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## Penalty Notice

TO: \_\_\_\_\_ / \_\_\_\_\_  
(Name of Candidate) (Office)

\_\_\_\_\_ (Address) \_\_\_\_\_ (Postal Code)

### Effect of Default by Candidate [88.23 (1)]

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 the candidate 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 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.

### Penalties [88.23 (2)]

Subject to subsection (7), in the case of a default described in subsection (1),

- a) The candidate forfeits any office to which they were 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.

### Notice of default [88.23 (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 the candidate 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.

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**Cessation of penalty [88.23 (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.

**Offences by 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.

**Corrupt practice and ineligibility for office [91 (1)]**

If a person is convicted of a corrupt practice under this Act, or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which this Act applies, then, in addition to any other penalty provided for in this Act,

- a) Any office to which the person was elected is forfeited and becomes vacant; and
- b) The person is ineligible to be nominated for, or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates.

**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.

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 refund of the nomination filing fee that the candidate is entitled to receive in the circumstances described in section 34.

X \_\_\_\_\_

Candidate

X \_\_\_\_\_

Clerk or Designate