

# **CANDIDATE CAMPAIGNING AND CAMPAIGN ADVERTISING**

**CANDIDATE  
CAMPAIGNING AND CAMPAIGN ADVERTISING (SECTION 88.3)**

Campaigning, including campaign advertising, are permitted no earlier than the filing of Nomination Papers by the Candidate unless otherwise stated in the local municipal by-law.

Candidate campaign advertising means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a Candidate. Examples include, lawn signs, brochures, posters, print, radio and electronic ads, etc.)

All candidate campaign advertising shall identify the Candidate by name, as it appears on the Nomination Form.

All Candidates shall provide the following information to a broadcaster or publisher in writing:

- the name of the Candidate.
- the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the Candidate.

Information contained in/on all campaign advertising is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate.

**MUNICIPAL EMPLOYEE COMMUNICATION WITH CANDIDATES**

Questions from Candidate's shall be directed to the Clerk.

The Clerk's primary method of communication with Candidates shall be by email.

**CAMPAIGNING AND CAMPAIGN ADVERTISING  
MUNICIPALLY OWNED/LEASED FACILITIES**

Election campaigning or the distribution/posting of election campaign advertising at municipally-owned or leased facilities is not permitted. This includes municipal parks, community centres, waste sites, vacant lands, municipal buildings or structures, etc. or on the municipal website or social media sites.

The use of corporate resources is not permitted by Candidates for election purposes (ie. staff, electronic devices, supplies, candidate photos taken in/on municipal property, etc.).

Candidates are prohibited from offering electronic equipment to electors to vote (ex. cell phone, laptop).

Candidates are prohibited from verifying whether an elector appears on the Voters' List or not, to the elector or any other person. Questions should be directed to the Clerk.

## LOCATION OF ELECTION SIGNS

### Municipal Roads

Campaign advertising shall be permitted along municipal road allowances providing the following conditions are respected:

- i) that the visibility of intersections or private entrances is not obstructed and do not create a safety condition;
- ii) and the campaign advertising is of sufficient texture and or proper installation that weather conditions will not displace this advertising and create a safety hazard on municipal roads.

The municipality, its municipal servants, employees or agents shall not be responsible for investigating or prosecuting for any acts of vandalism to the campaign advertising of the candidates.

Should any campaign advertising be located on municipally owned property or be located on municipally owned road allowances which do not comply to the provisions of this policy, the same shall be removed forthwith and destroyed.

All candidates shall be required to remove all campaign advertising along municipally owned road allowances within 7 days following an election. Should such materials continue to be located, the same shall be removed and destroyed.

### County Roads

The County of Lanark allows campaign signs on county road allowances as long as sight lines are not affected and the signs are removed immediately after the election.

### Provincial Roads

The provincial policy with respect to the posting of campaign material on provincial road allowances follows on the next few pages.

### Utility Poles

Posters or similar campaign advertising that will be installed or affixed to poles belonging to Hydro One Network, Bell Canada or other public utilities will require the permission of these respective approving authorities.

### **MUNICIPAL AUTHORITY TO REMOVE ADVERTISEMENTS (SECTION 88.7)**

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.

## **ADDITIONAL RESOURCES**

Election – Campaign Advertising and Third Party Advertising Policy  
Election – Municipal Employee Involvement Policy  
Election - Election Related Resource Policy

## TOWNSHIP OF MONTAGUE

# BROADCASTER/PUBLISHER INFORMATION SHEET CANDIDATE

*Municipal Elections Act, 1996 (Sections 88.3)*

**88.3** (1) In this section,  
“**election campaign advertisement**” means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate.

### **Mandatory information in advertisement**

(2) An election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate.

### **Mandatory information for broadcaster, etc.**

(3) A candidate shall not cause an election campaign advertisement to appear unless he or she provides the following information to the broadcaster or publisher in writing:

1. The name of the candidate.
2. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate.

### **Prohibition, broadcaster or publisher**

(4) No broadcaster or publisher shall cause an election campaign advertisement to appear if the information set out in paragraphs 1 and 2 of subsection (3) has not been provided.

### **Records**

(5) The broadcaster or publisher of an election campaign 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 (3).
2. A copy of the advertisement, or the means of reproducing it for inspection.
3. A statement of the charge made for its appearance.

# Election Sign Policy

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Under the authority of the Public Transportation and Highway Improvement Act the Ministry through the issuance of a permit controls all visible signing upon or within 400 metres of the provincial highway right-of-way.

Election signs placed by, or on behalf of, a candidate or a political party and signs designed to encourage citizens to vote must follow these restrictions governing election signs that are visible from a provincial highway system.

1. An election sign **must not** be placed upon or adjacent to the right-of-way of a Class 1 - Freeway or a Class 2 - Staged Freeway (i.e. Hwy 401, 115, etc). See attached typical diagram for freeway/staged freeway interchange election sign placement.
2. Election signs may be erected on the right-of-way or adjacent to a Special Controlled Access, Major or Minor Highway (i.e. Hwy 7, Hwy 35) **after an official election has been issued** or for **municipal elections** in accordance with any By-Law outlining a time frame for the placement of municipal election campaign signs.
3. Signs up to 0.7 m<sup>2</sup> (8 sq. ft.) in size **must be** placed at least 4 m (12 ft.) from edge of pavement. Signs over 0.7 m<sup>2</sup> (8 sq. ft.) and up to 3.7 m<sup>2</sup> (40 sq. ft.) must be placed at the outer limit of the right-of-way (i.e. fence line). Election signs must not exceed 3.7 m<sup>2</sup> (40 sq. ft.).
4. An "election sign" **must not** be affixed to a permanent or an official sign or to guide rail or other highway structure or facility and **must not** be placed where it may interfere with visibility, an official sign, traffic signal, or other safety device.
5. Portable read-o-graph sign trailers **must not** be placed upon a provincial highway right-of-way. Portable read-o-graph sign trailers may be utilized providing they are erected on private property that is zoned commercial and meets all the requirements of the ministry for portable read-o-graph signing.
6. A Sign Permit or a Letter of Approval for any signs erected under these instructions is not required.
7. Election signs **must be** removed from the Ministry right-of-way and adjacent properties within three (3) working days after Election Day.
8. Signs not retrieved by this time will be picked up by the Ministry patrol forces and stored in a safe place (patrol yard, etc..) for a period of two weeks. After this time they will be disposed of.

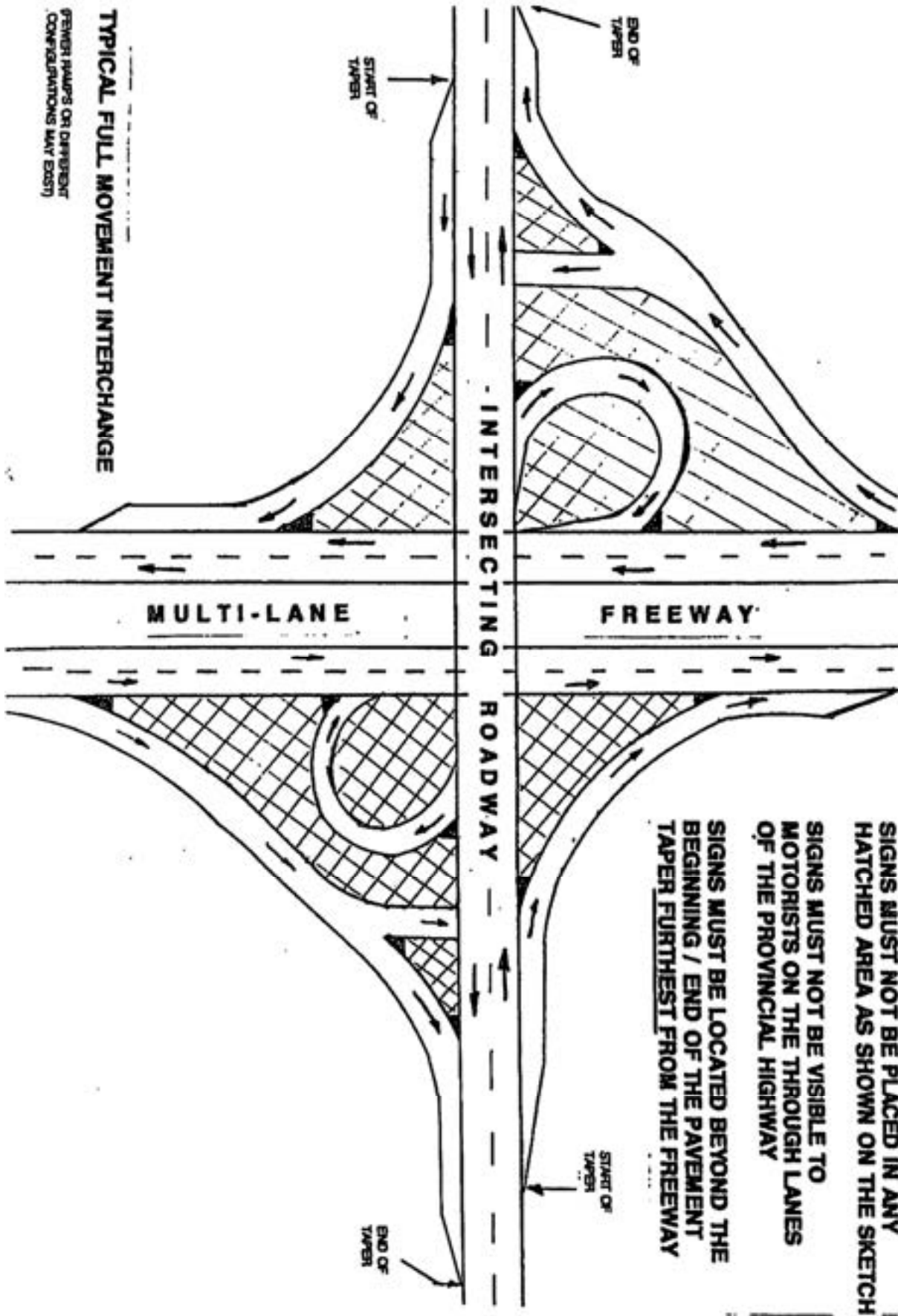
Please contact a Corridor Management Officer in your area, with the telephone numbers provided below, to obtain additional information. Thank you for your co-operation.

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**Ministry of Transportation  
Operational Services  
Bancroft Area Office**  
50 Monck Street  
Bancroft, ON K0L 1C0  
Tel. No.: (613) 332-3220  
Toll Free: 1-800-554-0487  
Fax No.: (613) 332-3751

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**Ministry of Transportation  
Operational Services  
Port Hope Area Office**  
138 Hope Street North  
Port Hope ON L1A 2P1  
Tel No.: (905) 885-6381  
Toll Free: 1-866-224-0622  
Fax No.: (905) 885-9273





Ministry of Transportation - Eastern Ontario  
**Corridor Management - Areas of Responsibility**



**Head, Corridor Management**  
 Louis Tay - (513) 748-5289

**Corridor Management Planners**

- Mike Oakes - Kingston Regional Office, (613) 545-4034
- Bong Demeray - Kingston Regional Office, (613) 545-4055
- Cheryl Tuba - Kingston Regional Office, (613) 545-4144

**Corridor Management Officers**

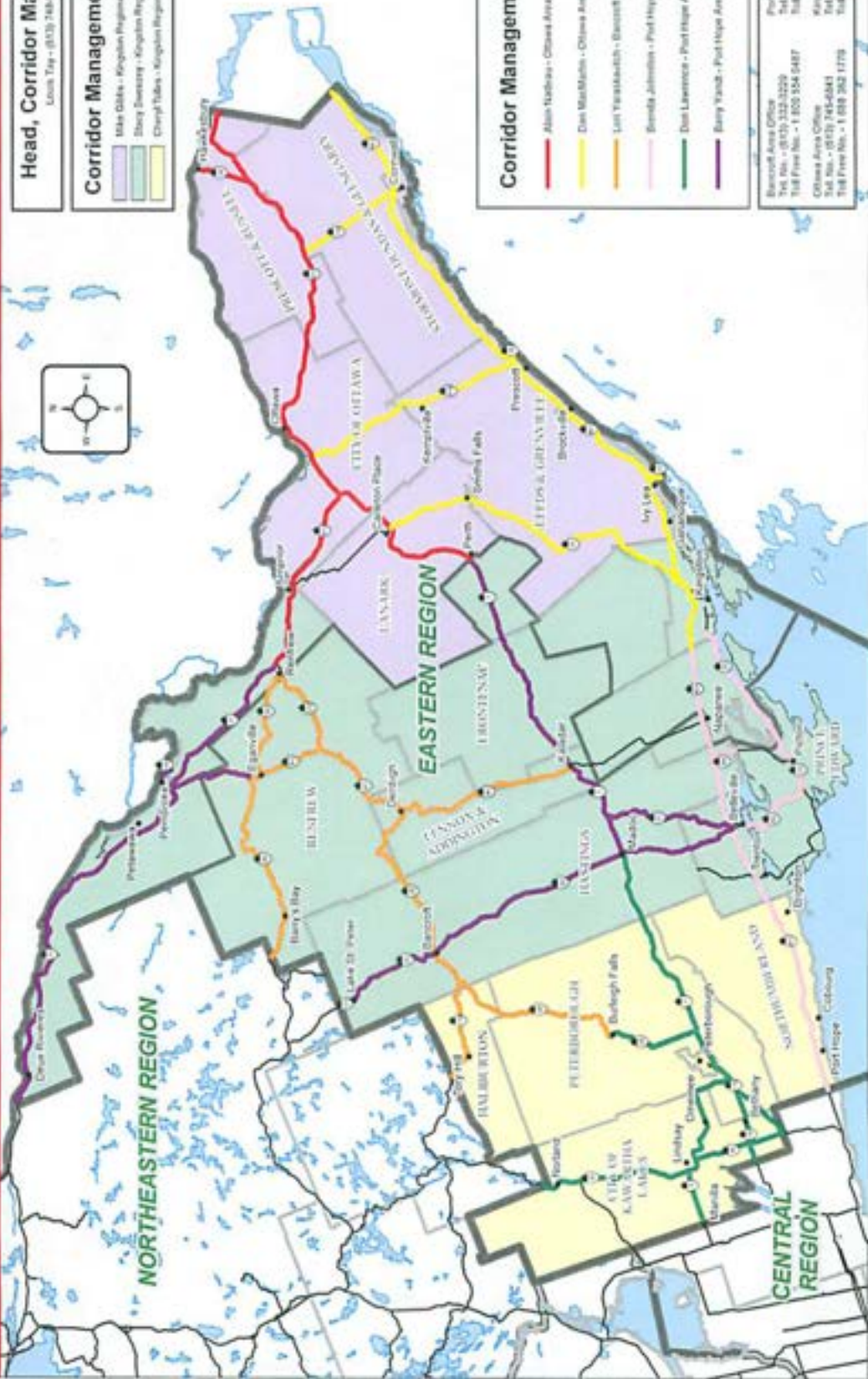
- Alan Nadreau - Ottawa Area Office, (613) 742-5302
- Don McMillan - Ottawa Area Office, (613) 742-6324
- Leif Yaremkaulich - Bancroft Area Office, ext. 214
- Brenda Johnston - Port Hope Area Office, ext. 209
- Dan Lawrence - Port Hope Area Office, ext. 209
- Barry Yaxby - Port Hope Area Office, ext. 224

**Bancroft Area Office**  
 Tel. No. - (613) 332-3229  
 Toll Free No. - 1 800 354 5487

**Ottawa Area Office**  
 Tel. No. - (613) 745-4583  
 Toll Free No. - 1 888 262 1779

**Port Hope Area Office**  
 Tel. No. - (905) 895-4293  
 Toll Free No. - 1 888 224 9622

**Kingston Regional Office**  
 Tel. No. - (613) 545-4220  
 Toll Free No. - 1 800 267 6295



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# **CANDIDATE CAMPAIGN CONTRIBUTIONS AND EXPENSES**

## CONTRIBUTIONS

### CONTRIBUTIONS TO REGISTERED CANDIDATES [SECTION 88.8 (1) – (5)]

A contribution shall not be made to or accepted by a person or an individual acting under the person's direction unless the person is a candidate.

A contribution made to or accepted by a candidate, or to an individual acting under the candidate's direction, shall only be made during the candidate's election campaign period.

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario;
- The candidate and his or her spouse, subject to if the spouse of a candidate is not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign.

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*.
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The Crown in right of Canada or Ontario, a municipality or local board.

### ACCEPTANCE OF CONTRIBUTIONS [SECTION 88.8 (6) – (10)]

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

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.

The listing of the phone number and email address and/or hyperlink to the candidate's website by the municipality or local board does not constitute a contribution to a candidate.

## **MAXIMUM CONTRIBUTIONS TO CANDIDATES (SECTION 88.9)**

A contributor shall not make contributions exceeding a total of:

- \$1,200 to any one candidate in an election;
- Except if a person is a candidate for more than one office a contributor's total contributions to that candidate in respect of all the offices shall not exceed \$1,200;
- \$5,000 to two or more candidates for office on the same council or local board;
- Except if the candidate is contributing to the candidates own election campaign, then the maximum contributions do not apply;
- Except if the contributor is the spouse of the candidate, then the maximum contributions do not apply.

The Clerk shall provide the "Contributions to Registered Candidates **FORM LC55**" at the time of filing.

## **FUNDRAISING FOR CANDIDATES (SECTION 88.10)**

A fund-raising function shall not be held for a person who is not a candidate.

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

## **WHAT CONSTITUTES A CONTRIBUTION (SECTION 88.15)**

For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction, are contributions.

### Contributions:

In addition to the statement above [88.15 (1)]:

- 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 (1)]:

- 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)**

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)**

A candidate and his or her spouse may obtain a loan only from a bank or other recognized lending institution in Ontario, to be paid directly into the candidate's campaign account. Only the candidate and his or her spouse may guarantee a loan.

## EXPENSES

### WHAT CONSTITUTES AN EXPENSE (SECTION 88.19)

Costs incurred for goods or services by or under the direction of a person wholly or partly for use in his or her election campaign are expenses.

Without restricting the generality of 88.19 (1), the following amounts are expenses:

- The replacement value of goods retained by the person from any previous election in the municipality and used in the current election.
- The value of contributions of goods and services.
- Audit and accounting fees.
- Interest on loans under section 88.17 (Campaign Account Loans).
- The cost of holding fund-raising functions.
- The cost of holding parties and making other expressions of appreciation after the close of voting.
- For a candidate, expenses relating to a recount or a proceeding under section 83 (Controverted Elections).
- Expenses relating to a compliance audit.
- Expenses that are incurred by a candidate with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
- The cost of election campaign advertisements (within the meaning of section 88.3).

For greater certainty, the cost of holding fund-raising functions does not include costs related to,

- 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
- promotional materials in which the soliciting of contributions is incidental.

In the following circumstances, a candidate's expenses for the 2022 regular election that are described in 88.19 (3) paragraphs 7 and 8 may include his or her expenses as a candidate in the 2018 regular election for an office on the same council or local board:

1. The circumstances described in paragraph 4 of subsection 88.24 (1) (deficit).
2. The circumstances described in paragraph 5 of subsection 88.24 (1) (expenses relating to a recount, etc.).

### CANDIDATES' EXPENSES (88.20)

An expense shall not be incurred by or under the direction of a person unless he or she is a candidate.

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

An expense shall not be incurred by or under the direction of a candidate outside his or her election campaign period.

**Exception, auditor's report**

Despite 88.20 (2) (Only During Campaign Period), a candidate whose election campaign period ends as described in paragraph 2, 3 or 4 of subsection 88.24 (1) (Election Campaign Period for Candidates) may incur expenses related to the preparation of an auditor's report under section 88.25 (Candidates' Financial Statements, etc.) after the campaign period has ended.

For greater certainty, expenses, including audit and accounting fees, related to the preparation of an auditor's report after the campaign period has ended constitute campaign expenses.

**Who may incur expense**

An expense may only be incurred by a candidate or an individual acting under the candidate's direction.

**Maximum amount**

During the period that begins on the day a Candidate is nominated and ends on Voting Day, his or her expenses shall not exceed an amount calculated in accordance with the prescribed formula.

A Candidate shall be provided with the maximum campaign expenses amount upon filing of his or her Nomination Papers (see Nominations section of this manual).

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

The expenses of a candidate that 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 88.20 (6) (Maximum Amount) for the office for which the candidate is nominated.

**DUTIES OF CANDIDATES (SECTION 88.22)**

The Clerk shall provide the "Duties of Candidates" LC FORM 60 at the time of filing.

## TOWNSHIP OF MONTAGUE CONTRIBUTIONS TO REGISTERED CANDIDATES

*Municipal Elections Act, 1996 (Section 88.8 and 88.9)*

### CONTRIBUTIONS TO REGISTERED CANDIDATES [SECTION 88.8 (1) – (5)]

A contribution shall not be made to or accepted by a person or an individual acting under the person's direction unless the person is a candidate.

A contribution made to or accepted by a candidate, or to an individual acting under the candidate's direction, shall only be made during the candidate's election campaign period.

Contributions shall only be made by the following:

- An individual who is normally resident in Ontario;
- The candidate and his or her spouse, subject to if the spouse of a candidate is not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign.

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*.
- A corporation that carries on business in Ontario;
- A trade union that holds bargaining rights for employees in Ontario;
- The Crown in right of Canada or Ontario, a municipality or local board.

### ACCEPTANCE OF CONTRIBUTIONS [SECTION 88.8 (6) – (10)]

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

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.

The listing of the phone number and email address and/or hyperlink to the candidate's website by the municipality or local board does not constitute a contribution to a candidate.



## **MAXIMUM CONTRIBUTIONS TO CANDIDATES (SECTION 88.9)**

A contributor shall not make contributions exceeding a total of:

- \$1,200 to any one candidate in an election;
- Except if a person is a candidate for more than one office a contributor's total contributions to that candidate in respect of all the offices shall not exceed \$1,200;
- \$5,000 to two or more candidates for office on the same council or local board;
- Except if the candidate is contributing to the candidates own election campaign, then the maximum contributions do not apply;
- Except if the contributor is the spouse of the candidate, then the maximum contributions do not apply.

## TOWNSHIP OF MONTAGUE DUTIES OF CANDIDATES

*Municipal Elections Act, 1996 (Section 88.22)*

**A candidate shall ensure that,**

- (a) no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- (b) all contributions of money are deposited into the campaign accounts;
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (f) receipts are issued for every contribution and obtained for every expense;
- (g) records are kept of,
  - (i) the receipts issued for every contribution,
  - (ii) the value of every contribution,
  - (iii) whether a contribution is in the form of money, goods or services, and
  - (v) the contributor's name and address;
- (h) records are kept of every expense including the receipts obtained for each expense;
- (i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- (j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- (k) records are kept of any loan and its terms under section 88.17 (Campaign Account Loans);
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (m) financial filings are made in accordance with sections 88.25 (Candidates' Financial Statements, etc.) and 88.32 (Return of Surplus for Subsequent Expenses);

- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- (o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (p) a contribution not returned to the contributor under clause (o) is paid to the clerk with whom the candidate's nomination was filed;
- (q) an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed; and
- (r) each contributor is informed that a contributor shall not make contributions exceeding,
  - (i) subject to subsection (2), a total of \$1,200 to any one candidate in an election, and
  - (ii) a total of \$5,000 to two or more candidates for offices on the same council or local board.

**Exclusion of certain expenses**

Expenses described in paragraph 2 of subsection 88.19 (3) (Audit and Accounting Fees) are not expenses for the purpose of clause (a) above.

**Contributions paid to clerk**

Contributions paid to the clerk under clause (p) or (q) above become the property of the local municipality.