

**NOTICE OF OFFENCE
NOTICE OF CORRUPT PRACTICE¹**

Municipal Elections Act, 1996 (s. 89, 90)

Offences: Section 89 of the *Municipal Elections Act, 1996*:

A person is guilty of an offence if he or she,

- (a) votes without being entitled to do so;
- (b) votes more times than the Act allows;
- (c) votes in a voting place in which he or she is not entitled to vote;
- (d) induces or procures a person to vote when that person is not entitled to do so;
- (e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- (f) having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote, or has died;
- (g) before or during an election, publishes a false statement of a candidate's withdrawal;
- (h) furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- (i) without authority, supplies a ballot to anyone;
- (j) delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- (k) takes a ballot away from the voting place;
- (l) at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having the authority to do so;
- (m) attempts to do something described in clauses (a) to (l)

Corrupt Practices: Section 90 of the *Municipal Elections Act, 1996*:

90 (1) If, when a person is convicted of an offence under section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice.

Bribery

(2) An offence described in subsection (3) constitutes a corrupt practice and a person who commits it is, on conviction, disqualified from voting at an election until the next regular election has taken place after the election to which the offence relates, in addition to being liable to any other penalty provided for in this Act.

(3) No person shall, directly or indirectly,

- (a) offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or non-exercise of an elector's vote;
- (b) advance, pay or cause to be paid money intending that it be used to commit an offence referred to in clause (a), or knowing that it will be used to repay money used in that way;
- (c) give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an elector's vote;
- (d) apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an elector's vote;
- (e) give, procure or promise or agree to procure an office or employment to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy;
- (f) offer, give, lend, or promise or agree to give or lend any valuable consideration in order to induce a person to become a candidate, refrain from becoming a candidate or withdraw his or her candidacy.

Corrupt practices by election officials: miscounting votes

(4) A deputy returning officer or other election official who knowingly miscounts the votes or knowingly prepares a false statement of the votes is guilty of an offence that constitutes a corrupt practice. 1996, c. 32, Sched., s. 90 (4); 2009, c. 33, Sched. 21, s. 8 (58).

Same: false ballot

(5) A deputy returning officer who knowingly places in a ballot box a paper that purports to be, but is not, a ballot capable of being used as such at an election, is guilty of an offence that constitutes a corrupt practice. 1996, c. 32, Sched., s. 90 (5); 2009, c. 33, Sched. 21, s. 8 (59).

Neglect of duty

(6) A clerk or other election official who wilfully fails to perform a duty imposed by this Act is guilty of an offence that constitutes a corrupt practice.

¹ The Clerk may choose to post this notice in the voting place.