

ELECTION EXPENSES - NOTICE OF PENALTIES CITY OF KINGSTON 2018 MUNICIPAL ELECTION

(Municipal Elections Act, 1996)

Section 88.19 of the *Municipal Elections Act, 1996* outlines the details of expenses a Candidate may incur. Pursuant to subsection 88.20 (13), on or before September 25th (in the case of a Regular Election) and within 10 days after the Clerk has made corrections to the Preliminary List of Electors received from MPAC (in the case of a By-Election), the Clerk will calculate the maximum permitted expenses for each office and will provide a Certificate of the applicable maximum to each Candidate.

Subsections 88.25 (1) (a) and (b) of the *Municipal Elections Act, 1996* state 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 *Municipal Elections Act, 1996* outlines details of the treatment of a Candidate's "surplus" if contributions exceed expenses and a Candidate's "deficit" if the reverse is true.

Subsection 88.23 (1) of the *Municipal Elections Act, 1996* provides that a Candidate is subject to the penalties listed in subsection 88.23 (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."

Subsection 88.23 (2) of the *Municipal Elections Act, 1996* provides for the following penalties in the case of a default described in subsection 88.23 (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."

Subsection 92 (1) of the *Municipal Elections Act, 1996* 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.