



Township of West Lincoln
**BROADCASTER/PUBLISHER
INFORMATION SHEET
THIRD PARTY ADVERTISER**

Municipal Elections Act, 1996, as amended (Section 88.5)

THE CLERK RECOMMENDS PROVIDING A COPY OF THIS INFORMATION SHEET TOGETHER WITH A COPY OF YOUR CERTIFIED REGISTRATION FORM TO EACH BROADCASTER AND PUBLISHER

Broadcasters and publishers must comply with new laws on third party advertising during the municipal election

The municipal election in the Township of West Lincoln will take place on Monday, October 22, 2018.

This notice is intended to inform broadcasters and publishers of their new obligations under the *Municipal Elections Act, 1996* (the Act) if they broadcast or publish a third party advertisement during the upcoming municipal election.

For further information, visit the Government of Ontario's website or contact the Ministry of Municipal Affairs.

Definition of a registered third party advertiser

Under the Act, a registered third party advertiser is an individual, corporation or trade union that has registered with the City Clerk of the municipality where they want to advertise.

Third party advertisers must register prior to incurring any expenses for the appearance of a third party advertisement, and must comply with requirements including filing a financial statement(s), spending and contribution limits. A list of registered third party advertisers will be available at www.westlincoln.ca. A candidate in the election cannot direct a third party advertiser.

Definition of a third party advertisement

A third party advertisement is a message in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate in the election, or a question on the ballot.

Third party advertisements must contain the following information:

1. Name of the registered third party
2. Municipality where the registered third party is registered
3. Telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement

Restricted campaign period

Broadcasters and publishers may only permit third party advertisements to appear between May 1, 2018 and October 22, 2018 (Election Day).

BROADCASTER/PUBLISHER INFORMATION SHEET

THIRD PARTY ADVERTISER cont'd

Legal obligations for broadcasters and publishers in the municipal election

The new requirements for broadcasters and publishers include:

1. Mandatory information

A registered third party advertiser must provide the following information to the broadcaster or publisher in writing before the third party advertisement appears:

- Name of the registered third party
- Name of the business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the registered third party
- Municipality where the registered third party is registered

2. Maintaining records

The broadcaster or publisher of a third party advertisement must maintain records for 4 years after the date the advertisement appears. These records must contain:

- Mandatory information described in section 1 (above), as outlined under section 88.5 (2) of the Act
- A copy of the advertisement, or the means of reproducing it for inspection
- A statement of charge made for its appearance.

The public must be permitted to inspect the records during normal business hours.

3. Charges and contributions

The broadcaster or publisher may not charge a third party advertiser more or less than their normal advertising rate. If less is charged, the difference is deemed to be a contribution to the third party advertiser. Providing free advertising is considered a contribution towards the third party advertiser, unless all third party advertisers are offered the same service.

4. Broadcasters or publishers as registered third party advertisers

Broadcasters or publishers, who wish to conduct third party advertising, must register as a third party advertiser and follow the Act's requirements. A Third Party Advertisers' guide, published by the Government of Ontario, will be provided upon registration.

Additional Resources

Excerpt from the *Municipal Elections Act, 1996* attached

Ministry of Municipal Affairs – Elections: <http://www.mah.gov.on.ca/Page219.aspx>

BROADCASTER/PUBLISHER INFORMATION SHEET THIRD PARTY ADVERTISER cont'd

Excerpt from the *Municipal Elections Act, 1996*

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. 2016, c. 15, s. 48.

Mandatory information for broadcaster, etc.

(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. 2016, c. 15, s. 48.

Prohibition, broadcaster or publisher

(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. 2016, c. 15, s. 48.

Records

(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. 2016, c. 15, s. 48.