

For Report

Certified correct as amended in Select Standing Committee on the 26th day of May, 2025  
Seunghée Suzie Seo, Law Clerk

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DARLENE ROTCHFORD

## BILL M 202 – 2025

# ELIGIBILITY TO HOLD PUBLIC OFFICE ACT

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

### **Definition**

**1** In this Act, “**local elected office**” means

- (a) the office of
  - (i) a mayor or councillor of a municipality, within the meaning of the ~~*Local Government Act*~~ *Community Charter*,
  - (i.1) the mayor or a councillor of the City of Vancouver under the *Vancouver Charter*,
  - (ii) an electoral area director of a regional district, within the meaning of the *Local Government Act*,
  - (iii) a member of the ~~park board~~ *Park Board*, within the meaning of the *Vancouver Charter*,
  - (iv) a ~~school~~-trustee, within the meaning of the *School Act*, or
  - (v) a local ~~trust area~~-trustee, within the meaning of the *Islands Trust Act*, or
- (b) any other prescribed elected public office.

### **Disqualification**

- 2**
- (1) A person who is a member of the Legislative Assembly is disqualified from holding a local elected office.
  - ~~(2) For certainty, any holder of a local elected office who is disqualified under subsection (1) is deemed to have resigned that office as of the date of disqualification.~~
  - (2) Subject to subsection (3), if a person who holds a local elected office becomes a member of the Legislative Assembly, despite the Act under which the local

elected office is held, the person is conclusively deemed to have resigned that local elected office on the date the writ of election for the electoral district for which the person is elected is returned under section 26 (2) (c) of the *Election Act*.

- (3) If, on the date this Act receives Royal Assent, a person who holds a local elected office is also a member of the Legislative Assembly, despite the Act under which the local elected office is held, the person is conclusively deemed to have resigned that local elected office on the date this Act receives Royal Assent.
- (4) For certainty, a local elected office is vacant on the date of a resignation under this section as if the resignation occurred under, and in accordance with, the Act that applies to the local elected office.

#### **Regulations**

- 3 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations prescribing elected public offices for the purposes of paragraph (b) of the definition of “local elected office” in section 1.

#### **Commencement**

- 4 This Act comes into force on the date of Royal Assent.