



## 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: 2015-09 – Draft (June 2015)**

The proposed content will become a part of the *Political Financing Handbook for Registered Parties and Chief Agents*.

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# *Election Advertising by Registered Parties*

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## *Election Advertising*

Election advertising is the transmission to the public of an advertising message promoting or opposing a registered party during the election period. Election advertising has to be authorized by the chief agent or a registered agent of the party. This authorization has to be mentioned in or on the message – for example, “Authorized by the registered agent of the XYZ Party of Canada.”

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 a registered agent of the party. 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 these signs are reused at a second or subsequent election, the amount of election expense to be recorded is the current commercial value of equivalent signs.

### **Examples**

1. In anticipation of an upcoming election, the chief 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 chief agent.

2. The chief agent purchases an advertisement that is broadcast during the election period on the local radio station, promoting the party. The expenses of the advertisement, including the design, recording and transmitting, are election expenses of the party. The advertisement has to include an authorization message from the chief 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 chief 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 party'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:** A registered 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 party 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 registered 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 party on a free social networking site. Volunteers manage the page and post articles related to the party. 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 chief agent hires a media firm to post content on the party's website, promoting the party. This is not election advertising, but all expenses related to the design, development and posting are election expenses.

## **Broadcasting time allocation**

During an election period, every broadcaster must make broadcasting time available for registered parties to purchase for the transmission of political announcements and other programming.

In addition, selected broadcasters must also provide a certain amount of free broadcasting time for registered parties.

The amount of broadcasting time is determined by the Broadcasting Arbitrator. For details about how the broadcasting time is allocated, please consult the Broadcasting Arbitrator's Guidelines on the Elections Canada website.