

# Third Party Advertisers registration package index

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May 2, 2022

Dear third party advertiser,

Welcome to the City of Guelph 2022 Municipal Election. Voting Day is Monday, October 24, 2022. The advance voting will take place October 8 to 10 and 14 to 16, 2022. The successful candidates in this election will serve from November 15, 2022 to November 14, 2026.

This package will provide you with information regarding the municipal electoral process and requirements. For any questions you can contact the City Clerk's Office by phone at 519-837-5625 or by email at [guelpvotes@guelph.ca](mailto:guelpvotes@guelph.ca).

Before beginning your advertising campaign, please remember that your registration must be filed and your fee paid prior to raising funds or incurring expenses. I recommend that you familiarize yourself with the following resources in order to understand the procedures and legislative requirements associated with your registration as a third party advertiser:

- [2022 Third Party Advertisers' Guide](#),
- City of Guelph [procedures and forms](#) as they are posted in coming months, and
- the [Municipal Elections Act, 1996](#).

Election staff are available to provide assistance and guidance where possible, however, for many financial and legal responsibilities you may be directed to consult with the Ministry of Municipal Affairs and Housing and/or your own legal counsel. As a third party advertiser, you are solely responsible for ensuring that all legislative requirements are met.

Please ensure that we have your current email address and contact information on file as there will be several supplementary additions to this package. Many important election related reminders will be forwarded to all registered third party advertisers via email as they are finalized.

Yours truly,

A handwritten signature in blue ink, appearing to read "Stephen O'Brien".

Stephen O'Brien

City Clerk/Returning Officer

# Registration Checklist for Third Party



## Third Party Checklist

Name of Registrant: \_\_\_\_\_

Corporation or Trade Union (if applicable): \_\_\_\_\_

Received on: \_\_\_\_\_

Please ensure the following steps are completed:

1. The following original documents were reviewed to confirm Identity/Eligibility to Register:

Corporation: \_\_\_\_\_

Trade Union: \_\_\_\_\_

Personal ID: \_\_\_\_\_

See attached: Acceptable Documents for Voter Identification

2. Complete the following forms but do not sign until filed with City Clerk:

Registration Form (Form 7)

Notice and Declaration of Collection of Personal Information (COG-14)

Municipal Election Sign Form (COG-06)

**Note:** Original copies of documents and forms noted in section 2 are to be filed with the City Clerk.

3. Please provide the registrant with a copy of the:

Signed Registration form (Form 7)

Signed Notice and Declaration of Collection of Personal information (COG-14)

Signed Certificate of Maximum Campaign Expenses (form EL-51A)

Signed Municipal Election Sign Form (COG-06)

4. I am in receipt of the above noted documents:

\_\_\_\_\_  
Third Party Registrant

\_\_\_\_\_  
Date

5. If they are paying their deposit for election signs please note here and accept payment in the amount of \$150.00 and provide a receipt.

Candidate is not paying for sign deposit at this time.

Candidate is paying for sign deposit at this time.

Cash            Certified Cheque            Money Order            Debit            Credit

**Note:** One copy of receipt to candidate, one copy in City Clerk's file.

6. I have advised the registrant that the Third Party may start advertising and raising funds once the Registration Paper has been filed.

7. Please specify which of the following you wish to have posted online:

Phone number: \_\_\_\_\_

Email: \_\_\_\_\_

Website or link: \_\_\_\_\_

\_\_\_\_\_  
Third Party Registrant

\_\_\_\_\_  
Date

# Declaration of Qualifications



## Third Party - Individual

I, \_\_\_\_\_, registering as an individual third party advertiser for the 2022 Municipal Election and,

Do Solemnly Declare That:

1. I am qualified pursuant to the Municipal Elections Act, 1996, as amended, to be registered as a third party advertiser.
2. Without limiting the generality of paragraph 1, I am an individual who normally resides in Ontario and I am not a candidate whose nomination has been filed under the Municipal Elections Act, 1996.
3. I am not ineligible or disqualified under the Municipal Elections Act, 1996, the Municipal Conflict of Interest Act or any other Act to be a registered third party advertiser.
4. Any third party advertisements which I may make shall not be under the direction of a candidate whose nomination has been filed under Section 33 of the Municipal Elections Act, 1996.

**And** I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Ontario Evidence Act.

**Declared before me at the City of Guelph**

This \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Signature of third party advertiser

\_\_\_\_\_  
Signature of Clerk or designate

Personal information on this form is collected under the authority of the Municipal Elections Act, 1996, and will be used for the nomination process for office in the municipal election and will be available for public inspection in the office of the Clerk, City of Guelph until the next municipal election. Questions about this collection of personal information should be directed to the Clerk, City of Guelph.

# Declaration of Qualifications



## Third Party - Corporation

I, \_\_\_\_\_, (name of representative) a representative of \_\_\_\_\_, (name of corporation) am registering this corporation as a third party advertiser for the 2022 Municipal Election and,

Do Solemnly Declare That:

1. The corporation I am representing is qualified pursuant to the Municipal Elections Act, 1996, as amended, to be registered as a third party advertiser.
2. Without limiting the generality of paragraph 1, the corporation I am representing is a corporation that carries on business in Ontario.
3. The corporation I am representing, is not ineligible or disqualified under the Municipal Elections Act, 1996, the Municipal Conflict of Interest Act or any other Act to be a registered third party advertiser.
4. Third party advertisements made by the corporation shall not be under the direction of a candidate whose nomination has been filed under Section 33 of the Municipal Elections Act, 1996.
5. I am an authorized representative of the corporation.

**And** I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Ontario Evidence Act.

### Declared before me at the City of Guelph

This \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Signature representative of third party advertiser

\_\_\_\_\_  
Signature of Clerk or designate

Personal information on this form is collected under the authority of the Municipal Elections Act, 1996, and will be used for the nomination process for office in the municipal election and will be available for public inspection in the office of the Clerk, City of Guelph until the next municipal election. Questions about this collection of personal information should be directed to the Clerk, City of Guelph.

# Declaration of Qualifications



## Third Party – Trade Union

I, \_\_\_\_\_, (name of representative) a representative of \_\_\_\_\_, (name of trade union) am registering this trade union as a third party advertiser for the 2022 Municipal Election and,

Do Solemnly Declare That:

1. The trade union I am representing is qualified pursuant to the Municipal Elections Act, 1996, as amended, to be registered as a third party advertiser.
2. Without limiting the generality of paragraph 1, the trade union I am representing is a trade union that carries on business in Ontario.
3. The trade union I am representing, is not ineligible or disqualified under the Municipal Elections Act, 1996, the Municipal Conflict of Interest Act or any other Act to be a registered third party advertiser.
4. Third party advertisements made by the trade union shall not be under the direction of a candidate whose nomination has been filed under Section 33 of the Municipal Elections Act, 1996.
5. I am an authorized representative of the trade union.

**And** I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Ontario Evidence Act.

### Declared before me at the City of Guelph

This \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Signature representative of third party advertiser

\_\_\_\_\_  
Signature of Clerk or designate

Personal information on this form is collected under the authority of the Municipal Elections Act, 1996, and will be used for the nomination process for office in the municipal election and will be available for public inspection in the office of the Clerk, City of Guelph until the next municipal election. Questions about this collection of personal information should be directed to the Clerk, City of Guelph.



# Notice and Declaration of Collection of Personal Information

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## Third Party Advertiser

Personal information on the registration paper is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Municipal Elections Act (MEA).

Your personal information will be used for the purpose of administering the 2022 Municipal Election. Documents filed with the City Clerk, including the registration form, are public records. These documents will be open to the public and may be posted on the City's election website in accordance with Sections 88(5) and 88(9.1) of the Municipal Elections Act (MEA) and Section 14(1)(c) of MFIPPA.

Questions regarding this collection should be forwarded to the City Clerk/Returning Officer by email at [guelpvotes@guelp.ca](mailto:guelpvotes@guelp.ca) or by phone at (519) 837-5625.

I acknowledge that any documents filed by me may contain personal information and I am aware that the City Clerk can disclose the information to the general public.

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Third Party Advertiser

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City Clerk and Returning Officer/designate

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Date





# Preliminary Certificate of Maximum Amount of Campaign Expenses – Registered Third Party

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Municipal Elections Act, 1996 (s.88.21(15))

For the City of Guelph Municipal Election to be held on the 24th day of October, 2022:

**Preliminary estimate of maximum registered third party campaign expenses**  
\$5,000.00 + \$0.05 per number of entitled electors as September 15, 2018 – \$9,478.30

I hereby certify that the maximum amount of campaign expenses that a Third party is permitted to incur in the Municipal Election to be held on October 24, 2022, is \$9,478.30.

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Stephen O'Brien, City Clerk/Returning Officer

May 2, 2022

In accordance with MEA, s. 88.21(15), upon registering the registered third party, the Clerk shall give the individual filing the registration a certificate setting out the maximum amount for campaign expenses. For the preliminary certificate, the Clerk shall calculate an estimated amount using the number of electors from the voters' list as of September 15 in the year of the 2018 municipal election.

On or before September 25, 2022, the Clerk shall give the registered third party a final calculation of the permitted amount of maximum campaign expenses. The formula to be used is the greater of the number of electors from the September 15, 2018 voters' list, adjusted for changes made that day, or the number of electors as of September 15 in the 2022 municipal election, adjusted for changes made on that day.

Certificate to be given to a registered third party in accordance with Section 13.



# Municipal Election Signs Information for Candidates and Third Parties

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## Fee

\$150.00

## Signs

- No illuminated election signs
- Maximum sign area 0.47 square metres (5 square feet)
- Maximum sign height 2.13 metres (7 feet)
- No City logo or branding allowed on sign
- Cannot be posted more than 45 days prior to an election

## Residential

- Signs are not allowed in wards other than the one you are running in
- Only one sign per candidate per private property
- For multi-residential properties, one sign per candidate per unit but they must be 1 metre apart
- Signs cannot be within 10 metres from another sign for the same candidate or the same third party on a boulevard

## Commercial/Industrial

- Only one sign per candidate for every 500m of frontage
- A sign cannot be placed less than 50 metres from another sign for the same candidate or third party on a boulevard

## Locations

- Signs are not allowed on public property including a park
- Signs cannot be on medians
- Signs on the boulevard need to be 3 metres from a school crossing, 10 metres from an intersection pedestrian signal, and more than 1 metre from a curb or pavement edge
- Signs are not allowed within 100 metres of a voting place during advanced voting days and election day (unless on private residential property)
- Signs cannot interfere with safety equipment, vehicular traffic or pedestrian traffic
- Signs cannot be on any tree, pole, light standard or other utility infrastructure including a road

## Third party Signs

- Third party signs need to identify on the sign who is placing it, along with the name, telephone number, mailing/email address of registered third party
- All third party signs are subject to the same regulation as the candidates signs

## Removal

- Any sign not in compliance will be removed by By-law Officers
- All signs must be removed within 72 hours (3 days) following the day of election

For more information about signs, please view the Election Sign By-law at [guelph.ca/vote](http://guelph.ca/vote).

# Election Sign Form



## Part A: Candidate Information

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Province: \_\_\_\_\_

Phone: \_\_\_\_\_

## Part B: Election Type

Municipal

Provincial

Federal

## Part C: Deposit Fee Information

A Deposit Fee of \$150.00 is required.

Deposit Fee Received:    Yes                    No

## Part D: Signatures

Every Applicant is responsible for their election signs as per the applicable City of Guelph Election Sign By-law.

Personal information contained in this application, as defined by section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), is collected under the authority of the Municipal Act, 2001 and the City of Guelph Sign By-law, and is in accordance with the provisions of the MFIPPA. Questions about this collection can be directed to the Information, Privacy and Records Coordinator at [privacy@guelph.ca](mailto:privacy@guelph.ca) or 519-822-1260 extension 2349.

Name of Candidate/Agent: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Third Party Advertising Information

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## What is third party advertising?

Third party advertising refers to advertisements or other materials that support, promote or oppose a candidate or school board trustee, or support, promote or oppose a “yes” or “no” answer to a question on the ballot. Third party in this context is a person or entity who is not a candidate or school board trustee.

Third party advertising is separate from any candidate’s or school board trustee’s campaign, and must be done independently from a candidate or school board trustee. Any advertisements or materials that are made and distributed by a candidate or school board trustee, or under a candidate’s or school board trustee’s direction, are part of the candidate’s or school board trustee’s campaign.

Third party advertising is a way for those outside of the candidate’s or school board trustee’s campaign to express support of or opposition to candidates or school board trustees (or a “yes” or “no” answer to a question on the ballot) and to try to persuade voters to vote a certain way.

A third party advertisement is an advertisement in any broadcast, print, electronic or other medium that promotes, supports or opposes a candidate or school board trustee, or a “yes” or “no” answer to a question on the ballot. Advertisement includes traditional ads as well as materials such as brochures or signs.

## What is not a third party advertisement?

Activities that do not involve spending money, such as discussions or expressing an opinion about a candidate (or an answer to a question on the ballot) are not considered to be third party advertising. Examples include:

- speaking to friends and neighbours;
- posting on social media, such as Twitter, Facebook or Instagram; and/or
- sending an email to a group or mailing list.

Internal communications from an employer to their employees, a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees are not considered to be third party advertising.

Advertising about an issue, rather than a candidate or a “yes” or “no” answer to a question on the ballot is not considered third party advertising. For example, signs saying “Support local businesses” or “Keep the waterfront green” would not be third party advertising, even if a candidate has made those issues part of their campaign.

## When do the rules apply?

The Municipal Elections Act, 1996 sets out a restricted period for third party advertising. For the 2022 election, the restricted period is May 1, 2022 to the close of voting on voting day—October 24, 2022.

As May 1 is a Sunday, candidates may not be able to file their registration until May 2, 2022 when the Clerk’s Office is open. If any individual or group wanted to spend money before May 1 on signs or advertisements supporting someone who intended to become a candidate, or someone who they hoped would become a candidate, the third party advertising rules would not apply. However, once the restricted period begins on May 1, any signs or other advertisements would have to be taken down or discontinued.

## Who can be a third party advertiser?

Only those who have registered can spend money on third party advertising. The following are eligible to register as a third party advertiser:

- any person who is a resident in Ontario;
- a corporation carrying on business in Ontario; and/or
- a trade union that holds bargaining rights for employees in Ontario.

If 2 or more corporations are owned or controlled by the same person or people, or if 1 corporation controls another, they are considered to be a single corporation. If the same person or people own or control multiple corporations, only 1 of those corporations may register to be a third party in a municipality.

There is no restriction against family members or campaign staff of candidates registering to be third party advertisers. However, third party advertising must be done independently of the candidate. If a person with close ties to a candidate wishes to register they should consider how these activities may look to the public and how they would be able to demonstrate that they were not working in co-ordination with the candidate.

## Who cannot be a third party advertiser?

A candidate running for any municipal council or school board office cannot register to be a third party advertiser in any municipality.

Groups, associations or businesses that are not corporations are not eligible to register and may not spend money on third party advertising in municipal elections. For example, neighbourhood associations, clubs or professional associations cannot register and cannot make contributions to third party advertisers. Members may register as individual third party advertisers and may contribute individually.

Candidates in the provincial election cannot register. They may register after the provincial election, when they are no longer candidates.

Federal and provincial political parties cannot register to be third party advertisers. Political parties are not permitted to be financially involved in municipal elections.

## Registration

An individual, corporation or trade union must register with the municipal clerk to be a third party advertiser in a municipality. Third parties can register in any lower-tier or single-tier municipality (city, town, township, etc.). Third parties cannot register in an upper-tier municipality (a region or county).

Being registered in a municipality allows the third party to advertise to the voters in that municipality. A third party advertiser can support or oppose any candidate or candidates who will be voted on by the people in that municipality. This includes candidates running for local council, school trustee and candidates running for offices on an upper tier council.

Third party advertisers do not need to decide before they register which candidate or candidates they want to support or oppose, and they do not have to tell the clerk what their intentions are.

A third party can only advertise to voters in the municipality where they are registered. There is no limit on the number of municipalities where a third party can register. If a third party wants to advertise to voters in more than 1 municipality they must register in each municipality where they wish to advertise.

For example, if a third party wanted to advertise for or against a candidate running for an office that is voted on by people in more than 1 municipality, such as a school trustee or regional chair, they would need to register in each municipality.

## Deadline to register

An individual, corporation or trade union can register to be a third party advertiser beginning on May 1, 2022 and can file a registration until the close of business on Friday, October 21, 2022. As May 1 is a Sunday, you may not be able to file your registration until May 2, 2022 when the Clerk's Office is open.

## Where to register

An individual or a representative of a corporation or trade union must file a [Notice of Registration \(Form 7\)](#) with the city clerk in person or by an agent by appointment. It must have an original signature – the form may not be a copy, and may not be scanned and submitted electronically. There is no registration fee.

The city clerk must be satisfied that that the individual, corporation or trade union is eligible in order to certify the registration, and may require that identification or additional documents be provided.

A person who is filing as the representative of a corporation or a trade union should make sure that they can provide proof that they are authorized to act on the corporation or trade union's behalf.

The city clerk must certify your registration in order for you to begin your campaign as a registered third party advertiser.

## Registering in more than 1 municipality

If a third party advertiser registers in more than 1 municipality, each of those registrations is considered to be a separate advertising campaign. Once they register, they must keep each advertising campaign separate, and ensure that they follow the rules in each municipality where they are registered:

- The identification required on signs, advertisements and other materials must indicate that the third party is registered in that municipality.
- There must be a separate bank account for each campaign.
- Contributions may not be shared between the advertising campaigns – if a contributor has given money to the advertising campaign in municipality A, that money cannot be used to fund expenses in municipality B.
- If the third party wants to use the same signs or the same advertisement in more than 1 municipality, the separate advertising campaigns can produce a "joint" advertisement. The advertisement would indicate that the third party is registered in both municipality A and municipality B, and each advertising campaign would pay for its share of the expense for the advertisement.
- The third party must file a separate financial statement in each municipality where they were registered. The financial statement must reflect the financial activities relating to advertising in that municipality.

## Responsibilities of registered third parties

Third party advertisers are required to follow many of the same financial and reporting rules as candidates.

Unlike candidates, third party advertisers cannot appoint scrutineers to observe the voting, or to be present when votes are counted.

## Identification on advertising

A third party advertiser must provide the following information on all of its advertisements, signs and other materials:

- the legal name of the registered third party (if the third party is a corporation or trade union, the name of the corporation or trade union must appear, not the name of the representative who filed the registration).
- the municipality where the third party is registered.
- a telephone number, mailing address or email address where the third party can be contacted.

A registered individual cannot act on behalf of a group or organization that is not eligible to register as a third party advertiser. For example, if Chris Smith is the president of a business improvement association (BIA), the signs and materials must identify Chris Smith as the person responsible for the advertising, not the BIA.

If ads are going to be broadcast or published (e.g. on a radio station or in a newspaper), the ad must contain the information required above, and the third party advertiser must also provide the broadcaster or publisher with the following:

- 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 third party is registered

Any additional content of signs is not regulated under the act.

## Sign bylaws

Rules regarding when signs can be put up, and how signs may be displayed on public property are contained in the applicable City of Guelph Election Sign By-Law.

A Municipal sign information and deposit form will be provided upon registration and are available by contacting the city clerk or on the City's election page at [guelph.ca/vote](http://guelph.ca/vote).

A third party advertiser plans to reuse signs from the last election, they should be aware of the rules of [leftover advertising campaign inventory](#) (page 15).

## Advertising on voting day

The Municipal Elections Act, 1996 does not prohibit campaigning or advertising on voting day. While there are restrictions on advertising for federal and provincial elections on voting day, these "blackouts" do not exist for municipal council and school board elections.

The act prohibits campaign material in a voting place. The voting place could include the entire property of a building that has a voting place inside it, including the parking lot. A third party is not allowed to have brochures, buttons, signs or any other advertising material in the voting place.

## Wrapping up the advertising campaign

After voting day, the third party advertiser must remove any signs or other advertisements that have been put up, including online ads.

Usually, advertising campaigns must end on December 31. However, since December 31, 2022 is a Saturday, the deadline moves to January 3, 2023. The advertising campaign must end on January 3, 2023, unless it has a deficit and the third party advertiser informs the Clerk in writing that they are going to extend their campaign. Once the campaign has ended, the third party should close the designated bank account and prepare the financial statement.

## Finance rules

**Financial statements must be filed with the clerk by 2 p.m. on Friday, March 31, 2023.**

Further details regarding Financial Rules and Third Party Financial Statements can be found in the [2022 Guide for Third Party Advertisers](#) Ontario Municipal Council and School Board Elections located on the Ministry of Municipal Affairs and Housing website or by contacting the City Clerk's office at [guelphvotes@guelph.ca](mailto:guelphvotes@guelph.ca), or by calling (519) 837-5625.

## Additional Information

It will be the responsibility of Third Parties to understand and apply the Municipal Elections Act, 1996 to their advertising campaign period and in particular, but not limited to, the following Sections of the Act:

### Campaign Advertisements – s. 88.3(1) to 88.7

#### Campaign Finances

- Contributions to Registered Third Parties – s. 88.12(1) to 88.14(2)
- Registered Third Parties' Expenses – s. 88.21(1) to 88.21(17)
- Duties of Registered Third Parties – s. 88.26(1) to 88.29(11)

### General Penalties – s. 92(4) to 94.1(2)

## Where to find forms

You can get copies of forms from the city clerk, or you can download them from the [Government of Ontario's Central Form Repository](#).

Please note that this list only provides forms applicable to registering and fulfilling requirements for third party advertisers. For an exhaustive list of all forms applicable to municipal elections, please use the direct link.

[Direct link to all forms](#)

[Notice of Registration – Third Party \(Form 7\)](#)

[Financial Statement – Auditor's Report – Third Party \(Form 8\)](#)

[Financial Statement – Subsequent Expenses \(Form 5\)](#)

[Notice of Extension of Campaign Period \(Form 6\)](#)

## Contact us

If you have questions or would like make an appointment to register as a Third Party, please contact us at [guelphvotes@guelph.ca](mailto:guelphvotes@guelph.ca).

You can also contact your regional [Municipal Services Office](#).