

Certificate of Maximum Campaign Expenses (Final)

Third Party Advertisers

Municipal Elections Act, 1996 ss.88.21

Number of Eligible Voters¹	Maximum Campaign Expenses²	Maximum Amount for Parties, etc., after Voting Day³
120,336	\$11,016.80	\$1,101.68

Important Information and Notes

1. In accordance with paragraph 2 of subsection 88.21(12) of the *Municipal Elections Act, 1996*, (the "Act") the Number of Eligible Voters is determined from the voters' list for the by-election, as it exists after the Clerk has made corrections under paragraph 4 (iii) of subsection 65(4) of the Act.
2. The Maximum Campaign Expenses are calculated in accordance with Section 7 of Ontario Regulation 101/97, made under the Act ("O.Reg. 1017/97"), as follows:
 - Number of Eligible Voters x \$0.05 +\$5,000 to a maximum of \$25,000
3. The Maximum Amount for Parties, etc. after Voting Day, are calculated in accordance with Section 8 of O.Reg. 101/97, as follows:
 - The Maximum Amount for Parties, etc. after Voting Day, after Voting Day = 10% of Maximum Campaign Expenses (O.Reg. 101/97, s. 9).
4. In accordance with subsection 88.21(17) of the Act, the Clerks calculations are final.
5. A Copy of the Penalty Notice provided to third party advertisers when they filed a Notice of Registration is attached as Attachment "A".

X 

City Clerk/Returning Officer

Date: Friday, December 3, 2022

Attachment “A”
PENALTIES SECTIONS
MUNICIPAL ELECTIONS ACT

Excerpt from *Municipal Elections Act*, 1996, S.O. 1996, c.32

Act available at http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_96m32_e.htm

Effect of default by registered third party

88.27 (1) 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 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 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. 2016, c. 15, s. 61

Offences by registered third party

92 (4) 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. 2016, c. 15, s. 68 (2).

Exception, action in good faith

(5) 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. 2016, c. 15, s. 68 (2).

Additional penalty, registered third parties

(6) 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. 2016, c. 15, s. 68 (2).

General penalty, individual

94.1 (1) 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.

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); 2016, c. 15, s. 70.

Same, corporation or trade union

(2) 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).

Note: Third Party Advertisers are responsible for understanding and complying with all aspects of the legislation. The City Clerk cannot interpret the legislation for you. Seek legal counsel as necessary.