

# Standard Operating Procedure



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## Third Party Advertiser Registration Filing

Department:	City Clerk's Office
Division:	ELE - Elections
Category:	NOM – Nomination/Registration
SOP Number:	002
Effective Date:	January 1, 2022
Last Revision Date:	May 31, 2022

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### Purpose

To establish procedures for filing Third Party Advertiser (TPA) registrations for Municipal Elections.

### Application

This procedure applies to City Clerk's Office staff, including the City Clerk and their designate. It also applies to eligible Ontario residents, corporations, and trade unions that will incur expenses for advertisements related to the promotion, support or opposition of a candidate, or take a position on a "yes" or "no" question on the ballot, in any broadcast, print, electronic, or medium who is registered as a TPA.

This procedure does not include advertisements by or under the directions of a candidate. Third party advertising is separate from any candidate's campaign and must be done independently from a candidate.

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### Procedure

#### Where to find registration information

- a) Information on where and when to file nomination papers will be posted on the City's [election website](#).
- b) Notices of Registration and Declarations of Qualifications will be available at the ServiceGuelph counter and on the [election website](#) on or just prior to Monday, May 2, 2022 until Friday, October 21, 2022 during regular office hours.

#### Eligibility

- a) Individuals, corporations and trade unions in Ontario can register as third party advertisers and can also make contributions to third party advertisers.
- b) Specific eligibility for persons and entities to file a notice of registration will be in accordance with Section 88.6(4) of the Act.

- c) Section 88.6(5) of the Act identifies persons and entities that are not eligible to file a notice of registration.
- d) It is the responsibility of the advertiser to ensure that they are qualified to register as a third party advertiser.

### **Booking an Appointment**

- a) Third party advertisers shall book an appointment to file their nomination with the City Clerk's Office to ensure someone is available.
- b) Appointments can be made by emailing [guelphvotes@guelph.ca](mailto:guelphvotes@guelph.ca), or by calling 519-837-5625.
- c) An appointment will be scheduled with the City Clerk or a Deputy City Clerk.
- d) Candidates who drop in may be accommodated if someone is available, however, this is not guaranteed and an appointment may need to be booked for a later date.

### **Procedure to file Notice of Registration**

- a) In accordance with [Section 88.6 of the Act](#), eligible third party advertisers may file a notice of registration using the prescribed [Notice of Registration – Third Party - Form 7](#) with the City Clerk or designated election official.
- b) Notices of Registration can be filed in person by the registrant or official representative of the registrant.
- c) A Declaration of Qualification must be signed by the individual or by an official representative of the corporation or trade union.
- d) At the time of filing, registrants are required to provide an acceptable identification showing your name, address with your Ontario residence and signature.
- e) For an agent filing on behalf of the individual registrant, a letter from the individual registrant authorizing the agent to file must be provided. The agent filing on behalf of the individual registrant must also provide a copy of the individual registrant's acceptable identification as well as an acceptable identification as prescribed by [Ontario Regulation 304/13 – Voter Identification](#) showing the agent's name and qualifying address.
- f) For those filing as the representative of a corporation or trade union, a letter providing proof that they are authorized to act on the corporation or trade union's behalf must be provided at the time of filing.
- g) The City Clerk may verify authorization letters provided by an agent filing on behalf of an individual registrant or a representative of a corporation or trade union.

### **Certification of Notice of Registration**

- a) If satisfied that the third party advertiser is qualified to be registered and that the notice of registration complies with the Act, the City Clerk will certify the notice of registration by signing it within two business days.

- b) If not satisfied that the third party advertiser is qualified to be registered or the notice of registration complies with the Act, reject the notice of registration.
- c) The City Clerk's decision to certify or reject a notice of registration is final.
- d) On the date on which the City Clerk certifies the Notice of Registration, the third party is a registered third party for the election.

### **Certified List of Third Party Advertisers**

- a) The City Clerk's Office shall provide notice of the certified third party advertisers by posting a list on the municipal election website which will be updated as each Notice of Registration has been certified by the City Clerk.

### **Withdrawing a Notice of Registration**

- a) A registered third party advertiser may withdraw their registration by filing a written withdrawal in the City Clerk's office after the opening of nomination period on Monday, May 2nd, 2022 until Friday, October 21, 2022 during regular office hours.
- b) If a registered third party advertiser files a nomination as a candidate, their registration is considered withdrawn at the time the nomination is filed.

### **Definitions**

**"Agent"** means a person who has been authorized to act on another's behalf.

**"City Clerk"** means the Clerk of the municipality, responsible for conducting election duties as outlined in the Elections Act.

**"Official Representative"** means a person authorized to act on the corporation or trade union's behalf.

**"Third party advertiser"** means any person or entity that is not a political party, candidate or constituency association, and that engages in political advertising.

### **References**

[Municipal Elections Act](#), 1996.

[2022 Third Party Advertisers' Guide](#)