

Chart of Federal and Provincial Third Party Advertising Limitations

<u>Jurisdiction</u>	<u>Limitations on Third Party Advertising</u>	<u>Obligations to Report and/or Register Contributions and Expenditures</u>
<p><i>Federal (Canada Elections Act)</i></p>	<p>A third party shall not incur election advertising expenses of a total amount of more than \$150,000 during an election period in relation to a general election.</p> <p>Additional limitations: Not more than \$3,000 of the total amount of the spending limit shall be incurred to promote or oppose the election of one or more candidates in a given electoral district</p> <p>A third party shall not incur election advertising expenses of a total amount of more than \$3,000 in a given electoral district during the election period of a by-election</p>	<p>Must register immediately after having incurred election advertising expenses of a total amount of \$500 and may not register before the issue of the writ.</p> <p>All contributions accepted must be obtained with the name and address of the contributor and no foreign contribution can be used for election advertising purposes.</p> <p>Within four months of the polling day, the third party must file an election advertising report which must include details of the advertising expenses and the amount of the contributions.</p>
<p><i>British Columbia (Election Act)</i></p>	<p>235.1 (1) In respect of a general election conducted in accordance with section 23 (2) of the <i>Constitution Act</i>****, an individual or organization other than a candidate, registered political party or registered constituency association must not sponsor, directly or indirectly, election advertising during the period beginning 60 days before the campaign period and ending at the end of the campaign period:</p> <p>(a) such that the total value of that election advertising is greater than</p> <p style="padding-left: 40px;">(i) \$3 000 in relation to a single electoral district, and</p> <p style="padding-left: 40px;">(ii) \$150 000 overall, or</p> <p>(b) in combination with one or more individuals or organizations, or both, such that the total value of the election advertising sponsored by those individuals and organizations is greater than</p> <p style="padding-left: 40px;">(i) \$3 000 in relation to a single electoral district, and</p>	<p>Third parties must be registered in order to sponsor election advertising (s. 239)</p> <p>If during a campaign period or the period beginning 60 days before the campaign period an individual or organization sponsors election advertising that has a total value of \$500 or a higher amount established by regulations, the sponsor must file with the chief electoral officer an election advertising disclosure report, which must be filed within 90 days after the general voting day.</p> <p>The report must indicate the value of the election advertising sponsored by the sponsor, and the amount of the contributions accepted by the sponsor during the period beginning 6 months before the election is called and ending at the end of the campaign period for the election</p>

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	<p>(ii) \$150 000 overall.</p> <p>(2) In respect of a general election conducted other than in accordance with section 23 (2) of the <i>Constitution Act</i>***, the limits under subsection (1) do not apply to the period beginning 60 days before campaign period, but do apply to the campaign period.</p> <p>(3) In respect of a by-election, the limits under subsection (1) do not apply to the period beginning 60 days before campaign period, but the limits under subsection (1) (a) (i) and (b) (i) do apply to the campaign period</p> <p>***Section 23 (2) of the BC Constitution Act provides “Subject to subsection (1), a general voting day must occur on May 17, 2005 and thereafter on the second Tuesday in May in the fourth calendar year following the general voting day for the most recently held general election.” An election not in accordance with this section may occur where the Lieutenant Governor prorogues or dissolves the Legislative Assembly in accordance with Section 22(1)</p>	
<p>Alberta <i>(Election Finances and Contributions Disclosure Act)</i></p>	<p>Limits on the contributions that can be received from individual donors but no limitations on amount that can be spent.</p>	<p>An election advertising report must be filed within 6 months of the polling day (subject to limited exceptions). This report must indicate the amount of election advertising contributions that were received during the year, the name and address of each person who made a contribution of \$365 during the year, and a financial statement setting out revenue and expenses</p> <p>Where a third party incurs election advertising expenses of \$100,000 or more, they must file an audited financial statement with the Chief Electoral officer within 6 months after polling day.</p>

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<p>Saskatchewan <i>(Election Act)</i></p>	<p>Limitations are placed only on Government Ministry publications.</p> <p>There are no limitations on other third party advertising expenditures.</p>	
<p>Manitoba <i>(Elections Finances Act)</i></p>	<p><i>Elections Finances Act</i>, states that “third party is defined in sections 55.1. There are additional references in the definitions section to “third party spending” as being described in sections 55.1 to 55.11 of the Act. However, sections 55.1 to 55.11 are not contained in the legislation (I have searched numerous search engines). Upon further research, it appears that the Manitoba legislature considered third party registration provisions to be inserted in the <i>Elections Finances Act</i> but never proclaimed the substantive sections of the bill to be in force.</p>	
<p>Ontario <i>(Election Finances Act)</i></p>	<p>Limitation on advertisements which may be made by parties, constituency associations, third parties or candidates registered under the Elections Act during the “blackout period” which means:</p> <p>(a) in a by-election and in a general election that is not held under subsection 9 (2) of the <i>Election Act</i>, the period that begins when the writ of election is issued and ends on the 22nd day before polling day, and</p> <p>(b) in any election, polling day and the day before polling day.</p>	<p>Must apply for registration immediately after incurring expenses of a total amount of \$500 for third party election advertising</p> <p>A third party must appoint an auditor where expenses in an aggregate amount of \$5000 or more are incurred</p> <p>Third parties must prepare an advertising report which must be filed within six months after polling days listing all third party election advertising expenses</p>
<p>Quebec <i>(Election Act)</i></p>	<p>The “private intervenor” must “defray the costs of any expenses out of his own funds” (ss. 457.15) (I am unaware as to how this section has been interpreted; however, it appears that a “private intervenor” cannot collect contributions.)</p> <p>A private intervenor can consist of an elector or a group of electors.</p>	<p>Must apply for authorization as a “private intervenor” and must be filed between the 27th and 30th day preceding the polling day</p> <p>Within 30 days after polling day, a report of all private intervenor’s expenses must be filed (s. 457.2 and following)</p>
<p>New Brunswick</p>	<p>The spending limits for third parties are tied to a complex</p>	<p>A third party must register immediately after incurring</p>

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<p><i>(Political Process Financing Act)</i></p>	<p>calculation tied to the number of electors. The details of these calculations are set out below.</p> <p><u>Political Process Financing Act:</u></p> <p>84.15(1) provides that between the period beginning with the issue of a writ and ending on polling day, a third party shall not incur election advertising expenses that in total exceed the product of the following:</p> <p>(a)the amount calculated in accordance with paragraph 77(1)(a) and section 77.1 for a registered political party that has candidates in all of the Province’s electoral districts; and</p> <p>(b)1.3%.</p> <p>84.15(2) provides that not more than 10% of the total amount of allowable election advertising expenses calculated in accordance with subsection 84.15 (1)(above) shall be incurred for election advertising that relates to a single electoral district.</p> <p>77(1)Election expenses of a registered political party shall be limited so as not to exceed:</p> <p>(a)for a general election, an amount equal to the product obtained by multiplying one dollar by the number of electors in the aggregate of the electoral districts in which such party has candidates,</p> <p>77.1 The monetary amounts set out in section 77 shall be adjusted on January 1, 1988, and on January 1 in every succeeding year, by multiplying each of the amounts by the ratio that the Consumer Price Index for the twelve month period that ended on the thirtieth day of September next before that year bears to the Consumer Price Index for the twelve month period that ended on the 30th day of September, 1986.</p>	<p>election advertising expenses that exceed \$500 in total (s. 84.3), and may register before incurring those expenses</p> <p>Within 90 days after the polling day, a registered third party must file an advertising expenditure report which includes the details of the advertising expenses, the total value of election advertising contributions received by the third party and the name, address, total amount of contribution for each contributor.</p> <p>Where a registered third party’s election advertising expenses exceed the sum of its election advertising contributions and the amount of any of its own funds, the party must file a further report within 6 months after it has filed its advertising expenditure report. (ss.84.6(7))</p>
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<p>Nova Scotia <i>(Elections Act, ss. 275-284)</i></p>	<p>A third party shall not incur election advertising expenses of a total amount of more than \$10,000 during an election in relation to a general election. Not more than \$2,000 of the \$10,000 can be incurred to promote or oppose the election of one or more candidates in a given electoral district, or during a by-election.</p> <p>The limits are increased each year based on Consumer Price Index for the Province published by Statistics Canada using the Annual 2010 index as the base.</p>	<p>A third party must register immediately after having incurred election advertising expenses of a total amount of five hundred dollars and may not register before the issue of the writ (s. 278)</p> <p>Every third party that is required to be registered in accordance with subsection 278(1) shall file an election advertising report in the prescribed form with the Chief Electoral Officer within four months after election day. The report must contain a list of the advertising expenses and details associated with those expenses, the amount of contributions for election advertising purposes that were received in the period beginning six months before the issue of the writ and ending on election day.</p> <p>For each individual who made contributions to the third party of a total amount of more than \$200 for election advertising purposes during the period preceding the writ and ending on election day, the report must also include the individual's name, address and the amount and date of each contribution; and the amount that was paid out of the third party's own funds for election advertising expenses.</p>
<p>Prince Edward Island <i>(Elections Expenses Act)</i></p>	<p>There are no specific limitations placed on third parties; however, where a third party expends funds with the knowledge and consent of a registered party or candidate to promote the registered candidate or registered party, the expenses are considered by operation of the Election Expenses Act to be expenses of the registered party or candidate.</p>	

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<p>Newfoundland <i>(Elections Act)</i></p>	<p>In Newfoundland, limitations are also placed on third party activities where they are performed with the knowledge and consent of a registered party or candidate as set out below.</p> <p>Campaign advertising</p> <p>226.1 (1) A registered party or candidate, and a person, corporation or trade union acting with its or his or her knowledge and consent shall not, after the issue of a writ for an election and before the day immediately following the polling day, except during the period of 21 days immediately preceding the day before polling day,</p> <ul style="list-style-type: none">(a) advertise on the facilities of a broadcasting undertaking; or(b) procure for publication, publish or consent to the publication of, except during that period, an advertisement in a newspaper, magazine or other periodical publication, <p>for the purpose of promoting or opposing a political party or the election of a candidate.</p>	
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