

**TOWN OF KIRKLAND LAKE**  
**NOTICE OF DEFAULT**

*Municipal Elections Act, 1996 [Section 88.23, 88.25, 88.31, 92 (1)]*

TO:

Name of Candidate: <b>Kelly Wotton</b>	Office: <b>SBT – EP Zone C</b>
Address: <b>4 Station Road South, Kirkland Lake ON</b>	Postal Code: <b>P2N 3H3</b>

**TAKE NOTICE** that you are in default of the requirements of the *Municipal Elections Act, 1996*, because you failed to file a document (a financial statement and if applicable, an auditor's report) with the Municipal Clerk as required by Section 88.25 (Candidates' Financial Statements, etc.) or 88.32 (Return of Surplus for Subsequent Expenses) of the *Municipal Elections Act 1996* on or before 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, 1996* the following provisions and penalties apply:

- (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**

*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*

*(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 re campaign finances*

*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 the 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, action in good faith*

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

*Additional penalty, candidates*

- (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.*

Dated this 31<sup>st</sup> day of March, 2023 as at 5:00 PM



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Jennifer Montreuil

Municipal Clerk/Deputy Returning Officer