

<b>Municipal Election Third Party Registration Procedure</b>	City Clerk – Election Office
	Procedure No.: EO-09-22
	<b>Date: March 2022</b>

## 1. Purpose

- 1.1 This document establishes the City of Hamilton's procedure for receiving and certifying registrations from third party advertisers during the City's municipal elections and/or by-elections.

## 2. Authority

- 2.1 The *Municipal Elections Act* provides broad authority to the City Clerk, who is responsible for conducting an election, to provide for a procedure that is not otherwise provided for in an Act or Regulation and that the City Clerk determines is necessary or desirable to conduct the election. This power includes the ability to establish forms and also permits the City Clerk to require a person to provide proof of their identity or qualifications to an Election Official as a condition of doing anything or having the Election Official do anything under the MEA.

**Reference: 12 MEA**

## 3. Application

- 3.1 This Procedure applies to the City Clerk, Election Officials and to an individual, corporation or trade union that intends to spend money during the Restricted Period on a Third Party Advertisement.

#### 4. Applicable Legislation

- *Municipal Elections Act, 1996, S.O. 1996, CHAPTER 32*

#### 5. Definitions

**“Candidate”** means a person who has been nominated under section 33 of the MEA;

**“City Clerk”** means the City Clerk for the City of Hamilton;

**“Election Official”** means an individual appointed by the City Clerk and to whom the City Clerk has delegated powers pursuant to section 15 of the MEA;

**“MEA”** means the *Municipal Elections Act, 1996, S.O. 1996, CHAPTER 32*;

**“Notice of Registration”** means the Notice of Registration- Third Party-Form 7 being the form prescribed under the MEA for a Notice of Registration;

**“Registered Third Party”** means, an individual, corporation or trade union that is registered under section 88.6 of the MEA;

**“Restricted Period”** begins on the earliest day that an individual, corporation or trade union is permitted to file a Notice of Registration as a Registered Third Party in relation to the election and ends at the close of voting on Voting Day;

**“Third Party Advertisement”** is an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or

opposing a Candidate in the election, or a “yes” or “no” answer to a question on the ballot;

**“Voting Day”** in a regular election is the fourth Monday in October, subject to section 10 of the MEA. Voting Day for the 2022 regular Municipal Election is October 24, 2022.

## **6. General**

6.1. Only a Registered Third Party may:

6.1.1 incur an expense for a Third Party Advertisement during the Restricted Period; *Reference: 88.4(1) MEA*, or

6.1.2 accept a contribution in relation to Third Party Advertisements that appears during an election *Reference: 88.12 MEA*

6.2 Expenses cannot be incurred in relation to a Third Party Advertisement that appear during an election except by a Registered Third Party who is registered in the municipality.

6.3 For the 2022 regular Municipal Election, the City Clerk will accept Notices of Registration between May 2, 2002 and the Friday before Voting Day, being October 21, 2022 at the office of the City Clerk during regular office hours. *Reference: 88.6(1) MEA*

## **7. Eligibility**

7.1 The following individuals and entities are eligible to register as a third party advertiser:

- an individual who is normally resident in Ontario; *Reference: 88.6(4) MEA*

- a corporation that carries on business in Ontario; **Reference: 88.6(4) MEA**
- a trade union that holds bargaining rights for employees in Ontario.  
**Reference: 88.6(4) MEA**

7.2 The following are ineligible to register as a third party advertiser:

- a Candidate; **Reference: 88.6(5) MEA**
- a federal political party registered under the Canada Elections Act (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party; **Reference: 88.6(5) MEA**
- a provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act; **Reference: 88.6(5) MEA**
- the Crown in right of Canada or Ontario, a municipality or local board; **Reference: 88.6(5) MEA**
- an unincorporated group, association or business
- an individual, corporation or trade union registered as a Registered Third Party in relation to the previous regular election who failed to abide with the requirements set forth in section 88.27(1)(a)-(d) of the MEA.

## 8. Registering as a Third Party Advertiser

- 8.1. Third party registration forms may be obtained online at [www.hamilton.ca/elections](http://www.hamilton.ca/elections)
- 8.2. Hard-copies of the Notice of Registration forms will be made available by request only and can be requested by contacting the City Clerk's Office or by contacting [elections@hamilton.ca](mailto:elections@hamilton.ca)

- 8.3. A Notice of Registration may be filed by an individual or an Official Representative of a corporation or trade union in person or by an agent at the office of the City Clerk during regular office hours by appointment only.
- 8.4. Electronic filing of a Notice of Registration is not permitted.
- 8.5. At the time of filing a Notice of Registration, the following documentation must be provided to the City Clerk:

Filing as an individual registrant:

- Completed Notice of Registration- Third Party- Form 7
- Declaration of Qualification – Individual
- Third Party Information Consent Form
- Acceptable identification showing your name and address with your Ontario residence consistent with Policy EO-08-22: Identification Requirements for Third Party Advertisers. Alternatively, a registrant may complete a Declaration of Identify in the prescribed form.

Filing as an agent on behalf of an individual registrant:

- Completed Notice of Registration- Third Party- Form 7
- Declaration of Qualification – Individual
- Third Party Information Consent Form
- A copy of the individual registrant's acceptable identification, consistent with Policy EO-08-22: Identification Requirements for Third Party Advertisers. Alternatively, a registrant may complete a Declaration of Identify in the prescribed form.
- Identification showing the name of the Filing Agent, consistent with Policy EO-08-22: Identification Requirements for Third Party Advertisers. Alternatively, a registrant may complete a Declaration of Identify in the prescribed form.

Filing as the Official Representative of a corporation or trade union registrant:

- Completed Notice of Registration- Third Party- Form 7
- Declaration of Qualification – Corporation or Trade Union
- Third Party Information Consent Form
- Identification showing the name of the Official Representative consistent with Policy EO-08-22: Identification Requirements for Third Party Advertisers. Alternatively, an Official Representative may complete a Declaration of Identify in the prescribed form.
- A board resolution from the corporation or trade union authorizing the Official Representative to act on behalf of the corporation or trade union

8.6. A Notice of Registration filed with the City Clerk by or on behalf of the third party advertiser must contain original signatures. **Reference: 14(1) MEA**

8.7. The City Clerk will provide the individual filing the Notice of Registration with a certificate setting out the maximum amounts, calculated by the City Clerk in accordance with the MEA, that apply with respect to the Registered Third Party in relation to:

- Third Party Advertisements during the Restricted Period as set forth in section 88.21(6) of the MEA; **Reference: 88.21(15) MEA**
- Expenses incurred on parties and other expressions of appreciation after the close of voting as set forth in section 88.21(9) of the MEA. **Reference: 88.21(15) MEA**

8.8. If the Notice of Registration is filed before the City Clerk has calculated the maximum amounts described in section 8.7 of this Procedure, the City Clerk will:

- calculate an estimated amount in accordance with the MEA and provide the individual filing the Notice of Registration with a certificate setting out an estimated amount as of the day of the calculation; **Reference: 88.21(16)(a) MEA**
- once the maximum amount has been calculated, provide the individual who filed the Notice of Registration with a certificate setting out the maximum amounts that apply with respect to the Registered Third Party in relation to Third Party Advertisements. **Reference: 88.21(16)(b) MEA**

8.9. The City Clerk will calculate the maximum amounts as described in section 8.7 not later than September 25 in the year of a regular election. **Reference: 88.21(14) MEA**

## **9. Examination and Certification of Notice of Registration**

- 9.1. The City Clerk will examine each Notice of Registration as soon as practicable upon filing and where satisfied that the individual, corporation, or trade union is qualified to be registered and that the Notice of Registration complies with the MEA, will certify the Notice of Registration by signing it. **Reference: 88.6 (13) MEA**
- 9.2. If not satisfied that the individual, corporation or trade union is qualified to be registered or that the Notice of Registration complies with the MEA, the City Clerk will reject the Notice of Registration (ie: will not sign the Certification section) and will give notice of that fact. **Reference: 88.6 (13) MEA**
- 9.3. The City Clerk's decision to certify or reject a Notice of Registration is final. **Reference: 88.6 (14) MEA**

## **10. Acceptable Identification for Third Party Advertiser**

- 10.1. Identification required pursuant to this Procedure shall be in accordance with Policy EO-08-22: Identification Requirements for Third Party Advertisers.

## **11. Withdrawal of Registration**

- 11.1. A Registered Third Party may withdraw their registration by filing a written withdrawal with the City Clerk during the time for filing a Notice of Registration as set out in section 6.3 of this Procedure. **MEA 88.6(15)**
- 11.2. If a Registered Third Party files a nomination under section 33 of the MEA, their registration as a Third Party Advertiser is deemed to have been withdrawn at the time the nomination is filed. **Reference: MEA 88.6(16)**
- 11.3. Third Party Advertisers who withdraw their registration are still required to file a financial statement and auditors report in accordance with the MEA. **Reference: 88.29 MEA**

## **12. Retention of Records**

- 12.1. All Third Party registration documents will be retained by the City Clerk in a secure location.
- 12.2. Third Party registration documents will be made available for public viewing at the office of the City Clerk at a time when the office is open in accordance with the MEA. **Reference: 88(5) and (6)(6.1)(7) MEA.**



12.3. All documents and materials related to an election, including the Third Party Registration forms but excluding copies of identification, will be retained for a period of at least 120 days following the declaration of the results of the Election. *Reference: 88(1) MEA*

12.4. Copies of identification made to assist the City Clerk in verification of eligibility will be destroyed immediately following the City Clerk's review and certification.

12.5. Except as provided for in 88(3) and 88(4) of the MEA, following the 120-day retention period, records will be destroyed by Election Officials. *Reference: 88(2),(3),(4) MEA*

### **13. Related Policies/Procedures/Guidelines/Information**

Policy EO-08-22: Identification Requirements for Third Party Advertisers

### **14. Revision History**

Date	Description
March 2022	Policy Approved