Advertising Guidelines on Contact Information

OCTOBER 30, 2018

These advertising guidelines:

- Are established under section 134(3) of the Election Act and section 44.8(2) of the Election Finances and Contributions Disclosure Act (EFCDA).

- Apply to registered candidates, registered constituency associations, registered political parties and third party advertisers.

- Do not apply to nomination contestants or leadership contestants.

- Are established as if they have the force of law.

Section 134(2)(a) of the Election Act requires all registered candidates, registered constituency associations, and registered political parties to include the name and contact information of the advertisement sponsor and whether the sponsor authorizes the advertisement.

Section 44.8(1) of the EFCDA requires third party advertisers (or persons acting on behalf of third party advertisers) that sponsor political advertising or election advertising, to ensure that the advertising includes the third party advertiser’s name and contact information in compliance with any Guidelines established by the Chief Electoral Officer.

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

It is also worth noting that these Guidelines are minimum standards and do not preclude an advertiser from providing multiple methods of contact.
What is an Advertisement?

Section 134(1) of the Election Act states:

“advertisement” means an advertisement, for which there is or normally would be a charge, in any broadcast, print, electronic or other media, including telephone, fax, internet, electronic mail and text messaging, with the purpose of promoting or opposing any registered political party or the election of a registered candidate;

Section 44.1(1)(d) and (g) of the EFCDA goes on to provide specific definitions for “election advertising” and “political advertising” as follows:

44.1(1)(d) “election advertising” means, subject to subsection (1.1), the transmission to the public by any means during an election advertising period of an advertising message that promotes or opposes a registered party or the election of a registered candidate, including an advertising message that takes a position on an issue with which a registered party or registered candidate is associated, 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 a person, corporation or group, on a non-commercial basis on the Internet, of the political views of that person, corporation or group,

(v) the making of telephone calls to electors only to encourage them to vote, or

(vi) advertising by the Government in any form;
(g) “political advertising” means, subject to subsection (1.3), the transmission to the public by any means, at any time other than during an election advertising period, of an advertising message that promotes or opposes a registered party, the leader of a registered party, a member of the Legislative Assembly, a registered nomination contestant, a registered leadership contestant or the election of a registered candidate, including an advertising message that takes a position on an issue with which a registered party, the leader of a registered party, a member of the Legislative Assembly, a registered nomination contestant, a registered leadership contestant or a registered candidate is associated, 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,

(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 a person, corporation or group, on a non-commercial basis on the Internet, of the political views of that person, corporation or group,

(v) the making of telephone calls to electors only to encourage them to vote, or

(vi) advertising by the Government in any form;

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

(a) canvassing for the benefit of a registered party or registered candidate, and

(b) organizing events where a significant purpose of the event is to promote or oppose a registered party or registered candidate.
In short, the difference between election advertising and political advertising is the time period during which the advertising occurs. Regardless, of whether the advertising is election advertising or political advertising, sponsorship and contact information is required.

What is “Contact Information”?

The objective of requiring contact information with political and 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, sponsors are expected to monitor and respond to all reasonable communications that arise as a result of advertising in a reasonable timeframe.

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 sponsor 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 sponsor and the sponsor’s party affiliation, if any, must be stated at the beginning of the advertisement.
- The advertisement must state whether the sponsor authorizes the advertisement.
- For phone calls: the telephone number of the sponsor’s campaign office at which the sponsor can be contacted must be stated at the end of the advertisement.
- For text messaging: the telephone number of the sponsor or the sponsor’s campaign office at which the sponsor can be contacted must be displayed or stated (or both) at the end of the advertisement.
- The sponsor’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).
For phone calls and text messaging, contact information is the sponsor name and party affiliation (if any) and, at a minimum, the telephone number of the sponsor or the sponsor’s campaign office at which the sponsor can be contacted.

Radio Advertisements

The sponsor’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 radio advertisements, contact information is the sponsor’s name and telephone number.

TV Advertisements

The sponsor’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.

For TV advertisements, contact information is the sponsor’s name and telephone number.

Internet Advertisements

For an advertisement of any length with audio content only, the sponsor’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 sponsor’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 sponsor’s 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 sponsor’s name and one or both of a telephone number or email address on each page with election or political advertising.

Elections Alberta recognizes that it is not practical for sponsors 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 so long as selecting the advertisement (i.e. by mouse click or finger tap) the advertising message sends the viewer to a website, landing page or profile page which contains the sponsor’s required authorization statement.
Social Media

Elections Alberta recognizes that social media is an interactive medium that is intended to be a medium for communication and has taken this into account in the context of requiring contact information. However, if a registered party, registered constituency association or registered candidate pays for promotion using social media, this would fall within the definition of “advertisement” under the Election Act and the requirement to identify the sponsor, whether the advertisement was authorized and contact information applies.

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. The contact information requirement in the context of social media for third party advertisers can be met in the following ways:

- In the case of a Facebook page, displaying sponsor name and authorization statement on the info page.
- In the case of a Facebook post, displaying the sponsor name on the comment section.
- In the case of a Twitter account, displaying the sponsor name or the name of the third party advertiser on the profile page.
- In the case of Instagram, displaying the sponsor name or the name of the third party advertiser on the profile page.

Paper Brochures / Print Advertising

All advertising is to include the sponsor’s name and contact information and must indicate whether the sponsor 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 of the main text of the brochure. Contact information is the sponsor’s name and one or more of a telephone number, email address, or a website address where the website enables contact.
Physical Signage

Physical signage includes all physical signage not covered in the other categories, and includes, for instance, yard signs, billboards, portable signs, airplane banners. Contact information is the sponsor’s name and one or more of a telephone number, email address or a website address where the website enables contact.

The Act prescribes that the advertisement must include the sponsor’s name and contact information and must indicate whether the sponsor authorizes the advertisement (see section 134(2)(a)). More specifically:

- The authorization text should be no smaller in size than 1:32 of the sign’s total height dimension to allow the statement to be read by the intended audience of the advertisement.
- If the advertisement is viewable on both sides, the authorization statement shall be stated on both sides.
- No font should be less than 36 point (smaller than one half inch).
- Standardized sizing (see attachments for examples of each):
  - On a W 24” x H 16” sign, the minimum font size shall be 36 point font (0.5”) “SMALL RECTANGLE”
  - On a W 24” x H 24” sign, the minimum font size shall be 54 point font (0.75”) “SMALL SQUARE”
  - On a W 48” x H 24” sign, the minimum font size shall be 72 point font (0.75”) “MEDIUM RECTANGLE”
  - On a W 48” x H 48” sign, the minimum font size shall be 108 point font (1.5”) “LARGE SQUARE”
  - On a W 72” x H 48” sign, the minimum font size shall be 108 point font (1.5”) “LARGE RECTANGLE”
The authorization statement should be clear and consistent in messaging, setting out the name of the sponsor. The following examples meet this requirement:

- “Authorized by the [Candidate] Campaign [Telephone]”
- “Authorized by the Official Agent of the [Candidate] [Website]”
- “Authorized by the [ED Name] Constituency Association [Email]”
- “Authorized by the Chief Financial Officer of the [Party Name] [Telephone]”
- “Authorized by the [Party Name] [Website]”

**Exceptions to the Requirement for Contact Information**

Notwithstanding that there are no explicit exemptions in the legislation, the Chief Electoral Officer is guided by the Supreme Court’s decision in *B.C. Freedom of Information and Privacy Association v British Columbia (Attorney General)*, 2017 SCC 6, which recognized that election advertising rules are not intended to limit the freedom of expression of individuals at a personal level. Accordingly, 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, wrist bands and necklaces, and
- Small items of nominal value that are 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.
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:

- Guidelines for the Installation of Election Signs
- Government of Alberta - Transportation

Please consult CRTC 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).

Non-Compliance

The Chief Electoral Officer may cause a non-compliant advertisement to be removed or discontinued under authority of section 134(5) of the Election Act.

In the case of an advertisement displayed on a sign, poster or other similar format, neither the Chief Electoral Officer nor any person acting under the Chief Electoral Officer’s instructions is liable for trespass or damages resulting from or occasioned by the removal.

In addition, with respect to non-complaint election or political 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.

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VOTE

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