



# ELECTION CAMPAIGN ADVERTISING REGULATION

Enacted under the *Election Law*

TNR 21/2016

Enacted on June 23, 2016.

\_\_\_\_\_  
Hegus [SIGNATURE]

Clint Williams

Hegus [NAME]

DEPOSITED IN THE TLA'AMIN  
REGISTRY

ON 12/07/16  
(day/month/year)

Judith King  
Signature of Law Clerk

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## INTRODUCTORY PROVISIONS

### Authority

1. This regulation is made pursuant to the *Election Law*.

### Definitions

2. Unless specifically provided otherwise in these regulations, the terms used have the same meaning as defined in the *Election Law*.

**“advertising”** means the transmission of a message that promotes or opposes the election of a candidate to members of the Tla’amin Nation during an election period and may include messages that take a position on an issue with which a candidate is associated;

**“candidate”** means an individual that has formally accepted a nomination to run for Hegus or a Legislator under the Law;

**“elections officer”** means the elections officer appointed under the Law;

**“elections official”** means an elections official appointed by the elections officer under the Law;

**“Law”** means the *Election Law*; and

**“online advertising”** means advertising over the Internet that has a placement cost or service fee, and does not include messages sent or posted for free on social media platforms such as Twitter and Facebook, or messages sent by e-mail unless a charge is incurred.

## CAMPAIGN ADVERTISING PROVISIONS

### Elections officer’s power to delegate

3. The elections officer may delegate any of their responsibilities under this regulation to a Tla’amin election official.

### Prohibition on knowingly making false statements

4. 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.

### Candidate’s responsibilities

5. 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 elections officer
  - a) deliver or send the advertisement to the elections officer in stamped, unsealed, postage-paid envelopes;
  - b) clearly identify the candidate’s full name on the advertisement;

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- c) clearly identify the office for which the individual is a candidate on the advertisement; and
  - d) provide the elections officer with a sample of the advertisement, and enclose a \$25 administrative fee.
6. If a candidate wants to use online advertising to deliver a message, such as a paid website or Facebook Ad, boosted Facebook post or e-mailing service for a fee, the candidate or an authorized individual working on behalf of the candidate must, prior to any deadline established by the elections officer
- a) deliver or send the content (including any imagery that will be used) of the advertisement to the elections officer by e-mail or mail;
  - b) clearly identify, in the body of the e-mail or an enclosed letter, the online advertising method through which the content will be sent;
  - c) clearly identify the candidate's full name on the advertisement;
  - d) clearly identify the office for which the individual is a candidate on the advertisement; and
  - e) provide the elections officer with a \$25 administrative fee.

### **Elections officer's responsibilities**

7. Upon receipt of the advertisement, the elections officer must randomly select a minimum of 5 of the envelopes submitted to examine the advertising materials and ensure that the advertisement materials
- a) are not offensive, inappropriate or considered to bring the election into disrepute;
  - b) comply with section 4 of this regulation [Prohibition on knowingly making false statements]; and
  - c) that the sample advertisement provided under section 5 (d) is identical to the materials contained in the randomly sampled envelopes.
8. In the case of an online advertisement, the elections officer must examine the advertising content and ensure that the advertisement content
- a) is not offensive, inappropriate or considered to bring the election into disrepute, and
  - b) complies with section 4 of this regulation [Prohibition on knowingly making false statements].

### **Rejection of inappropriate advertising**

9. If the elections officer receives an advertisement that does not comply with section 4 [Prohibition on knowingly making false statements], section 5 or section 6, then the elections officer must
- a) reject the advertisement 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.

### **Posting of campaign advertisement**

10. A candidate may post campaign advertisements on Tla'amin Lands provided that
- a) the elections 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; and
  - c) the materials clearly identify the name of the candidate and the office for which they are a candidate.

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

11. No person may post campaign advertisements in the Tla'amin administration office.

### **Elections officer to remove inappropriately posted advertisements**

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

### **Interference with campaign advertisements**

13. No person shall destruct or interfere with approved posted campaign advertisements.

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

14. At the time an individual accepts their nomination to be a candidate in the election of the Tla'amin Government, the elections officer will give the candidate a copy of Schedule A (*Tla'amin Code of Fair Campaign Practices*) for signing.

### **Candidate code of fair campaign practices**

15. The elections officer must inform the individual that signing Schedule A and committing themselves to it is **mandatory**.

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

16. 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 any Tla'amin regulation;
  - b) if no penalty is set out for the contravention in a Tla'amin regulation, 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).
17. Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.

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18. Contraventions of this regulation are designated for enforcement under the Law.

19. The elections officer is appointed as an enforcement officer for the purposes of this regulation.

**Commencement**

20. This regulation comes into force on June 23, 2016.

**SCHEDULE A**

**TLA'AMIN NATION  
CANDIDATE CODE OF FAIR CAMPAIGN PRACTICES**

Whereas:

1. There are basic principles of decency, honesty and fair play which elected officials of the Tla'amin Government will be expected to observe and uphold during their term in office; and
2. Every candidate for an elected office of the Tla'amin Government has a moral obligation to observe and uphold these basic principles of decency, honesty and fair play during their campaign for an elected office of the Tla'amin Government.

Therefore:

1. Each candidate for election to a public office of the Tla'amin Government is asked to endorse, subscribe to and solemnly pledge to conduct their campaign in accordance with the following candidate code of fair campaign practices:
  - A. I SHALL CONDUCT my campaign, to the best of my knowledge and ability, in accordance with Tla'amin law and policies;
  - B. 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;
  - C. I SHALL NOT USE, PERMIT, OR ENCOURAGE the use of character defamation, whispering campaigns, libel, slander or defamatory attacks on any candidate or his or her personal or family life;
  - D. I SHALL NOT USE, PERMIT, OR ENCOURAGE any appeal to negative prejudice based on status, sex, religion, physical health status or age;
  - E. I SHALL NOT USE, PERMIT, OR ENCOURAGE any dishonest or unethical practice which tends to corrupt or undermine the electoral process; and
  - F. 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 Tla'amin Nation hereby endorse, subscribe to and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date of election

\_\_\_\_\_  
Signature of elections officer

\_\_\_\_\_  
Date





## ORDER OF THE EXECUTIVE COUNCIL OF THE TLA'AMIN NATION

**Executive Council Order No.:** TNO-EC 36/2016

**Approved and Ordered:** June 23, 2016

### **Order**

The Executive Council hereby replaces the existing *Election Campaign Advertising Regulation* with the attached amended *Election Campaign Advertising Regulation*, to take effect on June 23, 2016.

### **Authority**

This Executive Council Order is made under the authority of the *Tla'amin Nation Election Law*.

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*Signed by the Hegus on behalf of the  
Executive Council of the Tla'amin Nation*

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*(Note: This portion is for administrative purposes only and is not part of the Order)*

**Authority under which the Order is made:**

**Law:** *Election Law*

**Other (please specify):** N/A

DEPOSITED IN THE TLA'AMIN REGISTRY
ON <u>12, 07, 16</u> (day/month/year)
<u>Judith King</u> Signature of Law Clerk