



## NOTICE OF DEFAULT - CANDIDATE

*Municipal Elections Act, 1996 (s. 88.23 (3))*

TO:

Steve Graham	Ward 7 – Hillier Councillor Candidate
(Name of Candidate)	(Office)
127 Ould Drive, Consecon, ON	K0K 1T0
(Address)	(Postal Code)

FROM:

Kim White, Clerk,  
The Corporation of the County of Prince Edward

**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.**

### NOTICE OF DEFAULT

- 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 AN UNSUCCESSFUL CANDIDATE

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

- a) if the candidate incurs expenses that exceed the amount determined for the office under section 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 on behalf 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.

April 22, 2019



\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk of designate