



Working together with our community

## **Council-In-Committee Meeting – April 12, 2022**

Subject: Election Sign By-law  
Report Number: CAO-22-053  
Division: Chief Administrative Officer  
Department: Clerks and By-law  
Purpose: For Decision

---

### **Recommendation(s):**

THAT Staff Report CAO 22-053 regarding the Election Sign By-law 2022 be received as information;

AND FURTHER THAT Council approve the Election Sign By-law as presented.

### **Executive Summary:**

The purpose of this report is to outline recommended changes to the County's Election Sign Bylaw to capture legislative changes, provide better clarity related to the location and restrictions of campaign signage and to address minor administrative and clerical amendments.

### **Discussion:**

#### Background

Norfolk County established a comprehensive Election Sign By-law in 2010 and over the years a few minor amendments were approved.

In 2018 the *Municipal Elections Act, 1996*, as amended, was updated to include provisions to regulate Third Party Advertisers. Third party advertising refers to advertisements or other materials that support, promote or oppose a candidate, or question on the ballot. Third Party Advertisers are not a candidate and act independently from a candidate. Ultimately, third party advertising is a way for those outside of the candidate's campaign to express support of or opposition to candidates and to try to persuade voters to vote a certain way. Third Party Candidates should be subject to the same sign by-law regulations as a candidate.

In 2018, Norfolk County Council passed an amending by-law to limit election signs being erected or displayed to thirty days prior to the Day of Election in the year of a Municipal Election or By-Election. In early 2021, to accommodate the provisions of conducting the Ward 2 by-election, the Election Sign by-law was brought forward with

the intention of repealing the 2010 by-law to provide for a new by-law. The new by-law was intended to amend the sign provisions for municipal by-elections to limit election signs being erected or displayed to 45 days prior to the day of a By-Election. Although the original 2010 by-law was presented as a new by-law, and passed in March 2021, it inadvertently failed to include the amending by-laws passed since its inception including the amending timing clause for the by-election.

### Discussion

Staff have reviewed the existing Election Sign By-law and are proposing some minor clerical changes, updating legislative requirements, providing for the 30-day sign limitation as approved in 2018, providing better clarity around campaign signage in relation to Voting Places and inclusion of provisions to reduce sign pollution during the campaign period. A summary of the proposed changes are as follows:

### **Part 1 – Definitions**

Addition of:

- “Owner” shall mean the registered owner of a property or his/her agent and, in the case of a condominium, shall mean the corporation or a person authorized to act on behalf of the corporation.
- “Third Party Advertiser” shall mean:
  - (a) in the case of a federal or provincial election, a person, entity or group, other than a registered party, registered association, candidate or nomination contestant, that conducts election advertising.
  - (b) In the case of Norfolk County municipal election, an individual, corporation or trade union that is a registered third party pursuant to section 88.6 of the *Municipal Elections Act*, 1996, as amended.
- “Voting Place” shall mean a place where electors cast their ballots and:
  - (a) When a Voting Place is located on Public Property, includes all of the area enclosed by the lot lines of the Public Property and any Highway abutting; or
  - (b) When a Voting Place is located on Private Property, includes all of the common elements of the Private Property and any Highway immediately abutting.

### **Part 2 – General**

Addition of:

- No person shall place or permit to be placed an Election Sign in any ward that they are not officially nominated or registered in.
- No person shall erect an election sign, poster or placard that refers to an election
  - (a) within 100 metres of a Voting Place, unless such land is a residential private property.

### **Part 3 – Elections signs on public property**

Addition of:

- No person shall place or permit to be placed an Election Sign within 10 metres of another Election Sign of the same candidate.

## **Part 4 – Elections Signs on Private Property**

Addition of:

- Election Signs may be erected or displayed on private property if:
  - (a) consent has been obtained from the owner of the property prior to the erection of the sign;
- Election Signs on Private Property shall be limited to:
  - (a) No more than two election signs per candidate on any one residential property;
  - (b) No more than two election signs per registered third party on any one residential property;
  - (c) No more than three election signs per candidate on any one private property other than residential;
  - (d) No more than three election signs per registered third party on any one private property other than residential.

## **Part 5 – Timing**

Amending clauses:

- Election signs associated with a municipal election shall not be erected or displayed any earlier than after 12:00 p.m. thirty (30) days prior to Voting Day, as defined in the *Municipal Elections Act, 1996*, as amended, in each year a Municipal Election is held or prior to nomination day in the event of a By-Election.
- Election Signs shall not be erected or displayed for a federal or provincial election until after 12:00 p.m. on the date the Writ of Election is issued in accordance with the *Canada Elections Act*, as amended, and the *Election Act*, as amended;

The new by-law will result in election signs authorized to be erected or displayed as of September 24 for the 2022 municipal election.

As Nominations for the 2022 municipal election open on May 2, 2022, any amendments to the Election Sign By-law should be in place prior to May 1, 2022.

### **Financial Services Comments:**

There are no financial impacts related to the changes proposed in the Election Sign By-law.

### **Interdepartmental Implications:**

The Election Sign By-law has implications for By-law Enforcement, Roads and the Building department.

### **Consultation(s):**

Consultation included By-law, Roads, Building and the Senior Leadership Team.

### **Strategic Plan Linkage:**

This report aligns with the 2019-2022 Council Strategic Priority "Focus on Service".

- Explanation: Modernize Norfolk County's approach to by-law development and enforcement.

### **Conclusion:**

Staff Report CAO 22-053 related to the Election Sign By-law outlines minor legislative and clerical changes to the by-law to correct errors and omissions, and to regulate the location and timing of campaign signage during the election campaign period. The revised by-law will be presented to Council for adoption at the April 19, 2022 Council meeting to be in place prior to the first day of nominations for the 2022 municipal election.

### **Attachment(s):**

- Attachment 1: By-law 2021-31 Current Election Sign By-law
- Attachment 2: Proposed Election Sign By-law

### **Approval:**

Approved By:  
Al Meneses  
Chief Administrative Officer

Prepared/Reviewed By:  
Teresa Olsen  
County Clerk