

SUMMARY

This enactment amends the *Canada Elections Act* to require candidates and registered parties that transmit election advertising to the public, whether during an election period or not, to specify in the advertising that they authorize its content. It also requires third parties that transmit election advertising to the public, whether during an election period or not, to specify in the advertising that they are responsible for its content.

BILL C-524

An Act to amend the Canada Elections Act (election advertising)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 320 of the *Canada Elections Act* is replaced by the following:

320. (1) In this section and in sections 320.1 and 320.2, “advertising message” means an advertising message as described in the definition “election advertising” in section 319. (2) For greater certainty, sections 320.1 and 320.2 apply to advertising messages that are transmitted by any means and in any form, including print form, audio form and audiovisual form.

320.1 (1) Every candidate who causes an advertising message to be transmitted to the public, whether during an election period or not, shall ensure that (a) the message includes a statement by the candidate that identifies the candidate and that specifies that the message is authorized by the candidate; and

(b) the requirements set out in subsections

(2) and (3) are met.

(2) If the advertising message is in print form, the text of the statement referred to in paragraph (1)(a) must be

(a) of sufficient type size to be clearly readable by the recipient of the message;

(b) contained in a box set apart from the other contents of the message; and

(c) printed with a reasonable degree of colour contrast between the background and the printed statement.

(3) If the advertising message is in audiovisual form, the statement referred to in paragraph (1)(a) must be

(a) conveyed by

(i) an unobscured, full-screen view of the candidate making the statement, or

(ii) the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate; and

(b) displayed in print form for at least four seconds at the end of the message in a clearly readable manner with a reasonable degree of colour contrast between the background and the printed statement.

320.2 (1) Every registered party that causes an advertising message to be transmitted to the public, whether during an election period or not, shall ensure that

(a) the message includes a statement by the leader of the party that identifies the party and that specifies that the message is authorized by the leader; and

(b) the requirements referred to in subsections (2) and (3) are met.

(2) If the advertising message is in print form, the requirements set out in subsection 320.1(2) apply to the statement referred to in paragraph (1)(a).

(3) If the advertising message is in audiovisual form, the statement referred to in paragraph (1)(a) must be

(a) conveyed by

(i) an unobscured, full-screen view of the leader of the party making the statement, or

(ii) the leader of the party in voice-over, accompanied by a clearly identifiable photographic or similar image of that leader; and

(b) displayed in print form for at least four seconds at the end of the message in a clearly readable manner with a reasonable degree of colour contrast between the background and the printed statement.

2. Section 352 of the Act is replaced by the following:

352. (1) In this section and in section 352.1, “advertising message” means an advertising message as described in the definition “election advertising” in section 319.

(2) For greater certainty, this section and section 352.1 apply to advertising messages that are transmitted by any means and in any form, including print form, audio form and audiovisual form.

352.1 (1) Every third party that causes an advertising message to be transmitted to the public, whether during an election period or not, shall ensure that

(a) the message includes a statement by an authorized representative of the third party that identifies the third party and that specifies that the third party is responsible for the content of the message; and

(b) the requirements referred to in subsections (2) and (3) are met.

(2) If the advertising message is in print form, the requirements set out in subsection 320.1(2) apply to the statement referred to in paragraph (1)(a).

- (3) If the advertising message is in audiovisual form, the statement referred to in paragraph (1)(a) must be
- (a) conveyed by
 - (i) an unobscured, full-screen view of an authorized representative of the third party making the statement, or
 - (ii) an authorized representative of the third party in voice-over, accompanied by a clearly identifiable photographic or similar image of the representative; and
 - (b) displayed in print form for at least four seconds at the end of the message in a clearlyreadable manner with a reasonable degree of colour contrast between the background and the printed statement.

3. Paragraph 495(1)(a) of the Act is replaced by the following:

- (a) being a candidate, contravenes section 320.1 (failure to indicate authority for advertising);
- (a.1) being a registered party, contravenes section 320.2 (failure to indicate authority for advertising);

4. Paragraph 496(1)(b) of the Act is replaced by the following:

- (b) section 352.1 (failure to indicate authority for advertising);