

Notice of Penalties for Third Party Advertisers

Municipal Elections Act, 1996, Sections 88.27(1), 92(4)-(6)

The Municipal Elections Act (Act) requires the City Clerk to provide registered third party advertisers with a notice of the penalties associated with not filing the required financial statement.

Penalties

The Act requires registered third party advertisers to file a financial statement with the City Clerk by the deadline of 2 p.m. on Tuesday, April 11, 2023. If a registered third party advertiser does not file by that date, the Act allows an additional 30 day grace period to file a financial statement (ending at 2 p.m. on Thursday, May 11, 2023), provided a \$500 late filing fee is paid at the time of filing.

Failure to comply with filing deadlines means that the registered third party advertiser is subject to the penalties outlined below, in addition to any other penalty that may be imposed under the Act.

Penalties for Non-Compliance

88.27 (1) Effect of default by registered third party

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 88.32 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 fact 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.

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 33.32 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.