

THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA
ELECTIONS 2014



Notice of Penalties

In accordance with the *Municipal Elections Act, 1996, section 33.1* the Clerk shall, before voting day, notify all candidates of the penalties under subsections 80(1), 81(2) and 92(5) related to election campaign finances. Although this information is also included in the Candidates Guide the following are the pertinent sections of the *Municipal Elections Act* for your information and consideration.

The following are the above mentioned penalties:

80. (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 78 or 79.1 by the relevant date;

(b) if a document filed under section 78 shows on its face a surplus, as described in section 79, and the candidate fails to pay the amount required by subsection 79 (4) to the clerk by the relevant date;

(c) if a document filed under section 78 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 76; or

(d) if a document filed under section 79.1 shows on its face a surplus and the candidate fails to pay the amount required by subsection 79.1 (7) by the relevant date. 2009, c. 33, Sched. 21, s. 8 (44).

Same

(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. 2009, c. 33, Sched. 21, s. 8 (44).

Notice of default

(3) In the case of a default described in subsection (1), the clerk shall notify the candidate and the council or board in writing that the default has occurred. 2009, c. 33, Sched. 21, s. 8 (44).

Application to court

(4) The candidate may, before the last day for filing a document under section 78 or 79.1, apply to the Ontario Court of Justice to extend the time for filing the document under that section and, if the court is satisfied there are mitigating circumstances justifying a later date for filing the document, the court may grant an extension for the minimum period of time necessary to enable the candidate to file the document but the court shall not grant an extension of more than 90 days. 2009, c. 33, Sched. 21, s. 8 (44).

Notice to clerk

(5) If a candidate makes an application under subsection (4), the candidate shall notify the clerk in writing before 2 p.m. on the last day for filing a document under section 78 or 79.1 that the application has been made. 2009, c. 33, Sched. 21, s. 8 (44).

AND

Election campaign finance offences

92. (1, 2) Repealed: 2009, c. 33, Sched. 21, s. 8 (62).

Additional penalty

(3) If the expenses incurred by or on behalf of a candidate exceed the amount determined for the office under section 76, the candidate is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act. 1996, c. 32, Sched., s. 92 (3); 2009, c. 33, Sched. 21, s. 8 (63).

(4) Repealed: 2009, c. 33, Sched. 21, s. 8 (64).

Offences by candidate

(5) 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 80 (2), if he or she,

(a) files a document under section 78 or 79.1 that is incorrect or otherwise does not comply with that section; or

(b) incurs expenses that exceed what is permitted under section 76. 1996, c. 32, Sched., s. 92 (5); 2002, c. 17, Sched. D, s. 35 (1); 2009, c. 33, Sched. 21, s. 8 (65, 66).

Exception

(6) 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 80 (2) do not apply. 1996, c. 32, Sched., s. 92 (6); 2002, c. 17, Sched. D, s. 35 (2); 2009, c. 33, Sched. 21, s. 8 (67).

The penalties refer to sections 76, 78 and 79.1 of the Munciipl Elections Act, 1996. The following is a brief description of those sections:

- Section 76 – Expenses
 - Candidates are not to exceed the maximum expense limit
- Section 78 – Financial filings
 - Outlines the financial filing requirements
- Section 79 – Surpluses
 - Surpluses must be paid to the Clerk
- Section 79.1 – Return of Surplus and Financial filings
 - Outlines the financial filing requirements for surpluses that have been returned to the candidate for expenses relating to a recount, compliance audit or a controverted election.