



Staff Report for Committee of the Whole Meeting

Date of Meeting: December 4, 2017

Report Number: SRPRS.17.207

Department: Planning and Regulatory Services

Division: Regulatory Services

Subject: SRPRS.17.207 - To amend By-law 52-09 to reflect changes to the Municipal Elections Act

Purpose:

To amend By-law 52-09 (Sign By-law) to address changes brought forth in the Municipal Elections Act.

Recommendation(s):

- a) That a By-law to amend the Richmond Hill Sign By-law 52-09, be enacted to amend the following provisions pertaining to election signage:
 - i. That the definition of "Voting Day" be added, and defined as "the day on which the final vote is to be taken in an election",
 - ii. That the definition of "Election Sign" be amended, and defined as " means a sign which advertises or promotes the election of a political party or a Candidate for federal, provincial, municipal or school board election; and includes any Sign of a Registered Third-party Advertiser,
 - iii. That section 6.6.8(b) be amended to read "in the case of a municipal election, 28 days (4 weeks) prior to Voting Day,
 - iv. That a definition for "Registered Third-Party Advertiser" be added, and defined as; "in relation to an election in a municipality, an individual, corporation or trade union that is registered under Section 88.6 of the *Municipal Elections Act*",
 - v. That a definition for "Third-Party Advertisement" be added, and defined as "an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing (a) a candidate, or (b) a "yes" or "no" answer to a question referred to in subsection 8(1),(2) or (3) of the *Municipal Elections Act*, and, for greater certainty, includes any election sign of a Registered Third-Party Advertiser."

vi. That the following new section 6.6.12 be included:

“In the case of a municipal election, a Person who is neither a Candidate nor a Registered Third-party Advertiser shall not be permitted to place an election sign on either public or private property.”

Contact Person:

Jeff Baker, Acting – Manager of Enforcement, extension 3576

Stephen Huycke, Director, Legislative Services/Town Clerk, extension 2529

Report Approval:

Submitted by: Shane Baker, Commissioner of Community Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Background:

The Town's Sign By-law 52-09, section 6.6 governs the placement of a candidates election signs in municipal, provincial and federal elections and by-elections. The next full municipal election will take place on Monday, October 22nd, 2018 ("Election 2018"). Municipal elections are governed by the *Municipal Elections Act*, S.O 1996, c.32 (the "Act" or "Municipal Elections Act"). As previously discussed in staff reports SRCFS.16.034 and SRFS.17.004, the Act has been significantly amended since the 2014 Election. Additionally, the *Municipal Act, 2001* has recently been amended to require that the Regional Chair be elected by all the eligible voters in York Region. As a result of the amendments to the Municipal Elections Act and the Municipal Act, staff recommend that By-law 52-09 (Sign By-law), section 6.6 be amended to reflect these changes.

Period of time for placement of Election Signs

The current provisions of By-law 52-09, section 6.6.8 permits a candidate to post election signs as of Nomination Day. The proposed amendment to this section would amend this to 4 weeks (28 days) prior to voting day. In previous elections, Nomination Day was on the second Friday of September (approximately 5 weeks prior to voting day). As a result, of the amendments to the Municipal Elections Act, Nomination Day is now the fourth (4th) Friday in July, or approximately 12 weeks prior to voting day. Without amending the current provisions of the Sign By-law, election signs for the 2018 election could be posted by candidates for approximately 3 months. This would cause a significant increase in staff time, and in particular, enforcement related efforts as it relates to responding to complaints

Staff is proposing that election signs be permitted for four weeks (28 days) prior to voting day to align with York Region's Election Sign By-law, which governs the placement of election signs on Regional roads. Having a consistent approach to Election sign placement with the Region will assist candidates in complying with the all of the election sign rules. It also reflects the fact that for the first time Richmond Hill voters will be able to vote for the Regional Chair. Candidates for the Office of the Regional Chair will be able to post election signs anywhere in York Region, but will have to comply with the individual sign by-law provisions. Therefore, providing consistency will aid in compliance.

Third Party Advertisers

The Municipal Elections Act has been amended to regulate, for the first time, third-party advertisers. Third-party advertisers are those that support, promote or oppose a candidate, or support, promote or oppose a "yes" or "no" question on the ballot. Individuals, corporations or trade unions that incur expenses by advertising in any broadcast, print, electronic or other medium during the "restricted period" will be required to register with the Town Clerk before incurring expenses.

The “restricted period” begins on the day that Nominations for the election can be filed, and ends at the close of voting on voting day. Essentially this means that if an individual, corporation or trade union is going to publish advertisements that are in support of or opposed to a candidate or a question on a ballot after May 1st in a regular election year, they must first be registered with the Town Clerk before spending any money on the advertisements. Once registered, a third-party advertiser is subject to similar campaign finance rules as candidates, such as spending limits, rules on contributions, and the requirement to file a financial statement with the Town Clerk. This also means that the third-party advertisers will be permitted to place campaign signs, which will also be subject to the provisions of the governing Sign By-laws for individual Municipalities.

The current Sign By-law does not include any rules related to registered third-party advertisers, so the proposed amendments would ensure that Third-party advertisers are subject to the same rules for election sign placement as candidates. They will also ensure that only registered Third-party advertisers will be permitted to place campaign signs.

Financial/Staffing/Other Implications:

There are no financial implications associated with this report.

Relationship to the Strategic Plan:

Undertaking a review of the Sign By-law as it relates to Election signs are in keeping with the Strategic Plan Goal Four: *Wise Management of Resources in Richmond Hill*. Providing the candidates with consistency in the requirements for the placement of Election Signs will assist in compliance, and therefore cut down on complaints in which staff is required to investigate.

Conclusion:

Recent amendments to the Municipal Elections Act and Municipal Act require amendments to section 6.6 of the Town’s Sign By-law, which governs the placement and timing of Election Signs. Staff recommends that the Sign By-law be amended to include provisions related to Third-party Advertisers, as well as amendments resulting from the change in Nomination Day and the election of the Regional Chair.