

**CORPORATION OF THE
UNITED TOWNSHIPS OF HEAD, CLARA AND MARIA**

NOTICE OF OFFENCE OF CORRUPT PRACTICE

Municipal Elections Act, 1996 (s.89)

Section 89 of the *Municipal Elections Act, 1996* provides that a person is guilty of an offence, if he or she,

- a) votes without being entitled to do so;
- b) votes more times than the Act allows;
- c) votes in a voting place in which he or she is not entitled to vote;
- d) induces or procures a person to vote when that person is not entitled to do so;
- e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- f) having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote, or has died;
- g) before or during an election, publishes a false statement of a candidate's withdrawal;
- h) furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- i) without authority, supplies a ballot to anyone;
- j) delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- k) takes a ballot away from the voting place;
- l) at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having the authority to do so;
- m) attempts to do something described in clauses (a) to (l)

Section 90 of the said Act provides that if, when a person is convicted of an offence under Section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice.

The Clerk may choose to post this notice in the voting place

**CORPORATION OF THE
UNITED TOWNSHIPS OF HEAD, CLARA AND MARIA**

NOTICE OF OFFENCE, PENALTIES AND CORRUPT PRACTICE
Municipal Elections Act, 1996 (s. 89)

TO:

_____ / _____	
(Name of Candidate)	(Office)
_____	_____
(Address)	(Postal Code)

EFFECT OF DEFAULT BY CANDIDATE [88.23]

TAKE NOTICE THAT A CANDIDATE SHALL be subject to the penalties listed below, in addition to any other penalty that may be imposed under the *Municipal Elections Act, 1996*:

- a) if he or she fails to file documents with the Municipal Clerk 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 Municipal 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 subsection 88.32 by the relevant date.

OFFENCES [92]

TAKE NOTICE THAT A CANDIDATE SHALL be guilty of an offence and, on conviction, is subject to the penalties listed below, in addition to any other penalty that may be imposed under the *Municipal Elections Act, 1996*:

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

EXCEPTIONS, 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 penalty provided for in the Act. 2016, c.15, s.68(1)

** On April 1, 2018, section 92 of the Act is amended by adding the following subsections.

Offence by registered third party

(4) A registered third party 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 penalty described in subsection 88.27(1).

- a) If the registered third party incurs expenses that exceed the amount determined under section 88.21; or
- b) If the registered third party files a document under section 88.29 or 88.32 that is incorrect or otherwise does not comply with that section.

Exception, action in good faith

(5) However, if the presiding judge finds that the registered third party, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalties described in subsection 88.27(1) does not apply. 2016, c.15,s.68(2).

Additional penalty, registered third parties

(6) If the expenses incurred by or under the direction of a registered third party exceed the amount determined for the office under Section 88.21, the registered third party is liable to a fine equal to the excess, in addition to any penalty provided for in the Act. 2016, c.15, s.68(2)

PENALTIES [88.23]

In the case of a default described above:

- (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 the *Municipal Elections Act* applies.

REFUND (34)

A candidate is entitled to receive a refund of the nomination filing fee if the documents (financial statement and auditor’s report) required under subsection 88.25 (1) are filed on or before 2:00 p.m. on the filing date in accordance with that subsection.

Date

Municipal Clerk or designate

The Clerk shall, before voting day, give to each person nominated for an office notice of the penalties related to election campaign finances and the refund of the nomination filing fee that the candidate is entitled to receive in the circumstances described in MEA Section 34.

Clerk’s Tip: You may wish to provide this notice with the estimated maximum campaign expense form when Nomination Papers are filed.