



ELECTIONS BC
A non-partisan Office of the Legislature

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MEDIA OBLIGATIONS FOR INITIATIVE PETITIONS AND VOTES

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Introduction

Under the *Recall and Initiative Act*, the media has certain obligations relating to the publication or broadcasting of initiative advertising. Elections BC has prepared this guide to highlight and summarize some of the legislated provisions for media outlets (e.g., radio, newspapers, television, magazines).

If any part of this document conflicts with what appears in the *Recall and Initiative Act*, the Act shall be deemed the exclusive authority. The *Recall and Initiative Act* is available for viewing on our website (www.elections.bc.ca) or can be purchased from Crown Publications Inc. (www.crownpub.bc.ca).

Definitions

Advertising:	Advertising is any public promotional material including, but not limited to, leaflets, lawn signs, billboards, brochures, buttons, badges, newspapers, radio, television, websites, newsletters and public address systems.
Authorized Participant:	The authorized participants for an initiative petition are the proponent of the petition and registered opponents. The authorized participants for an initiative vote are the registered proponents of the initiative vote and registered opponents.
Chief Electoral Officer:	An Officer of the Legislature. The Chief Electoral Officer is responsible for the administration of the <i>Recall and Initiative Act</i> .
Conduct:	Conducting advertising means to publish or sponsor initiative advertising.
Initiative Advertising:	Initiative advertising is advertising used during an initiative petition period to promote or oppose, directly or indirectly, the initiative petition or draft Bill, or during an initiative vote period to promote or oppose, directly or indirectly, an initiative.
Initiative Petition:	A petition to have a proposed law introduced into the Legislative Assembly.
Initiative Petition/ Initiative Vote Opponents:	Opponents of an initiative petition or initiative vote are individuals and organizations for whom a financial agent has been designated by the Chief Electoral Officer.

Initiative Petition Period:	The period starting on the day an initiative petition application is approved in principle by the Chief Electoral Officer and ending either 90 days after the petition is issued by the Chief Electoral Officer, or on the day the petition is submitted to the Chief Electoral Officer, if earlier.
Initiative Petition Proponent:	The registered voter who applied for the issuance of a petition.
Initiative Vote:	If the Select Standing Committee on Legislative Initiatives refers an initiative petition and draft Bill to the Chief Electoral Officer, the Chief Electoral Officer must hold an initiative vote.
Initiative Vote Period:	An initiative vote period is the period starting 60 days before General Voting Day for an initiative vote and ending at the close of general voting for the initiative vote.
Initiative Vote Proponent:	The proponent(s) of an initiative vote may be the proponent of the initiative petition, or other individuals or organizations for whom a financial agent has been designated by the Chief Electoral Officer.
Select Standing Committee:	The Select Standing Committee on Legislative Initiatives appointed at the start of the first session of each Parliament.
Sponsor:	An individual or organization who pays for initiative advertising to be conducted, or an individual or organization for whom initiative advertising is conducted without charge as a contribution, or on whose behalf initiative advertising is conducted.

Initiative Advertising

“Initiative advertising” is advertising used during an initiative petition period to promote or oppose, directly or indirectly, an initiative petition or draft Bill, or advertising used during an initiative vote period to promote or oppose, directly or indirectly, an initiative. This includes all forms of advertising, such as media advertising, brochures, signs, etc.

Initiative advertising can only be conducted by a proponent, proponent group(s), a registered opponent or opponent group(s), or a registered initiative advertising sponsor.

Sponsorship of initiative advertising

- s. 86 The sponsor of initiative advertising is the individual or organization who pays for the advertising, who receives the services of conducting the advertising as a contribution, or who has initiative advertising conducted on their behalf.

An individual or organization must not sponsor initiative advertising with the property of any other individual or organization or indirectly through any other individual or organization.

Registration of initiative advertising sponsors

- s. 96 Individuals or organizations, other than authorized participants, who sponsor initiative advertising must be registered with the Chief Electoral Officer before the initiative advertising is conducted (or published).

Initiative advertising must identify sponsor

- s. 88 Initiative advertising must not be conducted (or published) unless it:
- identifies the name of the sponsor or, in the case of a proponent or registered opponent, the name of the financial agent;
 - indicates that it was authorized by the identified sponsor or, in the case of a proponent or registered opponent, the financial agent;

- indicates that the sponsor is a registered sponsor under the *Recall and Initiative Act* (not necessary for proponents or registered opponents);
- gives a British Columbia telephone number or British Columbia mailing address at which the sponsor or financial agent may be contacted regarding the advertising; and
- for sponsors that are numbered corporations or unincorporated organizations, indicates the name of an individual who is a director or principal member.

Example:

Authorized by Jane Doe, financial agent, (250) 123-4567;

Authorized by Big Company, registered sponsor under the Recall and Initiative Act, (250) 123-4567; or

Authorized by Small Partnership, John Smith, registered sponsor under the Recall and Initiative Act, (250) 123-4567.

Initiative advertising sponsors must make an individual available who is responsible for answering questions from the public that are directed to the address or phone number indicated on the advertising.

Spending limits

s.93

A registered initiative advertising sponsor must not sponsor initiative advertising that has a value of more than \$5,000. This includes initiative advertising sponsored in combination with other individuals or groups.

The value of documents that are initiative advertising but that are sent directly to the registered advertising sponsor’s members, shareholders or employees is not included in the \$5,000 limit.

Registered proponents and opponents are not subject to the \$5,000 advertising spending limit but have their own initiative spending limits.

Restrictions on rates charged for initiative advertising

- s. 89 Individuals and organizations must not charge a rate for initiative advertising in a periodical publication (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 initiative petition or vote period.

Prohibition against certain initiative advertising on General Voting Day

- s. 90 On General Voting Day for an initiative vote, a media outlet must not publish initiative advertising in newspapers, magazines, on radio or television.

An individual or organization must not sponsor, or agree to sponsor initiative advertising that is, or is to be conducted on General Voting Day for an initiative vote 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.

Restriction on initiative campaigning near district electoral offices and voting places

- s.91 While advance voting or general voting for an initiative vote is being conducted, no initiative 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 for an initiative vote 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 initiative advertising;
- 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 response to an initiative; and
- posting, displaying, disseminating or openly leaving a representation of a ballot marked for a particular response to an initiative.

During an initiative vote period (starts 60 days before General Voting Day and continues to the end of voting on General Voting Day), no one may post, display or disseminate any initiative advertising within 100 metres of the building where the district electoral office is located.

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.

Offences and Penalties

There are several offences contained in the *Recall and Initiative Act*. Some of the ones that media should be aware of are:

- publishing, conducting or sponsoring initiative advertising which does not adequately identify the sponsor (see Initiative advertising must identify sponsor, p. 4)
- overcharging for initiative advertising (see Restrictions on rates charged for initiative advertising, p. 6)
- conducting or publishing prohibited initiative advertising on General Voting Day or campaigning near district electoral offices or voting places.

Individuals or organizations who commit an offence are liable to a fine of up to \$5,000 or imprisonment for up to one year, or both.

Questions?

For more information

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