



**Interpretation note: 2015-04**

**Election advertising on the Internet**

**Comments made during formal consultation period June 18–July 3, 2015**

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| <b>No comments were submitted by the Animal Alliance Environment Voters Party of Canada</b> |  |
| <b>No comments were submitted by the Bloc Québécois</b>                                     |  |
| <b>Comments received from the Canadian Action Party</b>                                     | <b>Elections Canada response to the Canadian Action Party comments</b> |
| A good explanation of the facts.  |  |
| <b>No comments were submitted by the Christian Heritage Party of Canada</b>                 |  |
| <b>No comments were submitted by the Communist Party of Canada</b>                          |  |
| <b>No comments were submitted by the Conservative Party of Canada</b>                       |  |

| Comments received from the Green Party of Canada  | Elections Canada response to the Green Party of Canada comments  |
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| <p>Interpretation (2) says “Election advertising must include a statement of authorization (usually a tagline) ‘in or on the message’. Where the statement cannot be included on the advertising message itself (i.e. the message for which there is a placement cost) because of its size, the requirement will be considered to have been met if the statement is made immediately apparent to the viewer by following the link in the advertising message.”</p> <p>But it also states that:</p> <p>“(1) The following do not fall under the election advertising regime:</p> <ul style="list-style-type: none"> <li>• Messages sent for free over social media networks such as Twitter or Facebook</li> <li>• Messages communicated through a candidate’s, registered party’s or third party’s own website</li> <li>• Videos posted on those websites or on free websites such as YouTube”</li> </ul> <p>So if an advertisement does NOT contain the statement because of its size, and the advertisement links to a message or video that does NOT fall under the election advertising regime, is the initial advertisement now in breach of advertising rules on the internet? Would that message or video then require the “authorized by” statement? We believe the spirit of the act says that it should, but it is not clear.</p> <p>We believe the interpretation should include the caveat that: If an advertisement does not contain the statement because of its size, the requirement will be considered to have been met if the statement is made</p> | <p>The text has been modified to read as follows:</p> <p>“Election advertising must include a statement of authorization (usually a tagline) ‘in or on the message’. Where the statement cannot be included on the advertising message itself (i.e. the message for which there is a placement cost) because of its size, the requirement will be considered to have been met if the statement is made immediately apparent to the viewer by following the link in the advertising message, whether or not the content to which it leads is election advertising.”</p> |

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| <p>immediately apparent to the viewer by following the link in the advertising message WHETHER OR NOT the link leads to a website that is governed by the rules of advertisement by a political party.</p> <p>Ex: A Facebook ad says “Click here to see 10 reasons to vote for the XYZ Party” (and does not include the “Authorized by...” statement). If the link goes to a YouTube video (posted for free, not considered advertising) it will now be required to have the “Authorized by the Chief Agent for the XYZ Party.”</p>   |  |
| <p><b>Comments received from the Liberal Party of Canada</b></p>  | <p><b>Elections Canada response to the Liberal Party of Canada comments</b></p>  |
| <p><b>Page 2:</b></p> <ul style="list-style-type: none"> <li>• Under (1), there is a listing of what does not fall under the election advertising regime. For clarity’s sake, specific reference should be made to the impact of this for the blackout period. Presumably, as an example, candidates and registered parties will be able to send messages for free over social media networks such as Twitter or Facebook during the blackout period as this does not constitute election advertising.</li> <li>• In the listing of practical implications, it would be helpful to have guidance as to how messages conveyed by technologies such as SMS (some of which may be chargeable, others which may not be chargeable, all depending on the plan) will be treated.</li> </ul> <p>With reference to item (6) of that listing, it might be helpful to add examples in the body of the OGI as to what would constitute election expenses subject to spending limits and to financial reporting rules e.g. production</p> | <ul style="list-style-type: none"> <li>• The blackout period and tagline requirements apply only to election advertising. The text has been modified to clarify this point.</li> <li>• The text has been modified to clarify this point.</li> <li>• OGIs 2015-08, “Election advertising by candidates” and 2015-09, “Election advertising by registered parties” provide examples of when election messages might not be election advertising but are still election expenses. The content of the above OGIs will become part of the candidates’ and registered parties’ handbooks.</li> </ul> |

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| <p>costs of websites and YouTube content. Reference should also be made to the election advertising OGI for registered parties and candidates in terms of the types of reportable expenses associated with messages posted for free on social media platforms.</p> |   |
| <p><b>Page 7:</b></p> <p>There is reference to the fact that the third party regime has never captured the entire field of third party activities. It would be interesting to have some examples what those activities might be.</p>                               | <p>The CEA only regulates third parties' election advertising activities. Any other activities, such as unions representing their members during collective bargaining, are beyond its scope.</p> |
| <p><b>No comments were submitted by the Libertarian Party of Canada</b></p>  |   |
| <p><b>No comments were submitted by the Marijuana Party</b></p>  |   |
| <p><b>No comments were submitted by the Marxist-Leninist Party of Canada</b></p>   |   |
| <p><b>No comments were submitted by the New Democratic Party</b></p>   |   |
| <p><b>No comments were submitted by the Party for Accountability, Competency and Transparency</b></p>  |   |
| <p><b>No comments were submitted by the Pirate Party of Canada</b></p>   |   |
| <p><b>No comments were submitted by the Progressive Canadian Party</b></p>   |   |
| <p><b>No comments were submitted by the Rhinoceros Party</b></p>   |   |

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| <p><b>No comments were submitted by the United Party of Canada</b></p>   |   |
| <p><b>Comments received from the Commissioner of Canada Elections</b></p>  | <p><b>Elections Canada response to the Commissioner of Canada Elections comments</b></p>  |
| <p>The Commissioner of Canada Elections agrees with the interpretation proposed by the Chief Electoral Officer in this document.</p> <p>For enforcement purposes, the criteria that the Chief Electoral Officer proposes for determining whether a promotional message published on the Internet constitutes election advertising will be very helpful. They more effectively define the category of promotional messages disseminated over the Internet that truly constitute election advertising. Furthermore, they will also facilitate the enforcement of the Act by minimizing uncertainty and by removing communications that are not advertising messages from the scope of the Act’s application.</p> <p>Under the heading “Legal Framework”, the second sentence of the first paragraph on page 4 currently reads:</p> <p style="padding-left: 40px;">Their election expenses will continue to be subject to the spending limits and financial reporting rules, regardless of whether a given expense is classified as election advertising.</p> <p>For greater clarity, it may be useful to more specifically indicate which type of expenses is targeted by the statement, that is, expenses for promotional material. This would more clearly reflect the fact that some promotional material may not constitute election advertising under the Act. For that reason, the sentence could be amended to read as follows:</p> <p style="padding-left: 40px;">Their election expenses for promotional material will continue to be</p> | <p>The text on page 4 has been modified to read as follows:</p> <p>“Regardless of whether the communication is classified as election advertising or not, the expenses incurred for communications disseminated during the election period will continue to be subject to the spending limits and financial reporting rules.”</p> |

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| subject to the spending limits and financial reporting rules, regardless of whether a given expense is classified as election advertising. |  |
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