

**NOTICE OF PENALTIES AND
REFUND OF NOMINATION FILING FEE- Candidates**
Municipal Elections Act, 1996 (s. 33.1)

Pursuant to Section 33.1 of the *Municipal Elections Act, S.O. 1996*, the clerk shall, before voting day, give to each person nominated for an office notice of the penalties under subsections 88.23(2) and 92(1) related to election campaign finances and the requirements under which the nomination filing fee will be refunded (section 88.23, section 92(1) and section 34. have been provided below):

Default – where penalties apply

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.

Default - 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.

Default – Notice by clerk

(3) In the case of a default described in subsection (1), the clerk shall,

- a) notify the candidate in writing that the default has occurred;
- b) if the candidate was elected, notify the council or board to which he or she was elected in writing that the default has occurred; and
- c) make available to the public the name of the candidate and a description of the nature of the default.

Compliance – clerk’s report - filing

(4) The clerk shall make available to the public a report setting out all candidates in an election and indicating whether each candidate complied with section 88.25.

Compliance – clerk’s report – available electronically

(5) The report mentioned in subsection (4) shall be made available on a website or in another electronic format as soon as possible after,

- a) April 30 in the year following a regular election; and
- b) 90 days after voting day in a by-election.

Application to court – for extension

(6) The candidate may, before the last day for filing a document under section 88.25 or 88.32, apply to the Superior 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.

Application to court – for extension - notice

(7) If a candidate makes an application under subsection (6), the candidate shall notify the clerk in writing before 2 p.m. on the last day for filing a document under section 88.25 or 88.32 that the application has been made.

Application to court – for extension - effect

(8) If the court grants an extension under subsection (6), the penalties set out in subsection (2) apply only if the candidate has not filed the document before the end of the extension.

Default - cessation of penalty – late filing fee

(9) The penalties set out in subsection (2) for a default described in clause (1) (a) do not take effect if, no later than 2 p.m. on the day that is 30 days after the applicable day for filing the document, the candidate files the relevant document as required under section 88.25 or 88.32 and pays the clerk a late filing fee of \$500.

Late filing fee

(10) The late filing fee is the property of the municipality.

Same, before supplementary filing date

88.25 (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). 2016, c. 15, s. 60.

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. 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).

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.

Declaration by Candidate

I do hereby acknowledge that I am in receipt of the Clerk's notice regarding penalties relating to election campaign finances and refund of nomination filing fee.

Declared before me at the City of Brockville

This _____ day of _____, 2022

(Signature of Clerk or designate)

(signature of candidate, signed in front of
the Clerk or designate)