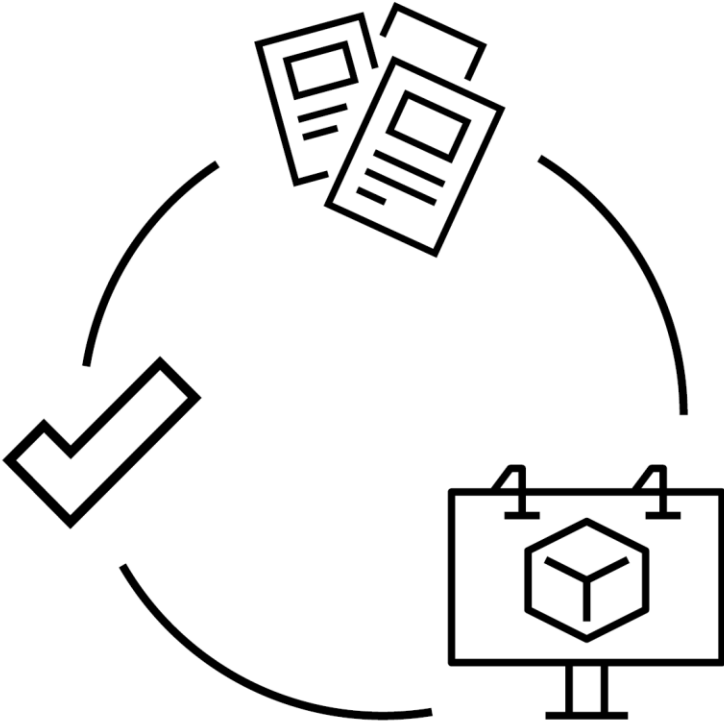




Third party advertising guidelines for local elections in Alberta



Third Party Advertising Guidelines for Local Elections in Alberta

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This guide cannot anticipate every aspect, circumstance or situation that municipalities or third party advertisers may encounter while working through their specific election process. If a municipality or third party advertiser needs help finding a lawyer, please visit the Law Society of Alberta website. Should this guide conflict with the *Municipal Government Act (MGA)*, RSA 2000, Chapter M-26, or the *Local Authorities Election Act* RSA 2000, Chapter L-21 in word or interpretation, the legislation shall prevail.

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Introduction

These guidelines are designed to provide clarity to third party advertisers on the requirements of identification in election advertising during local elections in the province of Alberta.

This guide is not a complete description of the legislative requirements and responsibilities of third party advertisers and should be used in conjunction with the *Local Authorities Election Act* (LAEA) and other relevant statutes and regulations.

Local Authorities Election Act

The LAEA is the primary legislation that guides the conduct of municipal or school board elections and by-elections. Copies can be obtained through the Alberta Queen's Printer, www.qp.alberta.ca, 780-427-4952 (toll-free in Alberta by dialing 310-0000 first).

All definitions, procedures and processes outlined in this guide are from the LAEA. Should you require further clarification on any definitions, procedures, or processes you are encouraged to review and consult the LAEA, ask the returning officer in your municipality, call a Municipal Advisor, or seek an independent legal opinion. Municipal Advisory can be reached at 780-427-2225 (toll-free in Alberta by dialing 310-0000 first) or email: ma.lgsmail@gov.ab.ca.

All forms can be found in the Local Authorities Election Forms Regulation, on the Alberta Municipal Affairs website, or by contacting your municipality.

1. Advertising Guidelines and Contact Information

These advertising guidelines:

- are established under Section 179 of the *LAEA*;
- apply to third party advertisers and those acting on behalf of a third party;
- do not apply to candidates running in a municipal or school board election; and
- are established to have the force of law.

Section 179 of the *LAEA* requires that third party advertisers (or persons acting on behalf of third party advertisers) that sponsor election advertising, ensure that advertising includes the third party advertiser's name and contact information in compliance with guidelines established by the Minister.

Beyond identifying the third party of a particular advertisement, the purpose of requiring contact information to be displayed is to enable electors to contact third parties and ensure that they are accountable for their advertisements. The expectation is that third parties who are contacted by electors in response to an advertisement respond to the elector.

These guidelines reflect minimum standards and do not preclude an advertiser from providing multiple methods of contact.

2. What is an Advertisement?

The term election advertising is defined in the *LAEA*. Generally speaking, an advertisement is a message that promotes or opposes a candidate in exchange for a fee. Examples of advertising include:

- broadcast media including television or radio advertisements;
- electronic media including telephone calls, faxes [telecopier documents], internet web pages, electronic mail, and text messaging; and
- print media, including newspapers.

2.1 Election Advertising

Section 162(1)(d) of the *LAEA* provides a specific definition for “election advertising” as follows:

162(1)(d) “election advertising” means, subject to subsection (3), the transmission to the public by any means during an election advertising period of an advertising message that promotes or opposes the election of a candidate, and for greater certainty does not include

- i. the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,
- ii. the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,
- iii. the transmission of a document or the communication directly by a corporation or a group to its members, employees or shareholders, as the case may be,
- iv. the transmission by an individual, corporation or group, on a non-commercial basis on the Internet, of the political views of that individual, corporation or group,
- v. the making of telephone calls to electors only to encourage them to vote,
- vi. advertising by the local jurisdiction in any form, or
- vii. the transmission to the public in a local jurisdiction that is not a local jurisdiction for which the advertising message was intended and in which there is no candidate and no vote on a question or bylaw to which the transmission relates.

162(3) For the purposes of subsection (1)(d), “election advertising” includes

- a) canvassing for the benefit of a candidate, and

- b) organizing events where the primary purpose of the event is to promote or oppose a candidate.

3. What is “Contact Information”?

The objective of requiring contact information with election advertising is to enable members of the public to follow-up with the organization who sponsored the advertising. Accordingly, contact information requirements vary between advertising mediums. However, regardless of the advertising medium, and given the purpose of requiring contact information, third parties are expected to monitor and respond in a reasonable timeframe to all reasonable communications that arise as a result of advertising.

3.1 Phone Calls and Text Messaging

In the case of an advertisement message transmitted to a telephone, whether in the form of a live call, an automated pre-recorded call or text messaging:

- The telephone number of the third party must not be blocked from being displayed on the call display of called parties and must be visible to parties subscribed to call display.
- The name of the third party and the third parties affiliation, if any, must be stated at the beginning of the advertisement.
- The advertisement must state whether the third party authorizes the advertisement.
- For phone calls: the telephone number of the third party's office at which they can be contacted must be stated at the end of the advertisement.
- For text messaging: the telephone number of the third party at which they can be contacted must be displayed or stated (or both) at the end of the advertisement.
- The third party's name, telephone number and authorization statement must be clear, audible and provided in the same volume and style as the content of the advertisement to ensure consistency and clarity of the message (not applicable to text messaging).

3.2 Radio Advertisements

The third party's name, telephone number and authorization statement must be:

- stated at the beginning of the advertisement;
- clear and audible; and

- provided in the same volume and style as the content of the advertisement to ensure consistency and clarity of the message.

3.3 Television Advertisements

The third party's name, telephone number and authorization statement must be stated at the beginning of the advertisement.

If the contact information is provided in audio, it must be clear and audible and provided in the same volume and style as the content of the advertisement to ensure consistency and clarity of the message.

If contact information is provided in text format, it must be legible, in a colour that contrasts sufficiently with the background to make it visible, and in a font that displays reasonable definition.

3.4 Internet Advertisements

For an advertisement of any length with audio content only, the third party's name, telephone number and authorization statement must be:

- stated at the beginning of the advertisement;
- clear and audible; and
- provided in the same volume and style as the content of the advertisement to ensure consistency and clarity of the message.

For an advertisement containing both audio and visual content that has a duration of more than 15 seconds in length, the third party's name, telephone number and authorization statement must be stated at the beginning of the advertisement.

If the authorization statement is provided in audio, it must be clear and audible and provided in the same volume and style as the content of the advertisement to ensure consistency and clarity of the message.

If the authorization statement is provided in text, the text must be legible in a colour that contrasts sufficiently with the background to make it visible and in a font that displays reasonable definition.

If the advertisement contains both audio and visual content, and the duration is 15 seconds in length or shorter: the name, contact information and third party's authorization statement may be in text only, but must appear clearly, legibly and with sufficient contrast on the video for the full duration of the advertisement.

In the case of a website, displaying the third party's name and one or both of a telephone number or email address on each page with election advertising.

The Government of Alberta recognizes that it is not practical for third parties to include the authorization statement within certain advertising on the internet due to the space and character limitations imposed by some message formats (for example, small pay-per-click ads). For internet election advertising with space limitations, the authorization statement is not required to be contained within the advertising message as long as the advertisement clearly indicates a way to access the third party's required authorization statement.

3.5 Social Media Advertisements

The Government of Alberta recognizes that social media is an interactive medium intended for communication and has taken this into account in the context of requiring contact information. If a third party pays for promotion using social media, this would likely be "election advertising" and the requirement to identify the third party, whether the advertisement was authorized, and contact information would likely apply.

In addition, third party advertisers must include their name, authorization and contact information on any advertising messages that are "transmitted to the public by any means", this includes social media. For social media advertising, this information does not need to be included in the ad as long as there is a link within the ad that takes the viewer to a website, landing page or profile page that contains this information.

For example, the contact information requirement in the context of social media for third party advertisers can be met in the following ways when the public is engaging with the third party through the third party's Facebook page, Twitter account or Instagram account:

- In the case of a Facebook page, displaying the third party's name and authorization statement on the information page.
- In the case of a Facebook post, displaying the third party's name on the comment section.
- In the case of a Twitter account, displaying the third party's name on the profile page.
- In the case of Instagram, displaying the third party's name on the profile page.

3.6 Paper Brochures/Print Advertising

All advertising is to include the third party's name and contact information and must indicate whether the third party authorizes the statement. The contact information must be legible, in a colour that contrasts sufficiently with the background to make it visible, and in a font size equal to

that found in the main text of the brochure. Contact information is the third party's name and one or more of a telephone number, email address, or a website address where the website enables contact.

3.7 Physical Signage

Physical signage includes all physical signage not covered in the other categories, for instance: yard signs, billboards, portable signs, and airplane banners. Contact information must include the third party's name and one or more of the following: a telephone number, email address or a website address where the website enables contact.

The *LAEA* prescribes that the advertisement must include the third party's name and contact information and must indicate whether the third party authorizes the advertisement. The posting of signage, including permission and size restrictions, are at the discretion of each local authority (municipality, school board, etc.).

The authorization statement should be clear and consistent in messaging, setting out the name of the third party.

4. Exceptions to the Requirement for Contact Information

The following are exempt from the requirement to include sponsorship and contact information:

- personal clothing;
- novelty items, including wearable novelty items such as buttons, badges, wristbands and necklaces; and
- small items of nominal value intended for personal use.

Although these items are exempt from the sponsor identification, authorization and contact information requirements, they are not exempt from being an election expense or an advertising expense.

5. Additional Requirements

Where additional legislation or regulations may apply to the placement, location, and timelines for removal of election signs, all persons should consult the local municipality for the specific bylaws that pertain to your area. For provincial roadways, please visit:

[Government of Alberta - Transportation](#)

Please consult Canadian Radio-television and Telecommunications Commission guidelines for:

[Rules for Unsolicited Telecommunications Made on Behalf of Political Entities](#)

[National Do Not Call List \(DNCL\) Rules \(Part II\)](#)

[Telemarketing Rules \(Part III\), and](#)

[Automatic Dialing-Announcing Device \(ADAD\) Rules \(Part IV\)](#)

6. Non-Compliance

If election advertising is not in compliance with Section 179 of the *LAEA*, the local jurisdiction may cause it to be removed or discontinued.

In the case of an advertisement displayed on a sign, poster or other similar format, no person acting on behalf of the local jurisdiction is liable for trespass or damages resulting from or occasioned by the removal.

In addition, with respect to non-complaint election advertising, the sponsor may be subject to action by the Election Commissioner. The Election Commissioner may enter into a compliance agreement, issue a letter of reprimand, levy an administrative penalty, or may refer the matter for prosecution.