



Qualifications of a Candidate and Becoming a Candidate

Qualifications of a Municipal Candidate

Section 17 of the *Municipal Elections Act* sets out the qualification for a candidate for municipal councillors. To be eligible, a candidate for council must:

- be a Canadian citizen of the full age of 18 years at the time of nomination
- be an ordinary resident in the municipality or in an area annexed to the municipality for a period of 6 months preceding nomination day, and continue to so reside
- obtain a certificate respecting taxes in prescribed form from the clerk, treasurer, collector or other official with the information showing that, as of nomination day, the candidate has paid in full all charges that are liens on the candidate's property, and the taxes that are due to the municipality, and, if a municipality has provided for payment of taxes by instalment or interim payments, all instalments or interim payments due as of nomination day have been paid.
- not be disqualified under the *Municipal Elections Act*.

Persons Disqualified to be Councillors

Certain persons are ineligible to be nominated or to serve as councillors because of incompatible offices or employment with the municipality:

- a member of the House of Commons or Senate of Canada
- a member of the Legislative Assembly
- a member of a Village Commission
- a judge of the Nova Scotia Court of Appeal, the Supreme Court of Nova Scotia or the provincial court
- a person who hold office or employment in the service of the municipality, or any utility, board, commission, committee or official thereof, to which a salary, fee, wages, allowance, emolument, profit or other remuneration of any kind is attached, for so long as he holds or is engaged in the office or employment unless the person is on a leave of absence granted pursuant to Section 17C(2) of the *Municipal Elections Act*, but this disqualification does not apply in respect of an office or employment as a volunteer fireman with a municipal fire fighting organization, with a school board,

with a joint body of two or more municipalities to which the municipality appoints at least one representative and to which the municipality provides funding,

- a person having been convicted of any corrupt practice or bribery contrary to the Municipal Elections Act within 5 years preceding nomination day.

Under Section 10 of the *Municipal Conflict of Interest Act*, a sitting member who has been found to have contravened the Act could be prohibited by the court from running to fill a vacancy created by the forfeiture of his/her seat, and the person could be banned from holding office for up to 10 years.

Definition of Ordinary Resident

Section 16 of the Act provides that a place where a person is “ordinarily resident” is:

- where a person lives and where the person intends to return when away,
- where a person usually lives and sleeps, and to which, when away the person intends to return, regardless of where he or she takes meals or is employed,
- where a person is living temporarily at a place and if the person has no other place the person considers as that person’s place of residence,
- where a person is provided with food, lodging or other social services by a shelter, hostel or similar institution, the person would be ordinarily resident in that shelter, hostel or other institution.

A student who is an ordinary resident in a polling district other than that of the person’s family home and is a qualified elector may be included on the list of elector for the district in which they are a resident or the district of the family home but not both.

In instances where the rules are not sufficient to determine the place where a person is ordinarily resident, then the appropriate election officer after considering all of the facts, determines ordinary residency.

A person is not an ordinarily resident in a seasonal dwelling generally only occupied between May and October unless the person has no other dwelling place in the Province where they reside between November and April.

A person can be ordinarily resident only in one place at a time.

Qualifications of a School Board Candidate

The Education Act sets out the qualifications of a candidate for a school board. A person is qualified to become a candidate for a school board if the candidate”

- is a Canadian Citizen of the full age of 18 years at the time of nomination;
- has been an ordinary resident of the school board region or in an area annexed to the school board region for a period of 6 months preceding nomination day, and continues to so reside; and

- is not disqualified under the *Education Act*.

Persons Disqualified to be a School Board member

Under the *Education Act* the following electors are disqualified from running or serving as a member of the school board:

- a member of the House of Commons or Senate of Canada;
- a member of the House of Assembly;
- a member of another school board;
- a judge of the Nova Scotia Court of Appeal, the Supreme Court of Nova Scotia or the Provincial Court of Nova Scotia;
- a person who would be a member of a school board and a member of the council of a municipality at the same time. This precludes a person from running for both council and the school board in the same election. It also precludes an elected councillor from running for school board membership in a special election. (Subsection 18(2) of the *Municipal Elections Act* precludes a school board member from being a candidate in a special election for a council seat);
- a person who accepts or holds office or employment in the service of the school board. This applies to a board for which the person works. An employee of one school board may run for office in another school board;
- a person who has been convicted of any corrupt practice or bribery contrary to the *Municipal Elections Act* within the ten years preceding nomination day; or
- a person who has been disqualified from any office pursuant to the provisions of the *Municipal Conflict of Interest Act* or *Municipal Elections Act* and the period of disqualification has not expired.

Becoming a Candidate

Electors considering becoming a candidate in a municipal or school board election can obtain a candidate's package from the Returning Officer. The candidate's package will provide information such as important dates, district information and required forms.

To become an official candidate you must complete and return the appropriate nomination form with all required supporting material included certificate respecting taxes (for municipal elections only) and payment of required deposit. The Municipality of the District of West Hants requires a \$200.00 deposit.