



## Information Guide – 1 Political Advertising During Nova Scotia Elections

This guide summarizes the rules governing political advertising during a Nova Scotia general election. It will be of interest to:

- newspapers and magazines
- television and radio stations
- printers of campaign materials
- candidates, official agents and political parties

These are the questions addressed in this document:

- What information must be included in political advertisements?
- What information must be included on printed campaign materials?
- What is the role of the official agent in political advertising?
- Is third-party political advertising restricted during Nova Scotia provincial elections?
- Is there an advertising blackout period during Nova Scotia provincial elections?
- What advertisements and other activities are restricted on ordinary polling day?

It is also recommended that television and radio broadcasters obtain and review any circulars issued by the Canadian Radio-television and Telecommunications Commission (CRTC) regarding broadcasting during a provincial election.

### **What is political advertising?**

Political advertising includes the communication of any words or images, or any combination of words and images, through broadcast, print, electronic or other medium, including the Internet, with the purpose of promoting or opposing any recognized party or any candidate. Political advertising includes the creation of clothing, buttons and other materials which identify the wearer or user as a supporter or opponent of any recognized party or candidate.

### **What information must be included in political advertisements?**

The *Elections Act* (s.176) requires that any advertisement relating to an election printed broadcast, published or distributed, either electronically or in hard copy, shall bear the words “authorized by the official agent for [name of candidate or recognized party]” and shall indicate on whose behalf the advertisement was printed, broadcasted, published or distributed.

The Chief Electoral Officer recommends the use of the phrase below:

“Authorized by the official agent for [name of candidate or recognized party]”.

## **What is the role of the official agent in political advertising?**

Individual candidates and political parties are required under the *Elections Act* (s.177 and s. 178) to appoint official agents.

Under the *Elections Act* (s.175), only an official agent or a person authorized in writing to act on behalf of an official agent may authorize election expenses, including expenses for advertising or for campaign materials of an advertising nature. Further, the *Elections Act* (s.175) prohibits anyone from accepting an order for election expenses that is not given by an official agent or by a person authorized in writing to act on behalf of an official agent.

If advertisements or campaign materials are being printed on behalf of a candidate, the person named on the materials must be the official agent of the candidate.

If advertisements or campaign materials are being printed on behalf of a political party, the person named on the materials must be the official agent of the political party.

## **Is third-party political advertising restricted during Nova Scotia provincial elections?**

Any individual, group or organization that is not a candidate or a political party is a third-party.

There are no restrictions on third-party political advertising in Nova Scotia.

## **Is there an advertising blackout period during Nova Scotia provincial elections?**

During federal elections there is a "blackout period" during which political advertising is prohibited. There is no blackout period during Nova Scotia provincial elections.

As a matter of policy some broadcasters and publishers choose not to publish political advertisements on ordinary polling day. As noted above, it is recommended that television and radio broadcasters obtain and review any circulars issued by the Canadian Radio-television and Telecommunications Commission (CRTC) regarding broadcasting during a provincial election.

## **What advertising and other activities are restricted on ordinary polling day?**

The *Elections Act* prohibits certain advertising and certain activities during the hours of polling on ordinary polling day. Ordinary polling day is June 9, 2009.

The following rules are set out in the *Elections Act* (s.207).

- *Materials prohibited within 200 feet of a polling station*

No materials of a political nature, such as posters, flags or banners, may be posted or displayed within 200 feet of a polling station.

- *Parades or demonstrations*

No parade or demonstration supporting a candidate or political party may be held during the hours of polling on ordinary polling day.

Further, it is prohibited to use a loud speaker, public address system, flag or banner with the intent that it be used to support a candidate or political party during the hours of polling on ordinary polling day.

- *Display or buttons or emblems*

It is prohibited to carry or wear any flag, ribbon, emblem badge or button with the intent that it be used to distinguish the user as a supporter of a candidate or political organization. The objective of this provision is to ensure that no partisan materials are brought inside the polling station.

For your information, s.207 of the *Elections Act* reads:

“207 Every one is guilty of an offence who, during the hours of polling on ordinary polling day

(a) supplies, carries or wears any flag, ribbon, emblem, badge or like favour with the intent to distinguish the user as the supporter of a candidate or political organization;

(b) supplies, carries or uses a loud speaker, public address system, flag or banner with the intent that it be used to support a candidate or political organization;

(c) posts or displays in or within two hundred feet of a polling station or the building in which a polling station is situated, any literature, emblem, ribbon, flag, banner, card, bill, poster or device that supports a candidate or political organization; or

(d) organizes or participates in a parade or demonstration that supports a candidate or political organization.”

If you have any questions about this guide, please contact Elections Nova Scotia at [elections.ns.ca](http://elections.ns.ca) or 902-424-8584.

This guide is provided by the Chief Electoral Officer for your information. Please refer to the official version of the *Elections Act* and consult your legal counsel before undertaking or accepting political advertising to ensure you fully understand your legal obligations.

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