

Questions and Answers

Election Advertising (*Election Act*, sections 228-234)

Q: What is election advertising?

A: Advertising used during a campaign period, to promote or oppose, directly or indirectly, a registered political party or the election of a candidate is election advertising.

Election advertising is any public promotional material including, but not limited to, leaflets, lawn signs, billboards, brochures, newspapers, magazines, radio, television, newsletters, Web sites and public address systems.

The campaign period is Writ Day (April 19, 2005) to the close of general voting on General Voting Day (May 17, 2005).

Q: What is third party advertising?

A: Election advertising not sponsored by or on behalf of a registered political party, registered constituency association or candidate is third party advertising.

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

Q: What do I need to know if I want to sponsor third party advertising?

A: Third party election advertising sponsors must register with the Chief Electoral Officer prior to sponsoring any election advertising. Anyone who is not registered cannot sponsor election advertising. If you wish to become a registered sponsor you must file an application with the Chief Electoral Officer.

While there are no longer any restrictions on how much third parties can spend on election advertising, they are still required to file advertising disclosure reports if election advertising is sponsored with a total value of \$500 or more during a campaign period. A disclosure report must be filed with the Chief Electoral Officer within 90 days after General Voting Day (August 15, 2005) as per section 245 of the *Election Act*.

Third parties must also identify the name of the sponsor on all election advertising, as well as a mailing address or telephone number at which the sponsor may be contacted regarding the advertising. For example:

Authorized by Jane Doe, registered sponsor, (604) 123-4567

Q: Is advertising prohibited on General Voting Day (May 17, 2005)?

A: On General Voting Day, a media outlet must not publish election advertising in newspapers, magazines, on radio or television.

An individual or organization must not sponsor, or agree to sponsor election advertising that is, or is to be conducted on General Voting Day by publishing it in a newspaper or magazine, or on radio or television, whether the publication is done within British Columbia or outside of British Columbia.

Q: Are campaign signs allowed to be displayed now?

A: Under the *Election Act*, they can be displayed now but contact your local municipality as there may be local by-laws on when campaign signs can be erected.

Q: I live in an apartment and would like to put a campaign sign in my window. Is this allowed?

A: Contact your local municipality as there may be local by-laws on campaign sign placement. The *Election Act* does not have provisions on the placement of campaign signs except that they are not allowed to be within 100 metres of the building where the DEO office is located or within 100 metres of a building where voting is being conducted (i.e., 100 metres of building that contains a voting place).

Also, contact your landlord, as your rental agreement may prohibit the placement of signs.

Q: I live in a condo and would like to put a sign on the front law. Is this allowed?

A: Each strata has its own by-laws. Review your strata by-laws to determine if it is allowed or not. The *Election Act* does not have provisions on the placement of campaign signs except that they are not allowed to be within 100 metres of the building where the DEO office is located or within 100 metres of a building where voting is being conducted (i.e., 100 metres of building that contains a voting place).

Q: Can a commercial business place campaign signs on its property?

A: Contact your local municipality as there may be local by-laws on campaign sign placement. The *Election Act* does not have provisions on the placement of campaign signs except that they are not allowed to be within 100 metres of the building where the DEO office is located or within 100 metres of a building where voting is being conducted (i.e., 100 metres of building that contains a voting place).

Q: What is the history of third party advertising in British Columbia?

A: On September 1, 1995 the current *Election Act* came into force. Included were provisions (sections 236-238) limiting third party advertisers to spending no more than \$5,000 on election advertising during a campaign period. There were no restrictions on spending before 1995.

In April 1996, Pacific Press – which publishes both The Vancouver Sun and The Province – and Vancouver resident Garry Nixon, began proceedings in the BC Supreme Court challenging the constitutionality of the \$5000 limit on third party spending. (Pacific Press also challenged section 235 requiring publication of methodological information on election opinion surveys.)

On February 9, 2000, the BC Supreme Court found the sections restricting third party advertising contravene the *Canadian Charter of Rights and Freedoms* and that sections 236-238 of the *Election Act* are of no force and effect.

In October 2002, these sections were repealed by the *Election Statutes Amendment Act*.