March 10, 2022

Region of Durham and Area Broadcasters and Publishers

**Re: Notice of Rules for Broadcasters and Publishers under the Municipal Elections Act**

On behalf of the Municipal Clerks in the Region of Durham, I am writing to advise you of rules in effect for the 2022 municipal election respecting election campaign advertising and requirements imposed upon broadcasters and publishers in accordance with the Municipal Elections Act.

Candidates and third party advertisers must follow certain campaign advertising rules. Broadcasters and publishers who run election campaign advertising must also comply with requirements, such as the requirement to collect mandatory information before permitting an election campaign advertisement to appear and to maintain records for a period of at least four years.

These requirements are in effect during the campaign period which runs from May 2, 2022, until the close of voting on Voting Day, Monday, October 24, 2022. Attached you will find a notice to help clarify these regulations and assist you in complying with the applicable election law.

If you require further information or have questions, please contact the Municipal Clerk of your area municipality using the information included in the attached notice.

Chris Harris
Clerk, Town of Whitby

Encl.

cc: C. Bandel, Acting Regional Clerk, Region of Durham
N. Cooper, Clerk, Town of Ajax
F. Lamanna, Clerk/Deputy CAO, Township of Brock
J. Gallagher, Clerk, Municipality of Clarington
S. Cassel, Clerk, City of Pickering
B. Jamieson, Clerk, Township of Scugog
D. Leroux, Clerk, Township of Uxbridge
M. Medeiros, Clerk, City of Oshawa

# Notice to Broadcasters and Publishers
# Municipal Elections Act Campaign Advertising Rules

Municipal elections in the Region of Durham will take place on Monday, October 24, 2022 to elect a Regional Chair, and a Mayor, Councillors and School Board Trustees in each of the 8 area municipalities.

The *Municipal Elections Act, 1996* (the Act) establishes rules for election campaign advertising. This notice provides information intended to assist broadcasters and publishers in understanding their obligations under the Act. The information contained in this notice does not, and is not intended to constitute legal advice. The content of this notice is provided for informational purposes only. Broadcasters and publishers should seek their own advice with respect to any legal matter.

## Candidate Campaign Contributions Prohibited

The contribution of money, goods or services of any value to the campaign of a candidate by a corporation or trade union is prohibited. Broadcasters and publishers should consider how this prohibition may affect their activities as it relates to municipal elections.

## Candidate Advertisement

A candidate advertisement is a message in any medium (e.g. broadcast, print or electronic) that a candidate purchases or directs to promote or support their campaign. All candidate advertisements must identify the candidate.

Candidates may not purchase or undertake any candidate advertising until they have filed their nomination with the appropriate Municipal Clerk. Each municipality in Durham Region will include and regularly update a list of registered candidates on their respective election website.

## Third Party Advertisement

A third party advertisement is a message in any medium (e.g. broadcast, print or electronic) that promotes, supports, or opposes a candidate in the election, or a “yes” or “no” answer to a question on the ballot. Individuals, corporations or trade unions who wish to undertake third party advertising between May 2, 2022 and October 24, 2022 in a municipality in Durham Region must:

- Register with the Municipal Clerk in each municipality where they intend to conduct third party advertising; and,
- Ensure third party advertising contains:
    - The name of the third party advertiser;
    - The municipality where the third party advertiser is registered; and,
    - Contact information for the third party advertiser

A third party advertiser may not purchase or undertake any third party advertising until they have registered with the appropriate Municipal Clerk. Each municipality in Durham Region will include and regularly update a list of registered third party advertisers on their respective election website. As noted above, third party advertisers have to register in every municipality that they intend to advertise in.

## Broadcaster and Publisher Obligations

Broadcasters and publishers must comply with the following obligations under the Act:

**1. Broadcaster or Publisher as a Third Party Advertiser**

Broadcasters or publishers who wish to conduct third party advertising must register as a third party advertiser and follow the requirements of the Act. Requirements include specific responsibilities relating to campaign contributions and expenses, spending limits and financial reporting. For additional information on these requirements, please consult with the Ministry of Municipal Affairs and Housing or the Municipal Clerk of your area municipality.

**2. Collection of Mandatory Advertising Information**

Broadcasters and publishers are required to collect certain mandatory information from a candidate or third party advertiser before an advertisement can appear.

**For Candidate Advertisements:**

The candidate must provide the following, **in writing**:

- Name of the candidate; and,
- Name, business address and telephone number of the individual who deals with the broadcaster or publisher under the candidate's direction (Note: this individual may be the candidate themselves).

**For Third Party Advertisements:**

The third party advertiser must provide the following, **in writing**:

- Name of the third party advertiser;

- Municipality where the third party advertiser is registered; and,
- Name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of a registered third party advertiser. (Note: this may be the name of an individual, or an individual acting on behalf of a corporation, or a trade union).

**3. Maintaining Records**

Broadcasters and publishers must maintain records of candidate advertisements and third party advertisements for a period of 4 years after the date the advertisement appears. The public must be allowed to inspect these records during normal business hours.

Records maintained must include:

- The mandatory information collected in writing, as described above;
- A copy of the advertisement, or the means of reproducing it for inspection; and,
- A statement of the amount charged for its appearance.

**4. Ongoing Obligations**

Broadcasters and publishers should be mindful of other requirements under the Act, including any rules that may apply if they contribute money, goods or services to the campaign of a third party advertiser.

## Additional Resources

Broadcasters or publishers who have additional questions are invited to contact the Ministry of Municipal Affairs or Municipal Clerk of their respective area municipality using the contact information provided below.

**Ministry of Municipal Affairs – Central Municipal Services Office**

- Website: www.ontario.ca/municipalelections
- Phone: 416.585.6226 or 1.800.668.0230
- Email: mea.info@ontario.ca

**Region of Durham**

- Elections Website: www.durham.ca/elections
- Phone: 905.668.7711
- Email: clerks@durham.ca

**Town of Ajax**

- Elections Website: www.ajax.ca/vote
- Phone: 905.683.4550
- Email: alexander.harras@ajax.ca

**Township of Brock**

- Elections Website: www.townshipofbrock.ca/elections
- Phone: 705.432.2355
- Email: brock@brock.ca

**Municipality of Clarington**

- Elections Website: www.clarington.net/votes
- Phone: 905.697.4747
- Email: votes@clarington.net

**City of Oshawa**

- Elections Website: www.voteoshawa.ca
- Phone:905.436.3311
- Email: clerks@oshawa.ca

**City of Pickering**

- Elections Website: www.pickering.ca/PickeringVotes
- Phone: 905.420.4611
- Email: clerks@pickering.ca

**Township of Scugog**

- Elections Website: www.scugog.ca/election
- Phone: 905.985.7346
- Email: election@scugog.ca

**Township of Uxbridge**

- Elections Website: www.uxbridge.ca/elections
- Phone: 905.852.9181
- Email: election@town.uxbridge.on.ca

**Town of Whitby**

- Elections Website: www.whitby.ca/vote
- Phone: 905.430.4315
- Email: elections@whitby.ca