



Third Party Advertising Information for Broadcasters and Publishers

Attention: Broadcasters and Publishers

This document is for information only. For legal advice, please contact legal counsel.

The *Municipal Elections Act, 1996* includes rules for third party advertising. As a local media outlet, which may display election-related advertisements for the 2022 Municipal and School Board Election, **these rules directly affect you**. The regulations are in effect for the 2022 Municipal Election across Ontario.

It is an offence for any third party advertisers to place advertising that supports or opposes a candidate or question on the ballot without first registering as a third party advertiser. **Third party advertisers are required to register with the Office of the Clerk of each municipality where paid advertising will be placed BEFORE advertising.** Publishers/broadcasters are also responsible for ensuring third party advertisements contain specific information and for keeping records in a specified manner.

What is Third Party Advertising?

A third party advertisement is a paid message in any medium (billboard, newspaper, radio, paid social media advertisement, etc.) that supports or opposes a candidate or supports or opposes a Yes/No question on the ballot. **Third party registrations can only be made between May 2, 2022, and Oct. 21, 2022.**

Third party advertising does not include the following:

- Advocacy or issues-based advertising. For example: if a group or individual ran advertisements simply encouraging residents to 'get out and vote.'
- Advertising that does not cost money to post or broadcast, such as comments made on social media.
- Advertising purchased by Candidates.

Proof of Third Party Advertiser Registration:

It has been recommended that the registered Third Party Advertisers provide each publisher/ broadcaster with proof of their registration. A copy of their Registration Form, certified by the Office of the Clerk, would confirm that the Third Party Advertiser has registered in the municipality in which the message is being published/broadcasted. Each municipality will also post a list of all registered third party advertisers on their website. You may contact the Office of the Clerk for any



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municipality as well if you wish to confirm that a third party advertiser has registered. For your reference, links to contact information and municipal websites can be found at www.niagaravotes.ca.

Requirements for Third Party Advertisements:

All ads must include the following information:

1. The name of the registered third party.
2. The municipality where the registered third party is registered.
3. A telephone number, mailing address or email address for contacting the registered third party regarding the advertisement.

This includes Radio / Audio ads:

"Paid for by [Registered Third Party Name] [Municipality name] [contact info]

Example: "Paid for by 123 Corporation, Welland, 123@email.ca"

While media outlets are not responsible for making changes to advertisements, **media outlets are responsible for ensuring the information listed above is included.** Advertisements cannot be published / broadcast if the above information is not included.

Requirements for Record Keeping:

You, as a broadcaster or publisher, **must maintain records with the following information for each third party advertiser:**

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 registered third party is registered.
4. A copy of the advertisement (or the means of reproducing it for inspection).
5. A statement of charge for the advertisement's appearance.

Records must be kept for four years after the first date the advertisement appears. The broadcaster or publisher must permit the public to inspect the records during normal business hours.

Unauthorized Third Party Advertising:

A municipality may require you to remove or discontinue advertisements if the municipality believes the advertisement violates the *Municipal Elections Act, 1996*.

For More Information:

- Please see the *Municipal Elections Act, 1996*, Section 88.5 (1-4). Contact the Office of the Clerk in your respective municipality. Visit www.niagaravotes.ca for contact information.

Niagara Votes 2022: Election Staff from all 12 Niagara municipalities are combining efforts to ensure electors and candidates across Niagara are informed of key dates and responsibilities for the 2022 Municipal and School Board Election.