



Notice of Filing Requirements and Penalties Related to Third Party Finances 2018 Municipal and School Board Election

All registered third party advertisers must retain this copy, sign the acknowledgment page, and return the acknowledgment page to the Clerk's Office before the registration will be certified.

Section 88.29 (7) of the Municipal Election Act, 1996 states that at least 30 days before the filing date, the clerk shall give notice of the following filing requirements and the penalties set out in subsections 88.27(1) and 92 (4) to every registered third party that registered in the municipality.

TAKE NOTICE THAT EVERY REGISTERED THIRD PARTY SHALL FILE by **March 29, 2019**, with the Clerk with whom they registered, a financial statement and auditor's report in accordance with s.88.29 of the Municipal Elections Act, 1996.

88.29 (1) Financial statements, etc.,

On or before 2:00 p.m. on the filing date, a registered third party shall file with the Clerk of the municipality in which he, she or it registered a financial statement and auditor's report, each in the prescribed form, reflecting the registered third party's campaign finances in relation to third party advertisements,

- (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.

88.29 (2) Error in financial statement

If an error is identified in a filed financial statement, the registered third party may withdraw the statement and, at the same time, file a corrected financial statement and auditor's report on or before the applicable filing date under section 88.30.

88.29 (3) Supplementary financial statement – auditor's report

If the campaign period for the registered third party in relation to an election in the municipality continues during all or part of the supplementary reporting period, the registered third party shall, before 2:00 pm on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period.

88.29 (4) Supplementary report

A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1), updated to reflect the changes to the registered third party's campaign finances during the supplementary reporting period.

88.29 (5) Auditor

An auditor's report shall be prepared by an auditor licensed under the Public Accounting Act, 2004.

88.29 (6) Exception – auditor's report

No auditor's report is required if the total contributions received and total expenses incurred in the registered third party's campaign in relation to third party advertisements during an election in the municipality up to the end of the relevant period are each equal to or less than \$10,000.

TOWN OF ST. MARYS
P.O. Box 998, St. Marys, ON. N4X 1B6



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NOTICE OF PENALTIES

88.27(1) Effect of default by registered third party

Subject to subsection (6) and in addition to any other penalty that may be imposed under this Act, an individual, corporation or trade union that is registered as a registered third party in relation to an election in a municipality is not entitled to register in relation to a subsequent election in the municipality until after the next regular election has taken place,

- (a) if the registered third party fails to file a document as required under section 88.29 or 8.32 by the relevant date;
- (b) if a document filed under section 88.29 shows on its face a surplus, as described in section 88.31, and the registered third party 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 88.29 shows on its face that the registered third party has incurred expenses exceeding what is permitted under section 88.21; or
- (d) if a document filed under section 88.32 shows on its face a surplus and the registered third party fails to pay the amount required by that section by the relevant date.

Offences under the Act

92(4) Offences by registered third party

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.

92 (5) Exception, action in good faith

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 penalty described in subsection 88.27 (1) does not apply.

92 (6) Additional penalty, registered third parties

If the expenses incurred by or under the direction of a registered third party exceed the amount determined under section 88.21, the registered third party is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act.

94.1 (1) General penalty, individual

An individual who is convicted of an offence under this Act is liable to the following penalties in addition to any other penalty provided for in this Act:

1. For any offence, a fine of not more than \$25,000.
2. For any offence other than a corrupt practice, the penalties described in subsection 88.23 (2) and 88.27 (1).
3. For an offence under section 90, imprisonment for a term of not more than six months.

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4. For any offence that the presiding judge finds that the individual committed knowingly, imprisonment for a term of not more than six months. 2009, c. 33, Sched. 21, s. 8 (68).

94.1 (2) Same, corporation or trade union

A corporation or trade union that is convicted of an offence under this Act is liable to a fine of not more than \$50,000 in addition to any other penalty provided for in this Act. 2009, c. 33, Sched. 21, s. 8 (68).

94.2 (1) Limitation period

No prosecution for an offence under this Act in relation to a regular election shall be commenced after November 15 of the fourth year following the year in which the regular election was held. 2009, c. 33, Sched. 21, s. 8 (68).

Notice is hereby given in accordance with the provisions of the *Municipal Elections Act, 1996*.

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