

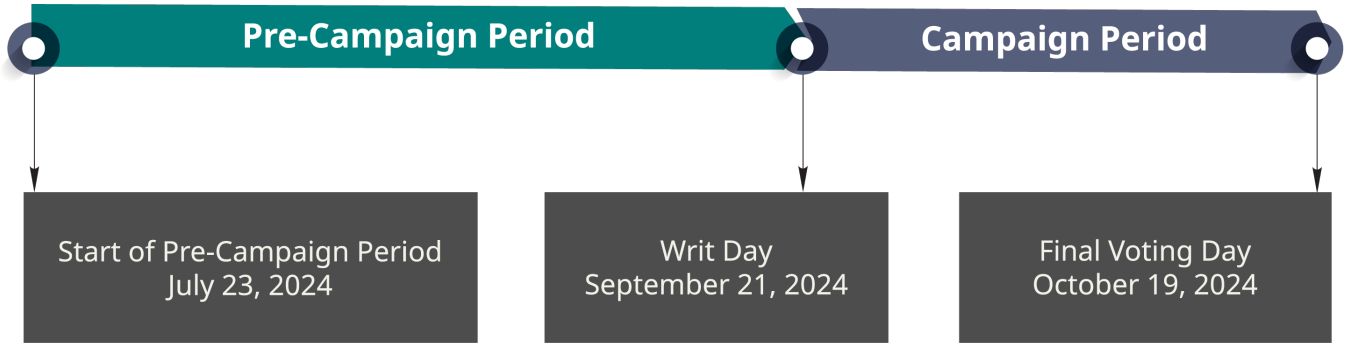
MLA GUIDELINES FOR PRE-CAMPAIGN PERIOD ADVERTISING & COMMUNICATIONS

2024 Provincial General Election



This quick reference sheet provides information about advertising and communication activities conducted by or on behalf of Members of the Legislative Assembly (MLA) during the pre-campaign period, which begins 60 days before the campaign period.

The next provincial election is scheduled for October 19, 2024. The pre-campaign period will start on July 23, and run until September 20. The campaign period will run from September 21 until voting closes at 8 p.m. Pacific time on October 19.



These guidelines do not constitute a binding statement on how the Chief Electoral Officer will exercise discretion regarding election advertising rules. To the extent that any conflict exists between these guidelines and the *Election Act*, the Act will prevail.

Election Advertising

The definition of election advertising includes both campaign period election advertising and pre-campaign period election advertising.

Pre-campaign period election advertising means the transmission to the public by any means during the 60 days before the start of the campaign period for a scheduled provincial general election, of an advertising message that is sponsored by a third party sponsor and directly promotes or opposes a registered political party or the election of a candidate.

Advertising messages that directly promote or oppose a political party or candidate include the name of a political party or candidate, logo, likeness or image associated with a party or candidate, or identifies a candidate by voice or physical description. Pre-campaign period election advertising **does not** include indirect or issue based advertising.

Election advertising also includes the following activities if conducted on a commercial basis:

- canvassing voters, in person or by telephone or other means of electronic communication (such as texting/SMS or social media) to attempt to influence how voters vote
- mailing, emailing or transmitting on the internet material that contains advertising messages

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2024 Provincial General Election



Election Expenses

An election expense is the value of property or services used during the campaign period (September 21 to October 19), by or on behalf of a candidate or registered political party to promote or oppose, directly or indirectly the election of a candidate or party.

The determination of whether something is an election expense depends on when the property or service was used, regardless of when it was acquired, purchased or donated.

Election expenses that promote the election of an MLA are subject to the candidate expense limit and must be disclosed in the election financing report due 90 days after Final Voting Day. Candidates are also required to disclose any other expenditures made or incurred by the candidate before or after the election in relation to the individual's candidacy.

Exception for Government Duties

Elections BC recognizes that MLAs may continue informing the public of available services during the pre-campaign period. **Section 3.1 (2) of the *Election Act* provides that nothing in the Act prevents an MLA from doing something necessary for the performance of the Member's duties.** However, there are perception issues regarding what does and does not constitute advertising or campaigning by an MLA, and a public expectation that Elections BC will monitor those activities and respond to complaints regarding MLAs using taxpayer money for advertising or campaigning during an election.

Guidelines

During the 60 day pre-campaign period (July 23 to September 20, 2024), MLA activities may be regulated under the *Election Act* if they are directly promoting (or opposing) the election of a candidate or a political party.

Indicators that would support the position that advertising or other activities conducted by or on behalf of an MLA are **not** intended to promote or oppose the election of a candidate or registered political party would include:

- advertising or other activities that have occurred historically during the relevant time of year
- advertising that is consistent with previous advertising conducted by the agency (i.e. similar purpose, content, distribution, etc.)
- factual information on how to contact the Member, including the address of the Member's constituency office
- advertising within the normal parameters of promotion for a specific program or activity, or that a reasonable person would expect to be transmitted during the period, unless the program or activity is so closely related to a candidate or party (or candidates or parties) that it would be unreasonable to argue that the advertising is neutral
- advertising or activities that are necessary for the performance of a Member's duties, or in response to emerging issues in their electoral district (e.g. emergency or natural disaster)

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2024 Provincial General Election



Indicators that MLA advertising and other activities that occur during the 60 day pre-campaign period may be regulated under the *Election Act* include:

- advertising containing information that directly promotes or opposes a candidate or registered political party
- advertising specifically planned to coincide with the 60 day pre-campaign period
- a material increase in the normal volume of advertising
- a material increase in the number and size of public events (e.g., groundbreakings, ribbon cuttings) and advertising announcements regarding them held with the acquiescence or consent of the Member

Please note that free media or the expression of an MLA's personal political views on a non-commercial basis are specific exemptions in the election advertising definitions. MLAs that are not engaged in activities that constitute election advertising are not required to register with Elections BC as third party sponsors.

The rules under the *Election Act* are separate and in addition to the funding rules established for MLAs by the Legislative Assembly. Questions related to MLA spending should be referred to Financial Services at financialservices@leg.bc.ca.

Contact Elections BC

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