

ELECTION COMMUNICATIONS GUIDELINES FOR GOVERNMENT COMMUNICATORS

Purpose:

These guidelines provide information for government communicators about the election advertising rules for the 2022 General Local Elections. The *Local Elections Campaign Financing Act* (LECFA) regulates election advertising during a pre-campaign period and a campaign period. For the 2022 General Local Elections, the pre-campaign period runs from July 18 to September 16. The campaign period begins on September 17 and ends on General Voting Day, October 15.

These guidelines do not constitute a binding statement on how the B.C. Chief Electoral Officer will assess whether or not a communication is election advertising. To the extent that any conflict exists between these guidelines and LECFA, LECFA will prevail.

Discussion:

Section 7 of LECFA defines pre-campaign period election advertising and campaign period election advertising.

Pre-campaign period election advertising is a public communication that promotes or opposes, directly or indirectly, the election of a candidate or elector organization endorsing a candidate. Elector organizations are also known as local political parties. Pre-campaign period election advertising usually mentions a candidate or elector organization.

Campaign period election advertising is the same as pre-campaign period election advertising, but also includes advertising that takes a position on an issue associated with a candidate or elector organization. Campaign period election advertising does not have to mention a candidate or elector organization and can be purely issues based.

LECFA states that election advertising includes communications transmitted to the public by any means. Election advertising can include, but is not limited to:

- advertisements on television, radio or in newspapers and magazines
- advertising on the internet, including advertising on social media
- brochures, signs, posters, and billboards
- mailing inserts, newsletters
- displays or exhibitions

Election advertising also includes:

- canvassing voters on a commercial basis, in person, by telephone or over the internet, to attempt to influence how they vote
- assent voting advertising that is relevant to an election
- any other communications prescribed by regulation

LECFA exempts certain communications from being considered election advertising. Under LECFA, election advertising does not include:

- publishing without charge, in a bona fide periodical publication or a radio or television program, news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary
- distributing a publication, or promoting the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was an election or assent vote
- the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization
- individuals expressing their views on a non-commercial basis on the internet, by telephone, or text message
- free communications on the internet (i.e. communications without a placement cost, such as an unpaid post on social media)

It does not exempt government communications from being election advertising.

Government communicators should be aware that there are different perceptions on what does and does not constitute election advertising, and a public expectation that Elections BC will respond to complaints regarding advertising during an election.

Guidelines:

For advertising to meet the definition of election advertising established by LECFA, it must directly or indirectly promote or oppose the election of a candidate or an elector organization that is endorsing a candidate. In the campaign period, it also includes an ad that takes a position on an issue with which the candidate or elector organization is associated.

Indicators that advertising is election advertising would include:

- advertising containing information that directly or indirectly promotes or opposes a candidate or an elector organization that is endorsing a candidate
- advertising specifically planned to coincide with the campaign period, pre-campaign period for a general local election, or general 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 during the campaign period that promotes or opposes programs or policies which are so closely associated to a candidate or elector organization (or candidates or elector organizations) that it would be unreasonable to argue that the advertising is neutral

Indicators that advertising may not be 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 elector organization (or candidates or elector organizations) 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, such as ads for public health and safety or ads required by statute

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