

## TI12 – NOTICE OF PENALTIES AND CORRUPT PRACTICES - CANDIDATES

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### *Municipal Elections Act, 1996, as amended, as amended s.33.1*

This serves as notice of penalties related to election campaign finances. Please refer to the Act for complete text. Before Voting Day, the Clerk is required to give each person nominated for an office, notice of the penalties under s.88.23(2) and 92(1) related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive based on the circumstances in s.34.

#### Section 88.23 – Effect of default by Candidate

- (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.

#### **Section 92 – Offences regarding Campaign Finances; Offences by Candidate**

- (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.

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Clerk, Municipality of Central Huron