

IV. Third-Party Election Advertising



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Definitions

“Third party” means a person or group other than a party, a district association or a candidate

“Group” means a group of persons acting together by mutual consent for a common purpose, and includes a trade union

Examples

- Individuals, corporations, trade unions and their local chapters, business associations, charitable organizations, social clubs, and community action groups

2020 Provincial General Election – Registered Third Parties

- Anglophone Rights Association of New Brunswick Inc.
- Canadian Union of Public Employees NB (CUPE NB)
- Cities of New Brunswick Association
- Conservation Council of New Brunswick
- Égalité santé en français N.-B. inc.
- Fredericton Club of the Communist Party of Canada
- Irving Woodlands and Forest NB
- New Brunswick Medical Society
- New Brunswick Nurses Union
- New Brunswick Real Estate Association
- Proudly New Brunswick / Fièremment Nouveau-Brunswick
- Public Service Alliance of Canada
- Saint John Firefighters Association, IAFF Local 771
- Société de l'Acadie du Nouveau-Brunswick inc. (SANB)
- Stop Spraying NB Inc.

Election Advertising

*“**Election advertising**” means a message transmitted to the public by any means during a campaign period that promotes or opposes a registered political party or the election of a candidate or takes a position on an issue with which a registered political party or a candidate is associated... [PPFA, 84.1]*

Unrestricted advertising permitted prior to the campaign period

Subject to “restricted advertising period” rules like parties and candidates

Election Advertising (cont'd)

“Election advertising” does not include:

- An editorial, debate, speech...or news
- Distribution or promotion of a book if it was planned irrespective of the election
- The transmission of a document directly by a person or a group to its members, employees or shareholders
- The transmission by an individual, on a non-commercial basis, of their personal political views via the Internet

Registration

Third parties must register with Elections NB immediately after incurring election advertising expenses exceeding \$500 in total

- May register in advance

Must appoint a chief financial officer who will be responsible for:

- Ensuring that the third party complies with the provisions of the PPFA;
- Accepting election advertising contributions and loans made to the third party;
- Authorizing all election advertising expenses incurred by or on behalf of the third party;
- Maintaining the books, records and other documents of the third party; and
- Filing the required financial reports with the Supervisor

Advertising Identification

Advertising identification required

- Name of third party
- Name of person responsible for books and records and telephone number or address

Applies to any third party who advertises during campaign period

- Not only registered third parties
- Even to a person posting a home-made sign on their property

No third party shall transmit to the public any advertising that may lead the public to believe it originates with a party, district association, or candidate

Financing:

Election Advertising Contributions

Eligible contributors

- Individuals who are ordinarily resident in the Province
- Trade unions representing NB workers, excluding those in public sector
- Corporations incorporated or doing business in NB

No contribution limit

Not eligible for the *New Brunswick Political Contributions Tax Credit*

Financing:

Loans and Own Funds

Loans

- From any source
- Applicable details reported

Third party's own funds

Spending Limits

2024 Election advertising spending limits

- Estimated \$17,600 province-wide or \$1,760 per single district

www.electionsnb.ca

- Political Financing > Information > 2024-10-21 Election Expenses Limits and Reimbursements
- For a by-election, same amount as last general election

Prohibitions

No third party shall circumvent or attempt to circumvent provisions of the PPFA regarding spending limits or the registration requirement in any manner, including either of:

- splitting itself into two or more third parties; or
- acting in collusion with another third party so that their combined election advertising expenses exceed a spending limit.

No third party shall collude with a political party, district association, or candidate to circumvent or attempt to circumvent the PPFA; and *vice versa*

Advertising Expenditure Report

The third party's chief financial officer must file an advertising expenditure report:

- No later than **90 days** following ordinary polling day, i.e., Monday, **January 20, 2025**

www.electionsnb.ca

- Political Financing > Electoral Financial Returns: Templates >
P 04 965 Advertising Expenditure Report of Registered Third Party
- If in a deficit position, must file supplementary report within six months of filing the first report and every 12 months thereafter until the deficit is eliminated