



QUALIFICATIONS

Qualification of Member of Council

Section 256 and 257 of the *Municipal Act, 2001* "Eligibility".

"256. Every person is qualified to be elected or to hold office as a member of a Council of a local municipality,

(a) who is entitled to be an elector in the local municipality under section 17 of the *Municipal Elections Act, 1996*; and

(b) who is not disqualified by this or any other Act from holding such office.

257. Every person is qualified to be elected or to hold office as a member of a Council of an upper-tier municipality,

(a) who is entitled to be an elector in a lower-tier municipality within the upper-tier municipality under section 17 of the *Municipal Elections Act, 1996*; and

(b) who is not disqualified by this or any other Act from holding the office.

Disqualification of a Member of Council

258(1) The following are not eligible to be elected a member of a Council or to hold office as a member of a Council:

1. Except in accordance with Section (30) of the *Municipal Elections Act, 1996*, an employee of the municipality or a person who is not an employee of the municipality but who is the Clerk or Treasurer of the municipality or who holds any administrative position of the municipality.

2. A judge of any court.
3. A member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada.
4. Except in accordance with Part III of the *Public Service Act*, a crown employee as defined in that Act.

258(2) A member of Council of a municipality is disqualified from holding office if, at any time during the term of office of that member, he or she,

- (a) ceases to be a Canadian citizen;
- (b) is not a resident in the municipality; the owner or tenant of land in the municipality or the spouse or same-sex partner of an owner or tenant in the municipality; in the case of a member of Council of a local municipality or in a lower-tier municipality within the upper-tier municipality, in the case of a member of Council of an upper-tier municipality; or
- (c) would be prohibited under this or any other Act from voting in an election for the office of a member of Council of the municipality if an election was held at that time.

Qualification of School Board Members

Candidates for school Board offices are encouraged to contact the office of the Director of Education of the appropriate school Board to obtain information on the duties and responsibilities of a trustee. Candidates for the position of representative on the French language section of a school Board should contact the Clerk of the municipality responsible for the election of persons to that office.

Section 219 of the Education Act

219 (1) A person is qualified to be elected as a member of a district school board or school Authority if the person is qualified to vote for members of that district school Board or that school Authority and is resident in its area of jurisdiction.

- (2) A person who is qualified under subsection (1) to be elected as a member of a district school Board of school Authority is qualified to be elected as a member of that district school Board or school Authority for any geographic area in the district school Board's or school Authority's area of jurisdiction, regardless of which positions on that district school Board or school Authority the person may be qualified to vote for.
- (3) A member of a district school Board or school Authority is eligible for re-election if otherwise qualified.

Disqualification of School Board Members¹

Section 219 of the *Education Act*

- (4) Despite Subsection (1), a person is not qualified to be elected or to act as a member of a district school Board or school Authority if the person is,
 - (a) an employee of a district school Board or school Authority;
 - (b) the Clerk or Treasurer or Deputy Clerk or Deputy Treasurer of a municipality or upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school Board or the school Authority;
 - (c) a member of the Assembly or of the Senate or House of Commons of Canada; or
 - (d) otherwise ineligible or disqualified under this or any other Act.
- (5) Despite Subsection (4) a person who is,
 - (a) an employee of a district school Board or school Authority;
 - (b) the Clerk or Treasurer or Deputy Clerk or Deputy Treasurer of a municipality or upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school Board or the school Authority;
 - (c) is not ineligible to be a candidate for or to be elected as a member of a district school Board or school Authority if he or she takes an unpaid leave of absence, beginning no later than Nomination Day and ending on Voting Day, in which case

¹ See Section 219(7) and (8) of the *Education Act* for additional disqualifications for a by-election.

subsections 30(2) to (7) of the *Municipal Elections Act, 1996* apply with necessary modifications.

- (6) A person is not qualified to act as a member of a district school Board or school Authority if the person ceases to hold the qualifications required to be elected as a member of the district school Board or the school Authority.
- (7) No person shall run as a candidate for more than one seat on a district school Board or school Authority and any person who does so and is elected to hold one or more seats on the district school Board or the school Authority is not entitled to act as a member of the district school Board or the school Authority by reason of the election.
- (8) The seat of a member of a district school Board or school Authority who is not qualified or entitled to act as a member of that school Board or that school Authority is vacated.