

## **Municipal General Elections - Frequently Asked Questions**

### **1. If I am a town clerk, manager, department head, or fire chief, can I run as a councillor?**

No. If you work for the council, you cannot run as a councillor. Furthermore, as a town clerk, manager or department head (including fire chief), you are not eligible to request a leave of absence. If you are a volunteer fire chief, you can request a leave of absence.

### **2. Can I run for council if I am employed through a Community Enhancement Employment Program (CEEP)?**

No. If you work for the council, even on a temporary basis, you cannot run as a councillor unless you request a leave of absence. You may request a leave of absence from your position to run for council and then resume employment if you are unsuccessful.

### **3. Can I run as a candidate in a municipality to which I owe taxes or other charges?**

No. You are not eligible to be a candidate if you owe taxes or other charges to that municipality.

### **4. Can I run as a candidate if I have ownership of a company that owes taxes?**

It depends. If you are operating as an unincorporated business entity and you are personally accountable for the amounts owed, you cannot run as a candidate. If you are an owner of a corporation, you will not be disqualified to run as a candidate since corporations are separate legal entities.

### **5. Does my nomination form need to be signed in front of a Returning Officer?**

Yes. The proposer, seconder, and candidate should all be present to sign the nomination form in the presence of the Returning Officer.

Where a candidate is unable to be present for their nomination, one of the proposers may sign a special nomination form on the candidate's behalf in front of the Returning Officer.

### **6. Can I get the list of candidates before nominations are closed?**

No. The nomination list will be available within seven (7) days after the nominations have closed. A candidate may remove their name before the nominations are closed and that information will not be released.

### **7. To be an eligible candidate, what does ordinarily resident for 30 days before the nomination period mean?**

Whether or not someone is "ordinarily resident" will depend on: whether they live and sleep in the municipality; whether they intend to return to the municipality when they are

absent; and whether their family resides in the municipality. These are all factors that need to be considered when determining whether someone is ordinarily resident. A person may only have one place of residency for the purposes of running as a candidate.

Please note that the Returning Officer has the sole discretion to determine whether a person has satisfied the required residency requirements.

**8. Do I have to be ordinarily resident in the municipality for 30 days prior to the election day to be able to vote?**

Yes. The same residency considerations as detailed above need to be considered for voting, as well as running as a candidate.

**9. Are post-secondary students considered residents?**

Yes, if they meet the required residency requirements. However, a student must choose where to vote as they are only allowed to vote in either the municipality where the student is residing while at school or in the municipality where the family home is located, but not in both.

**10. What type of identification do I need to vote in a municipal election?**

If you are already a registered voter, specific identification may not be required. However, you should confirm this with the Returning Officer.

If you are not registered as a voter, you will be required to show satisfactory proof of your identification and residency.

**11. Can a proxy vote be used at an advanced poll?**

No, a proxy vote can only be used on election day.

**12. Can I request that a person help me vote?**

Yes. If you are incapacitated and unable to vote on your own or need special voting arrangements due to your personal situation, please make this known to the Returning Officer or Deputy Returning Officer, who will provide assistance through an election official or to the person accompanying you.

**13. Does sequential numbering in any way connect a voter to their completed ballot?**

No. Sequential numbering should be found on a counterfoil, which should be separated from the ballot prior to depositing the completed ballot into the ballot box. Therefore, there is no way to connect the completed ballot to the voter.

**14. When should an Alternate Returning Officer be performing the tasks of the Returning Officer?**

An Alternate Returning Officer should only perform tasks when the Returning Officer cannot undertake their duties. Both officers should never be acting simultaneously.

**15. What authority does a candidate's agent have?**

After taking an oath or affirmation, agents can start their duties. Agents are allowed to observe the election activity and be present at the counting of the votes. Agents can also view the voter list, ask for the affirmation or oath of a voter, object to a specific voter, confirm that the ballot box is empty before the voting begins, examine ballots, object to a specific ballot, and be present at a recount.

**16. Does the agent have authority to campaign at the polling station?**

No. Agents cannot campaign or distribute campaign materials (e.g., physically or electronically, such as using social media) at the polling station or within 30 metres of the polling station, and must remain respectful to all voters, the electoral process, the Returning Officer, and all other election officials. This includes not distributing election results until the results are officially declared by the Returning Officer.

**17. Must a Returning Officer wait for a candidate or a candidate's agent to be present before counting ballots?**

No. The Returning Officer does not have to wait for a candidate or a candidate's agent to be present to begin counting the ballots. The candidate has the right to be present or have an agent present during the counting, but it is the candidate's responsibility to have a presence at each polling station that they wish to observe. A candidate may appoint one agent per polling station.

**18. When should a newly elected/acclaimed councillor be sworn in after an election?**

The term of office shall begin within two weeks of being elected. A councillor must be sworn-in before starting a term of office.

**19. Who has the authority to swear in a newly elected/acclaimed councillor?**

The Returning Officer has the authority to do the swearing-in. A Clerk, Provincial Court Judge, Justice of the Peace, or Commissioner for Oaths may also swear-in newly elected/acclaimed councillors.

**20. When does a newly elected council have to have its first meeting?**

The Town Clerk or Returning Officer shall call a meeting within fourteen (14) days of the election.

**21. What restrictions exist for municipal campaign contributions?**

All contributions of money, goods or services received by a candidate with a value of over \$100 (or another amount if prescribed in a municipality's regulations) must be counted and declared by a candidate when reporting on campaign contributions received.

Candidates must submit campaign contribution reports within 90 days of the election, and the reports will be made available to the public for inspection.

**22. Are in-kind contributions considered campaign contributions?**

Any goods or services contributed to a campaign in-kind, such as printing, signage, office space, and advertising, need to be included by candidates when reporting on campaign contributions, depending on their total value. To value any goods or services received, one must use the equivalent lowest market value of the goods or services received as if they were sold.

Personal time and services donated are not meant to be captured.

**23. I think that a municipal election was not carried out properly. What can I do?**

A petition detailing the complaint must be presented to the Supreme Court of Newfoundland and Labrador within 30 days of the election (or alleged action) for the matter to be reviewed by the court.