

# Introduction to the Election Advertising Sponsor Requirements of the Election Act (British Columbia)

By Clayton Whitman | 9 April 2009

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## Introduction

The *Election Act* (British Columbia) (the “**Act**”) contains provisions that ensure transparency in political advertising during an election campaign. Transparency in election advertising is achieved by requiring such advertising to be sponsored, and the sponsors of such advertising to identify themselves to the public. Among other transparency provisions, the Act requires that all individuals and organizations that engage in election advertising must register a sponsor with Elections BC and identify the sponsor in all election advertising during an election campaign. For the purposes of the 2009 General Election, the election advertising sponsor rules will be in effect from February 13, 2009 to May 12, 2009.

The following summary is intended only as an introductory guide to inform you of the legal requirements of the election advertising sponsor provisions of the Act, including what is considered election advertising under the Act, who must register as an election advertising sponsor under the Act, what the registration process is and what the penalties are for failing to comply with the election advertising sponsor provisions. It is not to be relied upon as legal advice. If you have an issue involving the Act and would like to discuss it with a lawyer, please [contact me](#).

## What is Election Advertising?

The Act defines election advertising as the transmission to the public during an election campaign and the 60 days that precede it of an advertising message that promotes or opposes, directly or indirectly, a registered political party or the election of a candidate. This definition includes an advertising message that takes a position on an issue with which a registered political party or candidate is associated. The Act specifically excludes certain communications from this definition, including the publications of periodicals and radio or television programs; the distribution or promotion of a book; the internal transmission of documents among members of a group; and the transmission, by an individual, on a non-commercial basis on the internet, or by telephone of his or her personal political views.

If you are transmitting an “advertising message”, and that message promotes or opposes a political party or candidate, you may be required to have a registered sponsor, and identify that sponsor in your election advertising. This would include informal groups or unincorporated organizations that publish materials over the internet.

### **Who is the Election Advertising Sponsor?**

The Act defines the sponsor as the individual or organization that pays for or receives the advertising or advertising services, or if such individual or organization is acting for or on behalf of another individual or organization, the other individual or organization. A sponsor must be independent of registered political parties, registered constituency organizations, candidates, agents of candidates and financial agents.

### **What is the registration process?**

In order to register as an election advertising sponsor, you or your organization must fill out a form that discloses information about your organization and how you or your organization can be contacted. The form is available on the web site of Elections BC and registration is free.

### **What are the penalties for failing to comply with the Election Advertising Sponsor Provisions?**

If you or your organization fails to register as an election advertising sponsor, or if you or your organization sponsor transmits to the public election advertising without identifying the sponsor, you or your organization may be subject to a fine of up to \$10,000 and a term of imprisonment of up to one year.

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