



Form 37
Town of Saugeen Shores
Notice of Default - Candidate
Municipal Elections Act, 1996, as amended s. 88.23(3)

To:

Name of Candidate

Office

Address

From: Clerk, Town of Saugeen Shores

TAKE NOTICE THAT you are in default of the requirements of the Municipal Elections Act, 1996, because:

- a. You failed to file documents with the Municipal Clerk as required by Section 88.25 or 88.32 of the Municipal Elections Act 1996 on or before the relevant date, or
- b. You failed to pay the amount of surplus shown in documents which were filed with the Municipal Clerk by the relevant date as required by Section 88.31(4) of the Municipal Elections Act, 1996, or
- c. A document filed under Section 88.25 of the Municipal Elections Act 1996 shows on its face that you have incurred expenses exceeding the amount permitted under Section 88.20 of that Act;
- d. You failed to pay the amount under Section 88.32 and failed to pay the amount required by that Section to the Clerk by the relevant date.

If this Notice indicates that you have failed to file a document required by Section 88.25 or 88.32 of the Municipal Elections Act, the following provisions and penalties apply:

TO A SUCCESSFUL CANDIDATE:

- I. You forfeit any office to which you were elected and the office shall be deemed to be vacant;
- II. Until the next regular election has taken place, you are ineligible to be elected or appointed to any office to which the Municipal Elections Act, 1996 applies.

TO AN UNSUCCESSFUL CANDIDATE:

- I. until the next regular election has taken place, you are ineligible to be elected or appointed to any office to which the Municipal Elections Act, 1996 applies.

NOTICE OF PENALTIES

Sections 91, 92 and 94 of the Municipal Elections Act, 1996 set out penalties with respect to violations under the Act as follows:

Corrupt Practice and ineligibility for office:

91(1) If a person is convicted of a corrupt practice under this Act, or of an offence under the Criminal Code (Canada) in connection with an act or omission that related to an election to which this Act applies, then, in addition to any other penalty provided for in this Act:

- a. any office to which the person was elected is forfeited and becomes vacant, and
- b. the person is ineligible to be nominated for, or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates.

Exception

91(2) However, if the presiding judge finds that the person committed the corrupt practice or offence under the Criminal Code (Canada) without any intent of causing or contributing to a false outcome of the election, Clause (1)(b) does not apply.

Offences by Candidate

92(1) A candidate guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalties described in subsection 88.23(2),

- a. if the candidate incurs expenses that exceed the amount determined for the office under 88.20, or
- b. if the candidate files a document under Section 88.25 or 88.32 that is incorrect or otherwise does not comply with that Section.

Exception

92(2) However, if the presiding judge finds that the candidate, acting in good faith, committed the offence inadvertently or because of an error in judgement, the penalties described in subsection 88.23(2) do not apply.

Additional Penalty, Candidates

92(3) If the expenses incurred by or under the direction of a candidate exceed the amount determined for the office under Section 88.20, the candidate is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act.

General Offence

94. A person who contravenes any provision of this Act or regulation under this Act or a by-law passed by a municipality under this Act is guilty of an offence.

Date

Municipal Clerk