



## Written Opinions, Guidelines and Interpretation Notes

The Chief Electoral Officer issues guidelines and interpretation notes on the application of the *Canada Elections Act* to registered parties, registered associations, nomination contestants, candidates and leadership contestants, in accordance with section 16.1 of the *Canada Elections Act*. Before the issuance of any guideline or interpretation note, registered federal political parties and the Commissioner of Canada Elections are consulted and invited to provide comments on a draft version. Guidelines and interpretation notes provide guidance and promote consistency in the interpretation and application of the Act. However, they are for information only and do not displace the provisions of the Act.

### **Guideline: 2015-08 – Draft (June 2015)**

The proposed content will become a part of the *Political Financing Handbook for Candidates and Official Agents*.

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## *Election Advertising by Candidates*

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### *Election expense categories*

The following are examples of typical election expenses.

#### **Election advertising**

Election advertising is the transmission to the public of an advertising message promoting or opposing the election of a candidate during the election period. Election advertising has to be authorized by the official agent. This authorization has to be mentioned in or on the message – for example, “Authorized by the official agent of John Smith.”

Expenses incurred for advertising conducted during the election period, including the cost of production and distribution, are to be reported as election expenses.

#### ***Traditional election advertising***

Advertisements distributed through traditional means such as signs, billboards, flyers, pamphlets, radio or television messages, and ads in newspapers or magazines during an election period are election advertising and have to be authorized by the official agent. This authorization has to be in or on the message.

Some advertising material, such as signs can often be used for more than one election. If a campaign uses signs in a second or subsequent election, the amount of election expense to be recorded is the current commercial value of equivalent signs.

Reused signs also have to be recorded as a non-monetary transfer or contribution received from the entity or individual that had possession of the signs. Generally this

is the registered association or the candidate. Keep in mind that contribution and transfer rules apply to these transactions.

For more details on signs and other existing resources please see the section **Use of existing resources**.

### **Examples**

1. In anticipation of an upcoming election, the official agent purchases flyers before the election is called and distributes them during the election period. The commercial value of the flyers – including the design, printing and distribution – is an election expense. The flyers are election advertising and have to include an authorization message from the official agent.
2. The official agent purchases an advertisement that is broadcast during the election period on the local radio station, promoting the candidate. The expenses of the advertisement, including the design, recording and transmitting, are election expenses of the candidate. The advertisement has to include an authorization message from the official agent.

### **Election advertising on the Internet**

In the context of internet communications, only those election messages for which there is, or normally would be, a placement cost are election advertising.

The official agent has to authorize any election advertisement transmitted to the public and that authorization must be noted in or on the advertisement. If the authorization statement cannot be included in the advertising message because of its size, it is acceptable if it is made immediately apparent to the user by following the link.

Content and messages posted for free on social media platforms such as Twitter, Facebook, or communicated through the candidate's website are not election advertising. However, any associated costs are election expenses.

All pre-existing online content, such as videos, websites, Facebook pages, must be removed before the election period. If online content stays on during the election period, it has to be reported as election expense.

**Note:** The official agent has to report as election expenses all the expenses related to the design, development and distribution of online communications used during an election, regardless of being election advertisement or not.

### **Examples**

1. The candidate's campaign hires a media firm to place banners on websites and social media platforms during the election period, directing users to a video posted on YouTube. There is a placement cost for the banners, therefore they are election advertising and have to be authorized by the official agent. Because there is no placement cost to post the video, it is not election advertising, but all expenses related

to the design and development of the video are election expenses.

2. A group page has been created for the candidate on a free social networking site. Volunteers manage the page and post articles related to the candidate's campaign. This is not election advertising. As long as the volunteers are helping outside their regular working hours and are not self-employed in the business of managing social media, the volunteer labour is not an expense.
3. The official agent hires a media firm to post content on the candidate's website, promoting the campaign. This is not election advertising, but all expenses related to the design, development and posting are election expenses.