



# Township of Black River-Matheson

2024 Municipal By-Election

## Information Package

## Third Party Advertisers

Approved by  
Clerk/Returning Officer  
Township of Black River-Matheson  
This 13<sup>th</sup> day of May, 2024

*Cassandra Collett*



# INTRODUCTION

Dear Third Party Advertiser

The ***Municipal Elections Act*** sets out in detail the requirements to be met by Third Party Advertisers. This document is only a summarized version of the campaigning and reporting requirements for your convenience. It is in no way to be construed as legal advice and/or a replacement for the legislation itself. This document is only a guide to certain portions of the legislation that have general relevance and does not recite all parts of the legislation.

If you have not already done so, we strongly urge you to obtain your own updated copy of the ***Municipal Elections Act*** which can be downloaded from the Ministry's web at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) or purchased from the Ontario Government Bookstore. Additionally, a copy is located at the Township Office that you can review on site.

The following document contains information that you will require after certification of your application for registration.

Any questions should be directed to:

Cassandra Child AOMC, Dipl. M.A., Clerk/Returning Officer  
Township of Black River-Matheson,  
367 Fourth Avenue, Matheson ON P0K 1N0  
Tel: 705-273-2313 ext. 311  
Email: [cchild@twpbrm.ca](mailto:cchild@twpbrm.ca)



# GENERAL INFORMATION

**Nomination Period:** June 1, 2024 to June 28, 2024

**Nomination Day:** June 28, 2024 (9 a.m. – 2 p.m.)

**Election Day:** August 12, 2024 (10 a.m. – 8p.m.)

**Advance Voting Days:** August 1, 2024 to August 11, 2024 (e-voting)



# REGISTRATION

A Third-Party Advertiser means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.

## **Eligibility for Registration (Section 88.6 (4), (5) of the M.E.A.,1996)**

Registration shall be restricted to the following persons and entities:

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario.

The following persons and entities are deemed ineligible to register:

- A candidate whose nomination has been filed.
- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
- The Crown in right of Canada or Ontario, a municipality or local board.

A Candidate whose nomination has been filed shall not direct any third-party advertisements.

## **Filing the Notice of Registration (Section 88.6 (20, (7) of the M.E.A.1996)**

“Notice for Registration” shall be filed with the Clerk from June 1, 2024 to August 9, 2024 during regular office hours in the following manner:

- in person or by an agent
- no faxed or other electronically transmitted registration notices will be accepted – original signatures required
- with proof of identity as prescribed in *O. Reg. 304/13*, as amended
- with the declaration of qualification, signed by the individual or by a representative of the corporation or trade union
- a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf, if applicable



The Clerk shall administer the Declaration of Qualifications on the “Notice for Registration” and the “Declaration of Qualifications – Third Party Advertiser” oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialled by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

For registrations for a By-Election, refer to Section 88.6 (8) to (12).

### **Estimated Maximum Third-Party Expenses (Section 88.21 (15) of the M.E.A., 1996)**

The Clerk shall calculate the estimated maximum third-party expenses for registered third parties on the “Estimated Maximum Third Party Expenses” and provide a copy to the individual filing the registration. The Clerk’s calculation is final.

### **Notice of Penalties (Section 88.29 (7) of the M.E.A.,1996)**

The Clerk shall, at least 30 days before the filing date, provide a notice of the penalties on the “Notice of Penalties – Registered Third Parties” to every Registered Third Party that registered in the municipality.

### **Final Calculation of Third-Party Expenses (Section 88.21 (11) to (17) M.E.A.,1996)**

The Clerk shall, after determining from the number of eligible electors from the Voters’ List, calculate the maximum amount of third party expenses that each registered third party may incur and prepare a “Certificate of Maximum Third Party Expenses”. The certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 25, 2018; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

The number of electors to be used in this final calculation is to be the greater of the following:

- the number determined from the Voters’ List from the previous regular election, as it existed on Nomination Day for the 2018 election, adjusted for changes under Section 24 and 25 that were approved as of that day;
- the number determined from the Voters’ List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under Section 24 and 25 that were approved as of that day. [Section 88.21 (11)]

The Clerk's calculation is final and shall be made in accordance with the prescribed formula in *Ontario Regulation 101/97*.



## **Certification of Notice of Registration (Section 88.6 (13) and 14 of the M.E.A.,1996)**

The Clerk will do a review of each notice received to determine qualification and if the notice complies with the *Municipal Elections Act, 1996*. Once satisfied the third party is qualified, the Clerk will complete the “Certification by Clerk” section on the “Notice for Registration” If not satisfied the Clerk shall reject the notice. The Clerk’s decision is final.

## **Advertisements (Section 88.4 and 88.5 of the M.E.A.,1996)**

### **Restricted Period and Expenses**

The Restricted Period for Third Party Advertisements 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 and ends at the close of voting on Voting Day.

Third Parties must do the following during the Restricted Period:  
file notice of registration and have it certified by the Clerk;

- once registered, advertise; and
- once registered, incur expenses related to the advertisement.

The expenses for these advertisements cannot exceed the amount calculated under Section 88.21 (registered third parties’ expenses).

### **Mandatory Information in Advertisements**

All Third-Party Advertisements shall contain the following information:

- the name of the registered third party
- the municipality where the registered third party is registered;
- 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.**

All Registered Third Parties shall provide the following information to a broadcaster or publisher in writing:

- the name of the registered third party;
- 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;
- the municipality where the registered third party is registered.

## **Municipal Authority to Remove Advertisements (Section 88.7 of the M.E.A., 1996)**

If a municipality is satisfied that there has been a contravention of section 88.3 (candidates’ election campaign advertisements), 88.4 (third party advertisements) or 88.5 (mandatory information in third party advertisements), 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.

### **List of Registered Third Parties *Section 88.12 (9) and (10) of the M.E.A., 1996***

A list of registered third parties shall be posted using the “Official List of Registered Third Parties”, as a minimum, on the website and may also include the phone number and email address provided by the registered third party in the notice of registration filed and, if applicable, a hyperlink to the website of the registered third party.

### **Duties of Registered Third Parties *(Section 88.26 of the M.E.A, 1996)***

The Clerk shall provide the “Duties of Registered Third Parties” at the time of filing.

### **Contributions to Registered Third Parties *(Section 88.12 (1) to (5) of the M.E.A.,1996)***

A contribution shall not be made in relation to third party advertisements that appear during an election in a municipality unless they are a registered third party as per s.88.12 (1) to (5).

A contribution to a registered third party, or to an individual acting under his, her or its direction, shall only be made during the restriction period.

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario.
- A corporation that carries on business in Ontario.
- A trade union that holds bargaining rights for employees in Ontario.
- The registered third party and, in the case of an individual, his or her spouse, subject to if the spouse of a registered third party is not normally registered in Ontario, the spouse may make contributions only to the registered third party.

The following shall not make a contribution:

- A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
- The Crown in right of Canada or Ontario, a municipality or local board.

### **Acceptance of Contributions *(Section 88.12 (7) and (8) of the M.E.A.,1996)***

A contribution may be accepted only by a registered third party or an individual acting under the direction of the registered third party.

A contribution may be accepted only from a person or entity that is entitled to make a contribution.



A contribution of money that exceeds \$25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.

### **Maximum Contributions to Registered Third Parties (Section 88.13 of the M.E.A., 1996)**

A contributor shall not make contributions in relation to third party advertisements exceeding a total of:

- \$750 to a registered third party that appears during an election in a municipality;
- \$5,000 to two or more third parties registered in the same municipality;
- Except if the third party is contributing to itself, then the maximum contributions do not apply;
- Except if the contributor is the spouse of an individual that is a registered third party, then the maximum contributions do not apply.

The Clerk shall provide the "Contributions to Registered Third Parties at the time of filing.

### **Fundraising for Registered Third Parties (Section 88.14 of the M.E.A., 1996)**

Only registered third parties in the municipality may hold a fund-raising function relating to third party advertisements.

Fund-raising functions may only be held during the campaign period.

### **What Constitutes a Contribution (Section 88.15 of the M.E.A., 1996)**

Money, goods and services given to and accepted by an individual, corporation or trade union in relation to third party advertisements or given to and accepted by another person who is acting under the direction of the individual, corporation or trade union, are contributions.

#### **Contributions**

In addition to the statement above [88.15 (2)]:

- An amount charged for admission to a fund-raising function.
- If goods and services are sold for more than their market value at a fund-raising function, the difference between the amount paid and the market value. However, if the amount received for the goods or services is \$25 or less, the amount is not a contribution.
- If goods and services used in the person's election campaign or in relation to third party advertisements are purchased for less than their market value, the difference between the market value and the amount paid.
- Any unpaid but guaranteed balance in respect of a loan under section 88.17 (Campaign Account Loans).





### **Not Contributions**

In addition to the statement above [88.15 (2)]:

- The value of services provided by voluntary unpaid labour.
- The value of services provided voluntarily, under the direction of the person or the individual, corporation or trade union, by an employee whose compensation from all sources for providing the services does not exceed the compensation the employee would normally receive for the period the services are provided.
- An amount of \$25 or less that is donated at a fund-raising function.
- The amount received for goods and services sold at a fund-raising function, if the amount is \$25 or less.
- The amount of a loan under section 88.17 (Campaign Account Loans).
- For a person referred to in 88.15 (1), the value of political advertising provided without charge on a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada), if,
  - it is provided in accordance with that Act and the regulations and guidelines made under it, and
  - it is provided equally to all candidates for office on the particular council or local board.

### **Value of Goods and Services**

The value of goods and services provided as a contribution is,

- (a) if the contributor is in the business of supplying these goods and services, the lowest amount the contributor charges the general public in the same market area for similar goods and services provided at or about the same time;
- (b) if the contributor is not in the business of supplying these goods and services, the lowest amount a business providing similar goods or services charges the general public for them in the same market area at or about the same time.

### **Restriction: Use of Own Money (Section 88.16 of the M.E.A.,1996)**

A contributor shall not make a contribution of money that does not belong to the contributor.

However, this does not apply to the personal representative of a deceased person whose will directs that a contribution be made to a named candidate or a registered third party, as the case may be, out of the funds of the estate.

### **Campaign Account Loans (Section 88.17 of the M.E.A.,1996)**

A registered third party and, in the case of an individual, his or her spouse, may obtain a loan in relation to third party advertisements only from a bank or other recognized lending institution in Ontario, to be paid directly into the campaign account. Only the registered third party and, in the case of an individual, his or her spouse may guarantee a loan.

### **What Constitutes an Expense (Section 88.19 of the M.E.A.,1996)**



Costs incurred by or under the direction of an individual, corporation or trade union for goods or services for use wholly or partly in relation to third party advertisements that appear during an election in a municipality are expenses.

Without restricting the generality of 88.19 (2), the following amounts are expenses:

1. The replacement value of goods retained by the individual, corporation or trade union from any previous election in the municipality and used in the current election.
2. The value of contributions of goods and services.
3. Audit and accounting fees.
4. Interest on loans under section 88.17 (Campaign Account Loans).
5. The cost of holding fund-raising functions.
6. The cost of holding parties and making other expressions of appreciation after the close of voting.
7. For a candidate, expenses relating to a recount or a proceeding under section 83 (controverted elections).
8. Expenses relating to a compliance audit.
9. Expenses that are incurred by a candidate with a disability or a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
10. The cost of third-party advertisements (within the meaning of section 88.3).
11. For greater certainty, the cost of holding fund-raising functions does not include costs related to,
  - o events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
  - o promotional materials in which the soliciting of contributions is incidental.

### **Registered Third Parties' Expenses (Section 88.21 of the M.E.A.,1996)**

An expense shall not be incurred by or under the direction of an individual, corporation or trade union in relation to third party advertisements that appear during an election in a municipality unless he, she or it is a registered third party in the municipality.

#### **Only during campaign period**

An expense shall not be incurred by or under the direction of a registered third party in relation to third party advertisements outside the campaign period for the registered third party in relation to the election in the municipality.

#### **Exception, auditor's report**

Despite subsection 88.21 (2) (Only During Campaign Period), a registered third party whose campaign period in relation to an election in a municipality ends as described in paragraph 2 or 3 of section 88.28 (Campaign Period for Registered Third Parties) may incur expenses related to the preparation of an auditor's report under section 88.29 (Financial Statements, etc., of Registered Third Parties) after the campaign period has ended.



For greater certainty, expenses, including audit and accounting fees, described above constitute third party expenses.

### **Who may incur expense**

An expense may only be incurred by a registered third party or an individual acting under the direction of the registered third party.

### **Maximum amount**

During the campaign period for third party advertisements, the expenses of a registered third party in relation to third party advertisements that appear during an election in a municipality shall not exceed an amount calculated in accordance with the prescribed formula.

A Third Party shall be provided with the maximum third party expenses amount upon registering as a Third Party Advertiser (see Third Party Advertising section of this manual)

### **Maximum amount for parties, etc., after voting day**

The expenses of a registered third party are for the holding of parties and making other expressions of appreciation after the close of voting shall not exceed an amount calculated in accordance with the prescribed formula.

The formula that is prescribed must be written so that the amount calculated under it varies based on the maximum amount determined under 88.21 (6) (Maximum Amount).



# THIRD PARTY FINANCIAL STATEMENTS

## **Third Party Financial Statements (Section 88.29 (1) and (7) of the M.E.A.,1996)**

All Registered Third Parties shall file with the Clerk, the “Financial Statement – Auditor’s Report” on or before 2:00 p.m. on October 26, 2024 reflecting the Registered Third Party’s campaign finances in relation to third party advertisements as of September 26, 2024.

At least 30 days before the filing date, the Clerk shall give every registered third party that registered in the municipality, **by registered mail**, notice of:

- all the filing requirements of this section; and
- the penalties set out in subsections 88.27 (1) and 92 (4).

The notice shall be given on “Notice to Registered Third Party of Filing Requirements”.

## **Notice of Default (Section 88.27 (1) and (2) and Section 89 of the M.E.A.,1996)**

A “Notice of Default – Registered Third Party” shall be given to the registered third party by registered mail, has not submitted the “Financial Statement – Auditor’s Report” on or before 2:00 pm on November 10, 2024.

The Clerk shall make available to the public the name of the registered third party and a description of the nature of the default.

75 days after Voting Day in a by-election, the Clerk shall make available to the public on a website or in another electronic format, a list of all registered third parties for the election, along with an indication of whether each has filed a financial statement and auditor’s report under section 88.29 (1) (Financial Statements, etc. of Registered Third Parties).

For questions regarding third party finances, the Clerk should direct the registered third party to Sections 88.26 – 88.29, 88.30 – 88.32.

## **Extension of Campaign Period (Section 88.27 (3) to (5) of the M.E.A.,1996)**

For further information, refer to the *Municipal Elections Act, 1996*.