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Relief from campaign finance rules may not be hard to come by if the wrongdoing was done in good faith. In Obina v. City of Ottawa, aspiring city councillor Lilly Obina was granted relief from penalty, despite contravening rules under the Municipal Elections Act (MEA) regarding the filing of financial statements for her 2010 campaign.

Relief from campaign finance rules may not be hard to come by if the wrongdoing was done in good faith. In *Obina v. City of Ottawa*, aspiring city councillor Lilly Obina was granted relief from penalty, despite contravening rules under the *Municipal Elections Act* ("*MEA*") regarding the filing of financial statements for her 2010 campaign.

Ms. Obina offended the *Act* when she failed to file audited financial statements on time. The conduct attracted s. 80(2)(b) of the *MEA*, prohibiting Ms. Obina from running in the upcoming Ottawa election.

The City of Ottawa resisted her application for relief, arguing that the applicable provision of the Act was unavailable to Ms. Obina since she was not formally charged with the offence. The relief provision, s. 92(6) of the *MEA*, deals with a candidate convicted of an offence under the *MEA*:

> However, if the presiding judge finds that the candidate, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalties described in subsection 80(2) do not apply.

Justice Robert Smith held that the City's argument it led to an absurd result. How could the legislature have intended that a person could only apply for relief once they were charged and convicted of an offence, but not before?

The City also made the policy argument that overriding the penalty provision would open the floodgates and undermine the integrity of the electoral process. This argument was also to no avail, given the time and expense required to bring an application for relief.

The City's arguments may have held more sway were it not for the facts that Ms. Obina filed unaudited financial statements

three minutes after the 2pm deadline. The statements were publicized online; and were later replaced by audited financial statements which had negligible differences from the initially filed ones. Not to mention that Ms. Obina's explanation for breaking the rules tugged at heart strings: she couldn't afford the audited statements following her loss because she was unemployed, a single mother, and prioritized repaying campaign contributions over paying an auditor.

Perhaps if there was less evidence of a candidate's transparency or some identifiable prejudice to the city, voters or other candidates, good faith would not have ruled the day.