



## Third Party Advertising Information sessions on April 13 and 14, 2021 Questions and Answers

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Thank you for attending our information sessions on third party advertising (TPA) during the 2021 General Election.

Please note that similar questions have been grouped together and your question may not appear exactly as it was asked. Legislative references have been included in responses.

The information is provided for convenience of reference only. Candidates and third party advertisers are subject to further requirements in the [Local Authorities Election Act \(LAEA\)](#). Candidates and third party advertisers are advised to refer to the LAEA and obtain legal advice regarding the full extent of their obligations.

Additional questions can be submitted to Elections Calgary at [elections@calgary.ca](mailto:elections@calgary.ca)

No.	Question	Answer
1	Will this session only cover third party advertising, or will it also cover advertising in the form of donations from individuals/businesses?	<p>The information sessions hosted by Elections Calgary will cover legislation from the <a href="#">Local Authorities Election Act (LAEA)</a> regarding Third Party Advertising (Part 8).</p> <p>A donation or contribution from an individual or a business to a Third Party Advertiser is subject to provisions in the LAEA.</p>
2	Will you provide some clarity on the relationship between TPA's and PACs Political Action Committees?	<p>The term PAC or Political Action Committee is commonly used to describe a Third Party Advertiser.</p> <p>Elections Calgary uses the term Third Party or Third Party Advertiser or TPA when referring to a person, group or corporation that is advertising a message that <b>supports or opposes the election of a candidate during the election advertising period</b> (May 1 to October 18).</p> <p>“Third Party Advertisers” is the term used in the Local Authorities Election Act (LAEA).</p>
3	Can funds be transferred from another TPA account into the	A TPA can contribute funds to its <b>own</b> election advertising account. This would be considered a

	<p>Election Advertising account, up to max contribution total?</p>	<p>contribution and is subject to contribution limits. Please refer to the LAEA section 168 Payments made by a third party.</p> <p><i>168 Any money paid by a third party from its own funds for election advertising is an advertising contribution of the third party for the purposes of this Part.</i></p> <p>A TPA may contribute funds to a <b>different</b> TPA which would not be considered a contribution. See LAEA section 178(6).</p> <p><i>178(6) Subject to the requirements of this Part, a registered third party that operates an advertising account may transfer amounts from its election advertising account to the election advertising accounts of other registered third parties and any amounts transferred shall not be considered as advertising contributions for the purposes of this Part, but must be recorded as to source and amount.</i></p> <p>However, please be aware of LAEA section 165(2) that a third party is prohibited from splitting itself into two parties in order to circumvent contribution limits.</p> <p><i>165 (2) A third party shall not circumvent, or attempt to circumvent, a limit set out in this section in any manner, including by splitting itself into 2 or more third parties for the purpose of circumventing a limit or acting in collusion with another third party so that their combined election advertising expenses exceed a limit.</i></p>
4	<p>Can a TPA contribute money to a campaign?</p>	<p>A TPA cannot make a contribution to a candidate's campaign.</p> <p>Section 147.2 of the LAEA provides:</p> <p><i>(1) Only an individual ordinarily resident in Alberta may make a contribution to a candidate.</i></p> <p><i>(2) No prohibited organization and no individual ordinarily resident outside Alberta shall make a contribution to a candidate.</i></p> <p>A TPA is permitted to contribute money to its <b>own</b> campaign and to the campaign of another TPA. See LAEA section 168 and 178(6).</p>

		<p><i>168 Any money paid by a third party from its own funds for election advertising is an advertising contribution of the third party for the purposes of this Part.</i></p> <p><i>178(6) Subject to the requirements of this Part, a registered third party that operates an advertising account may transfer amounts from its election advertising account to the election advertising accounts of other registered third parties and any amounts transferred shall not be considered as advertising contributions for the purposes of this Part, but must be recorded as to source and amount.</i></p>
5	Will this PowerPoint be available for download after the presentation?	Yes. The PowerPoint presentation and video recording are available <a href="#">here</a> .
6	What are the rules regarding contributions and expenses of TPAs before the election period?	<p>The provisions in the LAEA for TPA contributions still apply when the contribution is for the purpose of election advertising even if it was provided before registration. See LAEA 162(1)(b).</p> <p><i>162(1)(b) “advertising contribution” means, subject to subsection (2),</i></p> <p style="padding-left: 40px;"><i>(i) money provided to or for the benefit of a third party, or</i> <i>(ii) real property, goods or services, or the use of real property, goods or services, provided to or for the benefit of a third party,</i></p> <p><i>without compensation from that third party, for the purpose of election advertising, whether provided before or after the third party becomes registered under section 163;</i></p> <p>Section 165(3) of the LAEA states that expenses for election advertising, even if it was incurred before the election advertising period, is considered an election advertising expense.</p> <p><i>165 (3) For greater certainty, for the purposes of this section, if election advertising is transmitted during an election advertising period, the expense incurred for that advertising is considered to be an election advertising expense, regardless of when it was incurred.</i></p>
7	If we don't receive any contributions but we purchase signs over \$1000 do we need to be a registered TPA?	The Local Authorities Election Act (LAEA) requires TPAs to register when their election advertising contributions or expenses are \$1,000 or more. Please refer to LAEA section 163(1)

		<p><i>163(1) Subject to subsection (1.3), a third party shall apply for registration in a local jurisdiction under this section</i>  <i>(a) when it has incurred expenses of at least \$1000 or plans to incur advertising expenses of at least \$1000 for election advertising, or</i>  <i>(b) when it has accepted advertising contributions of at least \$1000 or plans to accept advertising contributions of at least \$1000.</i></p> <p>For more information, please review the <u><a href="#">Third Party Advertising Guidelines for Local Elections in Alberta</a></u> from Municipal Affairs.</p>
8	<p>If our signs do not endorse any specific candidate but rather a general message does this actually require TPA status?</p>	<p>If your advertising <b>does not</b> promote or oppose the election of a candidate, it is not considered election advertising.</p> <p>There is no need to register as a TPA if your signs were general messages on an issue.</p> <p>You may consider registering with Elections Calgary to allow your group some flexibility in messaging if there is potential that your messaging will be a mix of issues and candidates.</p> <p>For more information, please review the <u><a href="#">Third Party Advertising Guidelines for Local Elections in Alberta</a></u> from Municipal Affairs.</p>
9	<p>What is the financial disclosure process - forms, how often/when/how long and do we have to submit bank statements?</p>	<p>We have recently posted more information about Third Parties on our website, including disclosure requirements.</p> <p>Please visit <a href="http://ElectionsCalgary.ca">ElectionsCalgary.ca</a>. There is a <u><a href="#">webpage on Third Party Advertiser disclosure requirements</a></u>. Also, please review the LAEA sections 180 and 182.</p> <p>The requirements for disclosures are only applicable to registered TPAs.</p>