

Broadcasters and Publishers Information Sheet

Third Party Advertisers

Municipal Elections Act, 1996 (s.88.5)

There have been recent changes to the **Municipal Election Act, 1996** that broadcasters and publishers should be aware of. Major changes include the introduction of Third Parties (people advertising in support of or in opposition of Candidates or issues/questions on the ballot) and their requirements to provide similar information. This information does not negate the broadcaster or publisher's requirement to adhere to other relevant legislation or other regulatory requirements.

Election Campaign Advertisements

The Act defines an "election campaign advertisement" as an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate.

Candidates

Candidates are people that have filed a Nomination Form with the Clerk at the appropriate Municipal Office. Only registered Candidates are able to raise or spend money related to their election campaign. You may ask to see their copy of the Nomination Form.

Candidate Requirements

An election campaign advertisement purchased by or under the direction of a Candidate must identify the Candidate.

The Candidate must also provide the following information to the broadcaster or publisher in writing:

1. The name of the Candidate.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the Candidate.

A broadcaster or publisher must not allow the advertisement to appear unless these conditions have been met.

Third Parties

Third Parties are individuals, corporations or trade unions that support or oppose one or a number of Candidates, or a question on the ballot (referendum). Third Parties must file their Registration Form with the appropriate Municipal Office in order to advertise to the voters in the municipality. Only certified Third Parties are able to raise or spend money related to their Third Party advertisements. Groups, associations or businesses that are not corporations are not eligible to register as a third party advertiser in municipal elections. You may ask to see the copy of Third Party's Registration Form.

Third Party Requirements

An election campaign advertisement purchased by or under the direction of a registered Third Party must identify:

1. The legal name of the registered Third Party.
2. The municipality where the Third Party is registered.
3. A telephone number, mailing address or email address at which the registered Third Party may be contacted regarding the advertisement.

The representative of the Third Party must also provide the following information to the broadcaster or publisher in writing:

1. The name of the registered Third Party.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered Third Party.
3. The municipality where the Third Party is registered.

A broadcaster or publisher must not allow the advertisement to appear unless these conditions have been met.

The Municipal Elections Act, 1996 sets out a restricted period for third party advertising. This restricted period runs from May 1 in the year of the election to the close of voting on voting day. For the 2018 election, the restricted period begins on the date the Third Party Advertiser registers (no earlier than May 1, 2018) to the close of voting on October 22, 2018.

Registering as a Third Party Advertiser in more than one municipality - If a third party advertiser registers in more than one municipality, each of those registrations is considered to be a separate advertising campaign. Once they register, they must keep each advertising campaign separate, and ensure that they follow the rules in each municipality where they are registered:

- The identification required on advertisements must indicate that the third party is registered in that municipality.
- If the third party wants to use the same advertisement in more than one municipality, the separate advertising campaigns can produce a “joint” advertisement. The advertisement would indicate that the third party is registered in both municipalities.

Issues-Based Advertising

Anyone wishing to advertise on an issue that is not about a specific candidate or a question on the ballot (referendum) may continue to do so as any typical advertiser.

Fees

A broadcaster or publisher may not charge a Third Party or Candidate more or less than their normal advertising rate. Unless offered to all Third Parties and/or all Candidates, charging less (or offering free) advertising is deemed to be a contribution.

Records

The broadcaster or publisher of an election campaign advertisement must maintain records containing the following information for a period of **four years** after the date the advertisement appears and shall permit the public to inspect the records during normal business hours:

1. The information provided to the broadcaster or publisher in writing
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for its appearance.

Further Information on Legislation	Municipal Clerk Contact Information
<p>Please refer directly to Sections 88.3 and 88.5 of the Municipal Elections Act, 1996 for specific details. The legislation is available:</p> <p>Online: Government of Ontario's e-laws website (www.e-laws.gov.on.ca)</p>	<p>Dawn Newhook - Township of Minden Hills Tel: 705-286-1260 Toll Free: 1-844-277-1260 www.mindenhills.ca</p> <p>Matt Gower – Township of Algonquin Highlands Tel: 705-489-2379 www.algonquinhighlands.ca</p> <p>Cheryl Coulson – Municipality of Dysart et al Tel: 705-457-1740 www.dysartet.al.ca</p> <p>Robyn Rogers – Municipality of Highlands East Tel: 705-448-2981 www.highlandseast.ca</p>