



New laws on Third Party Advertising for Broadcasters and Publishers

2018 Municipal Election

Municipal elections in Ontario will take place on Monday, October 22, 2018.

This notice is intended as a courtesy 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 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 on your local municipal website. 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).

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

Legal obligations for broadcasters and publishers in the municipal election

The new requirements for broadcasters and publishers include:

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

Maintaining records:

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

- Mandatory information described 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.

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.

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 Acts' requirements.

Additional Resources:

For more information about requirements under the Act, refer to:

- Municipal Elections Act, 1996
- Ontario Ministry of Municipal Affairs website

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