

Third Party Advertisers

April 27, 2021

Third Party Advertisers

Third parties who engage or intend to engage in election advertising must register with Elections Calgary. The election advertising period is May 1 to October 18, 2021.

The Local Authorities Election Act (LAEA) includes rules governing the finances and accountability of third parties that engage or intend to engage in election advertising. [Bill 29](#) removed references to political advertising. As a result, advertising outside of the election advertising period is no longer regulated. Also, the LAEA does not govern issue-based advertising (e.g. fluoride).

Who is a Third Party Advertiser?

A Third Party Advertiser (TPA) can be an individual, corporation or group but does not include a candidate.

A TPA promotes or opposes the election of a candidate during the election advertising period.

When should a TPA register with Elections Calgary?

Registration is required when a TPA has incurred (or plans to incur) expenses of at least \$1,000 for election advertising or has accepted (or plans to accept) advertising contributions of at least \$1,000.

All TPAs engaging in election advertising must adhere to the requirements as set out by LAEA Part 8.

How to register a TPA

To register with Elections Calgary, please provide the following information:

1. Complete [Form 27 - Registration of a Third Party](#).

- For groups and corporations, include a list of principal officer(s) or principal members. For corporations, it must be completed by the officer who has signing authority (section 163(3)(ii)).
- If the TPA has a governing body (e.g. a board of directors), the application must include a copy of the resolution passed by the governing body authorizing the third party to incur election advertising expenses.

2. Complete the [Third Party Advertiser Information Consent Form](#).
3. Send registration information to Elections Calgary
 - Emails and scanned documents are not accepted.
 - Registration information can be mailed to Elections Calgary.
 - Forms can be dropped off in person at the Elections Calgary office with an appointment.
 - For mailing/street addresses, or to schedule appointments, [contact Elections Calgary](#).

Changes to a registration

TPAs must notify Elections Calgary in writing (email is acceptable) of any changes to the required information within 30 days after the change. Email the details of the change to elections@calgary.ca.

Name restrictions

As per LAEA section 163, a TPA will not be allowed to register if its proposed name or abbreviations of the name:

- Resembles the name of a registered TPA;
- Resembles the name or nick name of a candidate active in Calgary or anywhere in the province;
- Resembles the name of a registered TPA whose registration was cancelled; or changed since the last election.

Third parties who are ineligible to register (LAEA section 163) include:

- A corporation that does not carry out business in Alberta;
- An individual who is not ordinarily a resident in Alberta;
- A trade union or employee organization that is not an Alberta trade union or Alberta employee organization;
- A prohibited corporation (as defined in the [Election Finances and Contributions Disclosure Act](#));
- A group where any member is one of the above;
- A registered charity.

Provincial Registrar

As per LAEA section 163, a TPA engaging (or intending to engage) in election advertising in more than 10 local jurisdictions, must register with the [Provincial Registrar](#).

Registration with Elections Alberta

TPAs engaging in advertising related to provincial entities (i.e. MLAs, provincial political parties, provincial elections, Alberta Senate elections) or provincial referendum questions must register with Elections Alberta.

For more information about Elections Alberta TPA requirements, [visit Elections Alberta Third Party Advertisers](#).

Election Advertising

What is election advertising?

As per the LAEA section 162, election advertising is the transmission to the public of an advertising message that promotes or opposes a candidate. The advertising would take place during the election advertising period which is May 1 to October 18, 2021.

Election advertising may include but is not limited to:

- Canvassing for the benefit of a candidate
- Organizing events where the primary purpose of the event is to promote or oppose a candidate
- TV, radio, newspaper ads
- Signs, billboards, posters
- Newsletters, brochures, mailing inserts
- Ads on the internet with a placement cost (pay-per-click, paid social media, pop-up ads, etc.).

Election advertising would NOT include:

- Editorial, debate, speech, interview, column, letter, news
- Book distribution or promotion
- Communication by a corporation to employees or shareholders
- Sharing political views on the internet (blogs, posts on social media that are not paid)
- Phone calls encouraging voter participation
- Advertising by local jurisdictions (i.e., The City of Calgary, Elections Calgary)
- Unintended information/advertising in another jurisdiction

Identification of TPAs in advertising

As required in the LAEA section 179, all TPA sponsored election advertising must include the following three elements:

- TPA name,
- Contact information, and
- Whether the third party authorizes the election advertising.

Additional requirements for telephone advertising

Election advertising via telephone calls (live calls or automated pre-recorded calls) must include:

- **Call display of telephone number** - The number must be displayed and cannot be blocked from being displayed,
- **Name of third party** - The name must be stated at the beginning of the election advertising,
- **Authorization** - Must state whether the election advertising is authorized by the third party, and
- **Contact telephone number** - A contact number must be stated at the end of the election advertising.

List of election advertising

On or before March 1, 2022, all TPAs must submit an advertising return report that includes a list of the time and place of broadcast or publication of the advertisements.

Contributions and expenses

LAEA Part 8 and The City of Calgary Election Bylaw 35M2018 set out rules for election advertising contributions and expenses of TPAs.

Contributions and receipts

TPAs must register with Elections Calgary when it has accepted or plans to accept election advertising contributions of \$1,000 or more.

Election advertising contributions can only be accepted from eligible contributors.

Ineligible contributors include:

- An individual who is not ordinarily a resident in Alberta;
- A trade union or employee organization that is not an Alberta trade union or Alberta employee organization;
- A prohibited corporation (as defined in the [Election Finances and Contributions Disclosure Act](#));
- A group where any member is one of the above;
- A registered charity.

Election advertising contributions must be deposited into the TPAs advertising account.

A TPA must issue a receipt for every election advertising contribution. As set out in The City of Calgary Election Bylaw 35M2018, each receipt must include the following information:

- date of contribution;
- name of contributor;
- address of contributor; and
- amount contributed.

Contribution limits

A contributor (i.e. individual, corporation, trade union or employee organization) may contribute to more than one TPA. However, their contribution(s) may not exceed \$30,000 in total. For example, an individual may contribute \$10,000 to three different TPAs. Their total contributions to TPAs is \$30,000.

Valuing contributions other than money

As per section 171.1, if any real property, goods or services are provided to the TPA for a price that is less than its market value (or provided for free), the amount by which the value exceeds the price is considered an advertising contribution.

Contributions \$50 or less

A contribution of \$50 or less is not considered an election advertising contribution but the Chief Financial Officer (CFO) of the TPA must record the aggregate amount as part of the disclosure.

Anonymous contributions

Anonymous contributions in excess of \$50 must be returned to the contributor if their identity can be established. If their identity cannot be established, the contributions must be paid to the local jurisdiction (The City of Calgary) to the general revenue account (section 1752).

Expenses and receipts

TPAs must register with Elections Calgary when it has incurred or plans to incur election advertising expenses of \$1,000 or more.

All election advertising expense must be paid from the TPAs advertising account.

Every TPA must appoint a Chief Financial Officer (CFO) and all expenses must be authorized by the CFO or their delegate.

All election advertising expenses must be recorded in the advertising return, which is due on or before March 1, 2022.

Fund-raising event ticket prices

When a fund-raising event ticket is \$50 or less, up to half of the ticket value can be allowed for expenses, and the balance is considered an advertising contribution. When the event ticket is between \$50 and \$100, \$25 is allowed for expenses, and the balance is considered an

advertising contribution. When the event ticket is more than \$100, 25% of the amount is allowed for expenses, and the balance is considered an advertising contribution.

Disposition of advertising account funds

Per section 183.1.2, any funds held by a registered third party in its election advertising account, with respect to an election advertising period, shall continue to be held in the election advertising account to be spent on election advertising during a subsequent election advertising period.

If a registered third party decides not to use funds for election advertising during the next election advertising period for a general election or does not engage in election advertising during the next election advertising period for a general election, the registered third party shall, within 6 months after that period, deal with the funds remaining in the election advertising account.

Third party advertiser registry and disclosures

LAEA Part 8 requires Elections Calgary to maintain a register of TPAs who engage in election advertising. The list of registered TPAs is [available here](#). For more information about the TPA, contact the TPA directly.

Disclosure requirements

All registered TPAs must file the following on or before March 1, 2022 with the local jurisdiction and/or the Registrar:

Form 28. A report listing advertising contributions received during the election advertising period (Note: Form 28 is currently under development).

Advertising return which must include:

- A financial statement,
- A list of all advertising contributions received during the election advertising period. For contributions of \$250 or more, the list must include the name, address, the amount and the date of each contribution,
- A list of all election advertising expenses,
- A list of the time and place of broadcast or publication of the advertisements, and
- Any supporting information or documentation relating to the election advertising return.

As per LAEA section 185, all TPAs must retain all records for a period of three years following the deadline to file the advertising return including the financial statements, returns or reports required under the Act. Records must be retained until March 1, 2025.

If a registered third party has not incurred election advertising expenses, that fact shall be indicated in its election advertising return.

Third party election advertising offences

A third party that contravenes a provision of section 187 is guilty of an offence and liable to a fine not exceeding:

- \$10,000 if the third party is an individual, or
- \$100,000 if the third party is a trade union, employee organization, corporation or other organization.