

Campaigning and Advertising

(2024-04-13)



Roles and Responsibilities

Political Party

Official representative

- Solicit contributions
- Coordinate fundraising activities
- Arrange financing
- Collaborate on electoral budget
- Ensure pre-writ advertising respects \$200,000 (plus Consumer Price Index) aggregate annual advertising limit (\$240,000 for the year 2024)
- Pay election expenses authorized by chief agent
- Maintain accounting systems
- Prepare electoral financial return for chief agent
- Comply with *Political Process Financing Act* (PPFA)

Roles and Responsibilities

Political Party (cont'd)

Chief agent

- Collaborate on electoral budget
- Comply with election spending limit
- Authorize and control election-related spending by party
- Provide documentation to official representative for payment of election expenses
- Review, approve, sign, and submit electoral financial return to Elections NB
- Comply with PPFA
- Appoint electoral district agents prior to election period, if required

Roles and Responsibilities

District Association and Candidate

Official representative of registered district association

- Solicit contributions
- Coordinate fundraising activities
- Consider election expenses reimbursement
- Arrange financing
- Collaborate with electoral district agent / official agent on electoral budget
- Transfer money to electoral district agent / official agent

Roles and Responsibilities

District Association and Candidate (cont'd)

Official representative of registered district association (cont'd)

- If authorized by electoral district agent / official agent, incur election expenses
- Identify deemed contribution if election expenses less than regular price
- Determine current retail value of used advertising materials (signage)
- Ensure pre-writ advertising respects \$3,000 (plus Consumer Price Index) annual advertising limit
 - \$3,600 for the calendar year 2024

Roles and Responsibilities

District Association and Candidate (cont'd)

Official representative of registered district association (cont'd)

- Control costs of nomination convention held during election period
- Receive reimbursement of election expenses
- If necessary:
 - Transfer additional funds to official agent; or
 - Assume any accounts payable of the official agent
- Maintain accounting records
- Submit joint or annual financial return
- Comply with PPFA

Roles and Responsibilities

District Association and Candidate (cont'd)

Electoral district agent / Official agent of candidate

- Collaborate on electoral budget
 - Comply with election spending limit
- Consult with district association on banking options
 - Use district association's existing bank or funds-on-deposit account
 - No new bank account required
 - Open new bank account for campaign
 - Receive funds from official representative

Roles and Responsibilities

District Association and Candidate (cont'd)

Electoral district agent / Official agent of candidate (cont'd)

- Manage election expenses
 - Authorize election-related spending by campaign
 - Ensure advertising identification disclosures met
 - Reimburse any purchases made using personal money or credit
 - Identify election expenses incurred by official representative
 - Identify election expenses incurred personally by candidate

Roles and Responsibilities

District Association and Candidate (cont'd)

Electoral district agent / Official agent of candidate (cont'd)

- Monitor authorized election expenses regularly
- Identify deemed contributions
- Depending on the banking option chosen:
 - Submit invoices to official representative for payment and file joint financial return; or
 - Pay invoices and file electoral financial return
 - If possible, pay all liabilities and close bank account prior to submitting return
 - If not possible, subsequently complete banking transactions, close account, and submit details to Elections NB
- Comply with PPFA

Roles and Responsibilities

District Association and Candidate (cont'd)

Electoral district agent / Official agent of candidate (cont'd)

- **May not:**
 - Accept contributions
 - Arrange financing

Roles and Responsibilities

District Association and Candidate (cont'd)

Candidate

- **May:**
 - Accept contributions if authorized by district association or party
 - Incur personal lodging, food, and travel costs, and may be reimbursed as election expenses
 - Personally incur \$2,000 in election expenses without prior authorization of electoral district agent / official agent
 - Submit details not later than **20 days** after Election Day
 - If not reimbursed, amount is deemed to be a contribution of money

Roles and Responsibilities

District Association and Candidate (cont'd)

Candidate (cont'd)

- **May not:**
 - Arrange financing
 - Provide personal financing directly to their campaign
 - May only provide financing to their district association or party

Roles and Responsibilities

District Association and Candidate (cont'd)

Campaign manager

- Understand and respect legislated roles and responsibilities
- Communicate with electoral district agent / official agent regularly
- Obtain authorization to incur election expenses
- Comply with PPFA

Roles and Responsibilities

Volunteers

Participation by volunteers

- “The donation by an individual of his personal services, talents or expertise, or the use of his vehicle and the product of that donation, where it is given freely and not as part of his work in the service of an employer...” is not considered a contribution nor an election expense [PPFA, s.2(1)(a)]

Leaves of absence with pay are prohibited

Restrictions on federal and provincial employees engaging in political activity

Campaign Finances

Annual contribution and financing limit of \$3,000

- Per individual (including a candidate) to a registered political party, its registered district associations, and its candidates' campaigns collectively
- Not permitted by corporations and trade unions

Contributions from fundraising activities

- Full ticket price, not profit per ticket
- Full bid on auction item

Campaign Finances (cont'd)

Individuals may provide contributions and financing

- Financing includes guarantees of loans

Banks and other commercial lending institutions may provide financing but not contributions

- Financing not subject to \$3,000 limit
- No guarantees required

Campaign Finances (cont'd)

Exception: Incurring election expenses using a person's own money or credit

- Not considered financing if authorized and reimbursed by official agent
- If not reimbursed, deemed a contribution of money

Election Expenses

Definition

“Election expenses” means all expenditures incurred during an election period for the purpose of promoting or opposing directly or indirectly, the election of a candidate or that of the candidates of a party, including every person who subsequently becomes or who is likely to become a candidate, and includes all expenditures incurred before an election period for literature, objects or materials of an advertising nature used during the election period for such purposes. [PPFA, s.67(1)]

- Includes:
 - Contributions of property and services to a campaign
 - Unreimbursed purchases

Election Expenses

Spending Limits

Calculation for political party

- # registered electors in the aggregate of the electoral districts in which it has candidates, times inflation-adjusted rate per elector
- Electors determined from preliminary lists of electors at issue of writs

2024 Estimate

- 565,000 electors X \$2.40/elector = \$1,356,000

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Political Financing > Information > 2024-10-21 Election Expenses Limits and Reimbursements

Election Expenses

Spending Limits (cont.)

Calculation for candidate

- # registered electors in electoral district times inflation-adjusted rate per elector
- Electors determined from preliminary lists of electors at issue of writs

2024 Estimate

- 11,000 electors X \$4.20/elector = \$46,200

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Election Expenses

Reimbursement

Eligibility criteria

- Each elected candidate; and
- Each candidate having obtained 15% or more of valid votes cast in their electoral district

Paid to registered district association, not to official agent of candidate

2024 Estimate

- 11,000 electors X \$1.58/elector = \$17,380

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Electoral Activities

- Official start of election period
- Pre-writ advertising
- Election-period advertising
- Campaign offices
- Wages paid to campaign workers and candidates
- Nominating conventions
- Fundraising activities held during election period
- Election Day expenses
- MLA constituency office
- Access to apartment buildings

Electoral Activities

Official start of election period

- 12:01 AM on date writs of election issued
- Only “pre-writ advertising” permitted before start

Electoral Activities

Pre-writ advertising

Annual advertising spending limits (including CPI adjustment for 2024) applicable to pre-writ advertising

- Registered district association
 - \$3,600
- Registered political party
 - \$240,000
- Party and its district associations
 - **Aggregate** limit of \$240,000

Electoral Activities

Pre-writ advertising subject to annual limits

1. Broadcasting undertakings
 - Production costs of acquiring advertisements
 - Media buys for television ads
 - Media buys for radio ads
 - Television and video ads distributed over the internet as part of programming

Electoral Activities

Pre-writ advertising subject to annual limits (cont'd)

2. Newspapers and periodicals

- Ads in provincial daily newspapers
- Ads in regional weekly newspapers
- Ads in service organizations' monthly newsletters
- Ads in local community flyers

Electoral Activities

Pre-writ advertising subject to annual limits (cont'd)

3. Other printed matter

- Billboards
- Roadside signs
- Lawn signs
- Campaign office signs
- Vehicle wrapping
- Brochures, rack cards, and door knockers distributed by candidates or volunteers
- Postcards
- Restaurant placemats
- T-shirts, ball caps, sweaters and other clothing
- Pens, pins, buttons, and other memorabilia

Electoral Activities

Pre-writ advertising not subject to annual limits

Not described in PPFA, s.50(1)

- Paid advertising on the internet and social media
 - Google, Facebook, X, etc.
 - “Robocalls” i.e., automated dialer messages

Exempted by PPFA, s.50(2)

- Notice of public meetings
 - Nomination meeting
 - Meet the candidate(s) or party leader

Electoral Activities

Pre-writ advertising not subject to annual limits (cont'd)

Exempted by PPFA, s.50(3)(a)

- Cost of postage for the mailing of letters, printed materials, and cards
 - e.g., Canada Post unaddressed ad-mail fees

Exempted by PPFA, s.50(3)(b)

- Production and distribution of newsletters distributed solely to party members

Electoral Activities

Pre-writ advertising not subject to annual limits (cont'd)

Exempted by PPFA, s.50(3)(c)

- Publication in a newspaper of best wishes for community events or holidays
 - Must not contain name and/or picture of candidate or be from candidate
- Roadside signage is not in a newspaper; therefore, signs wishing a safe holiday weekend will be subject to limits

Electoral Activities

Pre-writ advertising: Identification disclosures

Identification disclosures

- Printing companies will want same disclosures as required during election period

Electoral Activities

Election-period advertising: Identification disclosures

Applicable to advertisements in printed form, in publications, broadcast on radio or television, and transmitted commercially on internet-based platforms

Bear the name of the party or candidate on whose behalf it was ordered

- If printed advertisement, it shall also bear the name and address of its printer

Taglines such as “Ordered on behalf of XYZ” are necessary on

- Regional ads for multiple candidates
- Attack ads on another party’s leader or candidate

Electoral Activities

Advertisements used pre-writ and during election period

Official agent

- Reimburse official representative for cost of advertisements
 - Signage reimbursed at full cost
 - Including vehicle wrapping
 - Door-knockers, hand-bills, brochures, etc.
 - Allocated based upon quantities distributed pre-writ and during election-period

Electoral Activities

Election-period advertising: Signs used in previous elections

Previously-used signage assigned current retail value of similar, new materials

- Determined by official representative
- Signs, wooden frames, posts, etc.

Official agent reports as election expense and “other income”

Not eligible for reimbursement

Electoral Activities

Election-period advertising: Vandalized, stolen, or destroyed signs

Replacement costs do not constitute election expenses

Official agent requests exemption from Supervisor

Electoral Activities

Election-period advertising: Placement of signs

Certain restrictions on highway signs

- Department of Transportation and Infrastructure
- Municipalities
- NB Power
- Bell Aliant

Electoral Activities

Election-period advertising: Unsolicited communications with electors

Examples

- Live voice calls to inform of polling stations
- “Robocalls” promoting a candidate
- Opinion polls and surveys

Canadian Radio-television and Telecommunications Commission (CRTC) rules for political parties and candidates

<http://crtc.gc.ca/eng/phone/telemarketing/politi.htm>

Electoral Activities

Election-period advertising: “Restricted advertising period”

Preceding Sunday and ordinary polling day (Monday)

No speech, entertainment, or advertising program in favour of or on behalf of any party or candidate:

- Broadcast over radio or TV station
- Published in newspapers, magazines, etc.
- Unsolicited electronic communications to telephones, computers, fax machines or any other device
 - e.g., Robocalls, mass emails, paid social media ads

Electoral Activities

Election-period advertising: “Restricted advertising period” (cont’d)

Permissible

- Non-commercial use of social media, e.g., Facebook, X, etc.
- Printed materials distributed in person or by Canada Post
- Posting of additional signs

Electoral Activities

Election-period advertising: Ordinary Polling Day

No advertising of any kind (in the form of signs or by using loudspeakers) may be done on or from any moving motor vehicle anywhere in the electoral district

Parked vehicles may bear advertising, but not within 30 metres of a polling station

Electoral Activities

Election-period advertising: On Advance or Ordinary Polling Day

Within 30 metres of polling station:

- No printed campaign materials displayed
- No audible political propaganda heard
- No political badges worn
- Candidates and workers may greet electors but must not impede access

Returning office not a “polling station”; therefore, no restriction on locating a campaign office (and its requisite advertising) near a returning office

Electoral Activities

Campaign offices

Costs treated as election expenses, regardless when incurred

- Rent
- Insurance
- Computer systems and office equipment
- Telephone lines and cellular phones
- Campaign website
- Election night celebrations
- Removal of road signage
- “Thank you” notices in newspapers

Electoral Activities

Wages paid to campaign workers and candidates

To be eligible for reimbursement:

- Wages and honoraria must be agreed to in advance
- Must be paid prior to ordinary polling day

Electoral Activities

Nomination conventions

If nomination convention held during election period, reasonable costs are not election expenses:

- Rental of a hall
- Advertising date, place, time, program, and organizers
- Convening delegates, and
- Providing refreshments and entertainment

All other costs are excessive and are deemed election expense of nominated candidate

Electoral Activities

Fundraising activities held during election period

Direct costs of fundraising activity deemed to be election expenses of candidate

Official representative to advise official agent

Electoral Activities

Election Day expenses

Cash advance may be provided by official agent to campaign poll captains

Poll captains must provide itemized statement of amounts paid to workers, refreshments, etc. to official agent

Excess cash to be returned to official agent for deposit

Electoral Activities

MLA constituency office

MLA communications with constituents

- Non-partisan in nature

MLA constituency office

- May never be used for partisan political activity
- May not be used for campaign office
- Must be closed during election period

*Source: Orientation Manual 2014, Legislative Administration Committee,
Legislative Assembly of New Brunswick*

Electoral Activities

Access to apartment buildings

*A landlord, his servants or agents, shall not unreasonably restrict access to the premises by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly or any office in a local government for the purpose of canvassing or distributing election material.
[The Residential Tenancies Act, s.17]*

Access not granted to condominiums with no landlord

Questions?

