



TSAWWASSEN FIRST NATION  
s'əwaθən məsteyəx<sup>w</sup>

*Election Act*

**CAMPAIGN ADVERTISING REGULATION**

**Date Enacted: 29 July 2009**

*Order Number:* O.086-2009

**Last Amended: 18 November 2015**

**X**

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Tom McCarthy  
Chief Administrative Officer

## Table of Regulation Changes

<b>Section(s) Amended</b>	<b>Date</b>	<b>Order number</b>	<b>Come Into Force Date</b>
s.5 and s.13 repealed and replaced; s.16 added	08/05/2013	O.043-2013 (part 2)	08/05/2013
s.2 definition of "candidate" amended s.7(d), 8(a), 8(b), 9, 9(a), 10, 10(c), 13, 14 amended s.10(d) added s.15 repealed and replaced	18/11/2015	O.082-2015	18/11/2015

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### **SCHEDULE A – CODE OF FAIR CAMPAIGN PRACTICES**

## **Citation**

- 1 This regulation may be cited as the Campaign Advertising Regulation.

## **Definitions**

- 2 In this regulation:

“**Act**” means the *Election Act* (Tsawwassen);

“**appointee**” means an election clerk appointed by the election officer under section 74 (1) of the Act or a deputy election officer appointed under section 72 (1) of the Act;

“**candidate**” means an individual that has been declared a candidate for election for Chief or a legislator under section 30 [*Declaration of recognized candidates*] of the Act; and

[Amended by Order number O.082-2015]

“**election officer**” means the election officer appointed under the Act.

## **Interpretation**

- 3 Unless specifically provided otherwise in these regulations, other terms used have the same meanings as in the Act.

## **Election officer’s power to delegate**

- 4 The election officer may delegate any of his or her responsibilities under this regulation to an appointee.

## **Prohibition on knowingly making false statements**

- 5 Any person who, with the intention of affecting the results of an election, knowingly makes or publishes any false statement of fact in relation to the personal character or conduct of a candidate or prospective candidate commits an offence.

[Amended by Order number O.043-2013]

## **Campaign advertising**

- 6 The election officer may only accept a maximum of two campaign advertisements from any one candidate throughout the course of an election.

## **Candidate’s responsibilities**

- 7 If a candidate wants to mail campaign advertising to eligible voters, the candidate or an authorized individual working on behalf of the candidate must, prior to any deadline established by the election officer
  - (a) deliver or send the advertisement to the election officer in stamped, unsealed envelopes,
  - (b) clearly identify the candidate’s full name on the advertisement,
  - (c) provide the election officer with a sample of the advertisement, and
  - (d) pay a \$25 administrative fee for each advertisement.

[Amended by Order number O.082-2015]

### **Election Officer's responsibilities**

- 8** Upon receipt of the advertisement, the election officer must randomly select a minimum of 5 of the envelopes submitted to examine the advertising materials and ensure
- (a) that the materials are not offensive, inappropriate or considered to bring the election into disrepute,
  - (b) that the materials do not contravene section 5 [*Prohibition on knowingly making false statements*], and
  - (c) that the sample advertisement provided under section 7 (c) is identical to the materials contained in the randomly sampled envelopes.

*[Amended by Order number O.082-2015]*

### **Rejection of inappropriate advertising**

- 9** If the election officer receives an advertisement that, in the opinion of the Election Officer, contravenes section 5 [Prohibition on knowingly making false statements] or does not comply with section 8 (a), then the election officer must:
- (a) reject it and refuse to mail it out to eligible voters,
  - (b) notify the candidate that the advertisement will not be mailed out to eligible voters, and
  - (c) notify the candidate that the \$25 administrative fee collected under section 7 (d) will not be refunded.

*[Amended by Order number O.082-2015]*

### **Posting of campaign advertisement**

- 10** A candidate may not post campaign advertisements on Tsawwassen Lands unless
- (a) the election officer certifies that the contents are not offensive, inappropriate or considered to bring the election into disrepute,
  - (b) the materials do not publish any false statement of fact in relation to the personal character or conduct of a candidate or prospective candidate,
  - (c) the materials clearly identifies the name of the candidate posting the material, and
  - (d) the sign complies with the Sign Regulation (Tsawwassen) and all other Tsawwassen enactments.

*[Amended by Order number O.082-2015]*

### **Prohibition on posting campaign advertisement in the administration offices**

- 11** No candidate may post campaign advertisements in the Tsawwassen administration offices.

### **Election Officer to remove inappropriately posted advertisements**

- 12** The election officer must remove any posted campaign advertisement that does not comply with this regulation.

### **Interference with campaign advertisements**

- 13** No person shall destroy or interfere with approved posted campaign advertisements.

*[Amended by Order number O.043-2013]*

[Amended by Order number O.082-2015]

### **Ethical standards in campaign advertising**

- 14** At the time an individual is declared to be a candidate in the election of the Tsawwassen Government, the election officer will give the candidate a copy of Schedule A [Code of Fair Campaign Practices].

[Amended by Order number O.082-2015]

### **Voluntary campaign code**

- 15** The election officer must inform each candidate that signing Schedule A [Code of Fair Campaign Practices] and committing themselves to it is voluntary.

[Amended by Order number O.082-2015]

### **Contravention, Penalty and Enforcement**

- 16** (1) Any person who contravenes, violates or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this regulation, commits a contravention punishable on summary conviction and shall, in addition to any other provisions of this regulation, be liable:
- (a) to a penalty as set out in the Tsawwassen First Nation Ticket Regulation, 2013;
  - (b) if no penalty is set out for the contravention in the *Tsawwassen First Nation Ticket Regulation, 2013*, then to a fine not exceeding \$2,000;
  - (c) to prosecution pursuant to the *Offence Act* (British Columbia); or
  - (d) to both prosecution under subsection c) and either a penalty under subsection a) or a fine under subsection b).
- (2) Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.
- (3) Contraventions of this regulation are designated for enforcement under the *Election Act* (Tsawwassen) or the *Laws Enforcement Act* (Tsawwassen).
- (4) In addition to the designated Enforcement Officer appointed by Executive Council pursuant to section 3 (1) (a) of the *Laws Enforcement Act*, the election officer is appointed as an enforcement officer for the purposes of this regulation.

[Amended by Order number O.043-2013]

## SCHEDULE A

### CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty and fair play which every candidate to public office in the Tsawwassen Government has a moral obligation to observe and uphold.

Therefore:

- 1 **I SHALL CONDUCT** my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and criticizing without fear or favour, the record and policies of my opponents which merit such criticism.
- 2 **I SHALL NOT USE OR PERMIT** the use of character defamation, whispering campaigns, libel, slander or scurrilous attacks on any candidate or his or her personal or family life.
- 3 **I SHALL NOT USE OR PERMIT** any appeal to negative prejudice based on status, sex, religion, physical health status or age.
- 4 **I SHALL NOT USE OR PERMIT** any dishonest or unethical practice which tends to corrupt or undermine the electoral process.
- 5 **I SHALL NOT** coerce election help or campaign contributions for myself or for any other candidate from my employees.

I, the undersigned, candidate for election to public office in the Tsawwassen First Nation hereby voluntarily endorse, subscribe to and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date of Election

\_\_\_\_\_  
Signature of Election Officer