



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 (July 2015)

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

Election Advertising by Candidates

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, television, 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 the 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 to promote the candidate. The commercial value of the flyers – including their design, printing and distribution – is an election expense. The flyers are election advertising and have to include an authorization statement 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 for the advertisement – including its design, recording and transmission – are election expenses of the candidate. The advertisement is election advertising and has to include an authorization statement from the official agent.

Election advertising on the Internet

Election messages communicated over the Internet are election advertising only if they have, or would normally have, a placement cost.

The official agent has to authorize any election advertising, and this authorization must be mentioned in or on the advertisement. Where the authorization statement cannot be included on the advertising message because of its size, this is acceptable if the statement is made immediately apparent to the viewer by following the link in the advertising message.

The following are not election advertising:

- messages sent or posted for free on social media platforms such as Twitter and Facebook
- messages sent by e-mail or through other messaging services (including texts sent through a cellular or mobile network)
- content posted on the candidate's website

However, any associated costs are election expenses.

If online content such as a video, website or Facebook page stays online during the election period, it has to be reported as an election expense. Alternatively, the campaign may remove all online content before the election period.

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 period, regardless of whether or not they are election advertising.

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 designing and developing 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 designing, developing and posting the content are election expenses.