

# Rejection

35 (2)

**MUNICIPAL ELECTION LAW 2006**

36.

*Thursday following nomination day - Thursday, October 5.*

## **35 (2) Certification - by clerk**

If satisfied that a person is qualified to be nominated and that the nomination complies with this Act, the clerk shall certify the nomination by signing the nomination paper. 1996, c. 32, Sch., s.35 (2).

## **35 (3) Rejection - by clerk**

If not satisfied that a person is qualified to be nominated or that the nomination complies with this Act, the clerk shall reject the nomination. 1996, c. 32, Sch., s. 35 (3).

*Case reference: See M.E., s. 35 (1), par. 2.*

## **35 (4) Rejection - notice**

When the clerk rejects a nomination, he or she shall, as soon as possible, give notice of the fact to the person who sought to be nominated and to all candidates for the office. 1996, c. 32, Sch., s.35 (4).

*Municipal World Form 1211, Notice of rejection of nomination for the office of (name of office).*

## **35 (5) Clerk's decision final**

The clerk's decision to certify or reject a nomination is final. 1996, c. 32, Sch., s. 35 (5).

## **36. Withdrawal of nomination**

A person may withdraw his or her nomination by filing a written withdrawal in the clerk's office,

- (a) before 5 p.m. on the Monday following nomination day, if the person was nominated on or before nomination day;

*Monday following nomination day - Monday, October 2.*

- (b) before 5 p.m. on the Thursday following nomination day, if the person was nominated under subsection 33 (5). 1996, c. 32, Sch., s. 36.

*Thursday following nomination day - Thursday, October 5.*

*Municipal World Form 1218, Withdrawal of nomination and affidavit of candidate; Municipal World Form 1213, List of certified candidates, municipal offices; Municipal World Form 1215, List of certified candidates - school*

37 (1)

**MUNICIPAL ELECTION LAW 2006**

37 (4)

## **ACCLAMATION**

### **37 (1) Clerk to declare - Monday, October 2**

If, at 5 p.m. on the Monday following nomination day, the number of certified candidates for an office is the same as or less than the number to be elected, the clerk shall immediately declare the candidate or candidates elected by acclamation. 1996, c. 32, Sch., s. 37 (1).

*Declare candidate duly elected - This declaration should not be made before the time specified in subsection 37 (1) as candidates have until 5 o'clock on Monday following nomination day to withdraw their nominations. See M.E., s. 36 (a) and (b).*

### **37 (2). Clerk to declare - additional - Thursday, October 5**

If additional nominations have been filed under subsection 33 (5) and if, at 5 p.m. on the Thursday following nomination day, the number of certified candidates still does not exceed the remaining number of vacancies, the clerk shall immediately declare the additional candidate or candidates elected by acclamation. 1996, c. 32, Sch., s. 37 (2).

## **VACANCY**

### **37 (3) School board**

If an office remains vacant on a school board after the declaration of the election of candidates by acclamation under this section and the declaration of the election of candidates following the conduct of the election for offices on the board, the following rules apply:

1. If the number of candidates declared elected is insufficient to fill the majority of positions on the board, a by-election shall be held.
2. If the number of candidates declared elected is sufficient to fill the majority of positions on the board, section 38 applies. If it is not possible to fill the vacancies under that section, a by-election shall be held. 1996, c. 32, Sch., s. 37 (3); 1997, c. 31, s. 157 (3-5). 2002, c.17, Sch. D, s. 13 (1).

### **37 (3.1) By-election restricted to geographic area**

A by-election required under subsection (3) shall be held only in the geographic area in which the number of candidates declared elected is insufficient. 2002, c.18, Sch. G, s. 13.

### **37 (4) Other offices**

If an office remains vacant on any other body after the declaration of the election of candidates by acclamation under this section and the declaration of the election of candidates following the conduct of the election for offices on the body, the following rules apply: