

The Municipal Elections Act 1996 requires that the Clerk shall, before voting day, give to each person nominated for an office notice of penalties under Section 88.23 (2) and 92(1) relating to campaign finances.

NOTICE OF PENALTIES



THE MUNICIPAL ELECTIONS ACT 1996 states:

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 he or she fails to file a document as required under section 88.25 or 88.23 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

88.23 (2) 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 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), if he or she,

- (a) files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section; or
- (b) incurs expenses that exceed what is permitted under section 88.20.

Exception

92. (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).

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Additional penalty

92. (3) If the expenses incurred by or on behalf 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).

AND

General penalty, individual

94.1 (1) An individual who is convicted of an offence under this Act is liable to the following penalties in addition to any other penalty provided for in this Act:

1. For any offence, a fine of not more than \$25,000.
2. For any offence other than a corrupt practice, the penalties described in subsection 88.23 (2) and 88.27 (1).
3. For an offence under section 90, imprisonment for a term of not more than six months.
4. For any offence that the presiding judge finds that the individual committed knowingly, imprisonment for a term of not more than six months. 2009, c. 33, Sched. 21, s. 8 (68); 2016, c. 15, s.70.

Same, corporation or trade union

94.1 (2) A corporation or trade union that is convicted of an offence under this Act is liable to a fine of not more than \$50,000 in addition to any other penalty provided for in this Act. 2009, c. 33, Sched. 21, s. 8 (68).

Limitation period

94.2 (1) No prosecution for an offence under this Act in relation to a regular election shall be commenced after November 15 of the fourth year following the year in which the regular election was held. 2009, c. 33, Sched. 21, s. 8 (68); 2017, c. 10, Sched. 4, s. 8(19).