



Third Party Advertising under the Municipal Elections Act, 1996

On April 1, 2018, under §§ 88.3-88.7, the Municipal Elections Act, 1996 will introduce amendments to regulate third party advertising for the first time. The regulations will be put into effect to manage unregulated third party advertising that has been increasing during the past several municipal elections.

It will become an offence for any third party advertiser to incur any expense on third party advertising during the “restricted” (ie. election) period IF they are NOT registered with the City Clerk of the specific municipality where the third party advertising occurred. **[§ 88.4]**

Third party advertising is any broadcasted message in any medium (billboard, print, radio) that supports or opposes a candidate OR any “yes-or-no” questions on the election ballot.

Third party advertisers must act independently. They cannot be directed by the candidate.

NB: Third party advertising does not include social media posts or public outreach by advocacy groups during municipal election period.

Who is eligible to file a registration as a third party advertiser and contribute to third party advertising? [§ 88.6 (4)]

- An individual who is normally a resident of Ontario
- Corporations that conduct business in Ontario
- Unions who have bargaining rights for employees in Ontario

Who is NOT eligible to be a third party advertiser and NOT eligible to contribute to third party advertising? [§ 88.6 (5)]

- A registered candidate of the municipal election
- A Federal political party, association, or registered candidate
- A Provincial political party, association, or registered candidate
- The Crown
- A Municipality or Local Board

How and when can third party advertisers file a notice of registration? [§ 88.6]

- With the City Clerk in person or by agent
- On a registration form that includes their name, the name of the third party advertiser, their address and the date

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- By signing a declaration of qualification
- Registration for third party advertising can happen during the clerk's hours from May 1, 2018 to October 22, 2018

NB: The decision of the Clerk to certify or reject a registration is final **[§ 88.6 (14)]**

What needs to be included in the advertising? [§ 88.5 (1)]

- Name of the registered third party advertiser
- The municipality where the third party advertiser is registered
- Telephone number, address or e-mail where the third party advertiser can be contacted

What does the third party advertiser have to provide to the broadcaster doing the third party advertising? [§ 88.5 (2)]

- Name of registered third party advertiser
- Name, address and phone number of agent/person interacting with broadcaster on behalf of third party advertiser

NB: The broadcaster must retain the third party advertiser's registration information, a copy of the AD or means of reproducing it, and a record of payment for 4 years following the election **[§ 88.5 (4)]**

What is a third party advertisers spending limit?

- Under **Ontario Regulation 101/97**, the formula for third party advertising "general spending limit" is \$5000 plus \$0.05 per elector to a maximum of \$25,000
- The spending limit for parties and expressions of appreciation after voting closes is 10% of the "general spending limit"

PLEASE NOTE: The Third Party Advertising regulations will not be in force and effect until April 1st, 2018.

From the Clerk's Department

