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## **Election Sign By-law Staff Report to Council**

Report Number: 2022-12

Department(s): Legislative Services

Author(s): Flynn Scott, Manager, Regulatory Services

Meeting Date: February 28, 2022

### **Recommendations**

1. That the report entitled Election Sign By-law dated February 28, 2022 be received; and,
2. That Council approves the draft Election Sign By-law; and,
3. That Council repeal Election Sign By-law 2017-74, as amended; and,
4. That Council amend AMPS By-law 2019-62 and Fee's and Charges By-law 2019-52; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to present an updated Election Sign By-law in preparation for the upcoming municipal and provincial elections throughout 2022.

### **Background**

In October 2017, staff throughout all York Region municipalities participated in a working group to develop consistency with election sign regulations throughout York Region. At that time, the Town's draft by-law was reviewed and evaluated for best practices and several recommendations were provided from the working group and incorporated.

On October 24, 2017, the Town held a Public Information Centre to obtain feedback from the public on the proposed regulations related to election signs.

On October 30, 2017, a Council Workshop was held and members of Council were provided the opportunity to ask questions about the draft by-law. There were a number of concerns raised during the Council Workshop, with the most notable as follows:

- Clarify the rules re: vehicles being used to primarily display election signs
- Removing the requirement for only allowing election signs in the ward a person was nominated in;
- Allowing fascia signs on campaign offices; and
- Clarifying where election signs are permitted to be placed.

On December 4, 2017, Council adopted [Election Sign By-law 2017-74](#) for the Town of Newmarket. Establishing a standalone by-law was intended to streamline the administration of election sign regulations while also creating clear rules to better assist candidates and third parties. By-law 2017-74 was also presented and adopted to incorporate recent amendments to the Municipal Act, which included changes to allow third party advertising and classifying a Regional Chair as a directly elected position. However, following the 2018 provincial election, further amendments were made to the Municipal Act to remove the Regional Chair as a directly elected position and those changes are incorporated in this review.

Since implementation, there have been two elections completed; one municipal and one provincial. Following both elections, Town staff received input for improving the overall process and this feedback is incorporated into the recommendations provided in this report.

## **Discussion**

Recognizing the extensive review completed in 2017, Town staff focused this review on feedback received following the Election Sign By-law's adoption in 2017.

### **Review of fees collected**

#### **Election Sign By-law 2017-74 currently requires the following fees be collected and paid by a candidate or party:**

- \$250 non-refundable fee for administration and enforcement of election signs on municipal or private property;
- \$250 non-refundable fee for administration and enforcement of elections signs on regional property (including along arterial roadways and intersections); and
- \$25 per sign fee for each sign removed by Town staff throughout the campaigning periods.

Town staff received considerable feedback to review the existing fee and fine structure pertaining to election signs. As part of this review, staff evaluated past practices documented throughout previous elections to better understand if the fees collected align with the necessary enforcement action pertaining to election signs. Town records

demonstrate that every election varies and further diverges by candidate or party with no clear trends identified. Recognizing that each election brings new enforcement challenges based on candidate compliance rates, Town staff are proposing a new fee and fine structure to directly associate fees or fines with confirmed violations, rather than a non-refundable deposit for all candidates or parties. Fees and fines are now proposed as follows:

- A \$50 non-refundable application processing fee for the administration necessary to evaluate and issue an election sign permit;
- A \$250 refundable deposit at the time of application. This deposit will be held until all election signs have been removed from all properties pursuant to the by-law (i.e. 72hrs following Voting Day); and
- A \$25 administrative monetary penalty (AMPS) ticket be introduced for each sign removed by Town staff due to non-compliance with the Town's by-law.

A comparative chart is provided below to highlight the existing fee structure versus the newly proposed model:

Current Election Sign By-law Fees	Proposed Election Sign By-law Fees
<b>\$250 NRF fee</b> <ul style="list-style-type: none"> <li>- for application processing</li> <li>- for enforcement on municipal or private properties</li> </ul>	<b>\$50 NRF application processing fee</b> <ul style="list-style-type: none"> <li>- for administration required to process a permit</li> </ul>
<b>\$250 NRF fee</b> <ul style="list-style-type: none"> <li>- for enforcement on regional properties (including arterial roadways/highways)</li> </ul>	<b>\$250 refundable deposit</b> <ul style="list-style-type: none"> <li>- for enforcement on municipal, regional, or private properties</li> <li>- this deposit will also be applied to any sign removal fees at \$25 per sign</li> </ul>
<b>\$25 per sign removal fee</b> <ul style="list-style-type: none"> <li>- for every sign removed by Town staff and not in compliance</li> <li>- invoice is sent and collected via municipal taxes or collection agency</li> </ul>	<b>\$25 per sign removal AMPS fine</b> <ul style="list-style-type: none"> <li>- for every sign removed by Town staff and not in compliance</li> <li>- AMPS model proposed to recover costs in excess of \$250 deposit</li> </ul>

Under the newly proposed fee and fine structure, candidates will no longer be required to pay a \$500 non-refundable fee for enforcement purposes and will instead be charged per sign required to be removed by Town staff. Using the proposed model, candidates or parties will provide a \$250 deposit at the onset and this deposit will be used to deduct a \$25 per sign fee for each sign removed by Town staff directly. In the event that over 10 signs are required to be removed (i.e. \$25 per sign fee x 10 signs = \$250 deposit), a \$25 AMPS ticket will be issued per sign removed by Town staff to recover enforcement costs associated with the removal process. By introducing the AMPS model, any fines imposed are eligible to be disputed via a third party adjudicator (Hearing Officer) and the

process eliminates any potential or perceived conflicts between Town staff and candidates running to be elected officials.

Town staff are confident that the proposed approach will be more fair and consistent for all candidates or parties involved and does not negatively impact any candidate unnecessarily by imposing high fees at the forefront. This approach also supports eliminating inequitable barriers that may exist for candidates in the nomination process.

## **Review of existing regulations imposed**

In reviewing the existing regulatory framework for election signs in Newmarket, most regulations were drafted in partnership with other York Region municipalities to streamline and align election sign by-laws throughout the Region. The placement and location of signs, the sign's overall design, messaging, and size requirements mirrors regulations established in other municipalities for consistency purposes.

Of the feedback received to date, there were also no concerns identified relating to the placement, location, design, or sizing of election signs. For this rationale, Town staff has recommended no changes to the existing regulations (with the exception of fees, as provided above). Instead, clerical and housekeeping changes have been incorporated to further enhance the user's experience when reading the proposed by-law.

## **Overall alignment within York Region**

Town staff received additional feedback and recommendations to update the Election Sign By-law as follows:

1. Align the provincial and federal start dates with the Region's by-law; and
2. Review the York Catholic District School Board candidate application process, as these candidates' jurisdiction uniquely extends into Georgina and East Gwillimbury and processes and fees are being duplicated across municipalities.

### **Provincial and Federal Start Date Review**

As part of this overall review, Town staff met with Regional staff to discuss any discrepancies noted between respective by-laws enacted. No other significant discrepancies were identified, with the exception of the provincial and federal start dates to permit election signs to be placed throughout the community.

For Council's reference, a comparative chart is provided below to summarize the existing regulations enacted pertaining to provincial and federal start dates:

<b>Town of Newmarket Requirements</b>	<b>York Region Requirements</b>
The day after the writ of an election or by-election is issued	The period commencing at 10 a.m. on the 28th day prior election day

Regional staff advised that they do not intend to amend any regulations pertaining to election signs in 2022 and plan to gather feedback throughout the upcoming election year for consideration at an undetermined future date.

Provided this information, Town staff subsequently reviewed existing election sign by-laws for all York Region municipalities to determine whether or not the Town's rules align with other municipalities. Throughout York Region, all municipal by-laws are consistent with the Town's current approach (i.e. the day after writ) for provincial and federal election campaigns. Recognizing that all municipal by-laws align throughout York Region (with the exception of the Region's by-law), Town staff are not recommending any amendments at this time. However, Town staff are committed to ongoing and future consultation with Regional staff for overall consistency across the Region.

#### York Catholic District School Board Review

Following the previous municipal election campaign, feedback was received by the Town to review the York Catholic District School Board candidate application and fee process. Town staff received input from several stakeholders that York Catholic District School Board candidates, in particular, have campaign jurisdictions which extends into the Towns of Georgina and East Gwillimbury. As a result, candidates are required to apply and pay fees in three municipalities in order to place election signs throughout these communities.

Town staff consulted with Georgina and East Gwillimbury staff in an effort to streamline this application process. Through consultation with both municipalities, it was confirmed that both Georgina and East Gwillimbury amended their election sign by-laws in 2018. As a direct result of these amendments, Georgina no longer accepts applications nor issues permits and therefore no fees are charged and East Gwillimbury does not charge a fee for permits.

Provided this information, Town staff does not recommend amendments to existing processes or to consider a streamlined process, as the duplication of fees has been resolved following this feedback being received.

## **Conclusion**

The proposed Election Sign By-law is being presented for Council's consideration in preparation for future elections. It is relevant to note that nearly all amendments proposed within the by-law focusses on minor clerical updates, housekeeping items, and a re-write of existing provisions using plain language and organized to be more user-friendly. In addition to these house-keeping items, Town staff is also proposing a new fee structure, which is supported by feedback received throughout previous election campaigns. Overall, Town staff remains committed to ongoing and future review of election sign requirements and will continue consultation with the Region and York Region municipalities to target alignment across all jurisdictions.

## **Business Plan and Strategic Plan Linkages**

This report aligns with the Town of Newmarket's vision of being *Well Beyond the Ordinary* – implementing a regulatory framework which reflects sound and accountable governance.

## **Consultation**

Consultation with the Towns of Georgina and East Gwillimbury has been completed.

Consultation with York Region has also been completed.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

Attachment #1 – Proposed Election Sign By-law

Attachment #2 – Proposed amendments to the Town's Fees & Charges By-law

Attachment #3 – Proposed amendments to the Town's AMPS By-law

## **Approval**

Lisa Lyons, Town Clerk/Director, Legislative Services

Esther Armchuk, Commissioner, Corporate Services

## **Contact**

Flynn Scott, Manager of Regulatory Services, Legislative Services