition, certifies that he (or she) is an elector of the (type of municipality) of (name of municipality).

Signature of Petitioner	Printed Name	(3) Street Address or Legal Land Description	Phone Number	Email Address	(4) I am an elector of this municipality	Date	(5) Signature of Adult Witness
					<input type="checkbox"/> Yes <input type="checkbox"/> No		
					<input type="checkbox"/> Yes <input type="checkbox"/> No		
					<input type="checkbox"/> Yes <input type="checkbox"/> No		
					<input type="checkbox"/> Yes <input type="checkbox"/> No		
					<input type="checkbox"/> Yes <input type="checkbox"/> No		
					<input type="checkbox"/> Yes <input type="checkbox"/> No		
					<input type="checkbox"/> Yes <input type="checkbox"/> No		
					<input type="checkbox"/> Yes <input type="checkbox"/> No		
					<input type="checkbox"/> Yes <input type="checkbox"/> No		
					<input type="checkbox"/> Yes <input type="checkbox"/> No		

NOTES:

1. This form is a suggested form only and is prepared by Alberta Municipal Affairs for the information and convenience of interested individuals. It has no legislative effect. For certainty, legal advice should be sought when a petition is being considered.
2. Each page of the petition shall contain an accurate and identical statement of the purpose and objectives of the petition. As the wording of the petition is critical, legal advice should be obtained.
3. In the absence of a municipal address, specify the legal description of the property on which the petitioner resides.
4. Each petitioner shall indicate that they are an eligible elector of the municipality by checking this field. An eligible elector is a Canadian citizen, over 18 years of age, and a resident of the municipality. (See Sections 12, 47 and 48 of the *Local Authorities Election Act (LAEA)* for further information.)
5. Each person witnessing a signature on the petition is required to sign an Affidavit that to the best of their belief, the persons whose signatures they witnessed are electors of the municipality. The Affidavit must be included with the petition. See Appendix D.

The personal information contained in this petition will not be disclosed to anyone except the person appointed as reviewer and the reviewer’s delegates, and will not be used for any purpose other than validating the petition.

PETITION BY ELECTORS TO REQUEST A VIABILITY REVIEW

(pursuant to the [Municipal Government Act](#) and amendments thereto)

To: The Minister of Alberta Municipal Affairs.

The undersigned persons, being electors of the _____, in the Province of Alberta, hereby petition the Minister of Municipal Affairs to initiate a viability review for the _____ in accordance with Section 130(2) of the [Municipal Government Act](#).

EACH PETITIONER, by signing this petition, certifies that he or she is a Canadian citizen, over 18 years of age, and a resident of the _____ in accordance with Sections 12, 47 and 48 of the [Local Authorities Election Act](#) and Section 222 of the [Municipal Government Act](#) of Alberta.

Printed Name (First and Last Name)	Civic/Rural Street Address or Legal Land Description	I am an elector of this municipality	Signature of Petitioner	Phone number	Email Address	Date	Signature of Adult Witness
		<input type="checkbox"/> Yes <input type="checkbox"/> No					
		<input type="checkbox"/> Yes <input type="checkbox"/> No					
		<input type="checkbox"/> Yes <input type="checkbox"/> No					
		<input type="checkbox"/> Yes <input type="checkbox"/> No					
		<input type="checkbox"/> Yes <input type="checkbox"/> No					
		<input type="checkbox"/> Yes <input type="checkbox"/> No					
		<input type="checkbox"/> Yes <input type="checkbox"/> No					
		<input type="checkbox"/> Yes <input type="checkbox"/> No					
		<input type="checkbox"/> Yes <input type="checkbox"/> No					

NOTES:
**** Once a petition has been submitted to the Minister of Municipal Affairs, names of petitioners may not be added or removed from the petition.**
***** A petition is not considered to be complete unless the following documents are sent together to the Minister of Municipal Affairs: 1) A *Statement of Representative of Petitioners* is signed by the petition representative, 2) an *Affidavit of Witness* form is signed by each witness, and 3) all copies of this form (petition form).**

APPENDIX D

AFFIDAVIT

I, (name), pursuant to the *Municipal Government Act* and amendments thereto, of the (type of municipality) of (name of municipality), in the Province of Alberta, MAKE OATH AND SAY:

- 1. THAT I was personally present and did witness those signatures on the attached petition where I have signed my name as an adult person.
- 2. THAT to the best of my knowledge the persons whose signatures I have witnessed on this petition are electors of the (name of municipality).
 - a. An eligible elector, at a minimum, is a Canadian citizen, over 18 years of age, and a resident of the municipality. (See Sections 12, 47 and 48 of the *Local Authorities Election Act (LAEA)* for further information.)
 - b. I personally observed each petitioner complete the petition document.

SWORN (or affirmed) before me at _____)
 _____)
 in the Province of Alberta, _____)
 this _____ day of _____)
 20_____. _____)
 _____)
 _____)

 (Signature of person who witnessed signatures on the petition)

A Commissioner for Oaths/Notary Public in and for the Province of Alberta

*(PRINT OR STAMP NAME HERE)

MY APPOINTMENT EXPIRES _____

*(Must be legibly printed or stamped).

APPENDIX E

STATEMENT OF REPRESENTATIVE OF PETITIONERS

(pursuant to the *Municipal Government Act* and amendments thereto)

I, (name), of (current address including postal code) in the (type of municipality) of (name of municipality), in the Province of Alberta, state that I represent the petitioners and am the person to whom the Minister of Municipal Affairs may direct any inquiries with regard to the petition. I may be contacted by phone at _____ or email at _____.

DATED at the _____ of _____, in the Province of Alberta, this _____ day of _____, 20_____.

Witness	Signature of Representative	(Printed Name)

Note: Use this as the last page of a Petition.