



NOTICE TO CANDIDATES, REGISTERED THIRD PARTIES, BROADCASTERS AND PUBLISHERS – ADVERTISEMENTS

Municipal Elections Act, 1996 s. 88.3, 88.4, 88.5, 88.7

This notice is hereby given and intended to inform Candidates, Registered Third Parties, Broadcasters and Publishers of their obligations pursuant to Sections 88.3, 88.4, and 88.5 of the *Municipal Elections Act, S.O. 1996*, (MEA). It is important to understand the advertising rules and responsibilities under the MEA for the 2022 Municipal Election with the final voting day on October 24, 2022. Sections 88.3, 88.4, 88.5 and 88.7 of the MEA have been included below to provide the necessary context and notice.

Candidates' election campaign advertisements

88.3 (1) In this section, “election campaign advertisement” means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate.

Mandatory information in advertisement

88.3 (2) An election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate.

Mandatory information for broadcaster, etc.

88.3 (3) A candidate shall not cause an election campaign advertisement to appear unless he or she provides the following information to the broadcaster or publisher in writing:

1. The name of the candidate.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate.

Prohibition, broadcaster or publisher

88.3 (4) No broadcaster or publisher shall cause an election campaign advertisement to appear if the information set out in paragraphs 1 and 2 of subsection (3) has not been provided.

Records

88.3 (5) The broadcaster or publisher of an election campaign advertisement shall maintain records containing the following information for a period of four years after the date the advertisement appears and shall permit the public to inspect the records during normal business hours:

1. The information provided under subsection (3).
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for its appearance.

Third party advertisements

88.4 (1) No individual, corporation or trade union shall incur expenses for a third party advertisement that appears during the restricted period for third party advertisements unless the individual, corporation or trade union is a registered third party under section 88.6 when the expenses are incurred and when the advertisement appears.

Restricted period for third party advertisements (May 1, 2022 – October 24, 2022)

88.4 (2) The restricted period for third party advertisements in relation to an election in a municipality begins on the earliest day that an individual, corporation or trade union is permitted to file a notice of registration as a registered third party in relation to the election and ends at the close of voting on voting day.

Limit on expenses

88.4 (3) The expenses incurred in relation to third party advertisements cannot exceed the amount calculated under section 88.21 (registered third parties' expenses) for the registered third party.

Mandatory information in third party advertisements

88.5 (1) No registered third party shall cause a third party advertisement to appear during the restricted period unless the advertisement contains 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 at which the registered third party may be contacted regarding the advertisement.

Mandatory information for broadcaster, etc.

88.5 (2) A registered third party shall not cause a third party advertisement to appear during the restricted period unless he, she or it provides the following information to the broadcaster or publisher in writing:

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.

Prohibition, broadcaster or publisher

88.5 (3) No broadcaster or publisher shall cause a third party advertisement to appear during the restricted period if the information set out in paragraphs 1 to 3 of subsection (2) has not been provided.

Records

88.5 (4) The broadcaster or publisher of a third party advertisement shall maintain records containing the following information for a period of four years after the date the advertisement appears and shall permit the public to inspect the records during normal business hours:

1. The information provided under subsection (2).
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for its appearance.



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Municipal authority to remove advertisements

88.7 If a municipality is satisfied that there has been a contravention of section 88.3, 88.4 or 88.5, the municipality may require a person who the municipality reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

Additional Resources: *Municipal Elections Act, 1996*
Ontario Ministry of Municipal Affairs
Township of Muskoka Lakes

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

Dated this 1st day of June, 2022

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