

Municipal Electoral Officer Directives for the Nomination of Candidates for Regional Health Authority Elections

*(Municipal Elections Act, SNB 1979, c. M-21.01 ss.5.1(1), s.17, 19, and ss.21(3))
(Board Regulation - Regional Health Authorities Act, s.3 and ss.11(7))*



M 01 415
(2022-01-12)

Who Can Be a Candidate?

General Requirements: To be a candidate in a regional health authority election, a person must:

- be 18 years of age on or before election day;
- be a Canadian citizen;
- ordinarily reside in the relevant health region and subregion in New Brunswick for at least six months before election day; and
- ordinarily reside in the health region and subregion on election day.

People Who Cannot Be Candidates: The following persons are not eligible to be a candidate for any Regional Health Authority election:

- an employee of a regional health authority;
- a person who has privileges with a regional health authority;
- an employee with the Department of Health;
- a member of the Legislative Assembly, the House of Commons of Canada or the Senate;
- a director, officer or employee of EM/ANB Inc.;
- an employee, the chief executive officer or a member of the New Brunswick Health Council;
- a director or employee of Service New Brunswick;
- a judge of the Court of Appeal, The Court of Queen's Bench of New Brunswick or the Provincial Court;
- an election officer; and
- a person who is disqualified from voting under a law relating to the disqualification of electors for corrupt or illegal practices.

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 employees of the Department of Health, or of any Regional Health Authority, or any persons who have privileges with any Health Authority 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 04 021) 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 health region and subregion 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 health subregion for at least six months immediately before the election;
 - expect to be ordinarily resident in the Province and in the health subregion on election day;
 - are not an employee of a regional health authority, a person who has privileges with a regional health authority, an employee with the Department of Health, a member of the Legislative Assembly, the House of Commons of Canada or the Senate, a director, officer or employee of EM/ANB Inc., an employee, the chief executive officer or a member of the New Brunswick Health Council, a director or employee of Service New Brunswick, a judge of the Court of Appeal, The Court of Queen's Bench of New Brunswick or the Provincial Court; and
 - if elected, will carry out the duties as a board member in the language of operation of the regional health authority (A: French, or B: English).
- 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 health region and subregion 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 health region and subregion. 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 health subregion. Any votes cast for a candidate who has so withdrawn are null and void.

Death of a Candidate:

Under section 9 of the *Board Regulation - Regional Health Authorities Act*, if a candidate dies after the close of nominations and before the closing of the polls on Election Day, an election for a member of a board shall continue despite the death of a candidate.

Acclamations:

Under subsection 19(1) of the *Municipal Elections Act*, where in a subregion 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.