



## **PENALTY NOTICE**

Pursuant to Sections 33.1 and 88.25 of the *Municipal Elections Act, 1996*, the Clerk is required to provide notice to each person nominated for an office regarding the penalties under subsections 88.23(2) and 92(1) relating to election campaign finances. Attached for your information are the relevant sections of the Act, including subsections 33.1, 34, 88.23, 88.25 and 92(1).

I, \_\_\_\_\_, do hereby acknowledge that I am in receipt of the Clerk's notice regarding penalties relating to election campaign finances

Declared before me at the Town of The Blue Mountains, in the County of Grey, this \_\_\_\_\_

day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Signature of Clerk or Commissioner



## **ELECTION CAMPAIGN FINANCES**

Excerpts from [Municipal Elections Act, 1996](#)

### **Notice of penalties**

**33.1** The clerk shall, before voting day, give to each person nominated for an office notice of,

- (a) the penalties under subsections 88.23 (2) and 92 (1) related to election campaign finances; and
- (b) the refund of the nomination filing fee that the candidate is entitled to receive in the circumstances described in section 34.

### **Refund**

**34** A candidate is entitled to receive a refund of the nomination filing fee if the documents required under subsection 88.25 (1) are filed on or before 2 p.m. on the filing date in accordance with that subsection.

### **Effect of default by candidate**

**88.23 (1)** 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.



### **Penalties**

- (2) 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.

### **Candidates' financial statements, etc.**

**88.25** (1) On or before 2 p.m. on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances,

- (a) in the case of a regular election, as of December 31 in the year of the election; and
- (b) in the case of a by-election, as of the 45th day after voting day.

### **Same**

(2) If a candidate's election campaign period ends as described in paragraph 3 of subsection 88.24 (1), the financial statement and auditor's report must reflect the candidate's election campaign finances as of the day the election campaign period ended. 2016, c. 15, s. 60.

### **Error in financial statement**

(3) If an error is identified in a filed financial statement, the candidate may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on or before the applicable filing date under section 88.30.

### **Supplementary financial statement and auditor's report**

(4) If the candidate's election campaign period continues during all or part of the supplementary reporting period, the candidate shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period.

### **Same**

(5) If a candidate's election campaign period ends as described in paragraph 3 of subsection 88.24 (1) and the election campaign period continued during all or part of the supplementary reporting period, the candidate shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the period commencing on the day the candidate's election campaign period ends and including the six-month period following the year of the election.



### **Supplementary report**

(6) A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1), updated to reflect the changes to the candidate's campaign finances during the supplementary reporting period.

### **Auditor**

(7) An auditor's report shall be prepared by an auditor licensed under the *Public Accounting Act, 2004*.

### **Exception re auditor's report**

(8) No auditor's report is required if the total contributions received and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000.

### **Notice to candidates, before filing date**

(9) At least 30 days before the filing date, the clerk shall give notice of the following matters to every candidate whose nomination was filed with him or her:

1. All the filing requirements of this section.
2. The candidate's entitlement to receive a refund of the nomination filing fee if he or she meets the requirements of section 34.
3. The penalties set out in subsections 88.23 (2) and 92 (1).

### **Same, before supplementary filing date**

(10) At least 30 days before the supplementary filing date, the clerk shall give notice of the filing requirements of this section and the penalties set out in subsections 88.23 (2) and 92 (1) to the following candidates:

1. A candidate who notified the clerk under paragraph 4 of subsection 88.24 (1).
2. A candidate who notified the clerk under paragraph 5 of subsection 88.24 (1).



### **Documents filed after filing date**

(12) If the documents required to be filed under this section are not filed by 2 p.m. on the day that is 30 days after the applicable day for filing the documents, the clerk shall accept the documents only for the purpose of making the documents available under subsection 88 (9.1).

### **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.

**NOTE: All candidates who file a nomination are required under the Municipal Elections Act to file a financial statement based on their contributions and expenses including those who withdrew their nomination paper.**