

Resolution 9A

DISALLOW INDIVIDUALS WITH CRIMINAL CONVICTIONS FROM RUNNING IN ELECTIONS (DEFEATED)

⇒ Town of New Glasgow

WHEREAS in the Municipal Elections held in Nova Scotia in October of 2012, a number of municipalities experienced situations in which individuals with criminal convictions were running for Municipal Council; and

WHEREAS there appears to be no prohibition on individuals with serious criminal convictions from running for Municipal Council; and

WHEREAS this lack of legislation is worthy of a serious investigation and consideration and recommendation to the Province for consideration of Legislative amendments;

THEREFORE BE IT RESOLVED that the UNSM commence discussions with the Law Reform Commission of Nova Scotia and/or the Province of Nova Scotia to jointly or independently examine the legality and appropriateness of legislative reforms to prevent those convicted of "Serious Criminal Offences" (as defined below) from being qualified to stand for election to municipal councils under the *Municipal Elections Act*.

Proposed Amendments:

Definitions:

"Serious Criminal Offence" means an offence under the Criminal Code of Canada or the Controlled Drugs and Substances Act, which if proceeded with on indictment, is punishable by a maximum term of imprisonment of more than five years.

S. 18(1)(f) has been convicted of a Serious Criminal Offence, any corrupt practice or bribery contrary to this Act within five years preceding nomination day.

For Information only:

The existing ***Municipal Elections Act*** "s.18 (1) (f) has been convicted of any corrupt practice or bribery contrary to this Act within five years preceding nomination day."

Please also note, the Legislation that deals with this subject in respect to the Nova Scotia House of Assembly is the ***House of Assembly Act*** which provides at s. 22 & 23 as follows:

Disqualification on account of conviction

22 (1) A person who stands convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years is not eligible to be

(a) nominated as a candidate for election as a member of the House; or

(b) elected as a member of the House, for a period of five years from the date of conviction and, if the sentence imposed for the offence or substituted by a competent authority has not been fully served at the end of that period, for the further time remaining to be served in that sentence.

(2) Where a conviction is set aside by a competent authority, any disability imposed by this Section is removed. R.S. (1992 Supp.), c. 1, s. 22.

Conviction of member

23 Where a person who is a member of the House is convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years, that member forthwith ceases to be a member, and the seat of that member is and is deemed to be vacant until an election is held in that electoral district according to law. R.S. (1992 Supp.), c. 1, s. 23.