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## **Notice: Regulations for Broadcasters on Third Party Advertising during the 2022 Municipal Election**

On April 1, 2018, the Municipal Elections Act, 1996 (s.88.3-88.7), introduces amendments to regulate third party advertising. These regulations will be put into effect to manage unregulated third party advertising during the 2018 municipal election and any subsequent election. The municipal election in the Township of Springwater will take place on Monday, October 24, 2022.

It is important to understand the responsibilities as a potential third party advertiser. Please review the *Municipal Elections Act, 1996* for more information.

### **Definition of a Registered Third Party Advertiser**

Under the Act, a registered third party advertiser is an individual, corporation or trade union that has registered with the Township Clerk of the municipality where they want to advertise.

Third party advertisers must register prior to incurring any expenses for the appearance of a third party advertisement, and must comply with requirements including filing a financial statement(s), spending and contribution limits. A list of registered third party advertisers will be available at (municipality's website). A candidate in the election cannot direct a third party advertiser.

### **Definition of a Third Party Advertisement**

A third party advertisement is a message in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate in the election, or a question on the ballot.

Third party advertisements must contain the following information:

1. Name of the registered third party
2. Municipality where the registered third party is registered
3. Telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement

### **Restricted Campaign Period**

Broadcasters and publishers may only permit third party advertisements to appear between May 2, 2022 and October 24, 2022 (Election Day).

## **Legal Obligations for Broadcasters and Publishers in the Municipal Election**

The requirements for broadcasters and publishers include:

### **1. Mandatory Information**

A registered third party advertiser must provide the following information to the broadcaster or publisher in writing before the third party advertisement appears:

- Name of the registered third party
- Name of the business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered third party
- Municipality where the registered third party is registered

### **2. Maintaining Records**

The broadcaster or publisher of a third party advertisement must maintain records for 4 years after the date the advertisement appears. These records must contain:

- Mandatory information described in section 1 (above), as outlined under section 88.5(2) of the Act
- A copy of the advertisement, or the means of reproducing it for inspection
- A statement of charge made for its appearance.

The public must be permitted to inspect the records during normal business hours.

### **3. Charges and Contributions**

The broadcaster or publisher may not charge a third party advertiser more or less than their normal advertising rate. If less is charged, the difference is deemed to be a contribution to the third party advertiser. Providing free advertising is considered a contribution towards the third party advertiser, unless all third party advertisers are offered the same service.

### **4. Broadcasters or Publishers as Registered Third Party Advertisers**

Broadcasters or publishers, who wish to conduct third party advertising, must register as a third party advertiser and follow the Act's requirements. A Third Party Advertisers' guide, published by the Government of Ontario, will be provided upon registration.

## **Additional Resources**

For more information about requirements under the Act, refer to:

- Municipal Elections Act, 1996
- Ontario Ministry of Municipal Affairs

**This document is for reference only. For legal advice, please consult legal counsel.**