

Procedural Irregularities

83 (2)

MUNICIPAL ELECTION LAW 2006

83 (7)

- (d) if an election is not valid or a person's election to an office is, not valid, whether a by-election should be held. 1996, c. 32, Sch., s. 83 (1); 2002, c. 17, Sch. D, s. 34 (1).

School board seat - See the Education Act, s. 218 re an application to declare the office of a member of a school board vacant.

83 (2) Application on or before Monday, February 12, 2007

The application shall be commenced within 90 days after voting day. 1996, c. 32, Sch., s. 83 (2).

90 days after voting day - Sunday, February 11, 2007. Extended to Monday, February 12, 2007. See M.E., s. 10 (1).

83 (3) Application - dealt with in summary manner

The application shall be dealt with in a summary manner, without application records or factums. 1996, c. 32, Sch., s. 83 (3).

83 (3.1) Application - applicant to provide copy

The applicant shall serve a copy of the application on the clerk or secretary of the municipality or local board to which the application relates within 5 days after the day the application was made under this section. 2002, c. 17, Sch. D, s. 34 (2).

83 (4) Application - only method to determine

A proceeding to determine a matter described in clause (1) (a), (b), (c) or (d) may be commenced only under subsection (1). 1996, c. 32, Sch., s. 83 (4).

83 (5) Compensation - order by court

If the court orders that a by-election be held, it may make such order as it considers just against a person whose act or omission unlawfully affected the result of the election, for the compensation of candidates at that election. 1996, c. 32, Sch., s. 83 (5).

83 (6) Procedural irregularities - election not invalid

The court shall not determine an election to be invalid if,

- (a) an irregularity described in subsection (7) occurred at the election but did not affect the result of the election; and
- (b) the election was conducted in accordance with the principles of this Act. 1996, c. 32, Sch., s. 83 (6).

83 (7) Procedural irregularities - not affecting results

Clause (6) (a) applies to the following irregularities:

1. An irregularity on the part of the clerk or in any of the procedures before voting day.

84 (1)

MUNICIPAL ELECTION LAW 2006

84 (6)

2. Failure to have a voting place open at the appointed location and time.
3. Non-compliance with a provision of this Act or of a regulation, by-law, resolution or procedure made, passed or established under this Act, dealing with voting, counting of votes or time requirements.

4. A mistake in the use of forms, whether prescribed or not. 1996, c. 32, Sch., s. 83 (7).

84 (1) Disclaimer - before application to court

A person who has been elected to an office may, within 90 days after voting day and before an application questioning his or her election is made under clause 83 (1) (b), disclaim all right to the office. 1996, c. 32, Sch., s. 84 (1).

Municipal World Form 1442, Disclaimer of right to office

90 days after voting day - Sunday, February 11, 2007. Extended to Monday, February 12, 2007. See M.E., s. 10 (1).

84 (2) Disclaimer - in writing - delivered to clerk

The disclaimer shall be made in writing and delivered to the clerk who conducted the election. 1996, c. 32, Sch., s. 84 (2).

84 (3) Disclaimer - after application to court

A person whose election is questioned in an application under clause 83 (1) (b) may, within seven days after being served with the application, disclaim all right to the office. 1996, c. 32, Sch., s. 84 (3).

84 (4) Disclaimer - after application in writing delivered

The disclaimer shall be made in writing and delivered to,

- (a) the court;
- (b) the applicant or his or her lawyer; and
- (c) the clerk who conducted the election. 1996, c. 32, Sch., s. 84 (4).

84 (5) Disclaimer - duty of clerk

When the clerk receives a disclaimer under subsection (1) or (3), he or she shall immediately communicate it to the council or to the secretary of the local board, as the case may be. 1996, c. 32, Sch., s. 84 (5).

84 (6) Disclaimer - resignation

The disclaimer operates as a resignation and takes effect when the clerk receives it. 1996, c. 32, Sch., s. 84 (6).