

**DATE:** December 10, 2024

**TO:** Board of Trustees

**FROM:** Darrel Robertson, Superintendent of Schools

**SUBJECT:** First, Second and Third Reading of Bylaw to Require Criminal Record Check

**ORIGINATOR:** Karen Mills, Director Board and Superintendent Relations

**REFERENCE:** [Local Authorities Election Act](#)

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## ISSUE

Section 21.1 of the *Local Authorities Election Act* (LAEA) authorizes elected authorities to require prospective candidates to provide a criminal record check with their nomination package. To be enacted for the 2025 municipal and school board election, a bylaw must be approved prior to December 31, 2024.

## BACKGROUND

Prior to the passing of Bill 20, jurisdictions did not have the authority to require prospective candidates to provide a criminal record check with their nomination package.

## RELATED FACTS

- Bill 20, the *Municipal Affairs Statutes Amendment Act*, which made changes to the *Local Authorities Election Act* (LAEA) and the *Municipal Government Act* (MGA) was proclaimed on October 18, 2024. One of the changes is the authorization for elected authorities to require prospective candidates to provide a criminal record check with their nomination package.
- There are different types and sources of criminal record checks.
  - Criminal record checks conducted by the Edmonton Police Service (EPS) and Royal Canadian Mounted Police (RCMP) for employment purposes contain information about convictions for which the applicant has not received a record suspension or pardon under the federal *Criminal Code*, as well as upcoming court appearances and relevant provincial statute convictions. These checks have fees of \$76 to \$78 and can take up to 10 days to process.
  - There are criminal record checks that may be obtained from a private third-party provider. However, the EPS advises that these checks only indicate the existence of a criminal record. They do not contain information relating to any upcoming court appearances or relevant provincial statute convictions. These checks have fees that range from \$45 to \$65 and often offer same day turnaround.
- When required, the results of the criminal record check do not otherwise affect a candidate's nomination (i.e., with few exceptions, a criminal record does not prohibit an individual from running), but they must be disclosed with the nomination package when it is made available for public examination.
- Edmonton Elections officials have informed Division administration that if criminal record checks are required, they would not be posted online with individual nomination packages. Instead,

interested individuals would be required to visit the elections office to view the record check document(s).

## RECOMMENDATION

1. That Bylaw No. 2024-1 be read for the first time.
2. That Bylaw No. 2024-1 be read for the second time.
3. That the Board of Trustees proceed with the third reading of Bylaw No. 2024-1 at this meeting.
4. That Bylaw No. 2024-1 be read for the third and final time.

## OPTIONS

Based on the information provided in this report, the following options are considered most appropriate:

1. That Bylaw No. 2024-1 be approved as presented.
2. That Bylaw No. 2024-1 be amended and approved.
3. That Bylaw No. 2024-1 not be approved.

## CONSIDERATIONS and ANALYSIS

At their October 22, 2024 meeting, Edmonton City Council decided not to require mayoral and councillor candidates to submit criminal record checks. In the City administration's report, they cited that 77 per cent of respondents surveyed from the Edmonton Accessibility Advisory Committee, the Edmonton Youth Council and the Women's Advisory Voice of Edmonton Committee felt that requiring a criminal record check would be a barrier to individuals seeking office.

Given the December 31, 2024 deadline to have a bylaw in place should the Board desire one and the current schedule that has only one Board meeting in December, all three readings of the bylaw are being presented in the same meeting.

## NEXT STEPS

If approved, Edmonton Elections will be notified and candidate information will be updated to reflect the new requirement.

If not approved, no changes to current election materials will be made.

## ATTACHMENTS and APPENDICES

ATTACHMENT I Draft Bylaw No. 2024-1

KM:km

# Bylaw 2024-1

## A Bylaw to Require Criminal Record Checks for Trustee Candidates

WHEREAS the Board of Trustees of Edmonton School Division wishes to maintain a welcoming, inclusive, safe and healthy working and learning environment;

AND WHEREAS Edmonton School Division Trustees are required by their Code of Conduct to observe the highest standard of ethical conduct and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;

AND WHEREAS Section 21.1 of the *Local Authorities Election Act* grants school divisions the authority to, through a bylaw, require a person seeking to be nominated as a Trustee candidate to provide a criminal record check;

THEREFORE, the Board of Trustees of Edmonton School Division enacts as follows:

1. That each person seeking to be nominated as a candidate for the Board of Trustees be required to file with their nominations papers a criminal record check in accordance with s. 21.1 of the *Local Authorities Election Act*;
2. That the criminal record check be conducted by the Edmonton Police Service (EPS) and contain information about convictions for which the applicant has not received a record suspension or pardon under the federal *Criminal Code*, as well as upcoming court appearances and relevant provincial statute convictions;
3. That the criminal record check be conducted not more than 45 days prior to the submission of the candidate's nomination package; and
4. All costs related to the criminal record check are the responsibility of the candidate.

Read a first time on December 10, 2024.

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Board Chair

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Corporate Secretary

Read a second time on \_\_\_\_\_.

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Board Chair

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Corporate Secretary

Read a third time and approved on \_\_\_\_\_.

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Board Chair

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Corporate Secretary

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