

Declaration of Qualifications



Mayor and Councillors

I, _____, a nominated candidate for the office of:

Mayor

Councillor, Ward _____

Do Solemnly Declare That:

1. I am qualified pursuant to the Municipal Elections Act, 1996 and the Municipal Act, 2001 to be elected to and to hold the office of:

Mayor

Councillor, Ward _____

2. On the date my nomination is filed, I will be at least eighteen years of age, I am a Canadian citizen, a resident of the City of Guelph or the owner or tenant of land in the City of Guelph or the spouse or partner of such owner or tenant.

3. I am not ineligible or disqualified under the Municipal Elections Act, 1996, the Municipal Act, 2001, the Municipal Conflict of Interest Act or any other Act to be elected to or hold the above-mentioned office.

4. I am not an employee of the City of Guelph, or if I am an employee of the City of Guelph, I am on an unpaid leave of absence as provided for by section 30 of the Municipal Elections Act, 1996.

5. I am not a judge of any court.

6. I am not a member of the Assembly as provided by the Legislative Assembly Act or the Senate or House of Commons of Canada. Or, if I am such a person, I will provide proof of my resignation in a form satisfactory to the City Clerk of the City of Guelph prior to 2:00 p.m. on nomination day, August 21, 2026. I understand that the City Clerk will reject my nomination for office if I fail to provide proof of resignation by this deadline.

7. I am not prohibited from voting at the municipal election under subsection 17(3) of the Municipal Elections Act, 1996 for the following reasons:

a) I am serving a sentence of imprisonment in a penal or correctional institution.

b) I am a corporation.

c) I am a person acting as executor or trustee or in any other representative capacity (except as a voting proxy)

d) I am a person who was convicted of the corrupt practice described in subsection 90 (3), of the Municipal Elections Act, 1996, during an election that occurred less than five years prior to Monday, October 26, 2026. (Section 90(3) of the Municipal Elections Act, 1996 is attached hereto.)

8. I am not a candidate who was convicted of a corrupt practice under the Municipal Elections Act, 1996 or of an offence under the Criminal Code (Canada), in connection with an act or omission with respect to a municipal election if the Voting Day in that election is less than eight years prior to Monday, October 26, 2026. (Sections 89 and 90 of the Municipal Elections Act, 1996 and examples of Criminal Code offences are attached hereto.)
9. I am not disqualified from being elected to or holding office by reason of any violations of the election campaign financial requirements or violations for not filing the financial statement pursuant to the Municipal Elections Act, 1996.

And I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of Guelph

This _____ day of _____, 2026.

Signature of Candidate

Signature of Clerk/Designate

Personal information on this form is collected under the authority of the Municipal Elections Act, 1996, and will be used for the nomination process for office in the municipal election and will be available for public inspection in the office of the Clerk, City of Guelph until the next municipal election. Questions about this collection of personal information should be directed to the Clerk, City of Guelph.

Section 88.23 of the Municipal Elections Act, 1996

88.23(1) Default

A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act,

- a) if the candidate fails to file a document as required under section 88.25 or 88.32 by the relevant date;
- b) if a document filed under section 88.25 shows on its face a surplus, as described in section 88.31, and the candidate fails to pay the amount required by subsection 88.31 (4) to the clerk by the relevant date;
- c) if a document filed under section 88.25 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 88.20; or
- d) if a document filed under section 88.32 shows on its face a surplus and the candidate fails to pay the amount required by that section by the relevant date. 2016, c. 15, s. 60.

88.23(2) Penalties

Subject to subsection (7), in the case of a default described in subsection (1),

- a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
- b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies. 2016, c. 15, s. 60.

88.23(3) Notice of default

In the case of a default described in subsection (1), the clerk shall,

- a) notify the candidate in writing that the default has occurred;
- b) if the candidate was elected, notify the council or board to which he or she was elected in writing that the default has occurred; and
- c) make available to the public the name of the candidate and a description of the nature of the default. 2016, c. 15, s. 60.

Sections 89 and 90 of the Municipal Elections Act, 1996

Offences, Penalties and Enforcement

89. A person is guilty of an offence if he or she,

- a) votes without being entitled to do so;
- b) votes more times than this Act allows;
- c) votes in a voting place in which he or she is not entitled to vote;
- d) induces or procures a person to vote when that person is not entitled to do so;
- e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- f) having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;

- g) before or during an election, publishes a false statement of a candidate's withdrawal;
- h) furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- i) without authority, supplies a ballot to anyone;
- j) delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- k) takes a ballot away from the voting place;
- l) at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
- m) attempts to do something described in clauses (a) to (l).

Corrupt practices: certain offences committed knowingly

90. (1) If, when a person is convicted of an offence under section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice.

Corrupt practices: bribery

90. (2) An offence described in subsection (3) constitutes a corrupt practice and a person who commits it is, on conviction, disqualified from voting at an election until the next regular election has taken place after the election to which the offence relates, in addition to being liable to any other penalty provided for in this Act.

Bribery - prohibited

90. (3) No person shall, directly or indirectly,

- a) offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or non-exercise of an elector's vote;
- b) advance, pay or cause to be paid money intending that it be used to commit an offence referred to in clause (a), or knowing that it will be used to repay money used in that way;
- c) give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an elector's vote;
- d) apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an elector's vote;
- e) give, procure or promise or agree to procure an office or employment to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy;
- f) offer, give, lend, or promise or agree to give or lend any valuable consideration in order to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy.

Corrupt practices by election officials: miscounting votes

90. (4) A deputy returning officer or other election official who knowingly miscounts the votes or knowingly prepares a false statement of the votes is guilty of an offence that constitutes a corrupt practice.

False Ballot

90. (5) A deputy returning officer who knowingly places in a ballot box a paper that purports to be, but is not, a ballot capable of being used as such at an election, is guilty of an offence that constitutes a corrupt practice.

Neglect of Duty

90. (6) A clerk or other election official who willfully fails to perform a duty imposed by this Act is guilty of an offence that constitutes a corrupt practice.

Sections 123, 124 and 125 of the Criminal Code of Canada**Municipal corruption**

123. (1) Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who directly or indirectly gives, offers or agrees to give or offer to a municipal official or to anyone for the benefit of a municipal official — or, being a municipal official, directly or indirectly demands, accepts or offers or agrees to accept from any person for themselves or another person — a loan, reward, advantage or benefit of any kind as consideration for the official

- a) to abstain from voting at a meeting of the municipal council or a committee of the council;
- b) to vote in favour of or against a measure, motion or resolution;
- c) to aid in procuring or preventing the adoption of a measure, motion or resolution; or
- d) to perform or fail to perform an official act.

Influencing municipal official

123. (2) Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who influences or attempts to influence a municipal official to do anything mentioned in paragraphs (1)(a) to (d) by

- a) suppression of the truth, in the case of a person who is under a duty to disclose the truth;
- b) threats or deceit; or
- c) any unlawful means.

Definition of municipal official

123. (3) In this section, "municipal official" means a member of a municipal council or a person who holds an office under a municipal government.

Selling or purchasing office

124. Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who

- a) purports to sell or agrees to sell an appointment to or a resignation from an office, or a consent to any such appointment or resignation, or receives or agrees to receive a reward or profit from the purported sale thereof, or
- b) purports to purchase or gives a reward or profit for the purported purchase of any such appointment, resignation or consent, or agrees or promises to do so.

Influencing or negotiating appointments or dealing in offices

125. Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who

- a) receives, agrees to receive, gives or procures to be given, directly or indirectly, a reward, advantage or benefit of any kind as consideration for cooperation, assistance or exercise of influence to secure the appointment of any person to an office,
- b) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from an office, in expectation of a direct or indirect reward, advantage or benefit, or
- c) keeps without lawful authority a place for transacting or negotiating any business relating to
 - i. the filling of vacancies in offices,
 - ii. the sale or purchase of offices, or
 - iii. appointments to or resignations from offices.