



**ELECTIONS BC**

A non-partisan Office of the Legislature

# **ELECTION ACT REQUIREMENTS FOR MEDIA ORGANIZATIONS AND SOCIAL MEDIA PLATFORMS**

**2024 PROVINCIAL GENERAL ELECTION**

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# INTRODUCTION

This guide covers the rules established by British Columbia's *Election Act* for media organizations and social media platforms.

Media organizations and social media platforms have legal obligations under the Act. These include ensuring that the advertisements they run comply with the Act, ensuring they do not transmit prohibited content,<sup>1</sup> and removing non-compliant content quickly when instructed to by Elections BC.

## References to legislation

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This guide references applicable sections of the *Election Act*. References appear as a number between square brackets. All refer to the *Election Act* unless otherwise noted.

For example:

“Election advertising must include an authorization statement that identifies the sponsor or financial agent and provides a British Columbia telephone number, mailing address or email address for the sponsor or financial agent.”

[s. 231 (1)]<sup>2</sup>

The Act is the exclusive authority on the conduct of provincial elections in British Columbia. If there is a conflict between the legislation and this guide, the Act takes precedence.

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1. Prohibited content includes specific forms of disinformation regulated by the *Election Act*, such as false information about where and when to vote. See [Disinformation regulated by the Election Act](#) on p. 6.
  2. The example above refers to section 231(1) of the *Election Act*, which provide additional information about authorization statements on election advertising for a provincial election.

# ELECTION COMMUNICATIONS REGULATED BY THE ELECTION ACT

The *Election Act* regulates two types of election communications:

- Election advertising (as defined by the Act), and
- Specific types of disinformation about elections.

Specific types of disinformation about elections are regulated to ensure that elections are free, fair and transparent. For descriptions of the types of disinformation regulated by the Act, see [Disinformation regulated by the \*Election Act\*](#) on p. 6.

There are specific criteria that must be met for election communications to be regulated by the Act's disinformation provisions. These include the timing, intent, falsity, and subject matter of the communication.

The Act does not inhibit legitimate political debate in any way, nor does it regulate all communications that may be considered disinformation or misinformation.

## What is election advertising

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The *Election Act* defines and regulates election advertising.

Individuals and organizations that sponsor (pay for) election advertising have obligations under the Act, including registering with Elections BC, providing sponsorship identification information on advertisements, not spending more than the expense limit, and filing financial disclosure reports with Elections BC. Individuals and organizations that sponsor election advertising and are not political parties or candidates are called "third party sponsors."

The Act defines two types of election advertising:

- 1. Pre-campaign period election advertising** is the transmission to the public by any means, during the 60-day pre-campaign period for a fixed date 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.

Pre-campaign period election advertising only applies to third party sponsors and does not include indirect or issue-based advertising. Advertising sponsored prior to the campaign period by candidates, nomination contestants, constituency associations or political parties is not election advertising.

**2. Campaign period election advertising** is the transmission to the public by any means, during the campaign period, of an advertising message that promotes or opposes, directly or indirectly, a registered political party or the election of a candidate, including an advertising message that takes a position on an issue with which a registered political party or candidate is associated.

In addition to the definitions above, the following activities are pre-campaign period election advertising or campaign period election advertising, 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 messaging), to attempt to influence how voters vote
- mailing, emailing or transmitting on the internet, material that contains advertising messages

The Act exempts certain communications from being regulated as election advertising. Examples of communications that are **not** election advertising include:

- news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary published without charge in a bona fide periodical, on a radio or television program, or in a bona fide internet publication or program
- the distribution or promotion of a book for no less than its commercial value, if the book was planned to be made public regardless of whether there was to be an election
- documents sent by a person or a group directly to their members, employees, or shareholders
- the transmission by an individual of their personal political views, on a non-commercial basis on the internet, or by telephone or text messaging

### **Election advertising on social media**

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Social media posts are election advertising if they meet the definitions above. This includes:

- Paid posts (posts that are sponsored or promoted to reach a wider audience)

- Posts where money has been spent to increase transmission of the post, even if the post is not sponsored or promoted
- Posts where an individual or organization has been paid to create or publish the post, even if the post itself is not sponsored or promoted

### **Election opinion surveys**

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An election opinion survey is an opinion survey respecting an election or a matter of public discussion in relation to the election. This includes opinion surveys respecting an issue discussed publicly in the election. A legitimate opinion survey which is conducted in good faith in accordance with accepted standards is not election advertising.

[s. 1]

### **Publishing election opinion surveys on Final Voting Day**

On Final Voting Day, media outlets must not publish, broadcast or transmit the results of election opinion surveys that have not previously been made public until all voting stations are closed.

[s 233.1]

### **When do election advertising rules apply**

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The rules in the *Election Act* apply to election advertising transmitted during the pre-campaign period and during the campaign period.

The pre-campaign period starts 60 days before a scheduled general election is called. It ends the day before the scheduled general election is called. The campaign period starts on the day an election is called. It ends at the close of voting on Final Voting Day.

For the 2024 Provincial General Election, the pre-campaign period starts on July 23 and goes until September 20. The campaign period starts September 21 and goes until 8 p.m. Pacific time on Final Voting Day, Saturday, October 19, 2024.

## **Who must register as an election advertising sponsor**

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All individuals and organizations that sponsor election advertising must register with Elections BC. Media organizations and social media platforms are not required to register, but they must not publish election advertising unless the sponsor is registered.

Individuals and organization that do not pay to publish, broadcast or transmit election communications are not required to register as a third party sponsor, unless publishing, broadcasting or transmission services are provided without charge as a contribution. For example, internet messages transmitted on a non-commercial basis for free are not election advertising. However, if there is a cost to produce or boost the internet message (including paid account verification that increases reach), it is election advertising and the individual or organization must register with Elections BC.

# DISINFORMATION REGULATED BY THE ELECTION ACT

The *Election Act* regulates the following types of disinformation about elections:

- False statements that a candidate has withdrawn
- False statements to affect election results
- False statements about election officials and voting administration tools
- False election information
- Transmission of unauthorized material or information
- Misrepresentation

The Act's disinformation provisions are separate and distinct from its election advertising provisions. A communication does not need to be election advertising to meet the Act's definition of disinformation.

The specific types of disinformation regulated by the Act are described below.

## False statements that a candidate has withdrawn

Individuals and organizations must not publish a false statement that a candidate has withdrawn.

Example
<p>A social media post claiming that a candidate has withdrawn, if:</p> <ul style="list-style-type: none"><li>▪ The candidate has not made any public statement that they have withdrawn or intend to withdraw, and</li><li>▪ The candidate has <b>not</b> officially withdrawn through Elections BC.</li></ul>

## False statements to affect election results

During a pre-campaign or campaign period, individuals and organizations must not transmit a false statement that a candidate, nomination contestant, political party leader, public figure associated with a candidate, or public figure associated with a political party has committed or been charged with an offence, or has been required to pay an administrative monetary penalty.



They must also not transmit false statements related to the citizenship, place of birth, education, professional qualifications, membership in a group, or membership in an association of a candidate, nomination contestant, political party leader, or public figure associated with a political party.

These prohibitions apply to false statements transmitted by any means, if the individual or organization transmitting the false statement intends to affect the results of an election, and knows the statement is false, or has a reckless disregard as to whether the statement is false.

**Example**

An open letter stating that a candidate has been charged with an offence under the *Election Act*, if:

- Elections BC confirms that the candidate has **not** been charged with an offence,
- The open letter is transmitted during the pre-campaign or campaign period (July 23 to October 19, 2024),
- The individual or organizations transmitting the letter:
  - Intends to affect the result of an election, and
  - Knows that the statement in the letter is false or has a reckless disregard as to whether the statement is false.

**False statements about election officials and voting administration tools**

During a pre-campaign or election period, individuals and organizations must not transmit a false statement that:

- an election official has committed or been charged with an offence;
- an election official has been required to pay an administrative monetary penalty;
- relates to the citizenship, place of birth, education, professional qualifications, membership in a group, or membership in an association of an election official; or
- relates to an individual or organization that provides, to Elections BC, voting administration tools or services related to voting administration tools.

Voting administration tools include electronic voting books, electronic tabulators, ballot printers, and any other tools prescribed by regulation.

These prohibitions apply to false statements transmitted by any means, if the individual or organization transmitting the false statement intends to undermine public confidence

in the result or administration of an election, and knows the statement is false, or has a reckless disregard as to whether the statement is false.

**Example**

A digital ad claiming the organization that provides Elections BC with electronic tabulators has filed for bankruptcy due to plummeting sales from the unreliability of its products, if:

- Elections BC confirms the statement in the ad is false,
- The ad is transmitted during the pre-campaign or election period (July 23 to November 5, 2024),
- The individual or organizations transmitting the letter:
  - Intends to undermine public confidence in the result or administration of an election, and
  - Knows that the statement in the ad is false or has a reckless disregard as to whether the statement is false.

### **False election information**

During a pre-campaign or campaign period, individuals and organizations must not transmit false or misleading information about voter eligibility, voter registration procedures, or election proceedings. This includes false or misleading information about voting options and voting opportunities.

These prohibitions apply to false or misleading material or information transmitted by any means, regardless of its form, if the individual or organization transmitting the material or information intends to affect the results of an election.

**Example**

An online article stating voters must show photo ID to vote in the provincial election, if:

- The article is published during the pre-campaign or campaign period (July 23 to October 19, 2024), and
- The individual or organization publishing the article intends to affect the results of an election.

## Transmission of unauthorized material or information

During a pre-campaign or election period, individuals and organizations must not transmit any material or information that appears or claims to be transmitted by the Chief Electoral Officer (Elections BC), an election official, a candidate, a nomination contestant, a registered political party or a registered constituency association. This applies to any material or information, regardless of its form, that the entities above have not authorized.

This prohibition applies if the individual or organization intends to mislead the public that the material or information is being transmitted by or under the authority of the entities listed above. Parody and satire are exempt from this prohibition.

<b>Example</b>
<p>A press release that falsely appears to be sent by Elections BC, if:</p> <ul style="list-style-type: none"> <li>▪ The press release is sent during the pre-campaign or election period (July 23 to November 5, 2024), and</li> <li>▪ The individual or organizations sending the press release intends to mislead the public that the press release was transmitted by or under the authority of Elections BC.</li> </ul>

## Misrepresentation

An individual or organization must not falsely appear or claim to be:

- a candidate,
- a registered political party,
- a registered constituency association,
- an individual authorized to act on behalf of a candidate,
- an individual authorized to act on behalf of a registered political party, or
- an individual authorized to act on behalf of a registered constituency association.

The prohibitions apply in relation to an election. Parody and satire are exempted from these prohibitions.

<b>Example</b>
<p>A direct message on a social media platform that falsely appears to be sent by the campaign manager for a candidate in the 2024 Provincial Election.</p>

# WHAT DO MEDIA ORGANIZATIONS AND SOCIAL MEDIA PLATFORMS NEED TO KNOW

## 1. Election advertising sponsors must be registered with Elections BC

Media organizations and social media platforms must only run election ads from third party advertising sponsors registered with Elections BC. The [list of registered sponsors](#) is available on the Elections BC website.

## 2. Advertisements must include an authorization statement

Media organizations and social media platforms must only run election ads that:

- identify the name of the sponsor, or:
- in the case of a candidate, identify the name of the candidate’s financial agent or the financial agent of their registered political party,
- in the case of a numbered corporation or unincorporated organization, identify the name of the organization and the name of a principal officer,
- state that the ad was authorized by the identified sponsor or financial agent,
- give a British Columbia telephone number, mailing address or email address where the sponsor or financial agent can be contacted, and
- in the case of a third party sponsor, indicate that they are registered under the *Election Act*.

Examples
<ul style="list-style-type: none"><li>▪ Authorized by Jane Doe, financial agent, 250-123-4578</li><li>▪ Authorized by Jane Doe, registered sponsor under the <i>Election Act</i>, 250-234-5678</li><li>▪ Authorized by XYZ Organization; Jane Doe, registered sponsor under the <i>Election Act</i>, 250-234-5678</li><li>▪ Authorized by XYZ Political Party, XYZparty@email.com</li></ul>



For online and social media ads, the authorization statement must be either in the ad itself or on the landing page users are sent to from the ad.

It is an offence to publish, broadcast or transmit election advertising that does not appropriately identify the sponsor. Individuals and organizations are liable to a monetary penalty of up to \$10,000 for non-compliance.

The Chief Electoral Officer must notify the individual or organization of non-compliance within seven days of making the determination and the related penalty. An application for relief from the financial penalty may be made to the Supreme Court within 30 days after receiving notification of non-compliance from Elections BC.

[s. 231, 231.02]

### **3. Equivalent rates must be charged for equivalent ads**

During the campaign period, media organizations and social media platforms must charge registered political parties, registered constituency associations and candidates equivalent rates for equivalent ads.

This restriction only applies to election advertising sponsored by registered political parties, registered constituency associations and candidates. There is no requirement under the Act that registered third party sponsors be charged equivalent rates for election advertising.

**Note:** If the rate charged to a registered political party, constituency association, candidate or third party sponsor is below market value, then the difference between the amount paid and market value is a political contribution and is prohibited under the Act.

[s. 232, s. 235.02]

### **4. Election advertising is prohibited on Final Voting Day**

On Final Voting Day, media organizations and social media platforms must not publish, transmit or broadcast election advertising in an electoral district until the close of all voting stations in the electoral district. Voting stations close at 8 p.m. (Pacific time), unless the District Electoral Officer extends the time for voting.

This restriction does not apply to:

- a notice of an event the leader of a registered political party plans to attend,
- an invitation to meet or hear the leader of a registered political party,
- advertising transmitted to the public on the internet before Final Voting Day that is not changed before the close of voting stations (e.g., display ads),
- the distribution of pamphlets, or the posting of signs, posters, or banners, or

- advertising transmitted to the public on the internet for the sole purpose of encouraging voters to vote in the election.

Final Voting Day for the 2024 Provincial General Election is scheduled for Saturday, October 19, 2024.

[s. 233]

### **5. The *Election Act* prohibits specific types of disinformation about elections**

The *Election Act* prohibits specific types of disinformation about provincial elections in B.C. Media organizations and social media platforms must not publish false statements, unauthorized material or information, or misrepresentation as defined by the Act. These prohibitions apply to any communications, not just election advertising. See [Disinformation regulated by the \*Election Act\*](#) on p. 6.

### **6. Elections BC can require media organizations and social media platforms to remove non-compliant communications regulated by the *Election Act***

The Chief Electoral Officer has the authority under the *Election Act* to issue notices to stop transmitting to media organizations and social media platforms. The Chief Electoral Officer would issue a notice to stop transmitting if, during the pre-campaign or campaign periods, they had reason to believe that election advertising or a transmission of information to the public violated the *Election Act*.

A notice to stop transmitting must

- describe the election advertising or other information that the Chief Electoral Officer has reason to believe is not in compliance with the Act,
- identify the provisions of the Act that the Chief Electoral Officer has reason to believe the election advertising or other information is not in compliance with,
- advise the recipient that a monetary penalty may be imposed by the Chief Electoral Officer if the election advertising or other information continues to be transmitted to the public by the recipient,
- advise the recipient that they must comply with the notice as soon as reasonably possible and no later than 24 hours after receiving the notice, and
- advise the recipient of the ability to request an extension to the deadline to comply.

Media organizations and social media platforms must comply with a notice to stop transmitting as soon as possible, and no later than 24 hours after receiving the notice from the Chief Electoral Officer.

There are significant penalties for failing to abide by a notice to stop transmitting issued by Elections BC. If a media organization or social media platform continues to transmit prohibited content in violation of a notice to stop transmitting, they are liable to a fine of up to \$50,000 a day while the prohibited content continues to be transmitted.

[s. 231.03]

## OTHER GUIDELINES FOR MEDIA ORGANIZATIONS AND SOCIAL MEDIA PLATFORMS

Media organizations and social media platforms should also be aware of the Canadian Radio-television and Telecommunications Commission (CRTC) [Guidelines for TV and radio broadcasters and TV service providers during an election](#).



# REQUESTING GUIDANCE FROM ELECTIONS BC

If you have questions about the rules outlined in this guide, please contact us:

For questions related to third party election advertising	<a href="mailto:electoral.finance@elections.bc.ca">electoral.finance@elections.bc.ca</a>
For questions related to disinformation regulated by the <i>Election Act</i>	<a href="mailto:investigations@elections.bc.ca">investigations@elections.bc.ca</a>

### General contact information

Phone toll-free	1-800-661-8683
Mailing address	PO Box 9275 Stn Prov Govt, Victoria, B.C. V8W 9J6
Phone	250-387-5305
Fax	250-387-3578
Toll-free fax	1-866-466-0665
Email	<a href="mailto:electionsbc@elections.bc.ca">electionsbc@elections.bc.ca</a>
Website	<a href="http://elections.bc.ca">elections.bc.ca</a>

# APPENDIX 1: TYPES OF DISINFORMATION PROHIBITED BY THE ELECTION ACT

Type of disinformation	Communications that may contravene the Act	When prohibitions apply in 2024
False statements that a candidate has withdrawn	<ul style="list-style-type: none"> <li>▪ False statements that a candidate has withdrawn</li> </ul>	Any time
False statements to affect election results	<ul style="list-style-type: none"> <li>▪ False statements that a                             <ul style="list-style-type: none"> <li>▪ candidate</li> <li>▪ nomination contestant</li> <li>▪ political party leader</li> <li>▪ public figure associated with a candidate, or</li> <li>▪ public figure associated with a political party</li> </ul> </li> <li>▪ Has committed or been charged with an offence, or has been required to pay an administrative monetary penalty; or</li> <li>▪ False statements related to their citizenship, place of birth, education, professional qualifications, membership in a group, or membership in an association.</li> </ul>	Between July 23 and October 19, 2024

<b>Type of disinformation</b>	<b>Communications that may contravene the Act</b>	<b>When prohibitions apply in 2024</b>
<p>False statements about election officials and voting administration tools</p>	<ul style="list-style-type: none"> <li>▪ False statements that an election official has committed or been charged with an offence, or has been required to pay an administrative monetary penalty; or                             <ul style="list-style-type: none"> <li>▪ False statements related to their citizenship, place of birth, education, professional qualifications, membership in a group, or membership in an association; or</li> </ul> </li> <li>▪ False statements related to an individual or organization that provides voting administration tools to Elections BC.                             <ul style="list-style-type: none"> <li>▪ Voting administration tools include electronic voting books, electronic tabulators, ballot printers, and any other tools prescribed by regulation.</li> </ul> </li> </ul>	<p>Between July 23 and November 5, 2024</p>
<p>False election information</p>	<ul style="list-style-type: none"> <li>▪ False or misleading information about:                             <ul style="list-style-type: none"> <li>▪ voter eligibility</li> <li>▪ voter registration, or</li> <li>▪ election proceedings, including                                     <ul style="list-style-type: none"> <li>▪ voting options and</li> <li>▪ voting opportunities.</li> </ul> </li> </ul> </li> </ul>	<p>Between July 23 and October 19, 2024</p>

<b>Type of disinformation</b>	<b>Communications that may contravene the Act</b>	<b>When prohibitions apply in 2024</b>
Transmission of unauthorized material or information	<ul style="list-style-type: none"> <li>▪ Material or information that falsely appears or claims to be transmitted by or under the authority of:                             <ul style="list-style-type: none"> <li>▪ the Chief Electoral Officer (Elections BC),</li> <li>▪ an election official,</li> <li>▪ a candidate,</li> <li>▪ a nomination contestant,</li> <li>▪ a registered political party, or</li> <li>▪ a registered constituency association.</li> </ul> </li> <li>▪ Parody and satire are exempt from this prohibition.</li> </ul>	Between July 23 and November 5, 2024
Misrepresentation	<ul style="list-style-type: none"> <li>▪ Falsely appearing or claiming to be:                             <ul style="list-style-type: none"> <li>▪ a candidate,</li> <li>▪ a registered political party,</li> <li>▪ a registered constituency association,</li> <li>▪ an individual authorized to act on behalf of a candidate,</li> <li>▪ an individual authorized to act on behalf of a registered political party, or</li> <li>▪ an individual authorized to act on behalf of a registered constituency association.</li> </ul> </li> <li>▪ Parody and satire are exempt from this prohibition.</li> </ul>	Any time