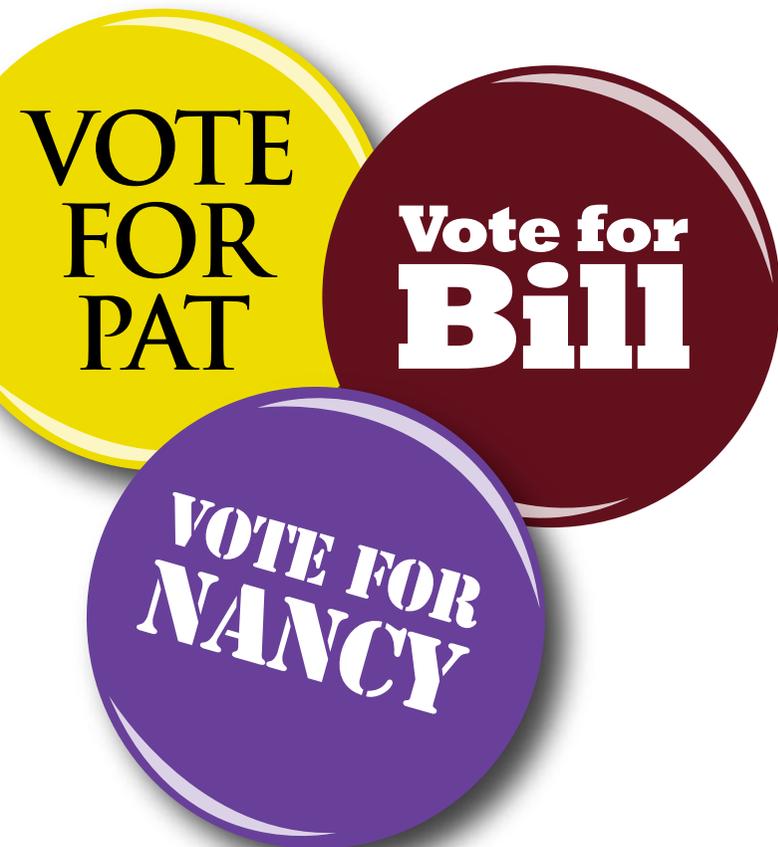


# Things you should know about election advertising

Nova Scotia's *Elections Act* has rules for the registration, regulation and reporting of third party election advertisements.



## What is election advertising?

Election advertising is a message that takes a position to promote or oppose the election of a candidate or party in a given electoral district and during an election, including:

- Naming them;
- Showing their likeness;
- Identifying them by their respective political affiliation; OR
- Taking a position on an issue with which they are particularly associated.

## What is a third party?

According to the *Elections Act*, a third party is an individual or group that is not a candidate, a registered political party, or an electoral district association. A third party is not directly involved in an election. For example, a third party can be a corporation, a trade union or another group. Third party election advertising is election advertising by a third party.

A third party advertisement can be for radio, television, newspaper, the Internet or any other type of media. Campaign buttons, clothing, or other things that identify the users as supporters or opponents of any recognized political party or candidate also can be types of third party advertising.

## What triggers registration of a third party?

After it spends more than \$500 on election advertising, a third party must register with Elections Nova Scotia within seven days.

## What is not election advertising?

Many communications that appear during an election are not election advertising; for example:

- editorials, debates, speeches, interviews, columns, letters, commentaries and news
- distribution or promotion of a book if it's not sold for less than its commercial value
- information sent by a person or a group to their members, employees or shareholders
- non-commercial e-mail from an individual expressing personal political views

## How to register as a third party

### What do I have to do?

#### After an election is called

A third party that spends more than \$500 on election advertising must register as a third party with Elections Nova Scotia and appoint a person to act as a financial agent for the third party using Form 7-1, available on the Elections Nova Scotia website at [electionsnovascotia.ca](http://electionsnovascotia.ca).

The financial agent accepts contributions made to the third party for election advertising purposes. He or she must authorize every election advertising expense incurred by the third party.

A registered third party cannot accept contributions specifically for election advertising from a corporation, partnership or trade union. A registered third party may accept other contributions at any time.

#### To register as a third party

Send your completed application (Form 7-1), within seven days of incurring \$500 in expenses, to the Chief Electoral Officer, and include:

1. the name, address and telephone number of:
  - the individual, if the third party is an individual, or
  - the corporation and the officer who has signing authority for it, if the third party is a corporation, or
  - the group and a person who is responsible for the group, if the third party is a group, or the name, address and telephone number of the group

*Note:* The name of the group must not be easily confused with the name of a registered political party, candidate or another third party.
2. the name and address of the officer who has signing authority for the group
3. a copy of the resolution authorizing the group to spend money on election advertising
4. the signature of the individual, or the signature of the group's officer with signing authority
5. the civic address and telephone number of the office where the individual or group's books and records are kept, including the mailing address, if different
6. the name, address and telephone number of the individual or group's financial agent

**It's a fact:** The Chief Electoral Officer will post the name of registered third parties on the Elections Nova Scotia website.

## What to report as a third party

### Four months after election day

Every third party must file an election advertising report with Elections Nova Scotia, including:

- total contributions for election advertising purposes that were received up to six months before the election was called and until election day
- the name and address for each person who made contributions totalling more than \$200 for election advertising purposes and the amount and date of each contribution
- a list of the times and placements of all election advertising paid for
- a list of election advertising expenses
- signed declaration(s) from the financial agent and, if different, the original applicant

*Note:* If the third party had no election advertising expenses, then clearly state that in the advertising report.

## What else can Elections Nova Scotia ask me to provide as a third party?

You may be asked for an original of any bill, receipt or voucher for any advertising expense greater than \$50.

## Other third party regulations

### Do we have to identify the third party in our advertisements?

Yes. All third party election advertisements must clearly identify the name of the third party that has paid for the advertisement and indicate that it has authorized the advertising. For example, the ad must clearly state the name of a person, business, trade union, or other group.

## Who can a third party not choose as a financial agent?

The *Elections Act* does not allow any of the following people to be a financial agent:

- a Member of the Legislative Assembly (MLA)
- a candidate
- an auditor acting for a registered political party, an electoral district association, or a candidate
- an election officer or an employee of Elections Nova Scotia
- a person who does not have full mental capacity to enter into contracts
- a person who was convicted of an offence under the current or former *Elections Act* in the past seven years

## Who can contribute to a third party?

Any person of any age can contribute to a third party. The total contributions by an individual to all registered third parties must not exceed \$5,000 in any calendar year. The purpose of third party registration, disclosure and reporting is to ensure that the particulars regarding the identity of the third party and its contributors are clear. The chief electoral officer will publish the names and addresses of registered third parties as they are registered.

## What if our third party receives an anonymous donation?

A third party cannot use money contributed specifically for election advertising if it does not know the name or address of the person who contributed.

## How much can we spend on third party advertising?

A third party can spend no more than \$2,000 (2010) on advertising that promotes or opposes the election of one or more candidates in an electoral district.

In total, a third party can spend no more than \$10,000 (2010) on advertising during a general election. A third party cannot subdivide or join together with another third party in order to sidestep the spending limits.

The limits of third party advertising expenditures are increased at the beginning of each year by the percentage increase in the previous year in the Consumer Price Index and will be posted on [electionsnovascotia.ca](http://electionsnovascotia.ca)

## Can we run third party election advertising on election day?

Yes, amendments to the *Elections Act* made in 2015 have allowed for election advertising on election day.



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