



ELECTIONS BC

A non-partisan Office of the Legislature

MEDIA OBLIGATIONS FOR RECALL PETITIONS

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Introduction

Under the *Recall and Initiative Act*, the media has certain obligations relating to the publication or broadcasting of recall advertising. Elections BC has prepared this guide to highlight and summarize some of the legislated provisions for media outlets (e.g., radio, newspapers, television, magazines).

If any parts of this document conflict with what appears in the *Recall and Initiative Act*, the Act shall be deemed the exclusive authority. The *Recall and Initiative Act* is available for viewing on our website (www.elections.bc.ca) or can be purchased from Crown Publications Inc. (www.crownpub.bc.ca).

Definitions

Advertising	Advertising is any public promotional material including, but not limited to, leaflets, lawn signs, billboards, brochures, buttons, badges, newspapers, radio, television, websites, newsletters and public address systems.
Authorized participant	The authorized participants for a recall petition are the proponent of the petition and the Member of the Legislative Assembly (MLA) who is the subject of the petition.
Chief Electoral Officer	An Officer of the Legislature. The Chief Electoral Officer is responsible for the administration of the <i>Recall and Initiative Act</i> .
Conduct	Conducting advertising means to publish or sponsor recall advertising.
Member	A Member of the Legislative Assembly (MLA).
Recall advertising	Recall advertising is advertising used during a recall petition period to promote or oppose, directly or indirectly, the recall of the Member who is the subject of the petition.
Recall petition	A petition issued by the Chief Electoral Officer under the <i>Recall and Initiative Act</i> for the recall of a Member.
Recall petition period	The period starting on the day a recall petition application is approved in principle by the Chief Electoral Officer and ending either 60 days after the petition was issued by the Chief Electoral Officer, or on the day the petition is submitted to the Chief Electoral Officer, if earlier.
Recall proponent	The registered voter who applied for the issuance of a recall petition.
Sponsor	An individual or organization who pays for recall advertising to be conducted, or an individual or organization for whom recall advertising is conducted without charge as a contribution, or on whose behalf recall advertising is conducted.

Recall advertising

Recall advertising is advertising used during a recall petition period to promote or oppose, directly or indirectly, the recall of the Member who is the subject of the petition. This includes all forms of advertising, such as media advertising, brochures, signs, etc.

Recall advertising can only be conducted by a proponent, the Member who is the subject of the petition or a registered recall advertising sponsor.

s. 135 **Sponsorship of recall advertising**

The sponsor of recall advertising is the individual or organization who pays for the advertising, who receives the services of conducting the advertising as a contribution, or who has recall advertising conducted on their behalf.

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

s. 143 **Registration of recall advertising sponsors**

Individuals or organizations, other than the proponent or Member, who sponsor recall advertising must be registered with the Chief Electoral Officer before the recall advertising is conducted (or published).

s. 137 **Recall advertising must identify sponsor**

Recall advertising must not be conducted (or published) unless it:

- identifies the name of the sponsor or, in the case of a proponent or Member, the name of the financial agent;
- indicates that it was authorized by the identified sponsor or, in the case of a proponent or Member, the financial agent;
- indicates that the sponsor is a registered sponsor under the *Recall and Initiative Act* (not necessary for a proponent or Member);
- gives a British Columbia telephone number or British Columbia mailing address at which the sponsor or financial agent may be contacted regarding the advertising; and
- for sponsors that are numbered corporations or unincorporated organizations, indicates the name of an individual who is a director or principal member.

Examples:

Authorized by Jane Doe, financial agent, (250) 123-4567;

Authorized by Big Company, registered sponsor under the Recall and Initiative Act, (250) 123-4567; or

Authorized by Small Partnership, John Smith, registered sponsor under the Recall and Initiative Act, (250) 123-4567.

Recall advertising sponsors must make an individual available who is responsible for answering questions from the public that are directed to the address or phone number indicated on the advertising.

s. 138

Restrictions on rates charged for recall advertising

Individuals and organizations must not charge a rate for recall advertising in a periodical publication (newspaper, magazine, etc.) or on radio or television that exceeds the lowest rate charged by the individual or organization for equivalent advertising in the same medium during the same recall petition period. This also applies to the costs of producing advertising.

This means that authorized participants and recall advertising sponsors must be charged equivalent rates for equivalent ads.

Offences and penalties

There are several offences contained in the *Recall and Initiative Act*. Some of the ones that media should be aware of are:

- publishing, conducting or sponsoring recall advertising which does not adequately identify the sponsor (see Recall advertising must identify sponsor, p. 3)
- overcharging for recall advertising (see Restrictions on rates charged for recall advertising, p. 4)

Individuals or organizations who commit an offence are liable to a fine of up to \$5,000 or imprisonment for up to one year, or both.

Questions?

**For more information
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