



Ward 2 By-Election 2020

Third Party Advertisers

Information Guide

Revised: September 14, 2020

This Third Party Advertisers Information Guide (the “Guide”) has been prepared by the Town of Bradford West Gwillimbury as a supplement to the *MMAH 2018 Guide for Third Party Advertisers* published by the Province of Ontario. This Guide provides information applicable to those wishing to register as third party advertisers for the Ward 2 By-Election 2020 in BWG.

Please note the *MMAH 2018 Guide for Third Party Advertisers* refers to dates from the 2018 election and will not be updated for by-elections. Please refer to this *BWG Ward 2 By-Election 2020 Third Party Advertisers Information Guide* for correct dates of the Ward 2 By-Election 2020.

The contents of this Guide are not meant to replace provincial legislation and provides general information only. Registered third party advertisers are responsible to satisfy any and all statutory requirements, including:

- *Municipal Elections Act, 1996* and regulations
- *Municipal Act, 2001, and*
- *Education Act*

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1 Quick Links

The following links are provided in the electronic version of this guide:

Town of Bradford West Gwillimbury– links to forms and resources for municipal elections: www.townofbwg.com/election

Ministry of Municipal Affairs and Housing – links to prescribed forms and guides: www.ontario.ca/municipalelections

2 General Information

For detailed information related to third party advertisers, please review the *MMAH 2018 Guide for Third Party Advertisers* and the *Municipal Elections Act, 1996*.

For information specific to the third party advertisers in BWG see the Town’s election website (www.townofbwg.com/election) or contact the Town at 905-775-5366 x8683 (VOTE). Town staff will be happy to assist you in answering any questions you may have concerning the Ward 2 By-Election 2020. Contact information for the Clerk and BWG Election Officials can be found at the end of this Guide.

Key Dates for the Ward 2 By-Election 2020 for Registered Third Parties

Registration period for third parties	Wednesday, September 16, 2020 to Friday, December 4, 2020 (8:30 a.m. to 4:30 p.m.)
Restricted period for third party advertisements	Upon registration (September 16, 2020 at the earliest) to the close of voting on December 7, 2020.
Voting Period	Between November 27, 2020 at 10:00 a.m. and December 7, 2020 at 8:00 p.m.
Voting Day	Monday, December 7, 2020 (until 8:00 p.m.)

3 What is third party advertising?

New provisions under the *Municipal Elections Act, 1996* came into effect April 1, 2018 and now allow for third party advertising.

Refer to *MMAH 2018 Guide for Third Party Advertisers* and the *Municipal Elections Act, 1996* for more information on what is third party advertising, who can and cannot be a third party advertiser.

Campaigning, including campaign advertising, is NOT permitted until you have registered and been certified as a Registered Third Party with the Clerk. Advertising

ends on Voting Day, December 7, 2020 (Restricted Period). After Voting Day, the Third Party Advertiser must remove any signs or other advertisements that have been put up, including online ads.

Third party advertising must be separate from any candidate's campaign, and must be done independently from a candidate.

4 Registration

Registration packages will be available to the public at the Administration Office and third party advertisers may file their registrations from September 16, 2020 to December 4, 2020 during regular office hours. The complete registration package will also be available on the Town's website (www.townofbwg.com/election).

Registration must be done in person by the registrant or representative of a corporation or trade union or by agent at:

Administration Centre
100 Dissette Street, Units 7 & 8
Bradford, ON

Registrations must be on the prescribed form Notice of Registration – Third Party [PR Form 7], accompanied by the following additional forms: Declaration of Qualifications – Third Party [Form EL301(A), (B) or (C)], Consent to Release Personal Information – Registered Third Party [Form EL302] in the following manner:

- in person;
- during regular office hours at the Administration Office from September 16, 2020 to December 4, 2020;
- with proof of identity and residence as prescribed in O. Reg. 304/13;
- no faxed or other electronically transmitted registration forms will be accepted as original signatures are required;
- the Clerk or designate will administer the necessary oaths.

If filing by an agent, an Authorization for Agent to File Registration – Third Party [Form EL309] must be completed.

A person who is registering as the representative of a corporation or a trade union must provide proof that they are authorized to act on behalf of the corporation or trade union.

There is no registration fee or nomination signatures required.

The Clerk must be satisfied that the individual, corporation or trade union is eligible in order to certify the registration, and may require that identification or additional documents be provided.

A list of registered third party advertisers will be made available on the Town website as registrations are certified.

5 Responsibilities of Registered Third Parties

Third Party Advertising

All third party advertising is subject to regulations established by the *BWG Ward 2 By-Election 2020 Procedures* and the Town's Sign By-law 2011-23, as amended. Examples include lawn signs, brochures, posters and print, radio and electronic advertisements. Registered third parties are encouraged to review the *Sign By-law 2011-23*, as amended and Schedule C of By-law 2018-30. There are restrictions with respect to timing for putting up signs, the size of signs, limits on location and restrictions on signs on municipal property. Election signs must be removed within 48 hours of voting day.

Under the *Municipal Elections Act, 1996*, a third party advertiser must provide the following information on all of its advertisements, signs and other materials:

- the legal name of the registered third party;
- the municipality where the registered third party is registered;
- a telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

All third party advertisers must also provide the following information to the broadcasters or publisher in writing before the third party advertisements appears:

- the name of the registered third party;
- 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;
- the municipality where the third party is registered.

Broadcasters and publishers need to be aware of their requirements under section 88.5 of the *Municipal Elections Act, 1996*.

Prohibition of Campaigning at Voter Help Centres

Section 48 (1) and (2) of the *Municipal Elections Act, 1996*, states that no person shall attempt to, directly or indirectly, influence how an elector votes and prohibits the display of election campaign material or literature in a voting place.

The Clerk has designated locations within the Town as Voter Help Centres at which electors may attend to place their vote via the internet. Campaigning of any nature in or on the premises used as Voter Help Centre during the voting period is not permitted. A complete list of locations established as Voter Help Centres is available in the *BWG Ward 2 By-Election 2020 Procedures*. Election Officials are instructed to immediately remove any campaign related materials from Voter Help Centres. Registered third parties must not engage electors in conversations at Voter Help Centres.

Campaigning at Apartment Buildings, Condominiums, etc.

Landlords, condominium corporations or their agents are no longer be able to prohibit residential lessees, condominium owners or tenants from displaying signs in relation to an election on the premises to which the lease applies or the condominium unit. However, when such a building is being used as a Mobile Voter Help Centre, campaigning during the voting hours is not permitted.

Use of Municipal Resources for Election Purposes

Council adopted the *Use of Municipal Resources for Election Purposes Policy* effective May 1, 2018. This policy establishes rules and procedures which prohibit the use of municipal resources during the election campaign period. As campaign contributions may take the form of money, goods or services, any use of municipal resources for election related purposes, by members of Council, candidates, registered third parties or Town staff is not permitted. Candidates should review the *Use of Municipal Resources for Election Purposes Policy* for more information.

Refer to *MMAH 2018 Guide for Third Party Advertisers and the Municipal Elections Act, 1996* for more information.

6 Finance Rules

A third party can only accept contributions once they have registered as a third party advertiser, and cannot accept contributions after the advertising campaign period has finished. The Ward 2 By-Election 2020 campaign period ends on January 21, 2021.

Spending Limits

As per Section 88.21(15) of the Act, the Clerk shall, after determining the number of eligible electors from the Voters' List from the 2018 election, calculate the maximum amount of campaign expenses that each registered third party advertiser may incur and at the time of filing their registration, registered third parties will receive an estimate of maximum campaign expenses [Form EL304(A)].

Once the number of electors are determined for the Ward 2 By-Election 2020, the Certificate of Maximum Campaign Expenses [Form EL304(B)] shall be delivered to each registered third party on or before November 5, 2020. The Clerk's calculation is final and shall be made in accordance with the prescribed formula in O. Reg. 101/97.

Refer to *2018 Guide for Third Party Advertisers from the Ministry of Municipal Affairs and Housing and the Municipal Elections Act, 1996* for more information.

7 Compliance and Enforcement

The *Municipal Elections Act, 1996* provides for offences and penalties for violations of the election campaign finance rules. Registered third parties should familiarize themselves with all the provisions under the *Municipal Elections Act, 1996*.

Compliance Audits

The Council of the Town of Bradford West Gwillimbury has appointed a Compliance Audit Committee for this term of Council (December 1, 2018 to November 14, 2022). The Compliance Audit Committee is responsible for reviewing a third party's advertising campaign finances if a complaint is received. The Committee may appoint an auditor to audit the third party advertiser and provide a report.

For more information on the compliance audit process please refer to the Town's website (www.townofbwg.com/election) under Candidates' Financial Statements.

8 Completing the Financial Statement

A registered third party must file with the Clerk, a financial statement and auditor's report [PR Form 8], reflecting the registered third party's campaign finances in relation to third party advertising within the municipality. The due date for filing the Financial Statement is **Friday, February 19, 2021 at 2:00pm**. Financial statements must be filed in person with the Clerk.

If a bookkeeper or accountant completes the financial statement, the registered third party is still responsible for ensuring that it is complete, accurate and filed on time.

If a third party did not receive any contributions or incur any expenses, they are only required to fill out the first page of the financial statement and sign it.

9 Where to Find Forms

For a list of forms and additional resources for third party advertisers, please see the Town's election website (www.townofbwg.com/election) or contact the Clerk at 905-775-5366 x8683 (VOTE). Town election staff will be happy to assist you in answering any questions you may have concerning the Ward 2 By-Election 2020.

10 Contact Us

Town of Bradford West Gwillimbury
Administration Office
100 Dissette Street, Unit 7 & 8
Bradford, ON L3Z 2A7

Rebecca Murphy
Clerk/Returning Officer

905-775-5366, ext. 1101
rmurphy@townofbwg.com

Tara Reynolds
Deputy Clerk/Assistant Returning Officer

905-775-5366, ext. 1104
treynolds@townofbwg.com

General Elections Questions

905-775-5366, ext. 8683
vote@townofbwg.com