

With a federal election likely in the spring, political advertising is going to be heating up. Whether you're planning your own campaign or working with others, this is the perfect time for a refresher on the fundamentals of Bill C-76 – "An Act to Amend the Canada Elections Act".

Key Provisions of Bill C-76:

- 1. Online Ad Registry:** Bill C-76 mandates an online registry for all paid political ads. Platforms selling advertising space (directly or indirectly) must submit regulated ads to this registry. An "online platform" in this case is defined as any site or application whose owner or operator, during their commercial activities, directly or indirectly sells advertising space on their site or application to persons or groups. The law applies to online platforms that meet specific thresholds for Canadian visitors:
 - 3 million for English platforms
 - 1 million for French platforms
 - 100,000 for other languages
- 2. Transparency:** When regulated ads are displayed, platforms must link to the registry and include the ad's publisher and a copy of the ad. This includes advertising that is classified as "partisan" and "issues" advertising. **Partisan** is defined as any advertising that promotes or opposes the election of a party, leader, or candidate or is paid for by a party, campaign, or riding association. **Issues** advertising is classified as any advertising that takes a position on an issue with which a candidate or registered party is associated, even without identifying the candidate or party in any way during the write period or 37 days prior to the election.
- 3. Compliance for Platforms:** If your platform runs political ads – even if you're not directly involved – you must ensure compliance. Ads that fail to appear on the registry could trigger investigations by Elections Canada, and penalties for non-compliance can range from administrative fines to jail time. These offences related to public registry obligations also apply to 3rd party entities and regulated political entities who fail to provide the necessary info to maintain a registry.

Implications for Digital Advertising in Canada

- Publishers will be required to implement their registries on their media properties to capture the required data under C-76. There is no standardized registry that is offered by the government of Canada for this purpose.
- Non-profit, NGOs and charities that are likely to be using domains and keyword terms associated with campaign issues will be caught up in the registry requirements.
- IAB Canada is re-launching the issues tracker which will provide DSPs, SSPs, publishers and advertisers a 24hr refreshed list of issues as they arise on the campaign trail. The tracker will include keywords and domains that are likely to be impacted by the issues.
- Publishers will need to decide how they will be accepting political advertising and how they will be monitoring for issue ads as they appear in the market. The issue tracker may help to inform and navigate block or flag lists within the tech stack to ensure affected ads are identified and dealt with accordingly.

As political ads increase, staying compliant with Bill C-76 is essential to avoid penalties and ensure transparency in the election process. Follow the rules, and you'll be in the clear.

If you have any questions or would like to know more, please contact us at policy@iabcanada.com.

Further Reading:

- <https://www.parl.ca/DocumentViewer/en/42-1/bill/C-76/first-reading>
- <https://www.blakes.com/insights/canadas-new-registry-requirements-for-online-polit/>