

Municipal Electoral Officer Directives for the Nomination of Candidates in a Local Government Election

*(Municipal Elections Act, S.N.B., 1979, c. M-21.01 ss.5.1(1), s.17, 18, 19, and ss.21(3)
Local Governance Act, S.N.B. 2017, c.18, s. 176.2)*



M 01 411
(2024-09-09)

Who Can Be a Candidate?

General Requirements: To be a candidate in a local government election or by-election, a person must be:

- 18 years of age on or before election day;
- a Canadian citizen;
- a resident of the province and the local government or rural district for at least 6 months before election day; and
- in a local government or rural district that is divided into wards for election purposes, a person is not qualified to be nominated as a candidate for a ward unless they are a resident of that ward when they are nominated.

People Who Cannot Be Candidates: An officer of a local government or a full-time employee of a local government, or a person who is on leave of absence from such office or employment, cannot be a candidate for council of that local government.

An employee in the Local Government and Local Governance Reform Division of the Department of Environment and Local Government, or a person who is on a leave of absence from such employment, cannot be a candidate for any rural district advisory committee.

A judge, an election officer, or a person who has been disqualified from holding local government office under federal, provincial, or municipal election laws, may not be a candidate anywhere.

People Who Might Not Be Able to Be Candidates: Some public sector employees are restricted by their employers from engaging in political activity, even at a local level, or may need prior approval from their employer before filing nomination papers. If you work in the federal or provincial public service, check with your employer before filing nomination papers. It is the responsibility of a candidate to obtain any approval required by their employer; the Municipal Returning Officer is not responsible for determining whether such approval is required or has been obtained in processing nomination papers.

Federal Public Service Employees (this information is provided by the Public Service Commission of Canada): In most federal public service organizations, an employee may seek nomination as, or be, a candidate in a local government or provincial election before or during the election period, only if the employee has obtained permission from the Public Service Commission of Canada (PSC) to do so. This means that until a federal employee has obtained permission from the PSC, no declaration of candidacy or candidacy-related activities may be undertaken. The PSC may grant permission, with or without conditions, only if it is satisfied that seeking nomination as, or being, a candidate will not impair or be perceived as impairing the employee's ability to perform his duties in a politically impartial

manner. Before engaging in any non-candidacy political activity, an employee should assess his own circumstances. The PSC also encourages employees to consult their manager or their organization's designated political activities representative. A list of the designated political activities representatives for organizations subject to these rules and other information on Political Activities are available at www.psc-cfp.gc.ca under the "Political Activity" section. You can also contact the PSC at 1-866-707-7152, or cfp.activitespolitiques-politicalactivities.psc@cfp-psc.gc.ca.

New Brunswick Public Service Employees: Other than the restrictions mentioned above on certain employees of the Department of Environment and Local Government and local government employees running for office in the local government in which they work, there is no general restriction on New Brunswick public service employees running for local government office or for membership on a rural district advisory committee. However, it may be considered inappropriate or create a significant conflict of interest for some positions. If you work in the public sector and are interested in running for local office, consult senior management in your department or agency before filing nomination papers.

Nomination of Candidates:

Nomination papers (Form M 04 001) may be obtained from any Municipal Returning Office, or from the website of Elections NB.

The Municipal Returning Officer or an Election Clerk may receive the nomination papers of candidates at a returning office or satellite returning office for the appropriate electoral region any time between the date of the Notice of Election and 2:00 p.m. on Nomination Day:

- in general elections, Nomination Day is a Friday, the thirty-first day before the date of the election; and
- in by-elections, Nomination Day is a Friday, the twenty-fourth day before the date of the election.

Do not leave filing to the last minute, in case corrections or additions are needed in your nomination papers. Under subsection 15(1) of the *Municipal Elections Act*, no nomination papers can be accepted after the deadline under any circumstances.

Fill out the nomination paper carefully and completely. Each nomination paper must include the following:

- the candidate's name and civic address;
- the office for which the candidate is offering;
- the candidate's certification of their name, civic address and address for service as shown on the nomination paper is correct as stated;
- the candidate's certification that they:
 - are a Canadian citizen;
 - will be eighteen years of age or more as of the day of the election;

- will have been ordinarily resident in the local government or rural district for at least six months immediately before the election; and
- expect to be ordinarily resident in the Province and in the local government or rural district on election day, and if a candidate for a counsellor or advisory committee member in a ward, are resident of that ward when they are nominated;
- the consent of the candidate and the signature of the witness to the consent of the candidate;
- the signatures of at least ten (10) nominators who are qualified voters in the local government or rural district and/or ward where the candidate is offering; and
- a completed certification of the witness or witnesses who obtained the nominator's signatures.

The witness may not be one of the nominators, unless there is a second witness to give the certification with respect to their nomination signature. The candidate may collect and witness nominator signatures, but may not nominate themselves. Relatives of a candidate may be nominators if they are qualified voters in the local government or rural district and/or ward. The municipal returning officer will check the list of nominators on the list of electors to determine if they are qualified to vote for the candidate they have nominated. If a nominator has moved recently, ask them to call the returning office to confirm that they are listed at their current address.

The candidate's name will appear on the ballot exactly the way it appears on the nomination paper, exclusive of any professional, academic, or honorary title or its abbreviation. A nickname is permitted, in brackets, if it is printed on the nomination paper as the candidate wishes it to appear on the ballot.

Once it has been checked for completeness, the Municipal Returning Officer will sign or initial the nomination paper of a candidate to indicate that the nomination is accepted.

Withdrawal of a Candidate:

Under subsection 17(4) of the *Municipal Elections Act*, a candidate may withdraw their nomination not later than 5:00 p.m. on the third day after nominations close by filing with the Municipal Returning Officer a declaration in writing to that effect. The declaration must be signed by the candidate, and attested by the signatures of two qualified voters in the local government or rural district. Any votes cast for a candidate who has so withdrawn are null and void.

Death of a Candidate:

Under subsection 17(5) of the *Municipal Elections Act*, where a candidate dies after the close of nomination and before the poll has closed, the Municipal Electoral Officer, upon being satisfied of the fact of the death, shall countermand notice of the poll for the office for which the deceased candidate was nominated. They shall as soon as is practicable fix a date for a by-election for the office for which the deceased candidate was nominated, to be held within three months after the election.

Acclamations:

Under subsection 19(1) of the *Municipal Elections Act*, where in a local government or rural district no more candidates than are required for an office are nominated, or fewer candidates than are required for an office are nominated, each candidate is deemed elected by acclamation on election day without holding the poll.

Process for Inspecting Candidate Nomination Papers

In many elections, there may be persons who wish to verify that candidate nomination papers have been properly completed, determine a candidate's ordinary residence so as to confirm their eligibility to offer as a candidate, etc. As a matter of transparency in the electoral process, Elections NB will allow inspection of information on a candidate's nomination paper from the time it has been accepted by a Returning Officer until the time it is returned to Elections NB in Fredericton.

Once a Returning Officer has accepted a candidate's nomination paper, and signed the M 04 001, *Nomination Paper - Local Government Elections*, that candidate will be included on the ballot in the election.

Any person resident in the electoral region where a candidate is offering may contact the Returning Officer to apply to view the information on that candidate's nomination paper. They may only view the information in person at the returning office during normal business hours.

Because of the personal information contained on it for the candidate, their agents and nominators, Elections NB will not provide copies of nomination papers either digitally or on paper, nor send such information to external addresses. No one may make copies or take photos of the document.

Upon the visit of a person wishing to view a candidate's nomination paper, the following steps will be followed:

- The person must acknowledge the terms detailed on the C 04 004, *Record of Person Inspecting Candidate Nomination Papers*, and sign the document.
- In the presence of an election officer authorized by the Returning Officer, the person may view the complete original nomination paper, and other supporting documents as appropriate.
- The person may take their own notes to record any information they wish. No marks may be made on the original nomination paper.
- Once complete, the nomination paper is returned to storage, and a person may choose to view the nomination paper for another candidate.