



ELECTIONS BC

A non-partisan Office of the Legislature

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GUIDE TO ELECTION COMMUNICATIONS

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Introduction

This guide outlines the rules for election communications during a campaign period. This guide is only a summary of the requirements and does not have precedence over the *Election Act*. Where possible, section references to the Act are noted; however, if any parts of this document conflict with what appears in the *Election Act*, the Act shall be deemed the exclusive authority with respect to election communications.

The *Election Act* is available for viewing on our Web site (www.elections.bc.ca) or can be purchased from:

Crown Publications
521 Fort Street
Victoria, British Columbia
V8W 1E7

Definitions

Advance Voting:	Voting at an Advance Voting opportunity held between the hours of 12 noon and 9 p.m. on the Wednesday, Thursday, Friday and Saturday of the week preceding General Voting Day.
Advertising:	Advertising is any public promotional materials, including, but not limited to, leaflets, lawn signs, billboards, brochures, buttons, badges, newspapers, radio, television, newsletters, Web sites, and public address systems.
Campaign Period:	A campaign period is the period between when an election is called and the close of General Voting on General Voting Day.
Candidate:	An individual who has filed all required nomination documents and who has been issued a Certificate of Candidacy. A person remains a candidate until the date the writ of election is returned. For the purposes of election financing or election communications, also includes an individual who becomes a candidate or was a candidate.
Chief Electoral Officer:	An Officer of the Legislature appointed by the Lieutenant Governor on the recommendation of the Legislative Assembly. The Chief Electoral Officer is responsible for the supervision and administration of the <i>Election Act</i> .

Conduct:	Conducting advertising means to publish or sponsor election advertising. Publish means the dissemination of election advertising through various media: print, electronic (e.g., radio, television, and Web sites), and public address systems.
Contribution:	A contribution is money provided to a sponsor of election advertising, whether given before or after the individual or organization acts as a sponsor. A "contribution" differs from a "political contribution".
District Electoral Officer:	One District Electoral Officer for each electoral district is appointed by the Chief Electoral Officer to administer elections in that district.
Election Advertising:	Advertising used during a campaign period to promote or oppose, directly or indirectly, the election of a candidate or a registered political party.
General Voting Day:	The day on which the election is held. General Voting Day is the 28th day after the day on which the election is called (if a holiday, then the first day following which is not). Voting hours are 8 a.m. to 8 p.m., Pacific time.
Sponsor:	A sponsor is an individual or organization who pays for election advertising or who receives free election advertising as a contribution or on whose behalf election advertising is conducted.

Third Party Advertiser: Organizations or individuals, other than candidates, registered political parties and registered constituency associations who sponsor election advertising.

In contrast, conducting advertising on behalf of a candidate or registered political party is not third party advertising but is an election expense of that candidate or registered political party.

Value of Election Advertising: The value of election advertising is:

- the price paid for preparing and conducting the election advertising (including applicable taxes), or
- the market value of preparing and conducting the election advertising (including applicable taxes), if no price is paid, or if the price paid is lower than the market value.

Voting Place: A building or part of a building or other facility where Advance Voting or General Voting is conducted.

Writ of Election: The document issued by the Chief Electoral Officer which officially directs a District Electoral Officer to conduct an election in the electoral district.

Writ Day: The day on which an election is called and the Writ of Election is issued.

General Information

Advertising must indicate sponsorship

- s. 229, 231 Election advertising must not be conducted (or published) unless it identifies the name of the sponsor and indicates that it was authorized by the identified sponsor. In the case of a candidate, the name of the financial agent must be identified and in the case of a third party sponsor, the registered sponsor must be identified. Also, the advertising must give a British Columbia mailing address or telephone number at which the sponsor or financial agent may be contacted regarding the advertising. If the sponsor is a numbered corporation or an unincorporated organization, the statement must include the names of both the organization and a principal officer. For example:

*Authorized by Good Guys Club; Jane Doe; registered sponsor under the Election Act, (604) 123-4567;
Authorized by Jane Doe, registered sponsor under the Election Act, (604) 123-4567; or
Authorized by Jane Doe, financial agent, (604) 123-4567.*

Election advertising sponsors must make an individual available to be responsible for answering questions from the public that are directed to the address or telephone number.

No indirect sponsorship of election advertising

- s. 230 No one can sponsor election advertising with the property of any other individual or organization, or indirectly through any other individual or organization.

Restrictions on rates charged for election advertising

s. 232 Registered political parties, registered constituency associations and candidates must not be charged a rate for election advertising in a periodical publication (e.g., newspaper, magazine, etc.) or on radio or television that exceeds the lowest rate charged by the individual or organization for equivalent advertising in the same medium during the same campaign period. This means that registered political parties, registered constituency associations and candidates must be charged equivalent rates for equivalent ads.

Prohibition against election advertising on General Voting Day

s. 233 Election advertising in newspapers, magazines, on radio or television is not allowed on General Voting Day.

Restrictions on campaigning near election offices and voting places

s. 234 While Advance Voting or General Voting is being conducted, no election advertising may be conducted by means of a public address system or loud speaker that is within hearing distance of a voting place.

While Advance or General Voting is being conducted at a voting place, there is a 100-metre no-campaigning zone around the building where the voting is being conducted. Campaigning includes:

- posting, displaying or disseminating election advertising or any material that identifies a candidate, registered political party or registered constituency association;
- canvassing or soliciting votes or attempting to influence how a voter votes;
- carrying, wearing or supplying a flag, badge or anything else that indicates the user is a supporter of a particular candidate or registered political party, and;
- posting, displaying, disseminating or openly leaving a representation of a ballot marked for a particular candidate or registered political party.

During a campaign period (issue of a Writ to the end of voting on General Voting Day), no one may post, display or disseminate any election advertising or any material that identifies a candidate, a registered political party, or a registered constituency association within 100 metres of the building where the District Electoral Office is located. An exception is made for materials authorized by the District Electoral Officer.

If any contravening material is posted or displayed within the 100-metre no-campaigning zone, the District Electoral Officer may enter the property where the materials are located and remove, cover or otherwise obscure them from view.

Election campaign signs

The Ministry of Transportation conditionally allows election posters or signs on highway rights-of-way, with the exception of freeways or any major highway structures. Election posters or signs:

- must not be attached to, obstruct or simulate any traffic control device;
- must not be positioned closer to the traveled lanes than standard traffic signs;
- must not be placed and/or constructed in any fashion that may cause a traffic accident;
- are not allowed until the writ of election has been issued.

There are, however, some exceptions. Election campaign signs are not allowed to be placed on:

- Highway 1, from Horseshoe Bay to Hope;
- Highway 5, from Hope to Kamloops;
- Highway 19 -Duke Point- from Duke Point Ferry Terminal to Trans Canada Hwy;
- Highway 19 -Nanaimo Parkway- from Trans Canada Hwy to Island Highway;
- Highway 19 (Parksville to Campbell River)
- Highways 91 and 91A;

- Highway 99, from the United States' border to Horseshoe Bay;
- Highway 17, from Tsawwassen ferry terminal to Highway 99; and
- Highway 97C, from Aspen Grove to Peachland.

There may be additional rules at the municipal level regarding where signs may be placed. Candidates, political parties and election advertising sponsors are advised to check for municipal by-laws regulating the placement of signs in any municipality where they wish to erect signs.

All election campaign signs must be removed the day after the election by the people responsible for putting them up.

Registration Information

Election advertising sponsors must be registered

s. 239 Except for a candidate, registered political party or registered constituency association, all individuals and organizations must register with Elections BC prior to sponsoring election advertising.

A candidate, registered political party or registered constituency association is not required to be registered as a sponsor if the individual or organization is required to file an election financing report by which the election advertising is disclosed as an election expense.

Registration with the Chief Electoral Officer

s. 240 Anyone who wishes to become a registered election advertising sponsor must file an application with the Chief Electoral Officer. An application must be on forms specified by the Chief Electoral Officer and include the following:

- the applicant's full name and, in the case of an applicant organization that has a different usual name, this usual name;
- the full address of the applicant;
- if the applicant is an organization, the names of the principal officers of the organization or, if there are no principal officers, of the principal members of the organization;
- an address to which notices and communications under the *Election Act* will be sent; and
- a telephone number.

People eligible to sign an application are:

- the individual applicant;
- two principal officers of the organization if the applicant is an organization; or
- two principal members of the organization if the organization has no principal officers.

Applications must be accompanied by a solemn declaration from the individual(s) signing the application stating that the applicant:

- is not prohibited from being registered by section 247 (has failed to file an election advertising disclosure report); and
- does not intend to sponsor election advertising for any purpose related to circumventing the provisions of the *Election Act* limiting the value of election expenses that may be incurred by a candidate or registered political party.

The solemn declaration must be witnessed by a Commissioner for taking affidavits in British Columbia or another individual authorized to witness the declaration. This includes the Chief Electoral Officer, notaries public, barristers, solicitors, District Electoral Officers and Government Agents. Solemn declarations will be taken by the Chief Electoral Officer, authorized staff of Elections BC, District Electoral Officers and Government Agents at no charge.

If any information contained in the application for registration as a sponsor changes, the Chief Electoral Officer must be notified in writing within 30 days after the change occurs.

Registration packages are available from the Elections BC's Web site (www.elections.bc.ca) and at the Victoria office of Elections BC.

Voluntary deregistration

s. 242

A registered sponsor may apply to the Chief Electoral Officer for deregistration by putting the request in writing and having it signed by the individual applicant or by two principal officers or two principal members of the organization. However, if during a campaign period, a registered sponsor has sponsored election advertising, the sponsor may not be deregistered until the election advertising disclosure report has been filed.

Obligations of a Sponsor

Record contributions

s. 241

Anyone who is registered or required to be registered as a sponsor, is responsible for maintaining records of the following information in respect to every contribution received by the sponsor:

- the date the contribution was made;

- the value of the contribution;
- the full name and address of the contributor;
- the class of the contributor; and
- if the contributor is a numbered corporation or a class 3, 4, 5 or 6 contributor, full names and addresses of at least two individuals who are directors of the organization, or principal officers or principal members of the organization.

The classes of contributors are:

- (1) individuals;
- (2) corporations;
- (3) unincorporated organizations engaged in business or commercial activities;
- (4) trade unions;
- (5) non-profit organizations;
- (6) other identifiable contributors; and
- (7) anonymous contributors.

If contributions were made anonymously, the registered sponsor is responsible for maintaining a record of the dates on which the contributions were received, the total amount of the contributions received on each date, and if applicable, the event at which they were received.

Independent sponsors must file disclosure reports

s. 244

Advertising sponsors who sponsor election advertising with a total value of \$500 or more, must file advertising disclosure reports. Disclosure reports must be filed with the Chief Electoral Officer within 90 days after General Voting Day.

Should the information required to be disclosed change, or the sponsor becomes aware of an inaccuracy, the sponsor must file a supplementary report within 30 days after the sponsor becomes aware of the change or inaccuracy.

A candidate, registered political party or registered constituency association is not required to file a disclosure report as their election advertising expenses will be disclosed in their election financing report.

Contents of the disclosure report

s. 245

An election advertising disclosure report must be on forms provided by Elections BC and contain the following information:

- the value of the election advertising sponsored by the sponsor, reported by class;
- the amount of contributions accepted by the sponsor during the period beginning six months before the election is called and ending at the end of the campaign period for the election;
- any amount of the sponsor's assets, other than assets received by way of contribution reported under the previous paragraph, that was used to pay for the election advertising sponsored by the sponsor;
- anonymous contributions; and
- any other information required by regulation to be included.

Amounts accepted from contributors must be reported separately for each of the following classes of contributor:

- (1) individuals;
- (2) corporations;
- (3) unincorporated organizations engaged in business or commercial activity;

- (4) trade unions;
- (5) non-profit organizations;
- (6) other identifiable contributors; and
- (7) anonymous contributors.

If the records of the sponsor indicate that a contributor made one or more contributions of money that, in total, have a value of more than \$250, the report must include the following information:

- the full name of the individual;
- the class of the contributor;
- if the contributor is a numbered corporation or a class 3, 4, 5 or 6 contributor, the full names of at least two individuals who are directors of the organization, or if there are no individual directors, who are principal officers or principal members of the organization; and
- the value of each contribution and the date on which it was made.

Maintain records

s. 249

Anyone who is, or has been, a sponsor of election advertising must:

- ensure the records required are maintained in British Columbia; and
- retain these records for at least five years, or a longer period if specified by the Chief Electoral Officer, from the date of filing of a report.

Penalties

Late filing of reports

- s. 246 An election advertising sponsor may file their report late, up to 30 days after the original filing deadline, if they pay a \$500 late filing fee.

Failure to file reports

- s. 247 If an election advertising report is not filed with the Chief Electoral Officer at the end of the late filing period, the sponsor:
- is deregistered and cannot reregister as a sponsor until after the next general election; and
 - must pay \$500 for each day the report is late.

If the sponsor is an unincorporated organization, its members are jointly and severally liable to pay the \$500 per day penalty.

Court order for relief from filing obligations

- s. 248 A sponsor may apply to the Supreme Court of British Columbia to seek relief from an obligation to file an election advertising disclosure report or from a penalty in relation to the filing of a report.

Information to be Open to the Public

- s. 250 Sponsor registration information and advertising disclosure reports must be available for public inspection at the Chief Electoral Office during regular office hours.

Questions?

For more information

Phone toll-free 1-800-661-8683 / TTY 1-888-456-5448

or contact

Elections British Columbia

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