

Municipal Electoral Officer Directives for the Nomination of Candidates for District Education Council Elections



M 01 413
(2022-01-12)

*(Municipal Elections Act, SNB 1979, c. M-21.01 ss.5.1(1), s.17, 18, 19, and ss.21(3))
(Education Act, SNB, 1997, c. E-1.12, ss.36.3(5), s.36.41, 36.5, and ss. 36.7(4))*

Who Can Be a Candidate?

General Requirements: To be a candidate in a district education council election, a person must be:

- 18 years of age on or before election day;
- a Canadian citizen;
- a resident of the province and the school district for at least 6 months before election day; and
- a resident of the electoral zone or subdistrict for which the person is offering when nominated.

People Who Cannot Be Candidates: School personnel and employees of the Department of Education and Early Childhood Development are not eligible to be elected or appointed to or to serve as a councillor. A judge, an election officer, or a person who has been disqualified for 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 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.

New Brunswick Public Service Employees: Other than the restrictions mentioned above on school personnel and employees of the Department of Education and Early Childhood Development running for office, there is no general restriction on New Brunswick public service employees running for municipal offices. 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 04 011) may be obtained from any 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 municipal general elections, Nomination Day is a Friday, the thirty-first 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 school district and electoral zone or subdistrict 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 school district for at least six months immediately before the election;
 - expect to be ordinarily resident in the Province and in the school district on election day;
 - are resident of the subdistrict or electoral zone when they are nominated;
 - are not an employee of the Department of Education and Early Childhood Development, or of any school or school district; and
 - are willing to discharge the duties of the office of councillor in the official language on the basis of which the school district is organized, for which the candidate is offering;
- 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 school district and electoral zone or subdistrict where the candidate is offering; and
 - are the parents of a pupil enrolled in a school in the school district (but not necessarily the subdistrict of the candidate) for which 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 school district and electoral zone or subdistrict. 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 school 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 an electoral zone or subdistrict 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.