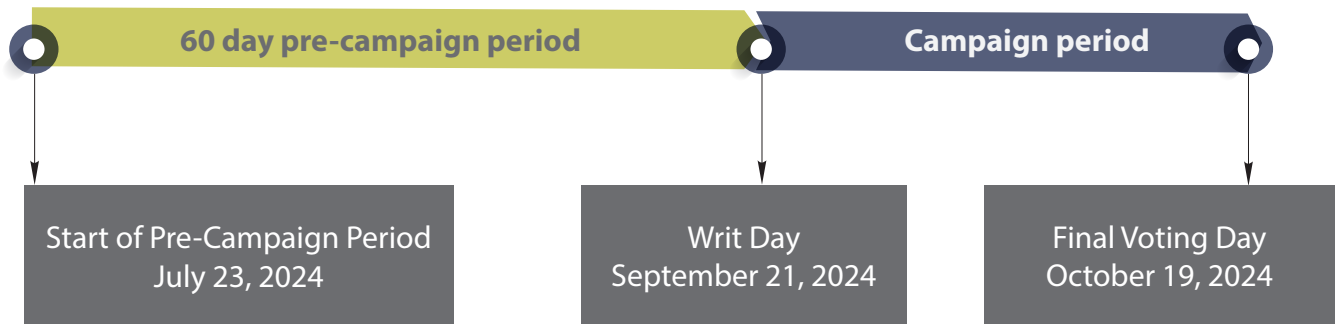


ELECTION COMMUNICATIONS GUIDELINES FOR GOVERNMENT COMMUNICATORS

Purpose

These guidelines for government communicators provide information about the election advertising rules under the *Election Act*. Government communicators should be aware of these rules and how they may impact their communications. These guidelines apply to the pre-campaign period and campaign period for a scheduled provincial election.

The next provincial election is scheduled for October 19, 2024. The pre-campaign will start on July 23, 2024 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 of 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.

Discussion

Section 1 of the *Election Act* defines “campaign period election advertising” and “pre-campaign period election advertising” as:

“campaign period election advertising” means the transmission to the public by any means, during a 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.

“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.

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

- canvassing voters in person or by telephone or other electronic means, in an attempt to influence how they vote
- mailing materials that contain advertising messages

Advertising includes, but is not limited to:

- (a) advertisements on television, radio or in newspapers and magazines
- (b) advertising on the internet
- (c) brochures, signs, posters, billboards
- (d) mailing inserts, newsletters, and
- (e) displays, exhibitions

Election advertising does not include:

- (a) the publication without charge of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary in a bona fide periodical publication or a radio or television program,
- (b) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,
- (c) the transmission of a document directly by a person or a group to their members, employees or shareholders,
- (d) the transmission by an individual, on a non-commercial basis on the Internet, or by telephone or text messaging, of his or her personal political views, or
- (e) messages transmitted on a non-commercial basis over the internet, or free canvassing activities.

Exception for Government Duties

The *Election Act* provides that nothing in the Act affects an officer, director, employee or agent or government or a Crown Corporation from the doing of an act necessary for carrying out the proper function of the body. Elections BC recognizes that, where appropriate, government bodies and Crown Corporations will continue to inform the public of available services during an election campaign period.

However, communicators are reminded that there are perception issues regarding what does and does not constitute election advertising, and a public expectation that Elections BC will respond to complaints regarding election advertising.

Guidelines

In order for advertising to meet the definition of election advertising established by the *Election Act*, the advertising must:

- during the 60 day pre-campaign period, **directly** promote or oppose the election of a candidate or a registered political party. This includes messages that name a political party or candidate, or include a logo, likeness or image associated with a party or candidate, or identifies a candidate by voice or physical description.
- during the campaign period, **directly or indirectly** promote or oppose a candidate or a registered political party. This includes issue-based advertising.

Indicators that would support the position that advertising is not election advertising would include:

- 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
- factual information on how to contact the agency or obtain agency services
- advertising that has 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.)

Indicators that advertising is election advertising would include:

- advertising containing information that directly or indirectly promotes or opposes a candidate or registered political party
- advertising specifically planned to coincide with the election campaign period or Final Voting Day
- a material increase in the normal volume of advertising
- a material increase in the number and size of public events (groundbreakings, ribbon cuttings) and advertising announcements regarding them
- advertising that promotes or opposes programs or policies which are so closely associated to a candidate or party (or candidates or parties) that it would be unreasonable to argue that the advertising is neutral

For more information

Elections BC

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