



## Report to Council

Department: Office of the CAO  
Division: Legal and Legislative Services  
Date: May 16, 2022  
Prepared by: Robert W Auger, Town Solicitor/Clerk  
Report Number: Legal and Legislative Services-Report 2022-20  
Subject: Election Sign By-Law  
Number of Pages: 5

### Recommendation(s)

**That** Legal and Legislative Services Report 2022-20 Entitled Election Sign By-Law prepared by Robert Auger, Town Solicitor/Clerk be received, and

**That** By-Law Number 2028 Being a By-law to regulate the use of election signs within the geographical boundaries of the Town of Essex receive a first, a second and a third reading and be finally passed this 16<sup>th</sup> day of May 2022.

### Purpose

For Council to enact a stand-alone Election Sign By-Law, (attached as Appendix A) to provide ease of access and clarity on election signage for candidates, their campaign teams and third party advertisers for municipal, provincial, and federal elections

### Background and Discussion

Coming out of the 2018 general municipal election the Clerk conducted a review of its election related by-laws, policies and procedures. currently in place. As a result Council at its July 20,

2020 meeting, received Legal and Legislative Services-Report 2022-20 which, among other recommendations from that review, was a recommendation for the creation of a stand alone Election Sign By-law.

Currently Elections Signs are regulated under the General Sign By-law 1350 ( as amended by By-law 1716) which simply provides as follows:

**Election Sign** means a sign promoting a candidate for political office or a political party, local board, commission or trusteeship, voters' lists or related notices or any sign which is intended to influence a vote for or against a candidate or issue.

**11.4 Election signs** may be erected:

- 1) not earlier than 45 days before the voting day and shall be removed not later than 5 days after voting day;
- 2) on a public right-of-way, but:
  - i) not between a curb and a parallel sidewalk;
  - ii) not within 1.5 meters of a curb, gravel shoulder or pavement where there is no sidewalk;
  - iii) not within 6 meters of a road right-of-way or sidewalk intersection, measured from the point of intersection, forming a daylight corner, and having a total height of no more than 1 meter;
  - iv) nor at such other location so as to pose a distraction to motorists or interfere with vehicular or pedestrian sight lines or otherwise pose an unsafe condition;
- 3) but not on lands, buildings or structures owned and/or occupied by the Town; and
- 4) the sign shall have a sign face area not exceeding one (1) square meter on any side and it shall not display the Town's logo or any other elements or information (whether proprietary or not) associated with the Town's brand identity, its facilities or agencies.

It was recommended via Legal and Legislative Services-Report 2022-20 that a more

comprehensive stand-alone Election Sign By-law be adopted by Council in order to address what was then opined by the Clerk to be insufficient election sign provisions lacking detail which are “lost” within an already comprehensive general sign-by-law. The lack of further clarity relating to the use of election signs lead to the existing provisions either not being followed, understood, or interpreted correctly. In particular during the 2018 election there appeared to be confusion at times as to whether and which of the general sign by-law provisions apply to election signs and which did not.

As a result attached as Appendix 'A' to this Report is a copy of the new proposed stand alone election By-law, By-law 2028 Being a By-law to regulate the use of election signs within the geographical boundaries of the Town of Essex.

A separate “stand-alone” election sign by-law will make it much easier to communicate sign rules to candidates during federal, provincial and municipal elections, and will allow for the by-law to be updated with any relevant legislation changes from time to time without impacting the larger general sign by-law and its ongoing regulation thereof.

The proposed by-law has been written to make it easier to understand for candidates, the public, and enforcement officials. The simplified language, and the inclusion of all relevant material within one by-law dedicated to just elections, will hopefully mean that the by-law is easier to administer.

The proposed new By-law provides for more extensive definitions and details of the requirements surrounding the use of election signs and the timing, placement and location of election signs throughout the Municipality.

What is lacking from the current election sign provisions (in the general sign by-law 1350 as amended) is a deterrence factor in order to prevent the placing of the violating elections sign in the first place. Further, the current election sign provisions really do not give the Clerk direct authority to deal with the offending signs.

As a result one of the proposed changes that is introduced in the new proposed by-law is the introduction of an "Election Sign Permit" and required deposit.

Application for an Election Sign Permit for review and approval by the Clerk will need to be made prior to any placement of elections signs. Further there is the requirement of an "Election Sign Permit Deposit" a financial deposit that the candidate or third-party advertiser would pay to the Municipality in return for the issuance of the permit. The election sign deposit in the proposed amount of \$100 for Ward candidates and \$200 for "at large" candidate would be returned in full where there has been no violation to the election sign by-law during the campaign and all signs have been removed when required. If there are any violations of the new Election sign by-law then the Clerk reserves the full discretion to retain some or all of the deposit together with the discretion to revoke any permits issued and the discretion to immediately remove and confiscate illegally placed elections signs during the campaign and signs not removed following the election. The new Election Sign By-law also provides that violations thereof could constitute an offence under the Provincial Offences Act. Any fees, fines or amounts payable relating to the violation of the By-law by a Candidate or third-party advertiser which remain outstanding after application of the deposit could be collectable in the same manner as Municipal taxes or by such other means available to the Town.

Finally, the new by-law also provides clarification that the by-law applies to all elections: federal, provincial and municipal.

## **Financial Impact**

The costs associated with the implementation and enforcement of this By-law for the 2022 Municipal Election are included in the Town of Essex 2022 Budget as approved by Council.

## **Consultations**

Chief Administrative Officer

Deputy Clerk, Legal & Legislative Services

Director, Development Services

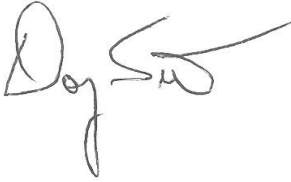
## **Link to Strategic Priorities**

- Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	New Election Sign By-law - Legal and Legislative Services-2022-20.docx
Attachments:	- By-Law No. 2028 - Election Sign By-Law.pdf
Final Approval Date:	May 10, 2022

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Doug Sweet". The signature is written in a cursive style with a long horizontal stroke extending to the right.

**Doug Sweet, Chief Administrative Officer - May 10, 2022 - 10:57 AM**