



Notice of Penalties
Confirmation of Receipt
(Municipal Elections Act, 1996)

Pursuant to the *Municipal Elections Act, 1996*, as amended, where the Clerk is required to give notice to each person nominated for an office regarding the penalties under Subsections 88.23 (2) and 92 (1) relating to election campaign finances, attached for your information is Notice of Penalties.

I, _____, do hereby acknowledge that I am in receipt of the Clerk's notice regarding penalties relating to election campaign finances.

Signature

Date

Notice of Penalties

(Municipal Elections Act, 1996 the "Act")

Section 88.8 of the Act outlines the details of expenses a candidate may incur. Pursuant to Section 88.20 (13), the Clerk will calculate the maximum permitted expenses for each office and will provide a Certificate of the application maximum to each candidate.

Section 88.25 (1) of the Act states that:

On or before 2 p.m. on the filing date, a candidate shall file with the Clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form reflecting the candidate's election campaign finances.

- a) in the case of a regular election, as of December 31, in the year of the election; and
- b) in the case of a by-election, as of the 45th day after voting day."

Section 88.31 of the Act outlines the treatment of a candidate's surplus and deficit and defines a candidate has a surplus if the total credits exceed the total debits, and a deficit if the reverse is true.

Section 88.23 (1) of the Act provides that:

A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act, if,

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.

Personal information on this form is being collected under the authority of the *Municipal Elections Act, 1996 Section 88 (5) (10)* and will be used for the nomination process for office in the 2026 Municipal Election and will be available for public inspection in the office of the Clerk, Town of Essex, until the next municipal election. Questions about this collection of personal information may be directed to the Town's Clerk, 33 Talbot Street South, Essex, Ontario.

Section 88.23 (2) of the Act provides for the following penalties :

In the case of the defaults described in subsection (1) and subject to subsection (7):

- a) the candidate forfeits any office to which they was elected and the office shall be 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.

Section 88.23 (7) of the Act provides that if a candidate makes an application to the court to extend time for filing, 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.

Section 92 (1) of the Act provides that 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.

NOTE:

The information above is provided to all candidates however, it is the responsibility of the candidate to refer directly to the *Municipal Elections Act, 1996* for specific provisions and additional details. The Act is available from Ontario e-Laws at <https://www.ontario.ca/laws>