

January 8, 2009

Third Party Advertising and Public Opinion Polls in British Columbia

History

- September 1, 1995 - New provisions were included in the *Election Act* limiting third party advertisers to spending no more than \$5,000 on election advertising during a campaign period (Writ Day to the close of voting on General Voting Day) and introduced public opinion poll methodological publishing requirements. There were no restrictions on third party advertising before 1995.
- April 1996 - Pacific Press – which publishes both The Vancouver Sun and The Province – and Vancouver resident Garry Nixon, began proceedings in the BC Supreme Court challenging the constitutionality of the \$5,000 limit on third party spending and the public opinion poll methodology publishing requirements.
- February 9, 2000 - The BC Supreme Court found the sections restricting third party advertising and the requirement that methodological information be published with all election opinion polls contravene the Canadian Charter of Rights and Freedoms and that sections 236, 237 and 238 of the *Election Act* are of no force and effect.
- October 2002 - Sections 236, 237 and 238 were repealed by the *Election Statutes Amendment Act*.
- May 29, 2008 - Bill 42, *Election Amendment Act*, 2008 came into force, setting new spending limits under the *Election Act* for third party advertisers and creating a new section on election opinion surveys.

New Rules

- Third party election advertising sponsors can only sponsor election advertising worth \$3,000 in a single electoral district and \$150,000 province-wide from February 13 (60 day pre-campaign period) to May 12, 2009 (General Voting Day) [s. 235.1].
- Expanded period to which election advertising applies covers the period beginning 60 days before the Writ is issued to General Voting Day [s. 228].
- Expanded definition of election advertising to include an advertising message that takes a position on an issue with which a registered political party or candidate is associated [s. 228].
- Excludes specific items from definition of election advertising, including the transmission of a document directly to the sponsor's members, employees or shareholders and the transmission by an individual on a non-commercial basis on the internet, or by telephone or text messaging, of their person political views [s. 228].
- New election opinion survey definition with publishing restrictions on General Voting Day [s. 233.1].
- Tenants and strata owners may post election advertising on their property, but landlords and strata corporations may set reasonable limits [s. 228.1].
- Election advertising sponsors must be independent and not sponsor election advertising with political parties, constituency associations, candidates, agents or financial agents [s. 239].
- Certain types of election advertising do not need to have a sponsor's authorization statement, including clothing and novelty items [s. 283].
- The Chief Electoral Officer has the authority to remove or destroy election advertising that does not meet the sponsorship requirements under the *Election Act* [s. 231].

For more information, visit Elections BC's website at www.elections.bc.ca