

Request for Decision United Townships of Head, Clara & Maria Council

Type of Decision									
Meeting Date	Tuesday, March 20, 2018				Report Date	Monday, March 12, 2018			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed
Elections Signage Report - #20/03/2018/1003									

Subject:

Elections Signage Rules as a result of amendments to the Municipal Elections Act

RECOMMENDATION:

That Council adopt the by-law to regulate the placing, erecting and displaying of Election Signs within the boundaries of the Corporation of the United Townships of Head, Clara & Maria for Federal, Provincial and Municipal Elections to better manage election signs on public property, including enforcement procedures.

WHEREAS By-Law # 2018-06 being a by-law to regulate the use and placement of signs for election purposes within the geographic area of the Corporation of the United Townships of Head, Clara & Maria.

THEREFORE BE IT RESOLVED THAT By-Law 2018-06 be read a first time this 20th day of March, 2018.

BACKGROUND/EXECUTIVE SUMMARY:

Ontario municipalities are reviewing existing by-laws, and updating provisions in relation to current legislative changes in Bill 181 and Bill 68.

The Province of Ontario passed Bill 181, Municipal Elections Modernization Act (MEMA) which introduced legislative requirements relating to election signage, in effect for the 2018 Municipal Election. These requirements are as follows:

- landlords, condominium corporations or their agents will 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;
- election campaign advertisements, such as advertisement in any broadcast, print, electronic or other medium, purchased by or under the direction of a candidate, shall identify the candidate to make it clear who is responsible for the messaging;
- third party advertising (which would include signs), shall identify the name of the registered third party, the municipality where the third party is registered, and a telephone number, mailing address or email address at which the registered third party may be contacted.
- municipalities are now provided with strengthened provisions to effect the removal or discontinuance of advertising where the provisions of the Municipal Elections Act, 1996

has been contravened (section 88.7). Enforcement provisions will be included and clarified within the Municipality's Election Sign By-law for improved clarity;

- Nomination Day has been moved to the fourth Friday in July, which may result in municipalities evaluating the time frames which permit signage from Nomination Day until Voting Day as permitted.

Municipal Staff reviewed the Bill 181 legislative amendments and various municipal by-laws regulating election signs which would maintain the rights of candidates at federal, provincial and municipal levels of government to erect signage during an election campaign within the municipality. At the same time the by-law delivers appropriate enforcement to ensure safety and to maintain neighbourhood aesthetics and candidate fairness throughout the municipality and on a consistent basis.

Based on the new legislation the following is a list of recommended changes and updates within the provisions of the proposed Election Sign By-law:

- clearly defining election sign restrictions on all properties;
- restricting the placement of election signs to no earlier than Nomination Day for Municipal Elections and determine when they are to be removed;

Time Restrictions

Staff is recommending that Election Signs for Provincial and Federal Election Campaigns may be erected no earlier than the day the Writ of Election or By-Election is issued.

In regards to Municipal Elections, Staff recommends that Election Signs be erected no earlier than Nomination Day in the Year of a Regular Election or By-Election.

This recommendation is common in most municipal election sign by-laws. The amendments to the Municipal Elections Act, 1996 have included a push back to the permitted filing date for Nomination papers from January 1 to no earlier than May 1 of the election year and the Nomination Day is now July 27th 2018.

As such, it is recommended that for the 2018 Municipal Election an election candidate may only erect election signs after July 27, 2018. This would allow for candidates/third party's to erect elections signs for a total number of days for candidates/third party's election signs for 87 days directly prior to the election.

Some municipalities provide different time restrictions for election signs to be permitted to be erected within their jurisdiction. For example there are municipalities that permit such signage sixty (60) days prior to Voting Day or six (6) weeks immediately prior to Voting Day; other municipalities have recently adopted a 30 day permitted period for lawn signs prior to Voting Day.

All of these provisions were implemented as a result of the change in nomination day for eligible electors who file papers to run in the 2018 Municipal Election.

Number and Location of Signs

The United Townships of Head, Clara & Maria will allow the placement of election signs on private property only. Due to the amount of property along the provincial highway 17, all candidates are required to follow the Ministry of Transportation Ontario's election signage rules as well.

Staff recommend the inclusion of a restriction to the number of election signs allowed on private property within the boundaries of the municipality for each candidate as follows;

- no more than two (2) election signs per candidate may be permitted on a zoned residential land, and

- no more than three (3) election signs per candidate may be permitted on a piece of land zoned other than Residential.

The Municipality currently does not regulate election signs on vehicles. Staff recommends prohibiting election signage on a motor vehicle which is parked or located for the primary purpose of displaying an election sign. Staff recommends that these regulations be included in the proposed by-law, which is consistent with other municipalities, where vehicles displaying any campaign signage are prohibited from parking at any municipal facility at any time or at or adjacent to any site to be used as a voting location on Voting day.

Pursuant to Section 88.7 of the *Municipal Elections Act, 1996*, the Municipality is given the authority to remove any advertisements (election signs or radio ads) that are in contravention of the by-law. The proposed by-law outlines new provisions related to the removal of election signs pursuant to the by-law.

Third Party Advertisers

Also new are third party advertiser rules. A third party advertiser (TPA) is a message in any medium (billboard, newspaper, radio, electronic, etc) that supports or opposes a candidate or supports a yes or no vote on a question on the ballot.

Third party advertising does not include issues-based advertising. Therefore, groups that do public outreach can continue their issues based advocacy work throughout the municipal election period.

Individuals, corporations and unions can register as third party advertisers and can also make contributions to third party advertisers.

Third party advertising must be done independently of candidates, who are not able to direct a third party advertiser. Candidates are not able to register as third party advertisers.

Third party advertisers are required to register with the clerk of the municipality prior to incurring any expenses for advertisement (opposing or supporting a candidate).

If they want to advertise in more than one municipality, they have to register in each municipality they plan to advertise.

TPA's and candidates will be required to identify themselves on signs and advertisements.

The "restricted period for third party advertisers" 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 (May 1, 2018) and ends at the close of voting on voting day (October 22, 2018).

Additional information will be provided within the Election Procedures and Guidelines to be completed in April.

Options/Discussion:

Policy Impact:

Creates new policy under the Municipal Elections Act as amended and to come into force on April 1, 2018.

Financial Considerations/Budget Impact:

To offset the costs of administering this by-law, the candidate or registered third party responsible, will be charged a fee of \$20 for the removal and disposal of election signage contrary to the by-law.

Others Consulted:

AMCTO Elections Express
Town of Gravenhurst By-Law
City of Cornwall By-Law
Town of Caledon By-Law
Municipal Elections Act, 1996

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

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