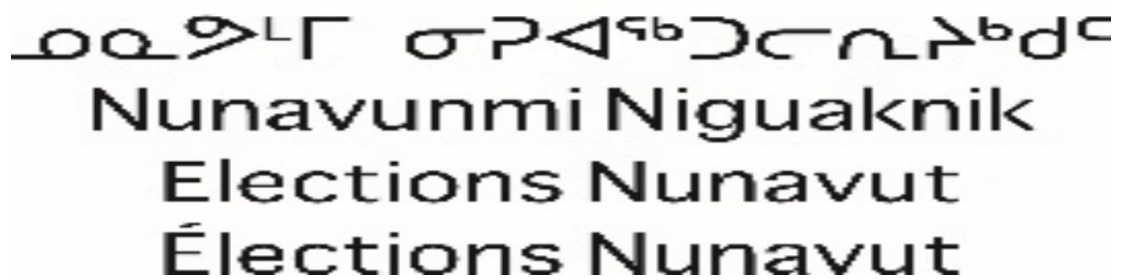


***Broadcasters' Guide—  
Elections for Members of  
the Nunavut Legislative  
Assembly***

2025



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## Introduction

Elections Nunavut produced this document as a general guide for broadcasters. It outlines your legal obligations during Nunavut elections for Members of the Legislative Assembly (MLAs).

This Guide does not cover federal elections and the broadcasting rules for federal elections in the *Canada Elections Act* do not apply to elections for Nunavut MLAs.

During an election campaign the public has the right to know about the issues. They need enough knowledge to make an informed choice from among the various candidates.

Broadcasters are responsible for helping their audience to be informed of the main issues and the positions of all candidates.

Broadcasters have an important role to help make sure that the public receive good and complete information that they can easily understand and use.

## Relevant Legislation

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### *Nunavut legislation*

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The *Nunavut Elections Act* (the Act) covers ***campaign material*** and broadcasting that material by radio, television and the Internet for the election of Nunavut MLAs. It governs how and when candidates and third parties can use these media during the ***election period*** and for a Nunavut election campaign.

The Act defines ***campaign material*** as: "any advertisement, including advertisements on the radio, television and the Internet as well as placards, posters or banners, in favour of or on behalf of a candidate or

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against a candidate.” This includes ads with positive or negative messages such as 'Vote for X' or 'Don't vote for Y'.

The *election period* begins on the date of the writ (the official election announcement) and ends at the close of the polls on election day.

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### *Federal legislation*

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During Nunavut elections for MLAs, broadcasters also have legal obligations under federal laws and regulations.

- *Broadcasting Act* (Canada) <https://laws-lois.justice.gc.ca/eng/acts/b-9.01/FullText.html>
- *Broadcasting Distribution Regulations* (Canada) <https://laws-lois.justice.gc.ca/eng/regulations/SOR-97-555/page-6.html#docCont>
- *Radio Regulations, 1986* (Canada) <https://laws.justice.gc.ca/eng/regulations/SOR-86-982/page-1.html>
- *Television Broadcasting Regulations, 1987* (Canada) <https://laws.justice.gc.ca/eng/regulations/SOR-87-49/index.html>
- *CRTC Guidelines for TV and radio broadcasters and TV service providers during an election.* [https://crtc.gc.ca/eng/industr/tvradio/guidelec.htm?\\_ga=2.39878178.1695468727.1749749814-9331483.1749749813](https://crtc.gc.ca/eng/industr/tvradio/guidelec.htm?_ga=2.39878178.1695468727.1749749814-9331483.1749749813)

Note: The CRTC also sends a Circular to all regulated broadcasters each time a writ is issued for a Nunavut election.

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### *Defining broadcasting and broadcaster*

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Under the federal legislation, ***broadcasting*** means any transmission of programs — regardless of whether the transmission is scheduled or on demand or whether the programs are encrypted or not — by radio waves or other means of telecommunication for reception by the public by means of broadcasting receiving apparatus, but does not include any such transmission of programs that is made solely for performance or display in a public place.

For the purposes of this Guide, a ***broadcaster*** is a person who conducts broadcasting. This means someone who holds a CRTC licence under the federal *Broadcasting Act*, to broadcast on radio, TV or the Internet. A broadcast includes a distribution, program, or network such as subscription services and pay-per-view channels.

### **Broadcaster's Obligations**

Broadcasters must comply with their obligations under the applicable legislation during elections for Nunavut MLAs. Their obligations relate to the following topics.

- Internal policies and procedures
- Equitable and balanced treatment, and equal access
- Defamation, slander, libel, obscenity
- Free access political programming
- News, comment, and current affairs programs
- Debates
- Advertising: free, paid, identifying statements
- Third party ads
- Ads versus announcements

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- Broadcasters or on-air personalities as candidates
  - Blackout period

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### *Internal policies and procedures*

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Broadcasters should develop and apply internal policies and procedures for election broadcasting. These can provide important guidelines for what election broadcasting you air and when.

Policies and procedures should be clear about whether a program falls under the rules that apply to news, comment, or current affairs programs, or the rules that apply to campaign material.

Factors that influence this decision include:

- Who pays for the broadcasting?
- Who decides the content, format, and character of the broadcasting?

If a broadcaster accepts paid advertising of campaign material, it should also have a system to provide timely and accurate invoicing. Candidates and their financial agents need this information to file their financial return, completely and on time.

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### *Equal access and equitable and balanced treatment*

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Broadcasters must give each candidate equal access to broadcast time. They cannot exclude or prefer one candidate over another.

As a general principle, broadcasters must provide equitable and balanced treatment of issues and candidates. Equitable means that all candidates are entitled to fair and just coverage that gives them the



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opportunity to expose their ideas to the public. It does not necessarily mean the same or equal coverage.

Balanced means equitable time—comparable but not equal or the same in terms of the target audience or the length, time, or language of broadcast. Broadcasters must have balance over a reasonable time—generally a week—and not necessarily within a specific program.

*Nunavut Elections Act*

**Broadcast time**

**187.** Every broadcaster who operates a community or educational broadcasting service shall, subject to the conditions of its licence, any agreement with the Canadian Broadcasting Corporation, and the regulations made under the *Broadcasting Act* (Canada),

- (a) make broadcasting time available to all candidates in the constituencies in which it operates; and
- (b) ensure that every candidate has approximately equal access to broadcasting time.

*Radio Regulations, 1986 (Canada)*

**6.** During an election period, a licensee shall allocate time for the broadcasting of programs, advertisements or announcements of a partisan political character on an equitable basis to all accredited political parties and rival candidates represented in the election or referendum.

*Broadcasting Distribution Regulations (Canada)*

**30.** (5) If a licensee provides time on the community channel in a licensed area during an election period for the distribution of programming of a

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partisan political character, the licensee shall allocate that time on an equitable basis among all accredited political parties and rival candidates.

Please note that the definition of “election period” in the federal regulations begins on the “the date of the announcement of the election”.

We recommend that broadcasters consider the following ways to ensure balance:

- Provide a listener call-in type show.
- Interview people of equal ability from each major side of an issue.
- Allow a complainant a chance to rebut on-air.
- Broadcast announcements during prime time that tell listeners about community access programming.

Broadcasters are obliged only to cover the major sides of an issue of public concern. Each broadcaster is responsible for editorial judgement and decides what constitutes an issue of public concern.

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### *Defamation, slander, libel, obscenity*

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Broadcasters must avoid defamation, slander, libel, and obscenity.

Defamation happens when a broadcaster airs false information that damages the reputation of an individual, group, or business. Often there is a fine line between defamation and valid criticism, intentional and unintentional defamation.

Slander is an oral form of defamation — when someone intentionally speaks over-the-air defamation. Libel is a written form of defamation.

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Anyone involved in a slanderous broadcast may be legally responsible—the station, the station manager, the program director, or the program host. Insinuating a name in a way that people can guess the identity of a person, group, or business is the same as saying the actual name. Canadian law sees this as a serious offence.

Broadcast regulations generally prohibit sexually explicit material or material that contains strong language or that is likely to offend some listeners. The *Radio Regulations, 1986* prohibit obscenity. Section 3(c) states: "*a licensee shall not broadcast any obscene or profane language.*"

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### *Free access political programming*

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Free access programming is one of two main types of political programming. It is program time that a broadcaster offers free of charge to a candidate or third party. A broadcaster that offers free time for one candidate must offer equitable free time for all candidates

All the rules that apply to broadcast advertising apply to free access political programming. Broadcasters must ensure the programming is not defamatory. You do not interfere as moderator or in the production process. But the broadcaster is ultimately responsible for the program. At the same time, you give the candidate the widest possible latitude and control.

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### *News, comment and current affairs programs*

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News, comment, or current affairs programs must meet CRTC codes, regulations, and policies for community programming. The primary aim of these programs is to inform the public, present a range of viewpoints, and provide objective and impartial reporting. Broadcasters must offer these programs on an equitable basis for all candidates. Broadcasters have editorial control and may decide the

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format and participants and directly intervene as moderator. Candidates do not pay for or decide the format of these programs.

Broadcasters must make sure that news, comment, and current affairs programs do not appear to encourage voters to vote for or against a particular candidate. Candidates and broadcasters must understand the differences between these formats and advertising / campaign material.

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### *Candidate debates*

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It is not strictly necessary that debate programs feature all rival candidates. BUT—in general—broadcasters must take reasonable steps to ensure that their public affairs programs inform their audience on the main issues and positions of all candidates.

The term balanced includes the principles of fair radio debate.

- Listeners have the right to respond and challenge.
- Debate should be between equals.
- No one should dominate a debate using power or wealth.

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### *Advertising standards and content*

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Broadcasters must maintain standards for advertising. These includes taste and decency standards, privacy protection and codes of broadcasting practice. The advertising industry's *Canadian Code of Advertising Standards* also sets the criteria for acceptable advertising in Canada.

Broadcasters do not need to provide balance in election advertising as they must do for news, comment, or current affairs programs. Broadcasters have no restrictions on when they may begin to accept bookings for election advertising.

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Broadcasters must offer the same advertising rates and terms to all candidates. If a broadcaster sells advertising to one candidate or advocate, it must make the advertising available to all candidates on an equitable basis and at the same price. This includes any volume discounts and offers of bonus time. If the demand for paid advertising time exceeds the amount of commercial time that the broadcaster schedules, it must resolve the conflict equitably.

The candidate or campaign manager has editorial control over the candidate's own advertising content. Third parties who advertise their campaign material control their own content. This content may include negative campaign material, as long as the material does not contain defamatory statements or lies.

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### *Identifying statements*

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Broadcasters should be aware that a candidate's advertising costs must be accounted for by the candidate's financial agent during the election and the sponsor of the advertising identified in any of their advertising. This promotes accountability for the content of the material.

#### *Nunavut Elections Act*

#### **Advertising contribution**

**175.** (1) The cost of the advertising shall be considered a contribution to a candidate where a person, with the knowledge and consent of the candidate, campaigns by advertising

- (a) through the facilities of a broadcaster;
- (b) in a newspaper, magazine or other periodical publication or other printed document;

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- (c) through the use of any billboard, sign or outdoor advertising medium;
  - (d) through social media.

**Identification**

(2) Any campaign manager or other person sponsoring the advertisement referred to in subsection (1) shall provide his or her name and address to the broadcaster or publisher of the advertisement.

Broadcasters should be aware that the financial agent is the proper person to pay for a candidate's advertising. The advertising content must be authorised in writing. This would be done by the candidate, the financial agent or campaign manager. Broadcasters who accept bookings and campaign material through advertising or media agencies should keep copies of these written authorizations.

Third parties—an individual or a group that isn't a candidate—may buy and air broadcast campaign material during an election. However, they must also follow the same rules as candidates.

For example, a third party ad may advocate for or against a policy. Or the ad may name a candidate or directly advocate for or against a candidate. A third party can pay for and broadcast negative advertising, as long as the ad does not contain defamatory statements or lies.

Broadcasters must therefore identify each advertising client—both on air and in logs. All advertising / campaign material must contain a statement identifying its sponsor. The statement can be written or oral. If written, the audience should be able to read it. If oral, the audience should be able to understand it.

Here is a sample statement for candidate material:

Authorised by: S. Smith, Financial Agent / Campaign Manager

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On behalf of J. Inuk Candidate for the Constituency of -----

Contact Information: Tel: ----- Fax: ----- Email: -----

Here is a sample statement for third party material:

This ad is being paid for by: -----

Authorised by: S. Smith, Sponsor

Contact information: Tel: ----- Fax: ----- Email: -----

#### *Nunavut Elections Act*

#### **Identification when campaigning**

**186.** (1) Every candidate or other person who campaigns shall, in accordance with instructions issued under subsection (4), ensure that all his, her, or its campaign material includes

- (a) the name of the candidate or other person campaigning; and
- (b) the name and a valid telephone number or email address of an individual who is responsible for the content of the campaign material, which in the case of a candidate is his or her financial agent.

#### **Clarity of information**

(2) The information required under subsection (1) must be communicated in a way that is as easy to read, hear, or see as the majority of the substance of the message being communicated by the campaign material.

#### **Minors**

(3) If the person campaigning is a minor, the person referred to under paragraph (1)(b) must be an adult who is responsible for the minor.

#### **Instructions of Chief Electoral Officer**

(4) The Chief Electoral Officer may issue instructions respecting the communication and inclusion of the information required by this section.

#### **Campaign material requirements**

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**249.** (2) Any person printing, publishing, broadcasting or distributing, or causing to be printed, published, broadcast, or distributed any campaign material that does not comply with section 186 is guilty of an offence.

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### *Prohibited campaigning*

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No individual person or corporation from outside Nunavut may advertise or in any other way, including phoning a radio program, campaign during an election.

#### **Prohibited campaigning**

**13.1** (1) Subject to subsection (2), the following persons or entities shall not campaign in an election:

- (a) any individual who is not resident in Nunavut;
- (b) any corporation or other entity that
  - (i) is not incorporated, established or continued by or under the laws of Nunavut, and
  - (ii) does not carry on business in Nunavut in compliance with any registration or licensing requirements applicable to it under the laws of Nunavut.

Broadcasters should know clearly whether or not campaign material comes from a third party. If it comes from a third party, the broadcaster should be vigilant about the prohibition on third parties from outside Nunavut.

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### *Announcements versus campaign material*

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Broadcasters may air non-partisan, community service, or station announcements. These include things such as a list of candidate meetings, or encouragement to vote or to register to vote. The *Nunavut*



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*Elections Act* considers this kind of announcement separate and different from campaign material.

To maintain a code of good practice, broadcasters should air a statement that gives the name and contact information of the person or group that authorised the non-partisan or community service announcement.

Here is a sample statement:

Authorised by: Gjoa Haven Returning Officer, Elections Nunavut

Contact information: Phone: ----- Fax: ----- Email: -----

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*Broadcasters or on-air personalities as candidates*

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A broadcaster or regular on-air personality may become a candidate. If that happens, they must remove themselves from their broadcasting role during the election campaign. This prevents them from having unfair advantage over other candidates.

This applies to all on-air personalities, even if their exposure is only as a commercial announcer.

Broadcasters must remove these candidates from their broadcasting duties as soon as they file their declaration of candidacy. It is not an option for broadcasters to offer similar on-air opportunities to other candidates.

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*Blackout period*

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There is a “blackout” period on election day and the day before election day. On these two days it is prohibited to broadcast any campaign

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material. This includes broadcasting on television, radio and the Internet.

Broadcasters should not accept or broadcast any campaign material on these two days.

*Nunavut Elections Act*

**Broadcasts on election day or day before**

255. (1) Any person who broadcasts a speech or any entertainment or advertising program on election day or on the day immediately before election day, as campaign material, is guilty of an offence.

**Scope of "broadcast"**

(2) For the purposes of subsection (1), "broadcast" includes broadcasting on television, radio and the Internet.

### **Three Sample Scenarios—Election Broadcasting**

Broadcasters should be clear about whether a program falls under the rules that apply to news, comment and current affairs programs or the rules that apply to campaign material.

Factors that influence this decision include:

- Who pays for it?
- Who decides its content, format, and character?

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**Example 1—news, comment, current affairs**

A regular program, with the normal host and graphics, describes how to register to vote, where to vote, and how the election works. The

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program shows some footage of two local candidates as they attend meetings, deliver leaflets and do other activities.

A reporter talks to some voters about how interested they are in the elections. The program ends with a list of the names of all local candidates.

This example is clearly a news, comment or current affairs program.

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#### **Example 2—campaign material / election advertising**

A community language program has a regular slot for a community guest. The week before the election, the guest is a candidate who talks about the election and how it's important for people to vote.

The candidate then says: "Make sure you vote next Monday and vote for me". With this last statement the candidate turned this current affairs program into broadcasting campaign material.

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#### **Example 3— campaign material / election advertising**

Four months before the election, a group asks a broadcaster for a weekly slot during the election period. They propose a magazine style, current affairs type program. They want to interview people and present views from a particular political perspective.

At the end of the election period, the broadcaster discovers that campaign organizers for a certain candidate created the program. The program is broadcast election advertising because campaign organisers decided the format and paid for the program.

### **Complaints about Election Broadcasting**

For complaints related to breaking the laws in the *Nunavut Elections Act*, people should go to their local RCMP.

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For complaints related to federal laws and regulations, people should go to the CRTC.

- 📞 877-249-CRTC (2782)
- 📠 819-994-0218

## Penalties for Breaking the Laws

Territorial and federal laws each have their own fines and other penalties.

- If you break the laws of the *Nunavut Elections Act*, you can pay a fine; go to jail or both.
- If you break the laws under the *Broadcasting Act* or CRTC regulations, you can pay a fine.

### *Nunavut Elections Act*

#### **General offence and punishment**

**268.** (1) Except as otherwise provided in this Act, any person who contravenes this Act is guilty of an offence and liable on summary conviction to

- (a) a fine not exceeding \$5,000;
- (b) imprisonment for a term not exceeding one year; or
- (c) to both a fine and imprisonment.

#### **Additional punishment**

(2) Any person who is convicted of an offence under this Act, in addition to any other punishment, is ineligible to

- (a) be elected to the Legislative Assembly;
- (b) sit as a member of the Legislative Assembly; or
- (c) hold any office to which a person may be appointed by the Commissioner, a Minister or official of the Government of Nunavut or the Legislative Assembly.

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*Broadcasting Act (Canada)*

**Breaking a regulation or order**

32. (2) Every person who contravenes or fails to comply with any regulation or order made under this Part is guilty of an offence punishable on summary conviction and is liable:

- (a) in the case of an individual, to a fine not exceeding twenty-five thousand dollars for a first offence and not exceeding fifty thousand dollars for each subsequent offence; or
- (b) in the case of a corporation, to a fine not exceeding two hundred and fifty thousand dollars for a first offence and not exceeding five hundred thousand dollars for each subsequent offence.

**Breaking the conditions of license**

33. Every person who contravenes or fails to comply with any condition of a licence issued to the person is guilty of an offence punishable on summary conviction.

## ***Nunavut Elections Act—Important Sections***

The following are the relevant and important sections of the *Nunavut Elections Act*.

**Definitions**

2. (1) In this Act

"campaign" means to make public statements or issue campaign material promoting or opposing a candidate in an election;

"campaign material" means any advertisement, including advertisements on the radio, television and the Internet as well as placards, posters or banners, in favour of or on behalf of a candidate or against a candidate;

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### **Prohibited campaigning**

**13.1** (1) Subject to subsection (2), the following persons or entities shall not campaign in an election:

- (a) any individual who is not resident in Nunavut;
- (b) any corporation or other entity that
  - (i) is not incorporated, established or continued by or under the laws of Nunavut, and
  - (ii) does not carry on business in Nunavut in compliance with any registration or licensing requirements applicable to it under the laws of Nunavut.

### **Advertising contribution**

**175.** (1) The cost of the advertising shall be considered a contribution to a candidate where a person, with the knowledge and consent of the candidate, campaigns by advertising

- (a) through the facilities of a broadcaster;
- (b) in a newspaper, magazine or other periodical publication or other printed document; or
- (c) through the use of any billboard, sign or outdoor advertising medium.

### **Identification**

(2) Any campaign manager or other person sponsoring the advertisement referred to in subsection (1) shall provide his or her name and address to the broadcaster or publisher of the advertisement.

### **Identification when campaigning**

**186.** (1) Every candidate or other person who campaigns shall, in accordance with instructions issued under subsection (4), ensure that all his, her or its campaign material includes

- (a) the name of the candidate or other person campaigning; and
- (b) the name and a valid telephone number or email address of an individual who is responsible for the content of the campaign material, which in the case of a candidate is his or her financial agent.

### **Clarity of information**

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(2) The information required under subsection (1) must be communicated in a way that is as easy to read, hear or see as the majority of the substance of the message being communicated by the campaign material.

### **Minors**

(3) If the person campaigning is a minor, the person referred to under paragraph (1)(b) must be an adult who is responsible for the minor.

### **Instructions of Chief Electoral Officer**

(4) The Chief Electoral Officer may issue instructions respecting the communication and inclusion of the information required by this section.

### **Broadcast time**

**187.** (1) Every broadcaster who operates a community or educational broadcasting service shall, subject to the conditions of its licence, any agreement with the Canadian Broadcasting Corporation and the regulations made under the *Broadcasting Act* (Canada),

- (a) make broadcasting time available to all candidates in the constituencies in which it operates; and
- (b) ensure that every candidate has approximately equal access to broadcasting time.

### **Identity of campaigner**

(2) No broadcaster who operates a community or educational broadcasting service shall broadcast any campaign material that does not comply with section 186.

### **Campaign material requirements**

**249.** (2) Any person printing, publishing, broadcasting or distributing or causing to be printed, published, broadcast or distributed any campaign material that does not comply with section 186 is guilty of an offence.

### **Broadcasts on election day or day before**

**255.** (1) Any person who broadcasts a speech or any entertainment or advertising program on election day or on the day immediately before election day, as campaign material, is guilty of an offence.

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**Scope of "broadcast"**

(2) For the purposes of subsection (1), "broadcast" includes broadcasting on television, radio and the Internet.