



**ELECTIONS BC**

A non-partisan Office of the Legislature

# GUIDE TO COMMUNICATIONS FOR PROVINCIAL THIRD PARTY SPONSORS

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## Introduction

Elections BC is the non-partisan Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing and election advertising provisions for local elections.

The *Election Act* sets the rules for the provincial electoral process. This guide intends to explain the election advertising rules in the *Election Act* and how those rules apply to third party sponsors for provincial elections. For more information on election advertising rules for candidates, registered political parties and registered constituency associations, refer to the [Guide for Financial Agents Appointed under the \*Election Act\*](#).

This guide is intended only as an aid to understanding the *Election Act*. How the Act applies to any particular case will depend on the individual circumstances of the case, and may change in light of new legislation and judicial developments. Where there is inconsistency between this guide and the *Election Act*, the Act will prevail.

Where possible, references to specific sections of the *Election Act* are included.

You can view the *Election Act* on the Elections BC website ([elections.bc.ca](http://elections.bc.ca)) or you can buy a copy of the Act from Crown Publications ([crownpub.bc.ca](http://crownpub.bc.ca)).

## Privacy

Elections BC has the authority to collect, use, disclose and dispose of personal information under the *Election Act* and the *Freedom of Information and Protection of Privacy Act*. This information is used to administer provisions of the *Election Act*.

For information about Elections BC's privacy policies, please visit [elections.bc.ca/privacy](http://elections.bc.ca/privacy) or contact the **Privacy Officer, Elections BC** at 1-800-661-8683 or [privacy@elections.bc.ca](mailto:privacy@elections.bc.ca) or PO Box 9275 Stn Prov Govt, Victoria, BC V8W 9J6.

# Election advertising

## What is election advertising?

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Election advertising includes campaign period election advertising and pre-campaign period election advertising.

Campaign period election advertising is the transmission of an advertising message to the public by any means during the campaign period 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 is the transmission of an advertising message to the public by any means during the pre-campaign period 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 that directly promotes or opposes a registered political party, is a message that names the political party, or includes a logo or likeness of a logo used by the political party. An advertising message that directly promotes or opposes the election of a candidate is a message that names the candidate, includes an image or likeness of the candidate or identifies the candidate by voice or physical description.

Please note, the pre-campaign period only applies to fixed date general elections and does not apply to early elections or by-elections.

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

- canvassing voters, in person, by telephone or other means of electronic communication, to attempt to influence how they vote, or
- mailing, or transmitting on the internet, material that contains election advertising messages.

Election advertising does not include:

- messages on the internet that do not and would not normally have a placement cost, including social media posts, websites and videos

Examples of messages that **are not** election advertising include: Facebook, Twitter, Instagram and other social media posts, YouTube videos, and websites that do not have a placement cost.

- 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
- 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
- the transmission of a document or communication directly by a person or group to their members, employees or shareholders
- the transmission by an individual, on a non-commercial basis through the internet, or by telephone or other means of electronic communication, of his or her personal political views

This definition is broad, and in some cases, it can be difficult to determine if an item or activity is election advertising. For more information on how the definition of election advertising is applied, refer to the “Review process and evaluation criteria” on [pages 4 and 5](#) of this guide.

[s. 1]

It is important to note that advertising by third party sponsors is only restricted during the pre-campaign period and campaign period of an election. Advertising conducted outside of these periods by a third party sponsor is not election advertising, even if it promotes or opposes a candidate or registered political party.

### **Types of activities that may be election advertising**

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- television, radio, newspaper or magazine advertisements
- signs, billboards, posters, mailing inserts, bumper stickers, branded clothing, branded objects, displays, exhibitions and public address announcements
- telephone calls, text messages and voicemail messages sent using an automated system (e.g., robocalls)
- newsletters, brochures, or other advertising sent to the public
- internet pay-per-click ads, banner ads, display ads, pop-up or pop-under ads, pre-roll video ads, promoted search results, etc.
- election surveys and polls
- paying canvassers to reach out to voters to attempt to influence how they vote
- mailing material that contains election advertising messages

## **Types of activities that are not election advertising**

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The definition of election advertising only captures advertising communications which are transmitted to the public, and does not capture other types of non-advertising communication. The transmission of personal or private communications between individuals does not require registration as a third party sponsor.

## **Review process and evaluation criteria**

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Elections BC reviews and responds to inquiries regarding election advertising and potential election advertising on a case-by-case basis as they are brought to our attention.

The following criteria are used when determining if a message is election advertising:

1. Was the message transmitted to the public?
2. Did transmission occur during the pre-campaign or campaign period?
3. Did the advertising promote or oppose, directly or indirectly, a registered political party or candidate, or did it take a position on an issue associated with a registered political party or candidate?

Indicators that advertising and activities are election advertising include:

- advertising that identifies particular candidates or political parties
- advertising that evaluates the performance of a particular candidate or party
- advertising that sets out or compares the positions of particular parties or candidates on a policy the advertiser is promoting or opposing
- promoting or opposing policies which are so closely associated to a candidate or party (or candidates or parties) that it is unreasonable to argue that the item is not campaign material
- advertising which references the election, voting, the date of Final Voting Day, “Your choice”, “Make your voice heard”, etc.
- advertising specifically planned to coincide with the pre-campaign or campaign period
- a material increase in the volume of advertising
- a material increase in the number and size of public events

Indicators that advertising and activities may not be election advertising include:

- advertising or activities that are necessary for the performance of a Member of the Legislative Assembly's duties, or for the duties of an officer, director, employee or agent of government
- advertising that does not name a political party or a candidate or take a position on an issue supported or opposed by a political party or candidate
- advertising that has occurred historically during the relevant time of year and is consistent with previous advertising conducted by the sponsoring person or group
- factual information on how to contact or locate the sponsor
- advertising within the normal parameters of promotion for a specific program or activity

### **Not sure if something is election advertising**

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On request, Elections BC will review a message and provide guidance on if a message may meet the definition of election advertising. To request a review, call Elections BC at 1-800-661-8683 or email [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca).

A review by Elections BC is not the same as obtaining a legal opinion. If you require greater certainty, you should obtain independent legal advice.

## **Registration as a third party sponsor**

Except for candidates, registered political parties and registered constituency associations, any individual or organization that sponsors election advertising must register with Elections BC **before** conducting any election advertising. Individuals and organizations that do so are called third party sponsors.

### **How to determine who the sponsor is**

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The sponsor of election advertising is:

- (a) the individual or organization that paid for the election advertising, or
- (b) if the services of conducting the election advertising are provided free of charge, the individual or organization that received the free advertising, or

- (c) if the individual or organization that would be the sponsor under (a) or (b) is acting on behalf of another individual or organization, that other individual or organization is the sponsor.

If an individual or organization pays for materials such as bumper stickers, t-shirts or signs to be produced, that person is the third party sponsor, not the person who wears the t-shirt or posts the sign or bumper sticker. For example, the candidate's campaign is the sponsor of election advertising lawn signs, not the person who posts the sign in their front yard.

[s. 229]

### **Who can register as a third party sponsor?**

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Most individuals or organizations can register as a third party sponsor provided they are independent from:

- registered political parties
- registered constituency associations
- candidates
- appointed official agents, financial agents and deputy financial agents

In order to assess if an individual who applies for registration as a third party sponsor is independent, factors that may be considered by Elections BC include determining if the individual is:

- a candidate;
- an individual who resides with a candidate, and is a spouse, parent, child or relative of the candidate or the candidate's spouse;
- an authorized canvasser;
- an official agent, financial agent or deputy financial agent of a candidate, registered political party or constituency association; or
- an individual who was an official agent, financial agent or deputy financial agent of a candidate, registered political party or constituency association during the 60 days immediately before the start of the campaign period.

Factors that may be considered if the applicant is an organization, include determining if one or more principal officers or members are:

- appointed as principal officers for a registered political party or constituency association;

- employees, financial agents, deputy financial agents or official agents of a candidate, registered political party or constituency association; or
- individuals who were employees, financial agents, deputy financial agents or official agents of a candidate, registered political party or constituency association during the 60 days immediately before the start of the campaign period.

Elections BC may request additional information or evidence if it is necessary to determine if an individual or organization applying to register as a third party sponsor is independent.

Individuals and organizations that have previously committed an offence under the *Election Act* or who have failed to file required disclosure reports or to pay required penalties may be ineligible to register.

The list of current registered third party sponsors can be viewed on our [website](#).

[s. 239]

### **When and how to register**

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An individual or organization may register as a third party sponsor at any time. However, it is mandatory to register **before** sponsoring pre-campaign or campaign period election advertising.

To register you must complete and submit an application for registration.

In order for an application to be accepted, it must be signed by the individual applicant, or by two principal officers or principal members of an organization.

To register as a third party sponsor:

1. Complete form [422 – Third Party Sponsor Registration](#) and select Application for New Registration. This form is available on our website or can be requested from our office.
2. Submit form 422 to Elections BC by email, fax or mail.
3. If your application is approved, Elections BC will send you a letter confirming your registration.
4. If your application is not approved, or if more information is required, Elections BC will contact you and explain what is required.

[s. 239, 240]

### **Requirement to file registration information updates**

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Once registered, third party sponsors remain registered between elections. Since registration as a third party sponsor is ongoing, third party sponsors are required to notify Elections BC if there are changes to their registration information. Registration updates must be sent in writing to Elections BC within 30 days after a change has occurred.

To update your registration information:

1. Complete form [422 – Third Party Sponsor Registration](#) and select Notice of Change. This form is available on our website or can be requested from our office.
2. Submit form 422 to Elections BC by email, fax or mail.
3. If your registration update is complete, Elections BC will update your information.
4. If more information is required about your registration update, Elections BC will contact you and explain what is required.

[s. 240(6)]

### **Deregistration**

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A registered third party sponsor can be deregistered either voluntarily or involuntarily.

#### Voluntary deregistration

A third party sponsor may apply for voluntary deregistration if:

- they have filed all required advertising disclosure reports, and
- they do not have any unpaid penalties.

To voluntarily deregister:

1. Complete form [431 – Third Party Sponsor Application for Deregistration](#). This form is available on our website or can be requested from our office.
2. Submit form 431 to Elections BC by email, fax or mail.
3. If your application is approved, Elections BC will deregister you and will send you a letter confirming your deregistration.
4. If your application is not approved, or if more information is required, Elections BC will contact you and explain what is required.

[s. 242]

## Involuntary deregistration

A third party sponsor may be deregistered by Elections BC if:

- they fail to file an election advertising disclosure report after an election
- it is determined that the individual or organization does not meet the independence requirements

[s. 240, 247]

## **Reregistration**

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An individual or organization can apply to reregister as a third party sponsor by sending a new application for registration to Elections BC. In order for a reregistration to be approved, the sponsor must file any outstanding advertising disclosure reports and must pay any outstanding penalties.

[s. 243]

## **Information to be publicly disclosed**

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The registration forms and disclosure reports filed by third party sponsors are available for public inspection at Elections BC's office. Disclosure reports are also published on our website. Contributor's addresses will be obscured by Elections BC prior to public inspection.

[s. 250]

# Conducting election advertising

## **Third party sponsors must be independent and not collude**

The *Election Act* requires third party sponsors to conduct election advertising separately from candidates and political parties. This means that third party sponsors must:

- be independent from registered political parties, constituency associations, and candidates, including their principal officers, official agents and financial agents;

- must not sponsor election advertising on behalf of or together with any of these entities; and
- must not share information or act in collusion with a candidate, registered political party or constituency association.

These provisions maintain a level playing field for all political participants, and ensure individuals and organizations do not circumvent the provisions of the Act.

If it is determined that a registered third party sponsor is not independent, they may not be registered in the first instance, or may be deregistered by Elections BC, and if so, are not permitted to conduct election advertising.

Campaign collusion involves two or more independent political entities knowingly working together to gain an advantage during an election that would not otherwise be available to them if they were operating their campaigns alone and/or whose activities are intended to circumvent the legislated provisions.

Potential collusion between a third party sponsor and a candidate, registered political party or constituency association may take a number of different forms. For certainty, the Act specifically prohibits sharing information or acting under the direction of a candidate, registered political party or constituency association when sponsoring election advertising.

In assessing collusion, factors that may be considered by Elections BC include the level of communication, coordination, cooperation and collaboration between a third party sponsor and candidate, registered political party or constituency association.

On their own, the following activities are not prohibited:

- endorsing a candidate, political party, constituency association or nomination contestant;
- receiving publicly available information;
- attending the same public event; or
- using the same vendor to provide a service.

Some activities that may suggest a third party sponsor has colluded with a registered political party or candidate may include, but are not limited to:

- requesting or receiving directions from a candidate, registered political party or constituency association with respect to election advertising;
- being materially involved in decisions regarding the content, audience, dissemination or distribution of election advertising;
- holding joint formal or informal planning meetings to discuss or plan campaigning strategies

- developing complementary election campaigns to optimize the reach or effectiveness of an advertising campaign;
- sending out communications that are so similar a reasonable person would have difficulty distinguishing which were created by the third party sponsor and which were created by a political party or candidate (e.g. common formatting or branding);
- arranging for the payment of an expense that would otherwise be an election expense if it was incurred by a candidate or party;
- sharing, formally or informally, information or other materials to assist with an election campaign (e.g. providing access to mailing or volunteer list); or
- distributing each other's election material.

This is not an exhaustive list of factors which may be considered by Elections BC in determining if a third party sponsor has acted in collusion with a candidate, registered political party or constituency association. Campaign collusion will be assessed on a case-by-case basis, and determined based on the facts of a specific situation.

[s. 239, 250.002]

### **No indirect election advertising**

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

[s. 230]

### **Sponsors must not exceed election advertising limits**

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The value of election advertising that can be conducted during the campaign period by a third party sponsor, or by a group of third party sponsors, is limited. Registered sponsors may conduct election advertising independently, together in combination with other registered sponsors, or both independently and together with other sponsors, but they may not exceed the spending limits.

For a general election, the spending limits during the campaign period for each third party sponsor are \$3,000 in relation to a single electoral district and \$150,000 in the province overall.

For a by-election, the spending limit is \$3,000.

These limits are adjusted for changes to the consumer price index (CPI). Elections BC will communicate to all registered third party sponsors and publish on our website the adjusted spending limits at the start of an election.

There are penalties for exceeding the advertising limits. For more information, refer to the “Exceeding third party advertising limits” section on [page 33](#) of this guide.

[s. 235.1]

### How the advertising limits work

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Each registered sponsor has their own separate advertising limit. Sponsors cannot share or combine their advertising limits with other sponsors.

When campaign period election advertising is sponsored, the full value of the advertising is subject to the sponsor’s advertising limit. The sponsor may continue to conduct election advertising until they have reached their advertising limit.

Example: ABC Group is a registered third party sponsor. ABC Group independently conducts province-wide election advertising with a value of \$100,000. Thus, ABC Group has \$50,000 remaining under their advertising limit for province-wide advertising, and is entitled to continue sponsoring election advertising until they reach their limit.

When election advertising is co-sponsored by more than one sponsor, the value of the advertising is divided between the co-sponsors on a reasonable basis (e.g. 50/50 for two sponsors) and the value is subject to the limit for each sponsor.

Example: ABC Group and XYZ Group are both registered third party sponsors. ABC and XYZ prepare and conduct province-wide election advertising together as co-sponsors. The total value is \$150,000, or \$75,000 each. Thus, ABC and XYZ have reached the \$150,000 advertising in combination limit and cannot sponsor any more election advertising together as co-sponsors. However, ABC and XYZ each have \$75,000 remaining under their separate advertising limits. Therefore, both are entitled to continue sponsoring election advertising independently or with other registered third party sponsors until each has reached their separate advertising limits.

### How to determine the value of election advertising

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The value of election advertising is:

- (a) the price paid for preparing and conducting the election advertising, or
- (b) the market value of preparing and conducting the election advertising, if no price is paid or if the price paid is lower than the market value.

The value of election advertising includes all direct costs (e.g. materials, publishing, broadcasting and transmission fees, outside design services, etc.) and excludes indirect costs (e.g. overhead).

Example: A registered third party sponsor pays an agency \$500 to produce a radio election advertisement, and pays a radio station \$150 per play to broadcast the ad. The commercial is played 20 times during the campaign period. What is the value of this election advertising?

**Answer:** \$500 production cost + (\$150 x 20 plays) = \$3,500

Example: A registered third party sponsor prepares an election advertising brochure on their own computer and makes 500 copies at a local print shop for \$0.25 per copy. The brochures are mailed to 500 different homes within the community at a postage rate of \$0.85 per brochure. What is the value of election advertising?

**Answer:** 500 brochures x (\$0.25 printing + \$0.85 postage per brochure) = \$550. The value of using the computer is not included in the value of election advertising.

Example: A registered third party sponsor has 500 election advertising signs from a previous election. The 500 signs cost \$2,250 to produce during the last election. If the sponsor puts only 400 of the signs up during the campaign period, what is the value of the election advertising?

**Answer:** Since the signs were purchased during the previous election, the sponsor must determine the current market value of 500 signs of the same quality. In this example, assume that the sponsor calls a local print shop and learns that the lowest replacement cost for 500 signs of the same quality is now \$2,500.

The value of election advertising is \$2,000, calculated as follows:

\$2,500 current market value ÷ by 500 signs = \$5 per sign  
400 signs used x \$5 per sign = \$2,000

[s. 235.081]

### **Valuing staff, volunteer and outside services**

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The value of services used to prepare and conduct election advertising is not included in the value of election advertising if:

- the services are performed by the individual who is the sponsor, or
- the services are performed by an existing staff member or volunteer who normally performs these services for the sponsor organization as part of ongoing operations.

However, the value of services used to prepare and conduct election advertising **must be included** in the value of election advertising **if**:

- the services are purchased or received from an outside vendor, or
- the services are performed by a new employee of the sponsor organization who has been hired or recruited in relation to election advertising, or who has been seconded or reassigned from their normal duties.

In other words, for the purpose of calculating the value of election advertising, services provided in relation to ongoing activities by a sponsor to their own campaign, or by existing staff to a sponsor organization are considered to be overhead, and are not included in the value of election advertising.

Example: A third party sponsor has a staff member that regularly prepares messages intended for the general public on issues related to public policy. The staff member prepares and transmits an advertising message intended to promote the aims of the organization. The message also meets the definition of election advertising. Does the sponsor include the value of the staff member's services in the value of election advertising?

**Answer:** No. The staff member's services are not included in the value of election advertising. Since the staff member usually performs these services, the services are treated like overhead, which is not included in the value of election advertising. However, if the staff member had been newly hired to prepare the election advertising, or if the staff member was reassigned from other unrelated duties, the value of the services would be required to be included in the value of election advertising.

### **Proration and apportionment of election advertising expenses**

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The value of election advertising can be prorated or apportioned according to the following principles:

- The full production cost of election advertising must be included in the value. This applies to all election advertising, even if the advertising is used for other purposes before the election, or will continue to be used after the election.
- For broadcasting or distribution costs, include only the portion that is actually used or distributed during the pre-campaign or campaign period.
- For advertising that is co-sponsored by two or more independently registered third party sponsors, each sponsor must report their share of the value of the advertising. For example, if each sponsor paid for an equal portion of the advertising, divide the value of election advertising equally between the sponsors.

Example: Two third party sponsors jointly rent a billboard for one year at a rate of \$1,000 per month (\$12,000 per year). The cost of producing the billboard advertisement is \$2,000. A general election is called and the billboard is election advertising. It remains on display through the pre-campaign and campaign periods. What is the value of election advertising?

**Answer:** Since the pre-campaign period is 60 days and the campaign period is 29 days, including Final Voting Day, 89 days' worth of transmission costs must be included along with the full production value of the billboard advertisement. This amount is divided equally by the two sponsors.

Total value of election advertising:

Pre-campaign period:  $\$2,000 + \$12,000 \times (60 \text{ days} \div 365 \text{ days}) = \$3,972.60$

$\$3,972.60 \div 2 \text{ sponsors} = \$1,986.30$  pre-campaign period election advertising for each sponsor

Campaign period:  $\$2,000 + \$12,000 \times (29 \text{ days} \div 365 \text{ days}) = \$2,953.42$

$\$2,953.42 \div 2 \text{ sponsors} = \$1,476.71$  campaign period election advertising for each sponsor

### Requirement for authorization statement on election advertising

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Most election advertising must contain an authorization statement which identifies the sponsor, indicates that the sponsor is registered and provides a B.C. telephone number, mailing address or email address where the sponsor can be contacted. For sponsors that are numbered corporations or unincorporated organizations, the name of a principal officer or principal member of the organization is also required. For messages that are sponsored by more than one sponsor, each sponsor's authorization is required. For example:

#### Third party sponsor – individuals

- Authorized by John Smith, registered sponsor under the *Election Act*, 604-123-4567

#### Third party sponsor – organizations

- Authorized by ABC Company, registered sponsor under the *Election Act*, 604-123-4567
- Authorized by Jane Doe, registered sponsor under the *Election Act*, jane.doe@email.com

### Third party sponsor – numbered corporations and unincorporated groups

- Authorized by Just a Club; Jane Doe, registered sponsor under the *Election Act*, 604-123-4567

### Third party sponsor – more than one sponsor

- Authorized by ABC Company, 604-123-4567 and ABC Trade Union, John Smith, 604-123-4567, registered sponsors under the *Election Act*

[s. 231(1)]

## **Advertising exempt from authorization statement requirement**

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The authorization statement is not required for election advertising on the following items:

- clothing (e.g., shirts, sweaters, vests, jackets, hats, etc.)
- novelty items, including wearable novelty items (e.g., buttons, badges, pins, brooches, stickers, wristbands, necklaces, etc.)
- small items of nominal value that are intended for personal use (e.g., pens, mugs, magnets, key-chains, notepads, etc.)

[s. 231(2)]

## **Authorization policy for advertising on the internet**

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Elections BC recognizes it is not feasible for sponsors to include the authorization statement on certain internet election advertising due to the space and character limitations (e.g., pay-per-click ads).

For internet election advertising, the authorization statement is not required to be contained within the advertising message if selecting (e.g., clicking, finger-tapping) the advertising message sends the viewer to a website, landing page or profile page that contains the sponsor's required authorization statement.

## **Sponsor activities must identify sponsor**

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Individuals canvassing voters on behalf of the sponsor on a commercial basis must identify the sponsor, indicate that the sponsor is registered under the *Election Act* and indicate that they are authorized by the sponsor.

If the individual distributes written materials during canvassing, the written materials must contain the sponsor's authorization statement.

[s. 231.01]

## **Authority to remove unauthorized and restricted advertising**

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If an election advertising message does not have the required authorization statement, Elections BC may require the advertising to be discontinued or removed and destroyed. Elections BC can remove and destroy unauthorized election advertising without notice.

Similarly, if election advertising or any material that identifies a candidate, registered political party or registered constituency association is located within 100 metres of a building that contains a District Electoral Office or a voting place where advance or final voting is taking place, a District Electoral Officer (DEO), or someone authorized by a DEO, may enter a property and remove, cover or obscure the election advertising or material.

[s. 231(3), 234(3)]

## **Where and when election signs may be placed**

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The timing and placement of election signs is regulated by the *Election Act*, by local municipalities, and, for signs on provincial highways, by the *Transportation Act*.

To be certain, election signs may not be placed in or within 100 metres of the building where a District Electoral Office is located, or in or within 100 metres of a building where a voting place is located while advance or final voting is being conducted.

Election signs may be placed as follows:

- Public property: contact your municipality to determine if there are by-laws on where and when election signs can be placed on municipal public property.
- Private property: election signs may be placed or removed at the discretion of the property owner, subject to municipal or other by-laws.

- Rental or strata property: election signs must be allowed to be placed on the premises to which a renter's tenancy agreement relates, and must be allowed on the premises of an owner or tenant's strata unit. However, landlords, strata corporations and their agents may set reasonable limits on the size and type of election signs permitted, and may restrict placement in common areas.
- Provincial highways: the Ministry of Transportation and Infrastructure's election sign policy provides that election signs:
  - must only be installed after the election is called, and must be removed the next working day after Final Voting Day
  - signs not removed by the owners on the next working day following the election will be removed by maintenance contractors. Maintenance contractors will invoice the owner of the signs for the cost of removal.
  - must be further from the road than standard traffic signs, and must not obstruct, simulate or be attached to any traffic control device (e.g., signs, posts, poles)
  - must not be placed on bridges, overpasses, tunnels or other highway structures
  - must not be placed on the following provincial highways:
    - Highways within Provincial Parks
    - Highway 1, from Horseshoe Bay to Hope
    - Highway 5, from Hope to Kamloops
    - Highway 19, from Duke Point Ferry Terminal to Trans-Canada Highway
    - Highway 19/Nanaimo Parkway, from Trans-Canada Highway to Island Highway
    - Highway 19, Parksville to Campbell River
    - Highway 91 and 91A
    - Highway 99, from the US border to Horseshoe Bay
    - Highway 17, from Tsawwassen Ferry Terminal to Highway 1/15
    - Highway 17A, from Highway 17 to Highway 99
    - Highway 97C, from Aspen Grove to Peachland

Important safety note: Placing or erecting election signs by digging or driving stakes into the ground can pose a safety hazard to sign installers and to underground infrastructure (i.e., gas lines and other utilities). Before placing election signs, you may wish to contact

BC One Call at 1-800-474-6886 or [www.bc1c.ca](http://www.bc1c.ca) to determine if there are risks in your area. This service is free of charge and is not associated with Elections BC.

[s. 228.1, 234]

### **Restriction on campaigning near election offices and voting places**

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During a campaign period, the 100 metres surrounding the building where a District Electoral Office is located is a restricted area for electoral purposes. Individuals and organizations must not do the following in these restricted areas:

- post, display or disseminate:
  - any election advertising, or
  - any material that identifies a candidate, registered political party or registered constituency association, unless authorized by the District Electoral Officer

Example: displaying a poster in the restricted area which lists the names of registered political parties or candidates seeking election would require the permission of the District Electoral Officer before posting, even if the ad is neutral (e.g., a notice of an all candidates meeting).

Likewise, while advance or final voting is being conducted, the 100 metres surrounding each building that contains a voting place is a restricted area for electoral purposes. Individuals and organizations must not do any of the following in these restricted areas:

- post, display or disseminate:
  - any election advertising, or
  - any material that identifies a candidate, registered political party or registered constituency association, unless authorized by the District Electoral Officer
- canvass or solicit votes or otherwise attempt to influence how a voter votes
- carry, wear or supply a flag, badge or other thing indicating that the individual using it is a supporter of a particular candidate or registered political party
- post, display, disseminate or openly leave a representation of a ballot marked for a particular candidate or registered political party

Individuals and organizations are also prohibited from transmitting campaign period election advertising using a loud speaker or public address system if the loud speaker or sound system is within hearing distance of a voting place while advance or final voting is being conducted.

If these rules are contravened, the District Electoral Officer or another election official has the authority to enter the property where the materials are located to remove or obscure these materials.

[s. 234]

### **Election advertising restrictions on Final Voting Day**

Individuals and organizations must not sponsor or agree to sponsor, or publish, broadcast or transmit to the public, campaign period election advertising on Final Voting Day.

The following are exceptions to the ban on campaign period election advertising on Final Voting Day:

- an internet message that is posted for the sole purpose of encouraging voters to vote in the election
- the distribution of pamphlets or the posting of messages on signs, posters or banners outside of 100 metres of a district electoral office or a voting place while voting is being conducted
- a notice of an event that the leader of a registered political party intends to attend
- an invitation to meet or hear the leader of a registered political party
- an internet message that was posted before Final Voting Day and that is not changed until after the close of voting

[s. 233]

## **False statements and unauthorized transmissions**

The *Election Act* prohibits certain types of false statements, transmission of unauthorized material and information, and certain types of misrepresentation. These prohibitions have been in place since May 2023 and there are serious penalties associated with these provisions.

Furthermore, if an individual or organization continues to transmit to the public a false statement after receiving notice from Elections BC, they may be subject to additional monetary penalties for each day they continue to transmit the false statement.

### **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 making the false statement:

- intends to affect election results by making the false statement, and
- knows the statement is false, or has a reckless disregard as to whether the statement is false.

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

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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,
- 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 making the false statement:

- intends to undermine public confidence in the result or administration of an election, and
- knows the statement is false, or if has a reckless disregard as to whether the statement is false.

### **Transmission of false election information**

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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 if the individual or organization transmitting the material or information does so with the intention of affecting the results of an election.

These prohibitions apply to false or misleading material or information transmitted by any means, regardless of its form.

### **Transmission of unauthorized material or information**

---

During a pre-campaign or election period, individuals and organizations must not transmit any material or information that purports 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.

### **Misrepresentation**

---

An individual or organization must not falsely purport 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.

# Sponsorship Contributions

## Definition

---

A contribution is an amount of money or the value of any property or services provided without compensation by way of donation, advance, deposit, discount or otherwise provided to a third party sponsor.

A sponsorship contribution is a contribution that is for the purpose of sponsoring election advertising, and for which the contributor has provided a contributor confirmation and contributor consent form. Sponsorship contributions include those provided before or after the individual or organization acts as a third party sponsor.

Before a third party sponsor may use a contribution to sponsor election advertising, they must obtain the following from the contributor in writing:

**Contributor confirmation** – confirmation that the contributor is an eligible individual

**Contributor consent** – consent from the contributor that the third party sponsor may use all or part of the contribution to sponsor election advertising

A contributor may provide a contributor confirmation and consent either when they make a contribution or afterwards. If provided afterwards, it must be before the earlier of:

- the date that is 24 months after the contribution is made
- the date the third party sponsor uses the contribution

[s. 235.01, 235.02]

When making a request to provide a contributor confirmation and consent, the third party sponsor must advise the contributor whether they have previously provided a contributor consent for one or more contributions in that year and, if so, the value of those contributions.

[s. 235.04, 235.041]

If property or services are provided to a third party sponsor at less than market value, or acquired from a third party sponsor at greater than market value, the difference between the price paid and the market value is a sponsorship contribution.

Example: A third party sponsor hires an individual to design brochures for \$300. The price usually charged by the individual for equal design services is \$500. Is there a contribution? If yes, what is the value?

**Answer:** Yes, the individual has made a contribution of \$200 (\$500 - \$300) by providing the service at less than market value. If the individual providing the services is an eligible individual, and provides a contributor confirmation and consent form, the brochures can be used as election advertising. Without a contributor confirmation and consent form, the sponsor must pay the individual the full market value for the services.

### What is not a sponsorship contribution?

---

- services provided by a volunteer
- property of a volunteer, if it is provided or used in relation to the services of the individual as a volunteer
- publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program, including publication without charge in a bona fide internet publication or program
- broadcasting time provided, without charge, as part of a bona fide public affairs program
- producing, promoting or distributing a publication for less than its market value, if the publication was planned to be sold regardless of the election (this exception extends to e-books, documentaries, movies, plays and other similar works or performances)

### Volunteers

---

A volunteer is an individual who voluntarily performs services and receives no compensation, directly or indirectly, for the services or their time. This means that employers cannot continue to pay people while they are working as volunteers. If they do continue to get paid, they are not volunteers and the value of their services is a contribution from their employer.

If an individual uses paid vacation time to work for a third party sponsor, they will be a volunteer as long as they have not been directed by their employer to provide the services and the employer does not provide extra vacation or leave.

[s. 235.02]

## Rules for making and using sponsorship contributions

---

A person must not make a sponsorship contribution unless they are an eligible individual. An eligible individual is someone who is:

- a resident of British Columbia, and
- a Canadian citizen or permanent resident as defined in the *Immigration and Refugee Protection Act* (Canada).

[s. 235.04, 235.041]

## Sponsorship account

---

If the total value of sponsorship contributions accepted by a third party sponsor exceeds \$10,000, they must open a sponsorship account at a savings institution as soon as practicable. If a sponsor is required to open a sponsorship account, they must deposit every additional sponsorship contribution of money in the account and transfer all sponsorship contributions of money previously accepted, other than those which were used to sponsor election advertising, to the account within seven days of opening the account.

In addition to the amounts required to be deposited after opening a sponsorship account, only the following deposits may be made to a sponsorship account:

- assets, other than assets received by way of contribution,
- an amount previously transferred or withdrawn for non-election advertising purposes if the amount was not used to sponsor election advertising,
- an amount up to the balance present in a previous sponsorship account when it was closed,
- permissible loans,
- interest on amounts on deposit in the sponsorship account, and
- dividends paid on the sponsorship account if the account is at a credit union.

If a third party sponsor who is required to open a sponsorship account is deregistered as a sponsor, they are not required to keep the account open, but may do so. Similarly, if an individual or organization that is required to open a sponsorship account does not register as a sponsor, the individual or organization is not required to keep the account open, but may do so.

If, after closing a sponsorship account, a third party sponsor accepts sponsorship contributions with a total value that exceeds \$10,000 since the account was closed, the sponsor must open a new sponsorship account. As stated above, after opening a new account, the sponsor may transfer to the account an amount up to the balance present in the previous sponsorship account when it was closed.

[s. 235.071 or 235.08]

### **Naming of a sponsorship account**

A sponsorship account must be:

- in the case of a third party sponsor who is an individual, in the name of the individual
- in the case of a third party sponsor that is an organization, in the name of the organization, in the name of one of the principal officers of the organization, or if there are no principal officers, in the name of one of the principal members of the organization

### **Sponsorship contribution limits**

There is a limit to the total value of sponsorship contributions a third party sponsor can accept from an eligible individual during a calendar year.

The limit is \$1,200, but will be adjusted for changes to the consumer price index (CPI). Elections BC will publish the exact sponsorship contribution limits at the start of each year.

There is also a limit to the total value of anonymous sponsorship contributions that can be used to sponsor election advertising. For a general election, the limit is \$250 in relation to a single electoral district and \$5,000 in the province overall. If election advertising is sponsored in combination with one or more third party sponsors, their combined limit is still \$250 in relation to a single electoral district and \$5,000 in the province overall. For a by-election, the limit is \$250 whether acting alone or in combination with one or more third party sponsors.

For certainty, the total value of anonymous sponsorship contributions used to sponsor election advertising cannot be increased by sponsoring election advertising in combination with one or more third party sponsors.

There are penalties for exceeding the sponsorship contribution limits. For more information, refer to the “Monetary penalties respecting sponsorship contributions and failing to register” section on [page 35](#) of this guide.

[s. 235.05, 235.06, 235.07]

## Sponsorship contributions of money

---

A sponsorship contribution of money is limited to \$100, unless made using one of the following methods:

- a cheque from the contributor's bank account with the contributor's name legibly shown on it
- the contributor's credit card
- an electronic transfer of funds from the contributor's bank account
- a money order signed by the contributor with their name legibly shown on it

## Anonymous sponsorship contributions

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An anonymous sponsorship contribution must have a value of \$25 or less and does not need a contributor confirmation and consent to be used to sponsor election advertising.

[s. 235.06]

## Prohibited sponsorship contributions

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If a third party sponsor becomes aware that a sponsorship contribution was made or accepted in contravention of the *Election Act*, the sponsor must return the contribution, or its equivalent value, within 30 days. If a third party sponsor is not able to comply with the above, they must not use the contribution to sponsor election advertising.

[s. 235.061]

## Sponsorship contributions through debts and loans

---

A debt is an amount owed by a third party sponsor in relation to sponsoring election advertising, other than a debt arising from a permissible loan. Any debt that remains unpaid for six months after its due date becomes a sponsorship contribution, unless the creditor has made commercially reasonable efforts to collect or recover it.

Similarly, a permissible loan to a third party sponsor is a sponsorship contribution if a savings institution has not made commercially reasonable efforts to collect or enforce it. Since a savings institution is not an eligible individual, this becomes a prohibited contribution.

For certainty, the *Election Act* does not affect the rights of a creditor in relation to a debt or loan that becomes a sponsorship contribution.

[s. 235.021, 235.03]

### **Loans and guarantees**

---

A third party sponsor must not accept a loan other than a permissible loan. A permissible loan is one made by a savings institution for the purpose of sponsoring election advertising. The permissible loan's interest rate must not be less than the prime rate of the principal banker to the government at the time the interest rate is set.

A third party sponsor must not accept a guarantee for a permissible loan unless the guarantee is provided with non-preferential treatment.

[s. 235.021]

### **Sponsorship contributions through fundraising functions**

---

The following amounts are a sponsorship contribution if they take place in relation to a third party sponsor's fundraising function and the sponsor obtains a contributor confirmation and contributor consent:

- a charge for an individual to attend the function
- the difference between the amount paid for property or services offered for sale and the market value, if the amount paid is greater than the market value
- the value of property, services or both donated by an individual for sale, unless the property or services are used for sale

[s. 235.031]

## **Advertising disclosure reports**

### **Who must file a disclosure report?**

---

Third party sponsors who sponsor election advertising with a total value greater than \$500 must file a third party sponsor disclosure report with Elections BC.

If you or your organization sponsored election advertising valued at \$500 or less, please complete and submit only the form [F-TPS-Third Party Sponsor Disclosure Report](#), the cover page to the advertising disclosure report. Ensure that you check the box that indicates “election advertising sponsored did not have a total value greater than \$500 and no additional forms are required.” Elections BC will contact you if no report is received.

[s. 244]

### **When and how to file a disclosure report**

---

A disclosure report must be filed within 90 days after Final Voting Day for the election to which the report relates, and must be submitted on the reporting forms provided by Elections BC. Disclosure reports can be submitted to Elections BC by email, fax, or mail using the contact information located on the last page of this guide.

[s. 244]

### **Required contents of a disclosure report**

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An advertising disclosure report must contain the following information:

- the value of election advertising sponsored during the pre-campaign and campaign periods, reported by advertising type
- any amount of the sponsor’s own assets that were used to pay for election advertising, other than assets received from reported sponsorship contributions
- the amount of sponsorship contributions accepted during the period beginning when the sponsor receives a sponsorship contribution not previously reported to Elections BC, and ending at the close of final voting for the election.
- Anonymous sponsorship contributions must be reported separately, including the dates on which the sponsorship contributions were received, the amounts received on each date and, if applicable, the events at which they were received.

In addition, the following information is required for all contributors who gave more than \$250 during the period:

- the contributor’s full name and residential address
- the value of each contribution and the date it was received

[s. 245]

### **Late filing and failure to file a disclosure report**

---

If a required disclosure report is not filed within 90 days after Final Voting Day, there is a late filing period of 30 days. A sponsor may file the report during the 30 day late filing period if they pay a late filing fee of \$500.

If the required disclosure report is not filed before the end of the late filing period, the sponsor must pay a penalty of \$500 per day until the report is filed. The sponsor will also be deregistered as a third party sponsor.

A sponsor may apply to the Supreme Court for relief from the filing obligations and penalties.

[s. 246, 247]

### **Initial and subsequent disclosure reports**

---

If a registered third party sponsor conducts election advertising with a total value greater than \$10,000, the sponsor must file an initial disclosure report within 14 days of sponsoring the advertising message that brings the total value of election advertising above \$10,000.

The initial disclosure report must include:

- the full name of each contributor who made one or more sponsorship contributions since the last general election that have a total value greater than \$250
- the value of each sponsorship contribution made by the contributor described above and the date on which it was made

If a third party sponsor must file an initial disclosure report, they must file a subsequent disclosure report within 14 days of receiving a sponsorship contribution from a contributor who makes one or more sponsorship contributions that have a total value greater than \$250 since the date of the initial report. The sponsor must file subsequent disclosure reports until Final Voting Day.

Subsequent disclosure reports must include:

- the full name of each contributor who made one or more sponsorship contributions since the date of the initial disclosure report that have a total value greater than \$250
- the value of each sponsorship contribution made by the contributor described above and the date on which it was made

[s. 243.01]

## Requirement for audit

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A third party sponsor who sponsors election advertising with a total value greater than \$10,000 must appoint an auditor. If a sponsor is required to appoint an auditor, their advertising disclosure report must be audited. The third party sponsor must give the auditor access to their records at all reasonable times and must provide any information the auditor considers necessary to enable them to make a report.

As soon as possible after an appointment is made, the third party sponsor must complete and submit either form [321-Appointment of Auditor for an Individual](#) or form [478-Appointment of Auditor for an Organization](#). These forms are available on our website or can be requested from our office.

[s. 245.01]

## Obligation to maintain records in B.C. for five years

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All third party sponsors, even those who have deregistered, must keep their records regarding sponsorship contributions and election advertising expenses for at least five years after their advertising disclosure report is filed. This includes copies of disclosure reports, records of contributions and contributor information, expense receipts and transaction slips, and any other information necessary to validate the contents of a disclosure report. These records must be kept in British Columbia.

[s. 249]

## Information to be open to the public

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The information filed by registered sponsors with Elections BC, including registration information and disclosure reports, is available for public inspection at Elections BC's office in Victoria. The advertising sponsor disclosure reports are also posted on our website. Contributor's addresses will be obscured by Elections BC prior to public inspection.

[s. 250]

## Election opinion polls and surveys

### **Definition of election opinion survey**

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An election opinion survey is an opinion survey about an election or a matter of public discussion in relation to the election, including an opinion survey about an issue discussed publicly in the election.

This includes surveys about:

- what an individual thinks about a particular candidate or election issue
- how an individual intends to vote
- which election issues are most important, etc.

A legitimate opinion survey which is conducted in good faith in accordance with accepted survey standards is not election advertising.

[s. 1]

### **Ban on publishing new election opinion survey results on Final Voting Day**

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There is a ban on publishing the results of an election opinion survey on Final Voting Day if the results have not previously been made available to the public. This includes broadcasting the opinion survey results and transmitting them on the internet.

[s. 233.1]

## Offences, penalties and relief

### **Monetary penalties for failing to identify sponsor**

---

If a third party sponsor fails to include their authorization statement on election advertising not exempt from this requirement, the sponsor can be liable for a penalty of up to \$10,000 as determined by the Chief Electoral Officer.

If an individual is canvassing voters on behalf of a third party sponsor on a commercial basis or distributing written materials during this activity, and they fail to identify the sponsor, the individual can be liable for a penalty of up to \$10,000 as determined by the Chief Electoral Officer.

[s. 231.02]

### **Court order for relief from monetary penalties**

A person subject to a monetary penalty respecting failing to identify the sponsor can apply to the Supreme Court for relief from the penalty. An application must be made within 30 days of being notified of the non-compliance and the related penalty.

The court may:

- Grant relief from the penalty if they consider that the person acted in good faith
- Make any order they consider reasonable to secure compliance
- Refuse to grant relief

### **Exceeding third party advertising limits**

If a third party sponsor exceeds the campaign period election advertising limit, they:

- are deregistered as a third party sponsor and cannot reregister until after the next general election, and
- must pay a penalty that is 10 times the amount by which they exceeded the limit.

If the sponsor is an unincorporated organization, the members of the organization are jointly and severally liable to pay the penalty.

[s. 235.2]

### **Court order for relief from advertising limit**

---

To apply for relief from the penalties for exceeding the campaign period election advertising limit, an application must be made to the Supreme Court within 120 days after Final Voting Day.

The court may grant relief from the financial and/or deregistration penalties if they consider that the sponsor acted in good faith, or the court may refuse to grant relief.

[s. 235.3]

### **Late filing of an advertising disclosure report**

---

If a sponsor who is required to file an advertising disclosure report fails to file within 90 days after Final Voting Day, the sponsor can file the report late during the 30 day late filing period if they pay a late filing fee of \$500.

[s. 246]

### **Failure to file an advertising disclosure report**

---

If a sponsor does not file an advertising disclosure report before the end of the late filing period, the sponsor:

- must pay \$500 a day until the report is filed with Elections BC, and
- is deregistered as a third party sponsor and cannot reregister until after the next general election.

If the sponsor is an unincorporated organization, the members of the organization are jointly and severally liable to pay the penalty.

[s. 247]

### **Court order for relief from filing obligation**

---

Third party sponsors can apply to the Supreme Court for relief from the obligation to file an advertising disclosure report or for relief from a penalty for filing late or not filing a report.

An application for relief must be made to the court within 120 days after Final Voting Day.

Third party sponsors who are considering applying for relief may want to consult independent legal counsel about the process.

Depending on the timing and details of an application for relief the court may:

- grant relief from filing the report or from specific obligations relating to the report
- grant relief from the late filing fee or failure to file penalty
- provide an extension of time to file the disclosure report, with or without payment of the late filing fee
- make any order the court considers reasonable to secure compliance
- refuse to grant relief

[s. 248]

## Monetary penalties respecting sponsorship contributions and failing to register

### Making and using sponsorship contributions

---

If an individual who is not an eligible individual makes a sponsorship contribution or if a third party sponsor uses a contribution for election advertising without obtaining a contributor confirmation and contributor consent, they can be liable for a penalty of up to double the amount of the sponsorship contribution.

[s. 250.01]

### Sponsorship contribution limits

---

If an eligible individual makes sponsorship contributions to any one third party sponsor that exceed the applicable limit for the year, the individual can be liable for a penalty of up to double the amount that sponsorship contributions exceed the sponsorship contribution limit.

A third party sponsor can be liable for the same penalty if they accept sponsorship contributions that exceed the applicable limit for the year from an eligible individual or if they accept a sponsorship contribution that they believe is made in contravention of the *Election Act*.

[s. 250.02]

### **Sponsorship contributions**

---

If an individual or organization makes a sponsorship contribution indirectly by giving money, or providing property or services without compensation, to a person for that person to make a sponsorship contribution, or as consideration for that person making a sponsorship contribution, they can be liable for a penalty of up to double the amount of the sponsorship contribution.

An individual or organization can be liable for the same penalty if they make a sponsorship contribution with money, property or services of any other person. There is an exception for an individual who makes a sponsorship contribution with money, property or services of another individual if the other individual is an eligible individual and their full name and address is disclosed to the registered third party sponsor required to report the contribution.

[s. 250.03]

### **Anonymous sponsorship contributions**

---

For a general election, if a third party sponsor uses anonymous sponsorship contributions with a total value greater than \$250 to sponsor election advertising in relation to a single electoral district, or \$5,000 overall, they can be liable for a penalty of up to double the amount that the anonymous sponsorship contributions exceed the applicable limit.

For a by-election, if a third party sponsor uses anonymous sponsorship contributions with a total value greater than \$250 to sponsor election advertising, they can be liable for a penalty of up to double the amount that the anonymous sponsorship contributions exceed the applicable limit.

In respect of both of a general election and a by-election, the same limits apply to the total value of anonymous sponsorship contributions used to sponsor election advertising in combination with one or more third party sponsor.

[s. 250.04]

### **Returning sponsorship contributions**

---

If a third party sponsor does not return a sponsorship contribution, or its equivalent value, within 30 days of becoming aware that it was made or accepted in contravention of the *Election Act*, they can be liable for a penalty of up to double the amount of the sponsorship contribution.

[s. 250.05]

## **Sponsorship contributions over a specific amount**

---

If an eligible individual makes a sponsorship contribution of money in the form of cash that is greater than \$100, they can be liable for a penalty of up to double the amount that sponsorship contribution exceeds the \$100 limit.

A third party sponsor can be liable for the same penalty if they accept a sponsorship contribution of money in the form of cash greater than \$100.

[s. 250.06]

## **Failing to register**

---

If an individual or organization sponsors election advertising without being registered with Elections BC, they can be liable for a penalty of up to \$10,000.

An individual or organization can be liable for the same penalty if they are registered or required to be registered as a third party sponsor and are not independent of registered political parties, registered constituency associations, candidates, agents of candidates and financial agents, or sponsor election advertising on behalf of or together with any of these.

[s. 250.07]

## **Court order for relief from monetary penalties**

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A person subject to a monetary penalty respecting sponsorship contributions or failing to register can apply to the Supreme Court for relief from the penalty. An application must be made within 30 days of being notified of the non-compliance and the related penalty.

The court may:

- grant relief from the penalty if they consider that the person acted in good faith
- make any order they consider reasonable to secure compliance
- refuse to grant relief

[s. 250.08]

### Publication of names

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If an individual or organization is subject to a monetary penalty respecting sponsorship contributions or failing to register, their name, the section under which the penalty was imposed and the amount of the penalty will be published on the Elections BC website and in the BC Gazette. The information will continue to be published on the Elections BC website until one year after Final Voting Day for the next general election.

[s. 250.09]

### Offences in relation to election advertising and other promotion

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The *Election Act* contains serious penalties for people who fail to comply with the election advertising rules. Some of the penalties have been noted earlier and include monetary penalties and deregistration. Other contraventions are more serious and constitute offences under the legislation. The courts determine whether an individual or organization has committed an offence.

Examples of election advertising offences include, but are not limited to:

- sponsoring election advertising if not registered as an advertising sponsor
- sponsoring election advertising indirectly
- not identifying the sponsor on election advertising or during commercial canvassing activities
- conducting campaign period election advertising on Final Voting Day before the close of voting, other than the advertising exceptions on [page 20](#)
- publishing new election opinion survey results on Final Voting Day before the close of voting

For a complete list of offences related to election advertising, please review section 264 of the *Election Act*.

A person who commits an election advertising offence is liable to a fine of up to \$10,000, up to one year imprisonment, or both.

[s. 264]

### **Offences in relation to false and misleading information**

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If an individual or organization does any of the following, an offence is committed:

- provides false or misleading information when required or authorized under the *Election Act* to provide information
- makes a false or misleading statement or declaration when required under the *Election Act* to make a statement or declaration

A person is not guilty of an offence under this section if, at the time the information was given or the statement or declaration was made, the person did not know that it was false or misleading and, with the exercise of reasonable diligence, could not have known that it was false or misleading.

A person who commits this offence is liable to a fine up to \$20,000, up to two years imprisonment, or both.

[s. 266]

## Glossary

<p><b>Advance voting</b></p>	<p>An opportunity to vote before Final Voting Day. Advance voting is held between 8 a.m. and 8 p.m. over six consecutive days before Final Voting Day.</p> <p>[<i>Election Act</i>, s. 76, 97]</p>
<p><b>Campaign period</b></p>	<p>The time between when an election is called and the close of voting on Final Voting Day.</p> <p>[<i>Election Act</i>, s. 1]</p>
<p><b>Candidate</b></p>	<p>An individual who stands for election to the Legislative Assembly. To become a candidate, an individual must meet the requirements of the <i>Election Act</i>, file nomination documents, and receive a certificate of candidacy from Elections BC.</p> <p>For election financing and election advertising purposes, a candidate includes an individual who becomes a candidate or who was a candidate.</p> <p>[<i>Election Act</i>, s. 1, 52-68]</p>
<p><b>Chief Electoral Officer (CEO)</b></p>	<p>An independent Officer of the Legislature appointed by the Lieutenant Governor on the recommendation of the Legislative Assembly. The Chief Electoral Officer supervises and administers the provincial electoral process.</p> <p>[<i>Election Act</i>, s. 1, 4-13]</p>
<p><b>Constituency association</b></p>	<p>An organization formed for an electoral district as the local organization of a political party or as the local organization to support an independent Member of the Legislative Assembly for that electoral district.</p> <p>[<i>Election Act</i>, s. 157]</p>
<p><b>Contribution</b></p>	<p>An amount of money or the value of any property or services provided without compensation by way of donation, advance, deposit, discount or otherwise provided to a third party sponsor.</p> <p>[<i>Election Act</i>, s. 235.01]</p>

## GUIDE TO COMMUNICATIONS FOR PROVINCIAL THIRD PARTY SPONSORS

<b>District Electoral Officer (DEO)</b>	<p>A person appointed by the Chief Electoral Officer to conduct elections in an electoral district.</p> <p>[<i>Election Act</i>, s. 18-21, 88]</p>
<b>Elections BC (EBC)</b>	<p>The usual name for the Office of the Chief Electoral Officer. Elections BC administers the electoral process in B.C. This includes provincial general elections and by-elections, provincial referenda, recall and initiative petitions and votes, and campaign financing for local elections.</p>
<b>Electoral district (ED)</b>	<p>A geographic area represented by a single Member of the Legislative Assembly (MLA). Electoral districts are also called constituencies or ridings.</p> <p>[<i>Constitution Act</i>, s. 18; <i>Electoral Districts Act</i>]</p>
<b>Financial agent</b>	<p>An individual appointed to manage the finances of an individual or group. Registered political parties, registered constituency associations, candidates, leadership contestants, nomination contestants and recall and initiative participants must appoint a financial agent. If no financial agent is appointed for a candidate, leadership contestant, or nomination contestant, that person is their own financial agent.</p> <p>[<i>Election Act</i>, s. 175-178; <i>Recall and Initiative Act</i>, s. 29, 59, 107]</p>
<b>General Election</b>	<p>Elections called on the same date for all the electoral districts in the province.</p> <p>[<i>Election Act</i>, s. 1, 24, 26-28]</p>
<b>Final Voting Day (FVD)</b>	<p>The day when an election is held. Final Voting Day is Day 28 (the 28th day after the election is called). If it is a holiday, then Final Voting Day is the next day that is not a holiday.</p> <p>[<i>Election Act</i>, s. 27]</p>
<b>Member of the Legislative Assembly (MLA)</b>	<p>A person elected to represent an electoral district in the Legislative Assembly.</p> <p>[<i>Constitution Act</i>, s. 18]</p>
<b>Political party</b>	<p>An organization that has as a primary purpose the fielding of candidates for election to the Legislative Assembly.</p> <p>[<i>Election Act</i>, s. 155]</p>

<p><b>Pre-campaign period</b></p>	<p>The period beginning 60 days before the first day of a campaign period for a general election and ending on the day before the first day of the campaign period. The pre-campaign period does not apply to elections that are called early or by-elections.</p> <p>[<i>Election Act</i>, s. 1]</p>
<p><b>Time</b></p>	<p>All times referred to in the <i>Election Act</i> are local times, except for the close of nominations and voting hours on Final Voting Day, which are Pacific time.</p> <p>[<i>Election Act</i>, s. 2]</p>
<p><b>Voting place</b></p>	<p>The building or facility where advance voting is held or where voters of one or more voting areas are assigned to vote on Final Voting Day.</p> <p>[<i>Election Act</i>, s. 1, 81]</p>
<p><b>Value of election advertising</b></p>	<p>The value of election advertising is:</p> <ul style="list-style-type: none"> <li>▪ the price paid for preparing and conducting the election advertising (including applicable taxes), or</li> <li>▪ the market value of preparing and conducting the election advertising (including applicable taxes), if no price is paid, or if the price paid is lower than the market value.</li> </ul> <p>[<i>Election Act</i>, s. 228]</p>
<p><b>Writ of election</b></p>	<p>A formal order signed by the Chief Electoral Officer and the Lieutenant Governor that directs a District Electoral Officer to conduct an election. An election is called when the writ of election has been issued. In a general election, a writ is issued for every electoral district in the province.</p> <p>[<i>Election Act</i>, s. 1, 26]</p>

