

## What is a third party?

According to the *Elections Act*, a third party is an individual or group that is not a candidate, registered political party, or electoral district party 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.

## What triggers registration of a third party?

A third party must register with Elections Nova Scotia after it spends more than \$500 on election advertising.

## What is a third party election advertisement?

A third party election advertisement is a message that takes a position to promote or oppose the election of one or more candidates in a given electoral district and election, including by:

- 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.

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 is not a third party election advertisement?

Many communications that appear during an election are not third party advertisements, for example:

- editorials, debates, speeches, interviews, columns, letters, commentaries and news
- a book, or the promotion of the sale of a book, for not less than its commercial value, if the book was going to be promoted before the election was called
- a document sent by a person or a group to their members, employees or shareholders
- a 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 [www.electionsnovascotia.ca](http://www.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 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 application (Form 7-1) 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, election 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
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 declarations 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 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 five thousand dollars 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 for election advertising if it does not know the name or address of the person who contributed.

### When can we run third party advertising?

In general, third party election advertising runs during an election campaign, but it can start before an election is called.

### 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 the Elections Nova Scotia website at [www.electionsnovascotia.ca](http://www.electionsnovascotia.ca)

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

No, election advertising, including third party advertising, is not allowed on election day.

### Resources

- [www.electionsnovascotia.ca](http://www.electionsnovascotia.ca)
- Look for your returning office information in your local newspaper, on the Voter Information Card you received in the mail or at the Election Nova Scotia website after an election has been called. See the Electoral District Finder for more information.
- 902-424-8584 (HRM)
- 902-424-7475 (TTY) 
- 1-800-565-1504 (toll-free line anywhere in Canada)
- 1-866-774-7074 (toll-free TTY line) 
- 902-424-6622 (Fax)



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# Things you should know if you want to do third party election advertising

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

