

## History of Third Party Advertising in British Columbia

### History

- September 1, 1995 - New provisions were included in the *Election Act* limiting third party advertisers to spending no more than \$5,000 on election advertising during a campaign period (Writ Day to the close of voting on General Voting Day) and introduced public opinion poll methodological publishing requirements. There were no restrictions on third party advertising before 1995.
- 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 \$5,000 limit on third party spending and the public opinion poll methodology publishing requirements.
- February 9, 2000 - The BC Supreme Court found the sections restricting third party advertising and the requirement that methodological information be published with all election opinion polls contravene the *Canadian Charter of Rights and Freedoms* and that sections 236, 237 and 238 of the *Election Act* are of no force and effect.
- October 2002 - Sections 236, 237 and 238 were repealed by the *Election Statutes Amendment Act*.
- May 29, 2008 - Bill 42, *Election Amendment Act, 2008* came into force, setting new spending limits under the *Election Act* for third party advertisers and creating a new section on election opinion surveys. During a pre-campaign period of 60 days and the campaign period, third party election advertising sponsors could sponsor election advertising with a total value of \$3,000 in a single electoral district and \$150,000 province-wide.
- March 2009 - The BC Supreme Court found that the spending limits on third party election advertisers during the 60 day pre-campaign period were an unjustified infringement on the right to freedom of expression guaranteed by the *Canadian Charter of Rights and Freedoms*. As a result of this decision there were no longer any limits on the value of election advertising sponsored by third parties during the 60 day pre-campaign period. Spending limits still applied to election advertising conducted during the campaign period.
- October 2011 - The BC Court of Appeal upheld the March 2009 decision of the Supreme Court that the spending limits on third party advertisers during the 60 day pre-campaign period were unconstitutional.
- May 2012 - The *Election Act* was amended to reduce the length of the pre-campaign period and re-establish spending limits for third party advertisers during the shortened pre-campaign period. Although the amended legislation received Royal Assent, the provisions were not brought into force. The government referred the issue to the BC Court of Appeal, asking if the new sections infringed on the *Canadian Charter of Rights and Freedoms*.
- October 2012 - The BC Court of Appeal found that the sections restricting third party advertising during the pre-campaign period were unconstitutional. As a result there are currently no restrictions on election advertising conducted by independent third parties until a writ is issued for an election. The requirements to be registered with Elections BC and comply with spending limits remain in effect for election advertising sponsored by third parties during a campaign period.

For more information, visit Elections BC's website at [www.elections.bc.ca](http://www.elections.bc.ca)