Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/96/2018]

On September 27, 2018, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"1. What are the eligibility requirements for a person to run for election on a municipal council?
2. What is the Oath of Office that elected Councilors must take?"

I am pleased to inform you that a decision has been made by the Deputy Minister to provide access to the requested information.

In accordance with your request, please see responses below and the appropriate copies that have been enclosed.

For question 1, please refer to Section 15 of the Municipal Elections Act:

**Qualification**

15. (1) A person is qualified to be nominated as a candidate for councillor who
(a) is eligible to vote in an election held under this Act in the municipality in which he or she is nominated to serve as a councillor;
(b) is not in arrears of taxes or other charges payable to the municipality; and
(c) is ordinarily resident for a period of 30 days before the commencement of the nomination period either in the municipality or in an area that on election day is part of a municipality.

(2) A person is not qualified to be nominated as a candidate for councillor
(a) while he or she holds an office under the council to which a salary or remuneration payable out of the funds of the municipality is attached;
(b) while he or she is employed by the council; and
(c) where he or she is the chief administrative officer of an agency or body established by the council and that agency or body has an annual operating budget that must be approved by the council for which that officer seeks nomination as a candidate.

(3) A person is not qualified to be nominated as a candidate for councillor in an election where
(a) he or she was dismissed as a councillor or his or her seat as a councillor has been vacated under paragraphs 206(1)(b) or (e) or subparagraph 206(1)(f)(ii) of the Municipalities Act, 1999; or
(b) his or her seat as a councillor was declared vacant under subsection 20(2) of the City of Corner Brook Act or the City of Mount Pearl Act, subsection 206(2) of the Municipalities Act, 1999 or section 11 of the City of St. Johns Act, where that election is held not more than 2 years after the date on which that person was dismissed as a councillor or his or her seat was vacated or declared vacant.

(4) Subsection (2) does not apply to a volunteer firefighter of a municipality who is not a fire chief.

(5) A person is not qualified to be nominated as a candidate for councillor if he or she is a
(a) member of the House of Commons or the Senate of Canada;
(b) member of the House of Assembly of the province; or
(c) judge of the Supreme Court or the Provincial Court of the province.

(6) Notwithstanding subsection (3), where, before the coming into force of this section, a councillor's seat was vacated under paragraph 206(1)(e) of the Municipalities Act, 1999, that councillor may be nominated as a candidate for councillor and is eligible for election in the first general election of councillors held after the coming into force of this section.

(7) Notwithstanding subsection (2), a person referred to in that subsection who is not a clerk, manager or department head, excluding a volunteer department head, with a council may request, and the council shall grant to that person, a leave of absence in order for that person to be nominated as a candidate for council.

(8) A person to whom a leave of absence is granted under subsection (7) who is elected as a councillor shall resign from his or her employment with the council before taking his or her oath or affirmation of office as a councillor.
For question 2, please refer to Section 9 (2) of the Municipal Elections Act:

**Oath of office**

9. (2) A councillor shall, before entering on the duties of his or her office, take and sign an oath or affirmation of office in the required form before the returning officer, clerk, provincial court judge, justice of the peace or commissioner for oaths.

Section 9(2) simply states they sign and take an Oath of Office, but does not prescribe particularly what the Oath must say. Please see the attached form, "MEF-18 Oath of Office", that was used in the last municipal elections in 2017.

The Access to Information and Protection of Privacy Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.
If you have any further questions, please feel free to contact me by telephone at 709-729-5846 or by e-mail at aliaskary@gov.nl.ca.

Sincerely,

ALI ASKARY
Manager, Information Services / ATIPP Coordinator
Policy and Strategic Planning

Enclosures
Newfoundland Labrador

Department of Municipal Affairs and Environment

MEF-18

Oath of Office

* New Council must be sworn in within 14 days after the election.

I, ____________________________, do solemnly swear (or affirm) that:

1. I am fully qualified to hold the office of ____________ for the municipality of ____________________________ to which I have been elected/appointed;

2. I have not knowingly contravened the Municipal Elections Act respecting any matter in relation to my election or appointment;

3. I will faithfully, to the best of my ability, perform the duties and responsibilities of my office and will not allow any direct or indirect monetary or other personal or private interest to influence my conduct or affect my public duties;

4. I will disclose any personal direct or indirect monetary interest that I have in a matter before the council and will not participate in the discussion, or vote on any such matter;

5. I will, if required by law, file an annual Conflict of Interest Disclosure statement; and

6. I will, as required by the Municipal Elections Act, file a Campaign Contributions Disclosure Statement within the required time period established by the Act.

(Where an oath is taken, add “So help me God”.)

__________________________
Signature of Mayor/Deputy Mayor/Councillor

Declared before me at ____________________________ Municipality
this _____ day of _____________, 20__.

__________________________
Signature of Returning Officer, Clerk, Provincial Court Judge, Justice of the Peace or Commissioner for Oaths. Or, for a city, also a Judge of the Supreme Court.

Form prescribed under Section 98 of the Municipal Elections Act