



ELECTIONS BC

A non-partisan Office of the Legislature

GUIDE TO RECALL COMMUNICATIONS

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Introduction

This guide outlines the rules for recall communications during a recall petition period. This guide is only a summary of the requirements and does not have precedence over the *Recall and Initiative Act*. Where possible, section references to the Act are noted; however, if any parts of this document conflict with what appears in the *Recall and Initiative Act*, the Act shall be deemed the exclusive authority with respect to recall communications.

The *Recall and Initiative Act* is available for viewing on our website (www.elections.bc.ca) or can be purchased from Crown Publications Inc. (www.crownpub.bc.ca).

Definitions

Advertising	Advertising is any public promotional material including, but not limited to leaflets, lawn signs, billboards, brochures, buttons, badges, newspapers, radio, television, websites, newsletters and public address systems.
Authorized participant	The authorized participants for a recall petition are the proponent of the petition and the Member of the Legislative Assembly (MLA) who is the subject of the recall petition.
Chief Electoral Officer	An Officer of the Legislature. The Chief Electoral Officer is responsible for the administration of the <i>Recall and Initiative Act</i> .
Conduct	Conducting advertising means to publish or sponsor recall advertising.
Member	A Member of the Legislative Assembly (MLA).
Recall advertising	Recall advertising is advertising used during a recall petition period to promote or oppose, directly or indirectly, the recall of the Member who is the subject of the petition.
Recall petition	A petition issued by the Chief Electoral Officer under the <i>Recall and Initiative Act</i> for the recall of a Member of the Legislative Assembly.
Recall petition period	The period starting on the day on which a recall petition application is approved in principle by the Chief Electoral Officer and ending either 60 days after the petition was issued by the Chief Electoral Officer, or on the day the petition is submitted to the Chief Electoral Officer, if earlier.
Recall proponent	The registered voter who applied for the issuance of a recall petition.
Sponsor	An individual or organization who pays for recall advertising to be conducted or an individual or organization for whom recall advertising is conducted without charge as a contribution, or on whose behalf recall advertising is conducted.

Recall advertising

“Recall advertising” is advertising used during a recall petition period to promote or oppose, directly or indirectly, the recall of the Member who is the subject of the petition. This includes all forms of advertising, such as media advertising, brochures, signs, websites, etc.

Recall advertising can only be conducted by a proponent, the Member who is the subject of the petition or a registered recall advertising sponsor.

s. 135 **Sponsorship of recall advertising**

The sponsor of recall advertising is the individual or organization who pays for the advertising, who receives the services of conducting the advertising as a contribution, or who has recall advertising conducted on their behalf.

An individual or organization must not sponsor recall advertising with the property of any other individual or organization or indirectly through any other individual or organization.

s. 137 **Recall advertising must identify sponsor**

Recall advertising must not be conducted (or published) unless it:

- identifies the name of the sponsor or, in the case of the proponent or Member, the name of the financial agent;
- indicates that it was authorized by the identified sponsor or, in the case of the proponent or Member, the financial agent;
- indicates that the sponsor is a registered sponsor under the *Recall and Initiative Act* (not necessary for the proponent or Member);
- gives a British Columbia telephone number or British Columbia mailing address at which the sponsor or financial agent may be contacted regarding the advertising; and
- for sponsors that are numbered corporations or unincorporated organizations, indicates the name of an individual who is a director or principal member.

Examples:

Authorized by Jane Doe, financial agent, (250) 123-4567;

Authorized by Big Company, registered sponsor under the Recall and Initiative Act, (250) 123-4567; or

Authorized by Small Partnership, John Smith, registered sponsor under the Recall and Initiative Act, (250) 123-4567.

The sponsor name on the advertising must be a name filed with Elections BC on the registration application.

Recall advertising sponsors must make an individual available who is responsible for answering questions from the public that are directed to the address or phone number indicated on the advertising.

s. 138

Restrictions on rates charged for recall advertising

An individual or organization must not charge a rate for recall advertising in a periodical publication (newspaper, magazine, etc.) or on radio or television that exceeds the lowest rate charged by the individual or organization for equivalent advertising in the same medium during the same recall petition period. This also applies to the costs of producing advertising.

This means that authorized participants and recall advertising sponsors must be charged equivalent rates for equivalent ads.

Recall campaign signs

The sign policy of the Ministry of Transportation does not allow the placement of recall campaign signs along most provincial highways.

There may be additional rules at the municipal level regarding where signs may be placed. Authorized participants and recall advertising sponsors are advised to check for municipal by-laws regulating the placement of signs in any municipality where they wish to erect signs.

Registration information

s. 143 **Recall advertising sponsors must be registered**

Except for the authorized participants, all individuals and organizations must register with Elections BC before sponsoring recall advertising.

Authorized participants (the proponent and MLA) are not required to register as a sponsor in order to conduct recall advertising in relation to the recall petition.

s. 144 **Registration with Elections BC**

Anyone who wishes to become a registered recall advertising sponsor must file an application with Elections BC. Applications may be submitted at any time during a recall petition period. An application must be on the specified form and include the following information:

- the full name of the applicant, and, in the case of an applicant organization, the usual name of the organization;
- the full address of the applicant;
- if the applicant is an organization, the names of the principal officers of the organization or, if there are no principal officers, of the principal members of the organization;
- an address at which notices and communications under the *Recall and Initiative Act* and other communications will be accepted as served on or otherwise delivered to the individual or organization;
- a telephone number at which the applicant can be contacted, and
- identification of the recall petition for which the applicant wishes to be registered.

Applications must be signed by:

- the individual applicant; or
- two principal officers of the organization if the applicant is an organization; or
- two principal members of the organization if the organization has no principal officers.

Applications must be accompanied by a solemn declaration of an individual signing the application.

The solemn declaration must be witnessed by a Commissioner for taking affidavits in British Columbia. This includes the Chief Electoral Officer, notaries public, barristers, solicitors and Government Agents. Solemn declarations will be taken by the Chief Electoral Officer, authorized staff of Elections BC and Government Agents at no charge.

If any information contained in the application for registration as a sponsor changes, the sponsor must send Elections BC written notice of the change within 15 days after it occurs.

When can you apply for registration as a recall advertising sponsor?

A recall petition must be approved in principle by the Chief Electoral Officer before anyone can apply for registration as a recall advertising sponsor for that petition. Requests for an application package can be made at any time. Registration packages are available on Elections BC's website (www.elections.bc.ca) and from the address noted on the last page of this guide.

Obligations of a registered advertising sponsor

s. 145

Recording contributions

Anyone who is registered or required to be registered as an advertising sponsor, is responsible for maintaining records of the following information in respect to every contribution of money received by the sponsor:

- the value of the contribution;
- the date the contribution was made;
- the full name and address of the contributor;
- the class of the contributor; and
- if the contributor is a numbered corporation or a class 3, 4, 5 or 6 contributor, the full names and addresses of at least two individuals who are directors, principal officers or principal members of the organization.

The classes of contributors are:

- (1) individuals;
- (2) corporations;
- (3) unincorporated organizations engaged in business or commercial activity (including sole proprietors and partnerships);
- (4) trade unions;
- (5) non-profit organizations; and
- (6) other contributors.

For anonymous contributions received, the sponsor must record:

- the date the contribution was received;
- the total amount received on each date, and
- if applicable, the event at which they were received.

s. 147

Advertising sponsors must file disclosure reports

Recall advertising sponsors, other than the proponent or MLA, who sponsor recall advertising with a total value of \$500 or more, must file recall advertising disclosure reports. Disclosure reports must be filed with Elections BC within 28 days after the end of the recall petition period.

If any information required to be disclosed in a recall advertising disclosure report changes, or if the sponsor becomes aware that the report does not accurately and completely disclose the required information, the sponsor must file a supplementary report with the Chief Electoral Officer within 14 days after the sponsor becomes aware of the change.

s. 148

Contents of the disclosure report

A recall advertising disclosure report must be on forms provided by Elections BC and contain the following information:

- the value of the recall advertising sponsored by the sponsor, reported by category;
- the amount of contributions of money accepted by the sponsor during the period beginning six months before the recall petition was issued and ending at the end of the recall petition period;
- any amount of the sponsor’s assets, other than assets received by way of contribution, that was used to pay for the recall advertising sponsored by the sponsor;
- anonymous contributions; and
- any other information required by regulation to be included.

Amounts accepted from contributors must be reported separately for each of the following classes of contributor:

- (1) individuals;
- (2) corporations;
- (3) unincorporated organizations engaged in business or commercial activity;
- (4) trade unions;
- (5) non-profit organizations; and
- (6) other contributors.

If the records of the sponsor indicate that a contributor made one or more contributions of money that, in total, have a value of more than \$250, the report must include the following information:

- the full name of the individual;
- the class of the contributor;
- if the contributor is a numbered corporation or a class 3, 4, 5 or 6 contributor, the full names of at least two individuals who are directors of the organization, or if there are no individual directors, who are principal officers or principal members of the organization;
- the value of each contribution and the date on which it was made.

s. 152

Maintaining records

An individual or organization who is, or has been, a sponsor of recall advertising must:

- ensure the records required are maintained in British Columbia; and
- retain these records for at least five years, or a longer period if specified by the Chief Electoral Officer, from the date of filing a report.

Penalties

s. 149 **Late filing of reports**

A recall advertising sponsor disclosure report can be filed up to 30 days after the filing deadline if the sponsor pays a \$500 late filing fee to the Chief Electoral Officer.

s. 150 **Failure to file reports**

If a recall advertising disclosure report is not filed with Elections BC at the end of the late filing period, the sponsor:

- must pay to the Chief Electoral Officer \$500 for each day the report is late after the 30 day late filing period; and
- is deregistered, and is not entitled to be reregistered as a sponsor until the report is filed and any outstanding penalties are paid.

s. 151 **Court order for relief from filing obligations**

A sponsor may apply to the Supreme Court of British Columbia to seek relief from an obligation to file a recall advertising disclosure report or from the penalty in relation to the filing of the report. Relief must be sought within 58 days after the end of the recall petition period.

Information to be open to the public

Sponsor registration and advertising disclosure reports must be available for public inspection at the Chief Electoral Office during regular office hours.

Questions?

For more information

Phone toll-free 1-800-661-8633/TTY 1-888-456-5448

or contact

Elections BC

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