

# Chief Electoral Officer Directives for the Nomination of Candidates

(Elections Act, R.S.N.B. 1973, c.E-3, ss. 5(5), para.13(2)(c), ss. 48.1(1), and s.51, 52, 54, 55, 56)



**P 01 401**  
**(2014-05-23)**

## Who Can Be a Candidate?

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

- 18 years of age on or before election day;
- a Canadian citizen; and
- a resident of the province for at least 40 days immediately preceding election day.

A mayor or councillor of a municipality or a rural community may run as a member of the legislative assembly (MLA) in a provincial election or by-election without resigning his or her seat. After the election, if that person is declared elected, then he or she must resign as mayor or councillor prior to taking the oath of office and sitting as a MLA.

People Who Cannot Be Candidates: A judge, an election officer, or a person who has been disqualified from being elected a member of the Legislative Assembly 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, 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 his or her employer; the 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 municipal 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](http://www.psc-cfp.gc.ca) under the "Political Activity" section. You can also contact the PSC at 1-866-707-7152, or [pa-ap@psc-cfp.gc.ca](mailto:pa-ap@psc-cfp.gc.ca).

## **Nomination of Candidates:**

Nomination papers (Form P 04 001) may be obtained from any returning office, or from the website of Elections NB.

The 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 district any time between the date of the proclamation and 2:00 p.m. on Nomination Day:

- In a scheduled general election, Nomination Day is a Tuesday, the twentieth day before the date of the election; and
- In all other elections and by-elections, Nomination Day is a Friday, the seventeenth 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 5(5) of the *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, civic address, and occupation;
- the designation of an official agent who shall authorize election expenses for the candidate;
- the designation of an agent to whom copies of the lists of electors are to be provided and who may appoint scrutineers;
- the consent of the candidate, and the indication of his or her political party, or that he or she is an independent candidate;
- a completed affidavit of the witness to the consent of the candidate. Affidavits may be sworn before a Commissioner Of Oaths at any Service New Brunswick location;
- the signatures of at least twenty-five (25) nominators who are qualified voters in the electoral district of the candidate; and
- one or more completed affidavits of the witness or witnesses who obtain the nominators' signatures, sworn or affirmed before a Commissioner Of Oaths (who, under subsection 124(4) of the Elections Act, may not charge a fee for such an oath). Affidavits may be sworn before a Commissioner Of Oaths at any Service New Brunswick location.

A witness may be one of the nominators if there is a second witness to give the affidavit with respect to his or her nomination signature. Relatives of a candidate may be nominators if they are qualified voters in the district. Electors may only sign the nomination paper of one candidate.

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.

A candidate, and a spouse or dependant of the candidate who lives with him or her and who is qualified as an elector, are entitled to:

- have their names entered on the lists of electors for the following places:

- the place where the candidate is ordinarily resident;
  - the place where the candidate is temporarily resident during the election, if it is in the electoral district in which he or she is a candidate;
  - any place where an office of the Returning Officer is located for the electoral district in which he or she is a candidate; or
  - if the candidate was a member on the day before the dissolution of the Legislative Assembly immediately preceding the election, the place in Fredericton or the area surrounding Fredericton where the former member resided for the purpose of carrying out his or her duties as a member; and
- to vote in any one of those places as each of them may elect.

If a candidate, a spouse or dependant of a candidate wishes to have their name entered at an address other than the address where they are ordinarily resident, ensure that the Returning Officer is made aware of the decision, so that the Lists of Electors can be updated.

### **Candidates of a Recognized Party:**

A candidate of a registered party must deliver with the Nomination Paper a certificate signed by the party leader before two witnesses, declaring that he is an official candidate of the party.

### **Deposits:**

A one hundred dollar (\$100) deposit, in cash or by certified cheque or money order, made payable to "The Minister of Finance", must accompany each nomination paper.

The deposit by a candidate will be returned by the Minister of Finance when the candidate submits his or her statement of election expenses in accordance with section 81 of the *Political Process Financing Act*.

The nomination of a candidate is complete when the Returning Officer issues a receipt for the deposit.

The Returning Officer will give the nominated candidate the following information:

- Information for Potential Candidates for Provincial Elections and By-elections (P 04 301);
- Supplemental Information for Potential Candidates (P 04 301 S);
- Election Campaign Financing Manual (P 04 401);
- Election expense limits and potential reimbursements;
- A copy of the Election Schedule, setting out dates relevant to the pending election or by-election;
- Advertising rules;
- Scrutineer information;
- Procedure for filling out the Statement of the Electors Who Voted on Polling Day (C 07 732)
- Application for Registration as an Independent Candidate (as required); and
- A machine readable copy of the List of Electors for each polling division in the electoral district.

**Withdrawal of a Candidate:**

Under section 54 of the *Elections Act*, a candidate may withdraw his or her nomination not later than forty-eight hours before the opening of the polls on Election Day (that is, by 10:00 a.m., the Saturday before the date of the election), by filing a written statement of withdrawal with the Returning Officer. The statement must be signed by the candidate and two witnesses who are qualified voters in the electoral district. Any votes cast for a candidate who has so withdrawn are null and void. If a candidate withdraws after being nominated, the candidate's official agent must still submit an Electoral Financial Return; however, the deposit paid when the candidate was nominated is forfeited.

**Death of a Candidate:**

Under section 55 of the *Elections Act*, if a candidate dies after nominations close and before the closing of the polls on the date of the election, the Returning Officer with consent of the Chief Electoral Officer, will countermand the election for that district, and fix new dates for nominations and a postponed election. The new nomination day will be not more than one month from the death of the candidate, and the new election day seventeen days after that. Candidates already nominated need not resubmit nomination papers, but additional candidates may be nominated. If a candidate dies after nominations close and before the closing of the polls on the date of the election, the candidate's official agent must still submit an Electoral Financial Return. The deposit paid when the candidate was nominated is will be repaid to his or her estate.

**Acclamations:**

Under section 56 of the *Elections Act*, if only one candidate is nominated in a district, that candidate is elected by acclamation and no polls are held.

**Additional Steps for Independent Candidates:**

An independent candidate means a candidate who is not a candidate of a recognized party.

Independent candidates must register with Chief Electoral Officer at Elections NB in addition to completing nomination papers. The independent candidate must file an *Application for Registration as an Independent Candidate* (P 04 841) in writing signed by the individual and setting out:

- the full name and civic address of the individual;
- the name of the electoral district in which he or she intends to be an independent candidate; and
- the address to which communications intended for him or her may be addressed and where the books, records and accounts pertaining to contributions to and expenditures by him or her are or will be maintained.

Under subsection 137(4) of the *Elections Act*, each registered independent candidate must also file with the Chief Electoral Officer at Elections NB a notice signed by him or her setting out the name and address of his or her official representative. This must be done within twenty days after he or she becomes registered, the date when it is entered in the appropriate registry maintained by the Chief Electoral Officer.

Under subsection 138(4) of the *Elections Act*, each registered independent candidate must also file with the Chief Electoral Officer at Elections NB a notice signed by him or her setting out the name and address of his or her official agent. This must be done within twenty days after he or she becomes registered, the date when it is entered in the appropriate registry maintained by the Chief Electoral Officer.