

3. 2018 ELECTIONS – AMENDMENTS TO THE SIGNS BY-LAWS – THIRD PARTY ADVERTISERS

ÉLECTIONS 2018 – MODIFICATIONS AUX RÈGLEMENTS SUR LES  
ENSEIGNES - PUBLICITÉ DE TIERS

### **COMMITTEE RECOMMENDATION**

That Council approve amendments to the *Signs on City Roads By-law* and the *Temporary Signs on Private Property By-law*, as described in this report.

### **RECOMMANDATION DU COMITÉ**

Que le Conseil approuve les modifications techniques proposées pour le *Règlement régissant les enseignes sur les routes de la Ville* et le *Règlement régissant les enseignes temporaires sur les propriétés privées*, comme l'énonce le présent rapport.

### **DOCUMENTATION/DOCUMENTATION**

1. Manager's report, Legislative Services dated 31 October 2017 (ACS2017-CCS-GEN-0026)

Rapport du gestionnaire, Services législatifs daté le 31 octobre 2017 (ACS2017-CCS-GEN-0026)

**Report to  
Rapport au:**

**Finance and Economic Development Committee  
Comité des finances et du développement économique  
7 November 2017 / 7 novembre 2017**

**and Council  
et au Conseil  
22 November 2017 / 22 novembre 2017**

**Submitted on October 31, 2017  
Soumis le 31 octobre 2017**

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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2017-CCS-GEN-0026**

**SUBJECT: 2018 Elections – Amendments to the Signs By-laws – Third Party  
Advertisers**

**OBJET: Élections 2018 – Modifications aux règlements sur les enseignes -  
publicité de tiers**

## REPORT RECOMMENDATIONS

That the Finance and Economic Development Committee recommend Council approve amendments to the *Signs on City Roads By-law* and the *Temporary Signs on Private Property By-law*, as described in this report.

## RECOMMANDATIONS DU RAPPORT

Que le Comité des finances et du développement économique recommande au Conseil d'approuver les modifications techniques proposées pour le *Règlement régissant les enseignes sur les routes de la Ville* et le *Règlement régissant les enseignes temporaires sur les propriétés privées*, comme l'énonce le présent rapport.

## BACKGROUND

### Municipal Elections Act, 1996

Rules for the administration of elections in all Ontario municipalities, including the City of Ottawa, are governed by the *Municipal Elections Act, 1996* (the "MEA"). On June 9, 2016, Bill 181, the *Municipal Elections Modernization Act, 2016*, received Royal Assent. On December 14, 2016, Council received an information report ([ACS2016-CMR-CCB-0051](#)) that summarized the key changes introduced by Bill 181. In brief, Bill 181 has approximately 65 pages of amendments to the MEA (which itself was 76 pages). Among these changes, Bill 181 introduced a new legislative framework for advertising conducted by third parties, which will come into effect on April 1, 2018, to be in place for the 2018 municipal elections.

For the purposes of the MEA, third parties are considered to be residents, corporations and trade unions of Ontario who are not candidates in an election and who incur advertisement costs 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 other medium. The framework established by Bill 181 includes a requirement for third parties to register before incurring any expense related to advertising, as well as provisions setting out: the need for third parties to provide identification on their advertisements; the requirement for third parties to adhere to spending limits; and rules regarding third-party contributions and the filing of financial statements.

Amendments under Bill 181 also provide for a municipality to enforce the advertising rules with respect to third parties and candidates' campaign election advertisements. It is worth noting that this authority will include requiring an advertisement to be removed or discontinued. The MEA, as amended, includes the provision that if a municipality is satisfied that there has been a contravention relating to candidates' election campaign advertisement or third-party advertisement rules, the municipality may require a person who the municipality "reasonably believes" contravened the MEA, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

### **Signs By-laws**

With respect to City by-laws, there are two by-laws that restrict the placement of candidate election signs: the *Signs on City Property By-law* (No. 2003-520) and the *Temporary Signs on Private Property By-law* (No. 2004-239). The *Signs on City Property By-law* permits candidate signs to be placed along City roads 30 days prior to Voting Day. The *Temporary Signs on Private Property By-law* permits candidate signs to be placed on private property 60 days before Voting Day. However, as neither of the current by-laws address the newly-recognized role of third party advertisers in elections, staff are recommending that amendments be made to both by-laws as set out below in the next section.

### **DISCUSSION**

This report recommends technical amendments to the two by-laws governing election signs to ensure that these by-laws address the signs of registered third-party advertisers.

#### **Proposed Amendment to the *Signs on City Roads By-law No. 2003-520***

With the addition of the third party provisions to the MEA, amendments are needed to the *Signs on City Roads By-law*. This By-law defines an "election sign" as follows:

*"election sign" means a temporary sign, including a poster sign or rigid ground mounted sign, advertising a candidate or political party in a municipal, school board, public utility company, provincial or federal election, and in the case of rigid ground-mounted sign, having a sign face not greater than four*

*hundred and sixty millimeters (460 mm) in width and seven hundred and sixty millimeters (760 mm) in height, and the upper extremity of which is not greater than one hundred and twenty centimeters (120 cm) from the ground.*

In order to more accurately reflect the definition of a third party advertisement, as presented in the MEA, staff recommend the definition read as follows:

*“election sign” means a temporary sign, including a poster sign or rigid ground mounted sign, **that supports or opposes** a candidate, a political party, **or a “yes” or “no” answer to a question on the ballot** in a municipal, school board, public utility company, provincial or federal election, and in the case of rigid ground-mounted sign, having a sign face not greater than four hundred and sixty millimeters (460 mm) in width and seven hundred and sixty millimeters (760 mm) in height, and the upper extremity of which is not greater than one hundred and twenty centimeters (120 cm) from the ground.*  
[Proposed revisions highlighted].

### **Proposed Amendments to *the Signs on Private Property By-law (2004-239)***

Currently, the *Temporary Signs on Private Property By-law* No. 2004-239 includes references to election signs. At this time, this By-law defines an “election sign” as follows:

*“election sign” means temporary sign advertising a candidate or political party in a municipal, school board, public utility company, provincial or federal election.”*

To incorporate the signs of registered third party advertisers, staff recommends that the new definition read as follows:

*“election sign” means a temporary sign that **supports or opposes** a candidate, a political party, **or a “yes” or “no” answer to a question on the ballot** in a municipal, school board, public utility company, provincial or federal election.*  
[Proposed revisions highlighted].

Additionally, By-law 2004-239 currently requires candidates to ensure that their election signs are placed and removed at the specified times, without reference to other individuals or entities that might register as third party advertisers. As such, staff

propose amending the wording of Section 21 of the By-law from “no candidate” to “no person or entity”, as follows:

- (1) ***No person or entity shall*** place or cause to be placed or allow to remain placed an election sign more than sixty (60) days immediately preceding the election date.
- (2) Every election sign together with its appurtenances shall be removed from the premise within forty-eight (48) hours following the election date.  
[Emphasis added].<sup>1</sup>

## RURAL IMPLICATIONS

N/A

## CONSULTATION

N/A

## COMMENTS BY THE WARD COUNCILLOR(S)

This is a City-wide report.

## ADVISORY COMMITTEE(S) COMMENTS

N/A

## LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

## RISK MANAGEMENT IMPLICATIONS

N/A

## FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

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<sup>1</sup> In the case of By-law No. 2003-520, its current wording adequately addresses requirements concerning the specific timing related to the placement and removal of elections signs.

### **ACCESSIBILITY IMPACTS**

The campaign signs of candidates and third party advertisers are not subject to the *Accessibility for Ontarians with Disabilities Act, 2005*. Nevertheless, the Elections Office will provide candidates and third party advertisers with information about accessible elections, such as the “Candidate’s Guide to Accessible Elections,” which is published by the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO).

### **TERM OF COUNCIL PRIORITIES**

N/A

### **DISPOSITION**

Staff to prepare the amending by-laws for enactment upon approval of the report’s recommendation.