



PENALTY NOTICE
2022 MUNICIPAL ELECTION

Pursuant to Sections 33.1 and 88.25 of the *Municipal Elections Act, 1996*, the Clerk is required to give 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 88.23 (2) and 92 (1).

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

X

Candidate or Agent

Date (yyyy/mm/dd)

ELECTION CAMPAIGN FINANCES

Excerpt from *Municipal Elections Act, 1996, S.O. 1996, c.32*
(NOTE SECTIONS 88.23 (2) & 92 (1))

Act available at <https://www.ontario.ca/laws/statute/96m32>

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. 2016, c. 15, s. 60.

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. 2016, c. 15, s. 60.

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. 2016, c. 15, s. 68 (1).

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. 2016, c. 15, s. 68 (1).

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. 2016, c. 15, s. 68 (1).

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