



**2018 Municipal Election Guide**

**Third Party Advertisers**



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## **Introduction**

The City Clerk is responsible for the proper legislative and administrative conduct of municipal elections in Oshawa. In accordance with the *Municipal Elections Act, 1996*, the Clerk is authorized to establish procedures and provide information to ensure the delivery of election services. This Guide has been prepared in accordance with this mandate. The Guide provides general information for third party advertisers concerning the 2018 Municipal Elections in the City of Oshawa. Additional information may be found on the City's Election Website at [www.voteoshawa.ca](http://www.voteoshawa.ca) throughout 2018 or by contacting City Clerk Services. This Guide is provided in conjunction with the Municipal Elections 2018 Guide published by the Ministry of Municipal Affairs. Third party advertisers are urged to review the provincial guide carefully as it provides additional information relating to qualifications, financial responsibilities, campaign contributions, campaign expenses, and financial reporting.

It is important to note that the contents of this document are intended only as a guide. Third party advertisers must satisfy themselves through their own determination that they have complied with all legislated requirements.

## **Assistance and Staff Resources**

City Clerk Services staff will be pleased to assist you with any questions you may have concerning the 2018 Municipal Election. Contacts include the following:

Jason McWilliam, Manager, Records Information Systems      905-436-3311, Ext. 2226  
E-mail: [jmcwilliam@oshawa.ca](mailto:jmcwilliam@oshawa.ca)

Joanna Kurowski, Records Information Analyst                      905-436-3311, Ext. 2478  
E-mail: [jkurowski@oshawa.ca](mailto:jkurowski@oshawa.ca)

Shelagh Staunton, Records Information Analyst                      905-436-3311, Ext. 2509  
E-mail: [sstaunton@oshawa.ca](mailto:sstaunton@oshawa.ca)

Mary Medeiros, Manager, Support Services                      905-436-3311, Ext. 2239  
E-mail: [mmedeiros@oshawa.ca](mailto:mmedeiros@oshawa.ca)

Andrew Brouwer, City Clerk    905-436-3311, Ext. 2230  
E-mail: [abrouwer@oshawa.ca](mailto:abrouwer@oshawa.ca)

**Key Dates**

<p><b>Tuesday, May 1, 2018</b></p>	<p><b>First Day to Register</b></p> <p>Registration forms may be filed by third party advertisers commencing May 1, 2018 through to October 19, 2018 at City Clerk Services, 5<sup>th</sup> Floor, Rundle Tower, 50 Centre Street South, Oshawa. Registration forms may be submitted from Monday to Friday between the hours of 8:30 a.m. to 4:30 p.m.</p>
<p><b>Tuesday, May 1, 2018 to Wednesday, December 31, 2018</b></p>	<p><b>Campaign Period</b></p> <p>During this period, third party advertisers can raise funds and spend money in relation to their third party advertising campaign.</p>
<p><b>Tuesday, May 1, 2018 to Monday, October 22, 2018</b></p>	<p><b>Restricted Advertising Period</b></p> <p>During this period, third party advertisers are required to comply with legislation regarding advertising and promotion.</p>
<p><b>Friday, July 27, 2018 until 2:00 p.m.</b></p>	<p><b>Nomination Day</b></p> <p>Last day for filing nominations. Nominations may be filed between the hours of 9:00 a.m. and 2:00 p.m. at the Office of the City Clerk.</p> <p>Nominations may be withdrawn in writing before 2:00 p.m.</p> <p>Last day for submitting an application to remove another elector's name from Voters' List.</p>
<p><b>TBD</b></p>	<p><b>First Day to Erect Election Signs</b></p> <p>Election sign regulations are currently under review. Third party advertisers will be notified and provided with copies of the revised Election Signs By-law once approved by Council.</p>

<p><b>Tuesday, September 25, 2018</b></p>	<p><b>Certificate of Maximum Permitted Expenses</b></p> <p>The City Clerk will provide each third party advertiser with a Final Certificate of maximum permitted expenses. Third party advertisers cannot exceed the greater of this amount or the amount provided on the Preliminary Certificate of Maximum Permitted Expenses provided to each third party advertiser when they submitted their registration form.</p>
<p><b>Friday, October 19, 2018</b></p>	<p><b>Last Day to Register</b></p> <p>This is the last day for third party advertisers to register at City Clerk Services. Registration forms may be submitted until 4:30 p.m. on this date.</p>
<p><b>Monday, October 22, 2018</b></p>	<p><b>Voting Day and End of Restricted Advertising Period</b></p> <p>After the close of Voting on Voting Day the third party advertiser must remove any signs or advertisements, including online advertisements.</p>
<p><b>TBD</b></p>	<p><b>Last Day to Remove Election Signs</b></p> <p>Election sign regulations are currently under review. Third party advertisers will be notified and provided with copies of the revised Election Signs By-law once approved by Council.</p>
<p><b>Tuesday, December 31, 2018</b></p>	<p><b>End of Campaign Period</b></p> <p>This is the end of the campaign period for third party advertisers, or the deadline to provide notification to the City Clerk that they wish to extend the campaign period (S.88.28(3)).</p>
<p><b>Friday, March 29, 2019 until 2:00 p.m.</b></p>	<p><b>Deadline for Filing of Financial Statements</b></p> <p>Final date on which all third party advertisers must file their financial statements and auditor's report. Financial statements are to be filed with the City Clerk, 5<sup>th</sup> Floor, Rundle Tower, 50 Centre Street South, Oshawa prior to 2:00 p.m. Before this date, the third party advertiser may apply to the Ontario Court of Justice to extend the time for filing the document up to 90 days. Notice must be provided to the Clerk in writing prior to 2:00 p.m. on this date that an application has been made.</p>

<b>Friday, September 27<sup>th</sup>, 2019 until 2:00 p.m.</b>	<b>Supplementary Filing Date</b> Final date on which all third party advertisers must file their financial statements for the reporting period ending June 30, 2019.
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## Elected Offices

On October 22, 2018, voters in the City of Oshawa will elect candidates to the following offices:

Regional Chair	One to be elected by all electors in the Region of Durham.
Mayor	One to be elected by all electors in the City of Oshawa.
Regional and City Councillor	Five to be elected, by electors in one of five wards, in the City of Oshawa.
City Councillor	Five to be elected, by electors in one of five wards, in the City of Oshawa.
Trustee, Durham District School Board	Three to be elected by all English Public School electors in the City of Oshawa.
Trustee, Durham Catholic District School Board	Two to be elected by all English Catholic School electors in the City of Oshawa.
Counseiller(ère), Le Conseil scolaire Viamonde	One to be elected by all French Public electors in the areas of the Region of Durham, County of Haliburton, County of Northumberland, County of Peterborough, City of Peterborough, City of Kawartha Lakes and City of Quinte West.
Counseiller(ère), Conseil scolaire de catholique MonAvenir	One to be elected by all French Catholic electors in the Regional Municipality of Durham, Counties of Northumberland and Peterborough and Cities of Kawartha Lakes, Peterborough and Quinte West.

## Third Party Advertisements

### Definition

A third party advertisement is one which, regardless of medium, has the purpose of promoting, supporting, or opposing a candidate(s) or a “yes” or “no” answer to a question on the ballot.

It does not include an advertisement:

- That is by and under the direction of a candidate
- That does not cost money to create, post or broadcast

- That is given or transmitted by an individual to employees by a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees
- That advertises an issue, rather than a candidate

## **Third Party Advertisers**

To advertise for the municipal election, third party advertisers must register with the City.

### **Qualification**

The qualifications to be eligible to register as a third party advertiser in the City of Oshawa are established by the *Municipal Elections Act, 1996*.

To be eligible as a third party advertiser, they must at the time of being nominated be:

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

### **Disqualification**

The following are not eligible to register as a third party advertiser:

- Municipal election candidates;
- Federal and Provincial political parties, constituency associations, registered candidates and leadership contestants; or,
- Federal and Provincial governments, a municipality or local board.

## **Registration**

### **Third Party Information Package**

Third Party Advertiser Information packages can be obtained from City Clerk Services. The package contains all required forms and information to assist potential third party advertisers. In addition, City Clerk Services election staff can answer any questions or assist with other election matters. Registration forms, notices and other resources such as the Province of Ontario's Municipal Elections 2018 Guide can be found on the City's Election Website at [www.voteoshawa.ca](http://www.voteoshawa.ca) as they become available.

Registration documents are public records and are available for inspection by the public at City Clerk Services. A list of registered third party advertisers will also be made available on the election website.

### **Registration Period**

The registration period commences on Tuesday, May 1, 2018 and continues until **October 19, 2018**. Registration forms may be filed at City Clerk Services, 5<sup>th</sup> Floor,



Rundle Tower, City Hall, 50 Centre Street South between the hours of 8:30 a.m. and 4:30 p.m. Monday to Friday.

It is preferred that interested third party advertisers book an appointment to register by contacting City Clerk Services at [clerks@oshawa.ca](mailto:clerks@oshawa.ca) or by telephone at 905-436-3311.

## **Registration Forms**

Third party advertisers must file their registration on the prescribed registration form (Form 7). Registration forms and related information are part of the nomination package available at City Clerk Services or on the City's Election Website at [www.voteoshawa.ca](http://www.voteoshawa.ca).

If third party advertisers wish to advertise in other municipalities within the Region of Durham (i.e. for the Regional Chair), they are required to register in each lower-tier municipality they wish to advertise in.

## **Filing the Registration Form**

An agent of the third party advertiser must file the registration form in person. **Faxed and emailed registration forms are not acceptable; an original signature is required.** The agent chosen to file on behalf of the third party advertiser must provide proof that they are authorized to act on the corporation or trade union's behalf.

The City Clerk or designate will examine the registration and if deemed compliant, will certify the registration. The Clerk's decision to certify or reject a notice of registration is final.

Once registered, the third party advertiser may promote or oppose any candidate that the electors in the municipality can vote for (council, school board, Regional Chair). When registering, the third party advertiser is not required to identify what candidate they are supporting or opposing.

## **Becoming a Candidate**

If a third party advertiser chooses to run as a candidate at any point during the nomination period (May 1 – July 27, 2018), he or she will cease to become a third party advertiser once nomination papers are filed with the City Clerk. Any advertising or promotions that were incurred by the third party advertiser must be removed.

Further information on running as a candidate may be found in the City's 2018 Municipal Elections Guide – Candidates located on the election website ([www.voteoshawa.ca](http://www.voteoshawa.ca)).

## **Campaign Activities**

### **Election Signs**

The City of Oshawa is currently conducting a review of the City's Election Signs By-law to ensure that the regulations continue to reflect the needs of residents and other interested stakeholders. Third party advertisers will be notified and provided with copies of the revised Election Signs By-law once approved by Council.

Third party advertisers are responsible for maintaining their election signs in the proper condition. This includes replacing signs that have fallen over or are damaged. Removing election signs, relocating them, damaging them, or knocking them over are crimes of mischief under the Criminal Code. Anyone unlawfully caught with an election sign may be charged with possession of stolen property.

### **Advertising and Promotion**

Once a third party advertiser has registered, there are no restrictions on when or through what media a candidate or third party advertiser may or may not advertise, however there are mandatory content requirements.

Third party advertisements must contain the following:

1. The name of the registered third party advertiser
2. The municipality where the third party advertiser is registered
3. A telephone number, mailing address or email address where the third party advertiser can be contacted.

If the advertisement is going to be broadcast or published, third party advertisers must also provide this information to broadcasters or publishers.

### **Voting Day, October 22, 2018**

The City Clerk establishes a number of voting places within the City. Voting Places are generally distributed in such a way as to reduce the distance voters need to travel in order to cast their ballot. Voting Places are located in local schools, community centres or other familiar locations that are easily identified and accessible to all voters. All Voting Places open at 10:00 a.m. and close at 8:00 p.m. except for certain Special Voting Places as listed below. Voters who have entered the Voting Place prior to 8:00 p.m. will be allowed to vote. No voter is allowed to enter the Voting Place after 8:00 p.m.

Third party advertisers may not have campaign material in a voting place. This includes the entire property of a building that has a voting place inside it, including the parking lot.

After Voting Day, third party advertisers must remove any advertisements, including online advertisements.

## **Special Voting Places**

Special Voting Places are established to assist certain citizens who may not be able to travel to a Voting Place to vote. Special Voting Places are typically set up in facilities such as retirement homes. As of April 1, 2018 the following Special Voting Places will be used for the Municipal Election.

<b>Facility</b>	<b>Address</b>
Chartwell Wynfield Long-Term Care Residence	451 Woodmount Drive
Extendicare Oshawa	82 Park Road North
Hillsdale Estates	590 Oshawa Boulevard North
ThorntonView	186 Thornton Road South
Lakeridge Health Oshawa	1 Hospital Court
Cedarcroft Place	649 King Street East
Chartwell Centennial Retirement Residence	259 Hillcroft Street
Harmony Hill Retirement Community	1335 Benson Street
Hillsdale Terraces	600 Oshawa Boulevard North
The Carriage House Retirement Residence	60 Bond Street East
Traditions of Durham	1255 Bloor Street East

## **Financial Responsibilities**

Third party advertisers must adhere to a number of requirements with respect to the raising of funds and incurring expenses. The requirements are set out in the *Municipal Elections Act, 1996*. All third party advertisers must disclose and report their expenses, using the prescribed Form 8 (Financial Statement - Auditor's Report - Third Party), no later than **2:00 p.m. on March 29, 2019**.

Third party advertisers may continue to raise funds and incur expenses related to their advertising campaign until the end of the Campaign Period on December 31, 2018. If the third party advertiser has a deficit at this time or becomes involved in a compliance audit after the campaign period, they may notify the City Clerk on or before this date to extend the campaign period. Notification that the campaign has been recommenced must be received in writing.

If the campaign period has recommenced, the third party advertiser may incur expenses and accept contributions until June 30, 2019. A second financial statement that includes the information from the primary statement as well as financial information from the extended campaign must be filed with the Clerk by 2:00 p.m. on September 27, 2019.

If the third party advertising campaign has a surplus after they have refunded contributions made by the third party advertiser (or in the case of an individual, a spouse), the third party advertiser must pay the remaining surplus to the City Clerk when filing their financial statement. The surplus will be held in trust, and the third party can use it if they incur expenses related to a compliance audit. If not needed for this purpose it becomes the property of the municipality.

Third party advertisers should consult the 2018 Guide for Third Party Advertisers - Ontario Municipal Council and School Board Elections published by the Ministry of Municipal Affairs for detailed information relating to financial responsibilities, campaign contributions, campaign expenses, and financial reporting.

## **Additional Information**

### **City of Oshawa – Election Website**

The City of Oshawa's Election Website is continuously updated to reflect the most recent developments and information. Visit the site for an up-to-date list of candidates and other important messages or events throughout the election year.

[www.voteoshawa.ca](http://www.voteoshawa.ca).

### **City of Oshawa – City Clerk Services**

City Clerk Services is located at City Hall on the 5<sup>th</sup> Floor, Rundle Tower, 50 Centre Street South, Oshawa. City Clerk Services staff can answer any questions you may have about running for office or the election in general. See Section 2 for additional contact information.

### **Ministry of Municipal Affairs and Housing – Election Website**

This website contains information about municipal elections as well as the Province of Ontario 2018 Municipal Elections Candidates Guide. This guide details a number of the requirements candidates must adhere to when running for office.

<http://www.mah.gov.on.ca/Page219.aspx>

### **Municipal World – Publications**

Municipal World provides a number of publications to assist candidates with their election activities. Publications include: Candidates and Electors, Guide to Good Municipal Governance, How To Campaign for Municipal Elected Office, Municipal Election Law, Run & Win: A Guide to Succeeding in Municipal Elections.

Municipal World Inc.  
42860 Sparta Line  
Union, ON N0L 2L0  
1-888-368-6125  
[www.municipalworld.com](http://www.municipalworld.com)

**Service Ontario – e-Laws**

This website contains all current statutes including the *Municipal Act*, *Education Act* and *Municipal Elections Act*.  
[www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

**Association of Municipalities Ontario**

A non-profit association representing Ontario's municipalities whose website contains information, training, and other resources for the municipal election.  
[www.amo.on.ca](http://www.amo.on.ca)

April 24, 2018