



TOWN OF VIEW ROYAL

NOMINATION PACKAGE
FOR THE
2017 MUNICIPAL BY-ELECTION



A Message from the Chief Election Officer

Dear Potential Candidate,

The upcoming by-election will be held to determine one Councillor position. Candidate names will be printed on the ballot in alphabetical order by last name.

General Voting

General voting day is Saturday, November 18th, 2017 from 8:00 a.m. to 8:00 p.m. The polling station for general voting day is View Royal Elementary School located at 218 Helmcken Road and Eagle View Elementary School located at 97 Talcott Road.

Advance Voting

Advance voting opportunities will be on Wednesday, November 8th, 2017 and again on Wednesday, November 15th, 2017 from 8:00 a.m. to 8:00 p.m. on both days. The polling station for both advance voting opportunities is at View Royal Town Hall located at 45 View Royal Avenue.

Candidates at Voting Places

You are reminded that, as a candidate, you are not permitted to be present at any of the voting places on any of the voting days, except to cast your ballot. It is recommended that all candidates vote at one of the advance voting opportunities so that you do not appear to be campaigning near a voting place on general voting day.

Signage

As per the Town's bylaw that regulates signage in the municipality (included in the nomination package), you are not required to have a permit to post political signs.

Signs cannot be erected sooner than 30 days before the election and are required to be removed within 48 hours after the polls close on November 18th, 2017.

You may post signs on municipal boulevards, but you cannot place them on municipal property such as Town Hall, the Fire Hall or any parks and open spaces. Please be very careful not to position signs so that they obstruct sightlines of drivers, pedestrians and cyclists. If an election sign is determined to be an obstruction, you will be asked to relocate the sign within a set period of time (usually a very short timeline as it is a safety matter), or the Town may choose to remove it. Do not affix signage to hydro and telephone poles. If municipal infrastructure, such as pipes and sprinkler heads are damaged by the placing of a sign, the candidate will be billed for the required repair. As well, the removal of signs often leaves holes in boulevards, which can be quite large and can become a safety hazard. Please ensure that after the election sign is removed, all

holes are repaired by filling them in with clean soil. Again, the candidate will be billed for the required repair if holes are not repaired.

Please note all signage that identifies you as a candidate that is located within 100 metres of the property lines of polling station locations must be removed prior to 8:00 a.m. on voting day (this includes advance voting days and general voting day). As well, no campaign material (including, but not limited to, buttons, bumper stickers, and flyers) is permitted within 100 metres of the property line of the polling station locations.

With respect to your signs and all other campaign materials, usage of the Town's logo or a reasonable facsimile thereof, without prior authorization, is not permitted. It is fine to use both the name of the Town – as that conveys where you are running – as well as images from around the Town – though images should not include the Town's logo.

Official Agents

During the election process, you may appoint an official agent to act on your behalf as a contact for the Chief Election Officer when you are unavailable, as your campaign manager or as your spokesperson. Your official agent may also act as your financial agent.

If you choose to have an official agent, the "Appointment of an Official Agent" form must be completed.

Financial Agents

Every candidate must have a financial agent – either you or someone you appoint. Financial agents keep campaign contribution and election expense records, and file the candidate disclosure statement required under the *Local Elections Campaign Financing Act*.

You must appoint your financial agent in writing and have their written consent. The appointment must be submitted with your nomination documents. It is a campaign financing offence not to have a financial agent.

Scrutineers

Scrutineers may represent you on voting day by observing voting procedures and by scrutinizing the vote counting process. You may appoint as many scrutineers as you wish though only one may be in the voting place at any given time. For your convenience, the appointment form is attached. You or your official agent may appoint scrutineers. Please submit the forms to the Chief Election Officer prior to the scrutineer beginning their work. If a scrutineer is present at the voting place, other than being there to vote, they must swear a solemn declaration in front of the Chief Election Officer concerning the secrecy of the ballot and non-interference with electors marking a ballot.

Neither the scrutineer, nor anyone else in the voting place, may wear anything that advertises the person as a supporter of a particular candidate. Communication between scrutineers and election officials should only occur during a time when no voters are present at the voting place, unless there is a challenge of an elector before a ballot is

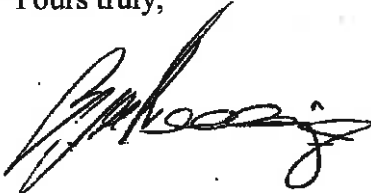
issued. If a scrutineer makes a challenge, either because the elector is not entitled to vote or has accepted an inducement for voting, the election official should be asked to note the challenge. Other than the official objection, scrutineers are not permitted to interfere with the routines of the voting place and the duties of voting officials. Under no circumstances should a scrutineer handle election documents or voting-related questions by the public at the voting place.

Announcement of the Results

As with previous elections, an automated vote counting system will be used for this election. The results will be tabulated very shortly after the polls close and the preliminary results will be announced at the voting place. Immediately thereafter, the results will be posted and made publicly available on the Town's web site and notice board.

If you have any questions, please do not hesitate to contact Elena Bolster, Deputy Chief Election Officer, at 250-479-6800 or by email to info@viewroyal.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ken Schaalje', written in a cursive style.

Ken Schaalje
Chief Election Officer



TOWN OF VIEW ROYAL NOMINATION PACKAGE - CONTENTS

To assist those seeking local government office or nominating someone to office, this nomination package will provide the required forms and additional information.

Forms:

For nomination period:

1. Candidate Nomination Package
 - Candidate Cover Sheet and Checklist (Form C1)
 - Nomination Documents (Form C2)
 - Other Information Provided by Candidate (Form C3)
 - Appointment of Candidate Financial Agent (Form C4)
 - Appointment of Candidate Official Agent (Form C5)
 - Appointment of Candidate Scrutineer (Form C6)
 - Statement of Disclosure
 - Candidate Information Release Authorization

To be filed after the election:

2. Disclosure Statements (standardized forms will be mailed by Elections BC to participants)

Background Information:

1. Notice of Nomination
2. Candidate's Guide to Local Elections in British Columbia 2014
3. Elector Organization Guide to Local Government Elections in BC 2014
4. Guide to Local Elections Campaign Financing in BC
5. Third Party Advertising Sponsor Guide to Local Elections in BC
6. *Local Elections Campaign and Financing Act*
7. Town of View Royal's "Automated Vote Counting System Authorization System and Procedures Bylaw No. 480, 2002"
8. Signs:
 - Excerpt from Town of View Royal's "Land Use Bylaw, 1990, No. 35" – Division 2 Signs
 - Signs, notices and posters – information sheet
9. Election broadcast blackout/100-metre "No Canvassing zone" – information sheet
10. Scrutineer Dos and Don'ts – information sheet

Additional Information:

- If you require assistance or would like more information on the nominations process or the election process; or Town of View Royal operations in general, please call the Deputy Chief Election Officer, Elena Bolster at 250-479-6800.
- **General Voting Day is scheduled for Saturday, November 18, 2017 and Advance Voting Opportunities are scheduled for Wednesday, November 8, 2017 and Wednesday, November 15, 2017.**

****NOMINATION PERIOD IS FROM 9:00 A.M. ON TUESDAY, OCTOBER 3, 2017
TO 4:00 P.M. ON FRIDAY, OCTOBER 13, 2017****

1	Candidate Nomination Package
2	Notice of Nomination
3	Candidate's Guide to Local Elections in BC
4	Elector Organization Guide to Local Government Elections in BC
5	Guide to Local Elections Campaign Financing in BC
6	Third Party Sponsor Guide to Local Elections in BC
7	Local Elections Campaign and Financing Act
8	Town of View Royal Automated Vote Counting System Authorization System and Procedures Bylaw No. 480, 2002
9	Signs: <ul style="list-style-type: none">- Excerpt from Town of View Royal's Land Use Bylaw, 1990, No. 35 – Division 2 Signs- Signs, notices and posters – information sheet
10	Election broadcast blackout/100-metre "No Canvassing zone" Scrutineer Dos and Don'ts

CANDIDATE NOMINATION PACKAGE

Use the Candidate Cover Sheet and Checklist Form C1 to ensure that the Candidate Nomination Package is complete and meets the legislative requirements of the *Local Government Act*, *Local Elections Campaign Financing Act*, *Financial Disclosure Act* and/or *Vancouver Charter*.

The Candidate Cover Sheet and Checklist Form C1 serve as a guide to the forms that must be submitted by a Candidate, their Official Agent and/or their Financial Agent to the local Chief Election Officer as part of the nomination process.

Ensure that, for each item checked off on the Checklist Form C1 (Section B), the relevant form is completed and attached.

The Candidate Cover Sheet and Checklist Form C1 are for the local Chief Election Officer's reference only and do not constitute part of the Candidate Nomination Package.

Completing only the Candidate Cover Sheet and Checklist Form C1 **does not** constitute completion of the Candidate Nomination Package, nor does it satisfy the legislative requirements set out in the *Local Government Act*, *Local Elections Campaign Financing Act*, *Financial Disclosure Act* and/or *Vancouver Charter*.

COMPLETION INSTRUCTIONS:

1. Record the Candidate's full name.
2. Record the office for which the Candidate is seeking election.
3. Use section B of the Cover Sheet and Checklist Form C1 to identify which forms have been completed and are included in the Candidate Nomination Package.
4. Return the completed package to the local Chief Election Officer.

As per *Local Elections Campaign Financing Act* requirements, the following forms will be forwarded to Elections BC by the local Chief Election Officer: C3 – Other Information Provided by Candidate; and, C4 – Appointment of Candidate Financial Agent.

After election results have been declared, please send any changes to these documents to:

Elections BC
PO Box 9275 Stn Prov Govt
Victoria BC V8W 9J6
Toll-free fax: 1-866-466-0665
Email: electoral.finance@elections.bc.ca

C1 – Candidate Cover Sheet and Checklist Form

PLEASE PRINT IN BLOCK LETTERS

SECTION A

CANDIDATE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
NAME OF OFFICE FOR WHICH CANDIDATE IS SEEKING ELECTION		

SECTION B

This nomination package includes the following completed forms, appointments, consents and declarations:

- C2 – Nomination Documents**
- C3 – Other Information Provided by Candidate**
- C4 – Appointment of Candidate Financial Agent (if Candidate is not acting as own Financial Agent)**
- C5 – Appointment of Candidate Official Agent (if applicable)**
- C6 – Appointment of Candidate Scrutineer (if applicable)**
- Statement of Disclosure: Financial Disclosure Act (required under the *Financial Disclosure Act*)**

Disclaimer: All attempts have been made to ensure the accuracy of the forms contained in the Candidate Nomination Package – however the forms are not a substitute for provincial legislation and/or regulations.

Please refer directly to the latest consolidation of provincial statutes at BC Laws (www.bclaws.ca) for applicable election-related provisions and requirements.

C2 – Nomination Documents

PLEASE PRINT IN BLOCK LETTERS

JURISDICTION NAME (E.G. MUNICIPALITY, REGIONAL DISTRICT ELECTORAL AREA)		
We, the following electors of the above named jurisdiction, hereby nominate:		
NOMINEE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
USUAL NAME OF PERSON NOMINATED IF DIFFERENT FROM ABOVE AND PREFERRED BY THE PERSON NOMINATED TO APPEAR ON THE BALLOT		
RESIDENTIAL ADDRESS (STREET ADDRESS)	CITY/TOWN	POSTAL CODE
MAILING ADDRESS IF DIFFERENT FROM RESIDENTIAL ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
As a Candidate for the office of:		
POSITION (E.G. MAYOR, COUNCILLOR, DIRECTOR)	JURISDICTION NAME (E.G. MUNICIPALITY, REGIONAL DISTRICT ELECTORAL AREA)	

Each of us affirms that to the best of our knowledge, the above named person nominated for office:

1. Is or will be on general voting day for the election, 18 years of age or older.
2. Is a Canadian citizen.
3. Has been a resident of British Columbia, as determined in accordance with section ⁶⁷ 52 of the *Local Government Act*, for the past six months immediately preceding today's date.
4. Is not disqualified under the *Local Government Act*, or any other enactment from being nominated for, being elected to or holding the office, or is not otherwise disqualified by law. ⁸¹⁽²⁾ *OB*
5. Is not subject to any of the disqualifications set out in section ⁵⁶⁽²⁾ 56(2) of the *Local Government Act*.

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

Please see over for additional space when more than two nominators are required. For local governments that require 25 nominators attach an additional sheet as necessary.

I consent to the above nomination for office:	
NOMINEE'S SIGNATURE	DATE: (YYYY / MM / DD)

CANDIDATE NOMINATION PACKAGE

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)	NOMINATOR'S NAME (FIRST, MIDDLE AND LAST NAMES)
RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR	RESIDENTIAL ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A RESIDENT ELECTOR
PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR	PROPERTY ADDRESS (CITY/TOWN, STREET ADDRESS, POSTAL CODE) IF NOMINATING AS A NON-RESIDENT PROPERTY ELECTOR
NOMINATOR'S SIGNATURE	NOMINATOR'S SIGNATURE

C2 – Nomination Documents

PLEASE PRINT IN BLOCK LETTERS

I do solemnly declare as follows:

81(1) OB -

1. I am qualified under section 58 of the *Local Government Act* to be nominated, elected and to hold the office of

POSITION (E.G. MAYOR, COUNCILLOR, DIRECTOR)

2. I am or will be on general voting day for the election, 18 years of age or older.
3. I am a Canadian citizen.
4. I have been a resident of British Columbia, as determined in accordance with section 52 of the *Local Government Act*, for the past six months immediately preceding today's date. 67 OB.
5. I am in no way disqualified by the *Local Government Act*, or any other enactment from being nominated for, being elected to or holding the office, or be otherwise disqualified by law.
6. To the best of my knowledge, the information provided in these nomination documents is true.
7. I fully intend to accept the office if elected.
8. I am aware of and understand the requirements and restrictions of the *Local Elections Campaign Financing Act* and I fully intend to comply with those requirements and restrictions.

NOMINEE'S SIGNATURE

DECLARED BEFORE ME: CHIEF ELECTION OFFICER OR COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

AT: (LOCATION)

DATE: (YYYY / MM / DD)

I am acting as my own Financial Agent

I have appointed as my Financial Agent

NOMINEE'S SIGNATURE

FINANCIAL AGENT'S NAME (IF APPLICABLE)

C3 – Other Information Provided by Candidate

PLEASE PRINT IN BLOCK LETTERS

Office for which individual is a nominee:

POSITION	of the	JURISDICTION NAME	
NOMINEE'S LAST NAME		FIRST NAME	MIDDLE NAME(S)
USUAL NAME OF PERSON NOMINATED IF DIFFERENT FROM ABOVE AND PREFERRED BY THE PERSON NOMINATED TO APPEAR ON THE BALLOT			
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) AS PROVIDED IN THE NOMINATION DOCUMENTS		CITY/TOWN	POSTAL CODE
ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)		CITY/TOWN	POSTAL CODE
TELEPHONE NUMBER	EMAIL ADDRESS (IF AVAILABLE)		

Additional Addresses for Service Information

OPTIONAL

MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE	CITY/TOWN	POSTAL CODE
FAX NUMBER	EMAIL ADDRESS IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE	

NAME OF ELECTOR ORGANIZATION ENDORSING THE CANDIDATE (IF APPLICABLE)

I am acting as my own Financial Agent

I am not acting as my own Financial Agent

Please ensure that name and mailing address information is the same as that entered on FORM C2 – NOMINATION DOCUMENTS

C4 – Appointment of Candidate Financial Agent

PLEASE PRINT IN BLOCK LETTERS

CANDIDATE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
POSITION (E.G. MAYOR, COUNCILLOR, DIRECTOR)	JURISDICTION (E.G. MUNICIPALITY, REGIONAL DISTRICT ELECTORAL AREA)	
I hereby appoint as my Financial Agent for the:		
GENERAL VOTING DATE: (YYYY / MM / DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
FINANCIAL AGENT'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
TELEPHONE NUMBER	EMAIL ADDRESS (IF AVAILABLE)	
EFFECTIVE DATE OF APPOINTMENT: (YYYY / MM / DD)		
CANDIDATE'S SIGNATURE	DATE: (YYYY / MM / DD)	

I hereby consent to act as the Financial Agent for the above named Candidate for the:		
GENERAL VOTING DATE: (YYYY / MM / DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
FINANCIAL AGENT ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)	CITY/TOWN	POSTAL CODE
Additional Addresses for Service Information		OPTIONAL
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE	CITY/TOWN	POSTAL CODE
FAX NUMBER	EMAIL ADDRESS IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE	
FINANCIAL AGENT'S SIGNATURE	DATE: (YYYY / MM / DD)	

C5 – Appointment of Candidate Official Agent

PLEASE PRINT IN BLOCK LETTERS

CANDIDATE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
POSITION (E.G. MAYOR, COUNCILLOR, DIRECTOR)	JURISDICTION (E.G. MUNICIPALITY, REGIONAL DISTRICT ELECTORAL AREA)	
I hereby appoint as my Official Agent for the:		
GENERAL VOTING DATE: (YYYY / MM / DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
OFFICIAL AGENT'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
<input type="checkbox"/> I hereby delegate to the above named official agent the authority to appoint scrutineers		
CANDIDATE'S SIGNATURE	DATE: (YYYY / MM / DD)	

C6 – Appointment of Candidate Scrutineer

PLEASE PRINT IN BLOCK LETTERS

CANDIDATE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
POSITION (E.G. MAYOR, COUNCILLOR, DIRECTOR)	JURISDICTION (E.G. MUNICIPALITY, REGIONAL DISTRICT ELECTORAL AREA)	
I hereby appoint as my Scrutineer for the:		
GENERAL VOTING DATE: (YYYY / MM / DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
SCRUTINEER'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
CANDIDATE'S SIGNATURE	DATE: (YYYY / MM / DD)	

Liabilities – s. 3 (e)

List all creditors to whom you owe a debt. Do not include residential property debt (mortgage, lease or agreement for sale), money borrowed for household or personal living expenses, or any assets you hold in trust for another person:

creditor's name(s)

creditor's address(es)

Income – s. 3 (b-d)

List each of the businesses and organizations from which you receive financial remuneration for your services and identify your capacity as owner, part-owner, employee, trustee, partner or other (e.g. director of a company or society).

- Provincial nominees and designated employees must list all sources of income in the province.
- Local government officials, school board officials, francophone education authority directors and designated employees must list only income sources within the regional district that includes the municipality, local trust area or school district for which the official is elected or nominated, or where the employee holds the designated position

your capacity

name(s) of business(es)/organization(s)

Real Property – s. 3 (f)

List the legal description and address of all land in which you, or a trustee acting on your behalf, own an interest or have an agreement which entitles you to obtain an interest. Do not include your personal residence.

- Provincial nominees and designated employees must list all applicable land holdings in the province
- Local government officials, school board officials, francophone education authority directors and designated employees must list only applicable land holdings within the regional district that includes the municipality, local trust area or school district for which the official is elected or nominated, or where the employee holds the designated position

legal description(s)

address(es)

Corporate Assets – s. 5

Do you individually, or together with your spouse, child, brother, sister, mother or father, own shares in a corporation which total more than 30% of votes for electing directors? (Include shares held by a trustee on your behalf, but not shares you hold by way of security.) no yes

If yes, please list the following information below & continue on a separate sheet as necessary:

- the name of each corporation and all of its subsidiaries
- in general terms, the type of business the corporation and its subsidiaries normally conduct
- a description and address of land in which the corporation, its subsidiaries or a trustee acting for the corporation, own an interest, or have an agreement entitling any of them to acquire an interest
- a list of creditors of the corporation, including its subsidiaries. You need not include debts of less than \$5,000 payable in 90 days
- a list of any other corporations in which the corporation, including its subsidiaries or trustees acting for them, holds one or more shares.

signature of person making disclosure

date

Where to send this completed disclosure form:

- ❖ **Local government officials:**
 - ... to your local chief election officer
 - with your nomination papers, and
 - ... to the officer responsible for corporate administration
 - between the 1st and 15th of January of each year you hold office, and
 - by the 15th of the month after you leave office
- ❖ **School board trustees/ Francophone Education Authority directors:**
 - ... to the secretary treasurer or chief executive officer of the authority
 - with your nomination papers, and
 - between the 1st and 15th of January of each year you hold office, and
 - by the 15th of the month after you leave office
- ❖ **Nominees for provincial office:**
 - with your nomination papers. If elected you will be advised of further disclosure requirements under the *Members' Conflict of Interest Act*.
- ❖ **Designated Employees:**
 - ... to the appropriate disclosure clerk (local government officer responsible for corporate administration, secretary treasurer, or Clerk of the Legislative Assembly)
 - by the 15th of the month you become a designated employee, and
 - between the 1st and 15th of January of each year you are employed, and
 - by the 15th of the month after you leave your position



TOWN OF VIEW ROYAL

CANDIDATE INFORMATION RELEASE AUTHORIZATION

I, _____
(please print name of person nominated)

having submitted nomination documents for election to the office of Councillor to the Town of View Royal hereby give my consent to have the completed nomination documents and the following information shared with the public and/or media in person or by email, posting on a website, phone, fax, or by any other means of electronic communication:

Address:	
Phone:	Alternate Phone (e.g. Cell):
Email:	
Website:	
Twitter:	Facebook:

(Signature)

(Date)



**TOWN OF VIEW ROYAL
2017 MUNICIPAL BY-ELECTION**

NOTICE OF NOMINATION PERIOD

Public Notice is given to the electors of the Town of View Royal that a by-election will be held on **Saturday, November 18, 2017**. Nominations for the office of:

Councillor (*one to be elected*)

for a term ending in the Fall of 2018 will be received by the Chief Election Officer or a designated person as follows:

By hand, mail or other delivery service to: View Royal Town Hall 45 View Royal Avenue, Victoria, BC, V9B 1A6	From 9:00 a.m. on Tuesday, October 3, 2017 to 4:00 p.m. on Friday, October 13, 2017 (excluding statutory holidays and weekends)
By fax to: 250-727-9551 By email to: info@viewroyal.ca	From 9:00 a.m. on Tuesday, October 3, 2017 to 4:00 p.m. on Friday, October 13, 2017 Originals of faxed or emailed nomination documents must be received by the Chief Election Officer by 4:30 p.m. on Friday, October 20, 2017.

Nomination documents are available at View Royal Town Hall during regular office hours (8:30 a.m. to 4:30 p.m., Monday to Friday, excluding statutory holidays) throughout the **Nomination Period (October 3, 2017 at 9:00 a.m. to October 13, 2017 at 4:00 p.m.)** and are also posted on www.viewroyal.ca.

QUALIFICATIONS FOR OFFICE

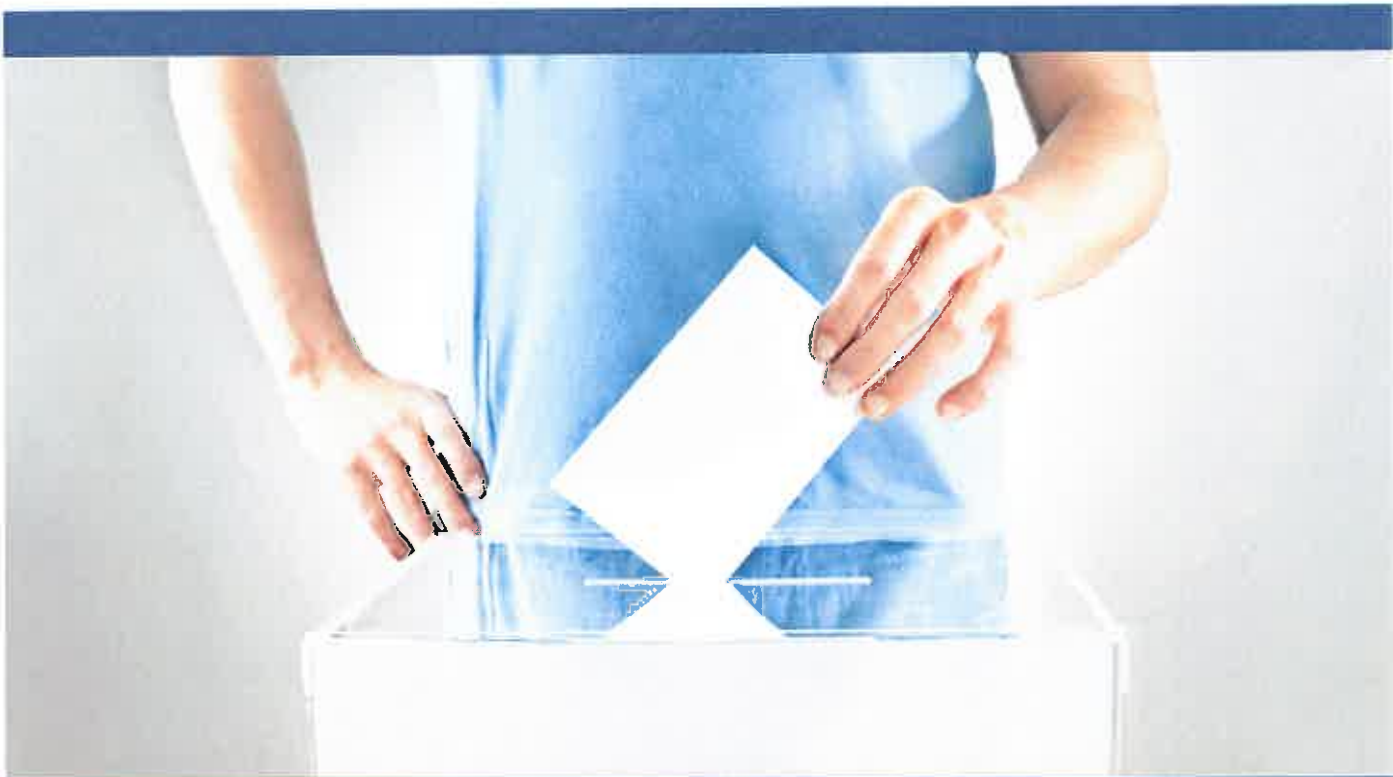
A person is qualified to be nominated, elected and to hold office as a member of local government if they meet the following criteria:

- Canadian citizen;
- eighteen (18) years of age or older on general voting day (November 18, 2017);
- resident of British Columbia for at least six (6) months immediately before the day nomination papers are filed; and
- not disqualified by the *Local Government Act* or any other enactment from being nominated for, being elected to or holding the office, or be otherwise disqualified by law.

ADDITIONAL INFORMATION

Information is available on the Town of View Royal website at www.viewroyal.ca. You may also obtain information by contacting the Chief Election Officer at 250-652-6884, the Deputy Chief Election Officer at 250-479-6800 or through email at info@viewroyal.ca. If you wish to visit in person, please come to View Royal Town Hall located at 45 View Royal Avenue.

K. Schaalje
Chief Election Officer



CANDIDATE'S GUIDE

TO LOCAL GOVERNMENT ELECTIONS IN B.C.

2014



Library and Archives Canada Cataloguing in Publication Data

Main entry under title:

Candidate's Guide: Local Government Elections in B.C.

Available also on the internet.

Running title: Local government elections candidate's guide.

Previously published: Ministry of Community, Sport and Cultural Development, 2014

ISBN 0-7726-5431-X

1. Local elections - British Columbia. 2. Election law - British Columbia. 3. Campaign funds - Law and legislation - British Columbia. 4. Political campaigns - Law and legislation - British Columbia. I. British Columbia. Ministry of Community, Sport and Cultural Development. II. Title: Local government elections candidate's guide

KEB478.5.E43C36 2005

324.711'07

C2005-960198-1

KF4483.E4C36 2005

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Key Contacts

Ministry of Community, Sport and Cultural Development

Contact the Ministry of Community, Sport and Cultural Development (Ministry) for answers to questions about the material contained in this guide. Ministry staff can also provide additional information about local elections administration in British Columbia.

Ministry of Community, Sport and Cultural Development

Governance and Structure Branch

PO Box 9839 Stn. Prov. Govt.

Victoria, BC V8W 9T1

Phone: 250 387-4020

Website: www.cscd.gov.bc.ca/lgd/contacts/departement.htm

Elections BC

Contact Elections BC for answers to questions about local elections campaign financing and election advertising requirements.

Elections BC

In Victoria call: 250 387-5305

Elsewhere in B.C. call: 1 855 952-0280

Email address: electoral.finance@elections.bc.ca

Website: www.elections.bc.ca

Ministry of Education

Contact the Ministry of Education for answers to questions about school trustee elections and the *School Act*.

Ministry of Education

Knowledge Management and Accountability Division

PO Box 9146 Stn. Prov. Govt.

Victoria, BC V8W 9H1

Phone: 250 356-1404

Email address: EDUC.Governance.Legislation@gov.bc.ca

Website: www.bced.gov.bc.ca/legislation/trustee_election/welcome.htm

Enquiry BC

Contact Enquiry BC for answers to questions about Provincial Government programs and services.

Enquiry BC

In Victoria call: 250 387-6121

In Vancouver call: 604 660-2421

Elsewhere in B.C. call: 1 800 663-7867

Outside B.C.: 604 660-2421

Email address: EnquiryBC@gov.bc.ca

Website: extranet.gov.bc.ca/forms/gov/contact/index.html

Municipal and Regional District Information

Contact CivicInfoBC for local government election statistics and results and local government mailing addresses, telephone numbers, email addresses and websites.

CivicInfoBC

Phone: 250 383-4898

Email address: info@civicinfo.bc.ca

Website: www.civicinfo.bc.ca/11.asp

Other Resources

BC Laws

BC Laws provides free public online access to the current laws of British Columbia. This unofficial current consolidation of B.C. Statutes and Regulations is updated continually as new and amended laws come into force.

Electronic versions of the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* are available online at: www.bclaws.ca

NOTE: The Province of British Columbia does not warrant the accuracy or the completeness of the electronic version of the B.C. Statutes and Regulations available online at BC Laws.

Elections Legislation

Printed versions of local government elections legislation including the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* are available at public libraries in communities throughout British Columbia. Printed versions of the Acts are also available from Crown Publications, Queens Printer for British Columbia at:

Crown Publications Inc.

563 Superior Street

Victoria, BC V8V 1T7

Phone: 250 387-6409

Fax: 250 387-1120

Toll Free: 1 800 663-6105

E-mail address: crownpub@gov.bc.ca

Website: www.crownpub.bc.ca/default.aspx

Educational Materials

The Ministry of Community, Sport and Cultural Development, Elections BC, Union of B.C. Municipalities, Local Government Management Association, Ministry of Education, Ministry of Justice, and the BC School Trustees Association collaborated to produce educational materials and guides for the 2014 general local election.

The Ministry of Community, Sport and Cultural Development's educational materials are available online at: www.cscd.gov.bc.ca/lgd/elections_home.htm

- Elector Organization Guide to Local Government Elections in B.C.
- Guide to Supporting a Candidate for Local Government Elections in B.C.
- Local Elections in British Columbia: What Every Candidate Needs to Know
- Voter's Guide to Local Elections in B.C.

Candidates in elections conducted by the City of Vancouver must refer to the *Vancouver Charter* and its regulations for specific provisions regarding the City of Vancouver elections.

Educational materials developed by Elections BC are available online at: www.elections.bc.ca

- Guide to Local Elections Campaign Financing in B.C.
- Third Party Sponsor Guide to Local Elections in B.C.

Educational materials developed by the Ministry of Education are available online at: www.bced.gov.bc.ca/legislation/trustee_election

- School Trustee Election Procedures in British Columbia

Educational materials developed by the BC School Trustees Association are available online at: www.bcsta.org

Disclaimer

The information contained in the *Candidate's Guide to Local Government Elections in B.C.* (guide) is provided as general reference and while all attempts have been made to ensure the accuracy of the material – the guide is not a substitute for provincial legislation.

Please refer directly to the latest consolidation of provincial statutes at BC Laws (www.bclaws.ca) for specific election-related provisions and requirements within the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act*.

NOTE: The *Candidate's Guide to Local Government Elections in B.C.* was prepared to help candidates understand the electoral process and legislation regarding local government elections in British Columbia. Each candidate must refer to the *Local Government Act* and its regulations, the *Local Elections Campaign Financing Act* and its regulations, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* for specific provisions related to local government elections.

Terms in **boldface** font are further explained in the Glossary.

New Elections Legislation – Shared Roles and Responsibilities

The *Local Elections Campaign Financing Act* – enacted in 2014 – was created to enhance campaign financing rules and ensure greater accountability and transparency in local elections. The *Local Elections Campaign Financing Act* separates the rules that regulate election advertising and campaign financing disclosure from the more procedural rules that apply generally to local elections administration.

Elections BC is a non-partisan and independent Office of the Legislature that oversees campaign financing and election advertising in local elections under the *Local Elections Campaign Financing Act*.

Elections BC is responsible for managing campaign financing disclosure requirements, investigations, and enforcing the campaign financing and **third party advertising** provisions set out in the *Local Elections Campaign Financing Act*. Elections BC's role also extends to **by-elections** and **assent voting** (referenda) held by local election authorities outside of the **general local election** cycle.

The Ministry of Community, Sport and Cultural Development, Local Government Management Association, Union of British Columbia Municipalities, Ministry of Education, Ministry of Justice, the BC School Trustees Association and Elections BC have developed educational materials related to local elections.

Elections BC provides information and advice about election advertising, campaign financing and **third party sponsors** and has developed educational materials on these topics.

Local **Chief Election Officers** appointed by local governments continue to be responsible for local government elections administration, including receiving nomination documents, declaring **candidates**, administering voting opportunities, counting ballots and declaring election results.

Local Chief Election Officers also work with Elections BC to monitor compliance with election advertising regulations, and may assist Elections BC to address incidents of non-compliance. In this way, the practical, on the ground presence and knowledge of local Chief Election Officers has been combined with the expertise of Elections BC to create an effective approach to local elections campaign financing and election advertising rules.

See Appendix A for more information about local election partner roles and responsibilities.

Candidates must be familiar with the *Local Elections Campaign Financing Act* and its requirements. The *Local Elections Campaign Financing Act* is available online at BC Laws (www.bcclaws.ca). Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* and *Third Party Sponsor Guide to Local Elections in B.C.* for detailed information and instructions about the campaign financing disclosure process and requirements, and rules related to third party sponsors, available online at www.elections.bc.ca

Introduction

The next general
local election is
November 15, 2014.

A separate guide for **school trustee** elections has been published by the Ministry of Education, available online at www.bced.gov.bc.ca/legislation/trustee_election

Local elections are the foundation of democratic local governments in British Columbia (B.C.).

Locally elected officials are charged with making decisions that affect the daily lives of citizens, families, and the business community – **municipal councils, regional district boards, boards of education, Islands Trust, local community commissions, park boards** and other local bodies influence jobs, create safe communities for British Columbians and shape the long-term vision for their community as a whole.

The local elections process enables residents and property owners to determine the body of individuals who then make decisions and govern on their behalf following **general voting day**.

Local governments have roles that include:

- acting as a political forum through which citizens, families and business owners within the local community express their collective vision; and,
- providing services and programs to the community.

General local elections for **mayors, councillors, electoral area directors, school trustees, Islands Trust local trustees, local community commissioners** and **park board commissioners** in B.C. are held every four years.

Local governments hold **by-elections** to fill council and regional district board vacancies that occur between **general local elections**. Local governments also conduct **referenda** to obtain **elector** assent in order to carry out certain council and regional district board decisions (e.g. borrowing to construct a new library or recreation centre).

The *Candidate's Guide to Local Government Elections in B.C.* (guide) provides those considering running for elected office, **candidates**, election officials, **financial agents** and the general public with comprehensive, detailed information about the local government elections process. The guide is a companion to the *Elector Organization Guide to Local Government Elections in B.C.*, available online at: www.cscd.gov.bc.ca/lgd/elections_home.htm

The guide provides: general information about local government elections in B.C.; the key participants in a local election (e.g. electors, candidates, **third party sponsors** and **elector organizations**); the key administrators in a local election (local government election officials and **Elections BC**); elected officials' responsibilities; and, who is qualified to run for office.

The major elements of the local government elections process – the call for nominations; **election campaigns**; candidate representatives; what happens on general voting day; and, how successful candidates take office are also described in the guide.

The guide focuses primarily on candidates for **municipal councils** and **regional district boards**; however, the information in the guide is applicable to candidates for **Islands Trust Council, local community commissions** and **park boards**.

Elections BC has published the *Guide to Local Elections Campaign Financing in B.C.* and the *Third Party Sponsor Guide to Local Elections in B.C.* that describe the campaign financing disclosure process and requirements, and rules related to third party sponsors, available online at www.electionsbc.ca

Local Government Elections Generally

Local Government Act – sections 42, 50, 51, 73.3 and 94–100
Local Elections Campaign Financing Act – sections 17, 31–41 and 73–79

Each local government (**municipality** and **regional district**) is responsible for running its own **local election**. Local governments may also run school trustee elections on behalf of **boards of education**.

Municipal councils and **regional district boards** appoint a local **Chief Election Officer** to ensure the process is run in accordance with the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act*, the *Offence Act* and the local government **election bylaw**.

The elections legislation contains provisions that must be consistently applied to all local elections; however, the legislation is also flexible enough that local governments are able to make choices about how to conduct elections in a manner that suits local circumstances.

Voting Opportunities

General voting day is usually the most publicized or widely-known voting opportunity resident and non-resident property electors have to cast their ballot in a local election.

An **advance voting opportunity** must also be available whereby eligible electors may cast their ballot in a local election. There are two additional opportunities that may also be available: special voting; and, mail ballot voting.

Local governments have the authority to increase **elector** access to the voting process by holding additional voting opportunities for their citizens. Increasing the number of voting opportunities may positively impact voter turnout and increase overall access to, and the transparency of, the election process.

General Voting Day

General voting day is held every four years. General voting day is the primary opportunity for **candidates** seeking office as a **mayor, councillor, electoral area director, Islands Trust local trustee, local community commissioner or park board commissioner** to be elected to office by eligible electors. Voting places are open from 8 a.m. to 8 p.m. local time on general voting day.

Advance Voting

An **advance voting opportunity** must be held 10 days prior to general voting day. This required advance voting day allows eligible electors who may not otherwise be able to vote on general voting day to cast their ballots. Local governments with populations greater than 5,000 are required to hold at least two advance voting opportunities.

See Appendix B for other key election dates.

Special Voting

Special voting opportunities may be held in any location – inside or outside the local government boundary – to provide eligible electors who may not otherwise be able to attend a voting place an opportunity to cast their ballots during a local election.

The *Local Elections Campaign Financing Act* refers to local Chief Election Officers as “local election officers”. Local Chief Election Officers and local election officers perform the same role and function during a local government election.

General voting day for the 2014 general local election is **November 15**

The required advance voting opportunity for the 2014 general local election is **November 5**

Electors may not cast their ballot on the Internet or by telephone.

Special voting opportunities are generally held in hospitals, long-term care facilities or other locations where electors' mobility may be impaired. Only designated **electors** are eligible to vote at special voting opportunities – for example, a local government may decide only patients and staff would be entitled to vote during a special voting opportunity held at a hospital.

Mail Ballot Voting

Mail ballot voting provides those electors unable to attend a special, advance or general voting opportunity the ability to vote in a local election. Generally, mail ballot voting is intended to allow **non-resident property electors**, seasonal residents, electors in geographically remote locations, and electors whose mobility or health is compromised, an opportunity to cast their ballot in the election.

Key Participants

Electors, candidates, financial agents, **third party sponsors**, **elector organizations** and **volunteers** are the key participants in the local election process.

Electors

The right to vote in local elections is conferred on **resident electors** and **non-resident property electors**.

A resident elector must:

- be 18 years of age or older on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months before registering to vote;
- have been a resident of the **jurisdiction** in which they intend to vote for at least 30 days before registering to vote; and,
- not be disqualified under the *Local Government Act* or any other enactment from voting in a local election, or be otherwise disqualified by law.

A non-resident property elector must:

- be 18 years of age or older on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months before registering to vote;
- have owned property in the **jurisdiction** in which they intend to vote for at least 30 days before registering to vote; and,
- not be disqualified under the *Local Government Act* or any other enactment from voting in a local election, or be otherwise disqualified by law.

Electors must have been a B.C. resident prior to **May 13, 2014** to register to vote on general voting day.

Candidates

A **candidate** is an individual seeking election as a **mayor, councillor, electoral area director, Islands Trust local trustee, local community commissioner or park board commissioner** within a **municipality, regional district** electoral area, Trust area, community commission area or park board jurisdiction that has been nominated by eligible electors and declared a candidate by the local **Chief Election Officer**.

Financial Agents

A financial agent has a wide range of financial responsibilities during an election campaign, including: opening and depositing contributions to, and paying election-related expenses from, a candidate's **campaign account**; recording campaign contributions and election expenses; and, filing the candidate's disclosure statement following the election.

Financial agents must be appointed and agree in writing to oversee the campaign financing process for candidates and elector organizations. Candidates, however, can act as their own financial agents. Financial agents are responsible for ensuring that all campaign financing recording and disclosure requirements are done in accordance with the *Local Elections Campaign Financing Act*.

Third Party Sponsors

A third party sponsor is an individual or organization that undertakes election advertising independent from a candidate or elector organization campaign. Third party sponsors are subject to registration and campaign financing disclosure requirements under the *Local Elections Campaign Financing Act*.

Refer to Elections BC's *Third Party Sponsor Guide to Local Elections in B.C.* for more information about registration and financial disclosure, available online at: www.elections.bc.ca

CAMPAIGN ORGANIZERS

Campaign organizers are no longer regulated under the *Local Government Act*.

Activities that were typically undertaken by **campaign organizers** under the previous campaign financing rules will likely be captured as **third party advertising** under the *Local Elections Campaign Financing Act*.

Individuals or organizations that were campaign organizers prior to the enactment of the *Local Elections Campaign Financing Act* are not permitted to receive **campaign contributions** or incur **election expenses** for the 2014 general local election.

However, those individuals and organizations are still required to file a **disclosure statement** with Elections BC detailing any contributions received or expenses incurred in relation to the 2014 general local election prior to the *Local Elections Campaign Financing Act* coming into force.

Campaign organizers that have failed to file a disclosure statement may have committed an offence and may be subject to campaign financing penalties.

Elector Organizations

Elector organizations promote a candidate, slate of candidates or a point of view during a local election in one or more jurisdictions. Elector organizations are occasionally referred to as "civic political parties".

Third party advertising

is election advertising, other than election advertising undertaken by a candidate or elector organization as part of their election campaign. Third party advertising includes advertising for or against a candidate or elector organization and advertising on an issue with which a candidate or elector organization is associated, such as funding for a local recreation centre or preserving parkland.

Elector organizations have their name, abbreviation or acronym shown on the ballot beside their endorsed candidate's name and generally promote their endorsed candidate's or the organization's viewpoints during an election campaign.

Refer to the *Elector Organization Guide to Local Government Elections in B.C.* for more information about elector organizations, available online at: www.cscd.gov.bc.ca/lgd/elections_home.htm

Volunteers

Volunteers are individuals who provide services, such as preparing and distributing flyers, calling eligible voters, handling logistics and taking on other election campaign-related activities. Candidates, elector organizations and third party sponsors may enlist volunteer services. A volunteer must not receive any payment or remuneration.

Key Election Administrators

Local governments and **Elections BC** administer local elections in B.C.

Election Officials

Municipal councils and **regional district boards** appoint a local **Chief Election Officer** to administer local elections. The local Chief Election Officer may be a senior local government employee (e.g. **Corporate Officer**) or a private contractor hired to conduct the election on the local government's behalf.

The local Chief Election Officer must conduct the election in accordance with the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act*, the *Offence Act* and the local government **election bylaw**.

The local Chief Election Officer is also responsible for training the Deputy Chief Election Officer, Presiding Election Officials and any additional election officials required to conduct the local government election.

Elections BC

Elections BC is a non-partisan, independent Office of the Legislature that oversees campaign financing and election advertising in local elections under the *Local Elections Campaign Financing Act*.

Elections BC is responsible for managing campaign financing disclosure requirements, investigations, and enforcing the campaign financing, election advertising and third party sponsor provisions set out in the *Local Elections Campaign Financing Act*.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* and *Third Party Sponsor Guide to Local Elections in B.C.* for more information about campaign financing and third party sponsors, available online at: www.elections.bc.ca

B.C. CHIEF ELECTORAL OFFICER

The B.C. Chief Electoral Officer's role is different from the local Chief Election Officer's role. The **B.C. Chief Electoral Officer** is an independent officer of the Legislature who oversees provincial elections in B.C. The *Local Elections Campaign Financing Act* gives the B.C. Chief Electoral Officer the additional role of overseeing campaign financing and election advertising in local elections and ensuring compliance with the *Local Elections Campaign Financing Act*.

About Being an Elected Official

Local Government Act – sections 784-785
Community Charter – sections 81, 119 and 123
Vancouver Charter – sections 9, 139 and 145.1

There are responsibilities and restrictions prospective **candidates** may wish to consider before they decide to run for local government elected office – these include the term of office, time commitment, remuneration, voting, financial disclosure, privacy, ethics and the respective roles of elected officials and local government staff.

Term of Office

Candidates who are elected in a **general local election** serve a four-year term. This term begins at the first **municipal council** or **regional district board** meeting following the general local election. The term ends immediately before the first council or regional district board meeting following the general local election four years later.

Time Commitment

Holding local government office can represent a significant time commitment. Councils usually hold one meeting every week or two, and regional district boards generally hold one meeting each month.

Councillors and regional district board members may also sit on special committees, boards or commissions that may require additional meetings and time commitment.

Council may also appoint members to the regional district board based upon whom it believes best represents the municipality's regional interests. Candidates elected as **electoral area directors** and municipal council members who are appointed as **municipal directors** serve together on the regional district board. Councillors and electoral area directors may also serve on a number of committees or commissions that require an additional time commitment to the regional district board.

An elected official absent from meetings for 60 consecutive days or four consecutive regularly scheduled council or board meetings (whichever is longer) may be disqualified from office. This does not apply when the elected official has been absent because of illness or injury, or when the council or regional district board has given the individual permission to be absent.

Remuneration

Elected officials generally receive honouraria or other financial compensation while in elected office. Remuneration varies from community to community – prospective candidates may wish to contact the local government to determine the remuneration elected officials receive in a given community.

Obligation to Vote

Every elected official present at a council and regional district board meeting must vote "for" or "against" a motion. The official meeting record will show that those council or board members that did not expressly vote "yes" or "no" voted in favour

A mayor or councillor may be appointed to the regional district board.

of the motion. The only exception would be when an elected official declared a conflict of interest related to the matter being voted upon – the elected official would then be prohibited from voting and must leave the meeting until after the vote had been taken.

Ongoing Financial Disclosure

Elected officials are required under the *Financial Disclosure Act* to file a **financial disclosure statement** at the time they submit nomination papers, each year while holding office, and when leaving office.

The *Financial Disclosure Act* disclosure statement details an elected official's corporate and personal holdings and must be available for public inspection. Prospective candidates are required to file a financial disclosure statement at the time they submit nomination papers. The financial disclosure statement must be filed with the local government **Corporate Officer**. Failure to file a financial disclosure statement carries a penalty of up to \$10,000.

The *Financial Disclosure Act* disclosure statement is not the same as the **candidate disclosure statement** required under the *Local Elections Campaign Financing Act* that each candidate must file after a local election.

Privacy

Elected officials perform many of their duties in the public eye. As such, aspects of an elected official's life may become a matter of public interest which may result in a loss of privacy.

The Ethics of Elected Office

Elected officials are entrusted with significant decision-making authority. Mayors, councillors and regional district board members have a great deal of influence over, and responsibility for, the services and programs that citizens receive.

Elected officials must conduct themselves in an open, transparent and accountable manner and avoid situations that may bring their integrity or the integrity of the council or the regional district board into question.

Conflict of Interest and Other Ethical Standards

Elected officials must not vote on, or participate in discussions about, any matters where they have a direct or indirect financial interest that is not shared with the broader community.

Council or regional district board members who have a financial interest in a matter under discussion, must:

- declare their interest in the matter;
- withdraw from the meeting;
- not participate in the discussion or vote; and,
- not attempt to influence, in any way, the voting of other elected officials on the matter.

An elected official who has a direct or indirect financial interest in a matter and has participated in discussions or attempted to influence the vote or votes on the matter, may be disqualified from office.

CONFLICT OF INTEREST

Local Government Act
section 787.1

Community Charter,
sections 100-109

Vancouver Charter,
sections 145.2-145.9

CONTRACTUAL CONFLICT?

Lara Rogers owns Arrow Landscaping, a local gardening and landscaping company – she is also a municipal councillor

Arrow Landscaping holds a contract with a nearby municipality, and does not currently have a contract with the municipality where Lara is a councillor – although the company did submit a bid the last time there was a request for tenders

The current municipal landscaping contract is about to expire and council is considering whether to extend the current contract or put the contract out to tender

Councillor Rogers has a *direct and/or indirect financial interest* in this matter, and is likely to be in a conflict of interest if she participated in any discussions or votes related to the landscaping contract.

Councillor Rogers would have a *direct financial interest* if Arrow Landscaping submitted a bid for the municipal landscaping contract. If only a small number of landscaping companies operate in the region, Councillor Rogers also has an *indirect financial interest* in decisions that affect the companies that compete with Arrow Landscaping for business – even if Arrow Landscaping did not submit a bid to provide services to the municipality.

Councillor Rogers must inform council about her connection to the contract and excuse herself from further debate and discussion by leaving the room until the council moves on to another topic, to avoid any perception of influencing or affecting council's decision.

The *Local Government Act*, *Community Charter* and *Vancouver Charter* set out additional ethical standards about elected officials:

- accepting and disclosing gifts;
- using insider information;
- using elected office to influence a local government decision or an outside person or organization;
- using elected office to pressure local government staff; and,
- disclosing contracts with council members and former council members.

An elected official who has engaged in any of these activities may be disqualified from office.

Influence

Council and regional district board members have decision-making authority about matters that may affect the entire community's economic or social well-being.

Elected officials who have a direct or indirect financial interest are prohibited from using their office to influence council or regional district board decisions, council or board committees, other bodies established by council or the regional district board, or local government staff.

Elected officials are also prohibited from using their position to influence decisions made by any other person or organization where the member has a direct or indirect financial interest. Penalties for an elected official convicted of using inside or outside influence can include fines, imprisonment and disqualification from office.

Elected officials are not authorized to fulfill local government staff roles or duties

Gifts

Elected officials must not accept a fee, gift or other personal benefit that is directly connected to the performance of their duties as a council or regional district board member. Elected officials may, however, accept gifts or other personal benefits received as a matter of social obligations or protocol related to their position (such as a gift from a visiting delegation from another government) and compensation authorized by law.

An elected official who received such a gift must file a disclosure statement with the local government **Corporate Officer**. The statement must include: the nature of the gift; its source; when it was received; and, the circumstances under which it was given and received. The statement must be filed as soon as possible after the gift was received.

Confidentiality

Past and present elected officials are required to keep confidential information private until such time as that information is made publicly available by the council or regional district board.

Information contained in records that have not been released to the public, and information discussed in closed meetings must be kept confidential until that information is released in an open meeting. A local government may recover any damages that result from an elected official, or former elected official, who intentionally disclosed confidential information.

Elected Officials and Local Government Staff

Elected officials perform a role that is distinct from the role of the Chief Administrative Officer (CAO), or **Corporate Officer**, and other local government staff. Elected officials are decision-makers, and set strategic policies and priorities for the municipality or regional district – they do not implement policies and decisions or otherwise administer the local government.

Local government staff (e.g. CAO and Corporate Officer) are responsible for implementing council or regional district board decisions and providing advice to elected officials. The CAO or Corporate Officer is the primary point of contact between elected officials and local government staff (e.g. land use planners, bylaw enforcement officers, public works staff) employed by the municipality or regional district.

Elected officials do not have regular contact with local government staff, nor do elected officials perform, or supervise, the roles or duties assigned to local government staff. An elected official *must not* interfere with, hinder or obstruct the work of local government officers or employees.

Who May Run For Office

A person, who has not been disqualified from seeking or holding elected office, may become a **candidate** in a local government election.

A candidate for **mayor, councillor, or electoral area director** must:

- be 18 years of age or older on **general voting day**;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months prior to filing nomination documents; and,
- not be disqualified under the *Local Government Act* or any other enactment from being nominated for, being elected to or holding office, or be otherwise disqualified by law.

Prospective candidates for local government office must be nominated by at least two eligible electors from the local government where the person is seeking election. Local governments may require 10 or as many as 25 nominators for each prospective candidate.

Local Government Employees

Local government employees, or salaried officers who are paid for their services, are eligible to run for elected office. They must take a leave of absence to run and resign their employment when elected.

The requirement to take a leave of absence and resign when successfully elected applies in the following circumstances:

- an employee running for elected office in the municipality in which they are employed (including volunteer firefighters);
- a municipal employee seeking to be elected as an electoral area director for the regional district of which their municipal employer is a member;
- a regional district employee seeking to be elected as the mayor or councillor of a municipality that is a member of the regional district;
- an employee of a municipality within the Islands Trust seeking to be elected as a **Islands Trust local trustee**; and,
- an employee of the Islands Trust seeking to be elected as the mayor or councillor of any municipality in the Trust area.

Local Government Contractors

Individuals who provide contracted services to local governments may be eligible to be candidates in local government elections. Eligibility is contingent on whether or not a contracted person is considered to be an "employee".

B.C. Public Service Employees

B.C. Public Service employees may seek nomination as a candidate in local government elections. The duties of elected office must not affect the employee's normal working hours and there must not be a conflict of interest between the employee's duties as an elected official and their duties as a B.C. Public Service employee.

Prospective candidates must have been a B.C. resident prior to **April 8, 2014** to be eligible to run in the 2014 general local election.

Local government employees must take a leave of absence to run for elected office, and must resign from their position when elected.

Federal Employees

Federal public service employees may seek nomination as a candidate in a local government election after they obtain permission from the Public Service Commission of Canada (PSC).

Federal employees must not be declared a candidate or undertake any candidacy-related activities unless they have first obtained permission from the PSC. The PSC may grant permission, with or without conditions, when it is satisfied that seeking nomination as, or being, a candidate will not impair or be perceived as impairing an employee's ability to perform their job-related duties in a politically impartial manner.

Visit: www.psc-cfp.gc.ca/index-eng.htm under the "Political Activities" section, or contact the PSC at 1 866 707-7152, or by e-mail at: pa-ap@psc-cfp.gc.ca for further information.

Members of the Legislative Assembly of B.C. (MLAs) may seek nomination as a candidate in local government elections. MLAs may hold office both provincially and locally, as long as the person can fulfill the duties of both offices.

Volunteers

Volunteers who receive no monetary compensation for services provided to a local government are eligible to run for and hold elected office without taking a leave of absence or relinquishing their volunteer duties when elected.

Volunteers who receive monetary compensation (e.g. an hourly wage or call-out pay) for services provided to a local government are eligible to run for elected office if they take a leave of absence and resign when elected.

A paid municipal volunteer must take a leave of absence and resign in order to run for and hold office in the regional district where the municipality is a member. A paid regional district volunteer must take a leave of absence and resign in order to run for and hold office in a member municipality.

Who May Not Run For Office

A person is not eligible to run as a candidate for any local government office if they:

- have been convicted of an indictable offence and are in custody;
- are involuntarily committed to a psychiatric or other institution;
- are judges of the Provincial Court, Supreme Court or Court of Appeal;
- are employees or salaried officers of the local government or related local government (e.g. the regional district), including volunteers who are paid for their services – unless they have taken a leave of absence to run for office and agree to resign when elected;
- are federal employees – unless they have requested and obtained prior permission from Public Service Commission of Canada (PSC) to run for office;
- have been found guilty of an election offence, such as intimidation or vote buying, and are prohibited from holding office; or,

- have been disqualified for failing to:
 - file a **candidate disclosure statement** in the previous election;
 - make an oath of office; or,
 - attend meetings for 60 consecutive days or four consecutive regularly scheduled meetings, without being granted permission by the municipal council or regional district board, unless the absence is due to illness or injury.

The nomination period for the 2014 general local election begins at 9 a.m. local time on **September 30** and ends at 4 p.m. local time on **October 10**.

Nomination Period and Declaration of Candidates

The nomination period is the only time during which the local **Chief Election Officer** is permitted to accept nomination documents and deposits (where applicable) from nominees for office. The nomination period begins at 9 a.m. local time on the 46th day before general voting day and ends at 4 p.m. local time on the 36th day before general voting day.

The local Chief Election Officer is required to publish notices about the nomination period that include: the offices for which candidates are to be elected; the dates, times and places at which nominations will be received; and, how interested persons can obtain information about the requirements and procedures for making a nomination.

It is the nominee's responsibility to ensure all of the required information in the nomination package is submitted to the local Chief Election Officer (or designate) by the deadline and that the information is accurate and complete. A nominee officially becomes a **candidate** when they have submitted all the required information in the nomination package and have been subsequently declared a candidate by the local Chief Election Officer.

The declaration of candidates for the 2014 general local election takes place at 4 p.m. local time on **October 10**.

The local Chief Election Officer officially declares the nominees who have met the candidacy requirements and have become candidates for the local government election after the end of the nomination period.

The local Chief Election Officer may extend the nomination period until 4 p.m. local time on the third day after the end of the nomination period when there are fewer candidates than positions to be elected. Any subsequent nominees would be declared candidates at that time.

See Appendix B for other key election dates.

Who May Nominate

Prospective candidates for local government office must be nominated by at least two eligible electors from the local government where the person is seeking election. Local governments have the ability to require two, 10, or, in **jurisdictions** with populations greater than 5,000, 25 nominators for each prospective candidate.

A nominator must be eligible to vote in the local government jurisdiction as a **resident elector** or as a **non-resident property elector**. Prospective candidates may wish to consider having more nominators than are required by the local government in case one or more nominators is determined to be ineligible.

Contact the local Chief Election Officer to determine the number of nominators required by the local government.

The nomination period for the 2014 general local election may be extended until 4 p.m. local time on **October 14**.

Endorsement by Elector Organization

An **elector organization** can endorse a candidate on the ballot by submitting all the required information in the **endorsement** package during the nomination period. The elector organization must not be disqualified from endorsing candidates, and it must have a membership of at least 50 eligible electors (either resident

electors or non-resident property electors) at the time it submits endorsement documents. An elector organization cannot endorse more candidates in an election than there are offices to be filled, and a candidate can only be endorsed by one elector organization.

Candidates endorsed by elector organizations must indicate their consent to the endorsement by providing their signature as part of the endorsement package submitted to the local government by the elector organization.

Refer to the *Elector Organization Guide to Local Government Elections in B.C.* for more information about elector organization endorsements, available online at: www.cscd.gov.bc.ca/lgd/elections_home.htm

Nomination Packages

Nomination packages are generally available from local government offices during regular business hours two to four weeks before the nomination period begins and remain available until the nomination period ends.

Nomination documents must be submitted in writing to the local Chief Election Officer – or a person designated by the local Chief Election Officer and must include the following:

- the person's full name (first, middle, last);
- the person's usual name, if it is different from their full name and they would rather have that name appear on the ballot – e.g. Mike instead of Michael;
- the office for which the person is nominated (e.g. mayor, councillor, or electoral area director);
- the person's residential address;
- the person's mailing address, if different from their residential address;
- the names and residential addresses of nominators, and, if one or more of the nominators is a non-resident property elector, the address of the property owned by the nominator(s) in the jurisdiction; and,
- a statement signed by each nominator that, to the best of their knowledge, the person is qualified to hold local government office in British Columbia.

The nomination documents must also include supporting information that demonstrates the person's consent and preparedness to run in the general local election, including:

- the person's written consent to the nomination;
- the person's financial disclosure statement, as required by section 2(1) of the *Financial Disclosure Act*;
- a signed declaration that either the person is acting as their own financial agent, or identifying the individual they have appointed as their financial agent;
- the person's **solemn declaration** that:
 - they are qualified to be nominated for office;

Do not put additional information on nomination documents (e.g. personal information not required by legislation)

Nominees must be aware of, understand and intend to comply with the *Local Elections Campaign Financing Act*.

Original copies of documents submitted by facsimile or email must be submitted to the local Chief Election Officer by 4 p.m. local time on **October 17** for the 2014 general local election.

- the information provided in the nomination documents is true;
- they fully intend to accept the office if elected; and,
- they are aware of the *Local Elections Campaign Financing Act*, understand the requirements and restrictions under the Act and intend to comply with the Act.

Nomination documents can be submitted to the local Chief Election Officer, or other person designated for that purpose, in person, by mail, facsimile or email. The local Chief Election Officer must receive original copies of any documents submitted by facsimile or email by 4 p.m. local time on the 29th day before general voting day. The nomination is not valid if the original nomination documents are not received by the deadline.

Any changes to the nomination document information that take place after the election results have been declared must be sent directly to Elections BC.

Standardized nomination forms are available from local governments across B.C.

SOLEMN DECLARATIONS

Candidates must make a number of “solemn declarations”. **Solemn declarations** require the person making the declaration to attest to the truthfulness of a given statement – such as that a candidate is aware of certain legislative requirements or intends to take office if elected.

Solemn declarations are legal statements and the person making the declaration is responsible for ensuring that they are making true and accurate solemn declarations. A person who made a false or misleading solemn declaration has committed an election offence, and is subject to penalties including fines of up to \$5,000 and/or imprisonment for up to one year.

Prospective candidates can make the required solemn declarations in advance with a Commissioner for Taking Affidavits for B.C. (e.g. lawyer, notary public) or make a declaration before the local Chief Election Officer when the prospective candidate submits the nomination documents to the local Chief Election Officer or other person designated for that purpose.

Nomination Deposits

Local governments may require prospective candidates to pay a refundable nomination deposit of up to \$100 when they submit their nomination documents – the deposits are fully refunded when candidates file their **candidate disclosure statement** with Elections BC within 90 days following the local election.

Nomination deposits are also refunded when a candidate files a disclosure statement during the late filing period (up to 120 days after general voting day). A disclosure statement submitted during the late filing period must be accompanied by a \$500 late filing fee.

A candidate who fails to file a disclosure statement, or does not obtain a Supreme Court order for relief from the obligation to file, forfeits their nomination deposit to the local government.

The nomination deposit is refunded by the local government when a nominee withdraws their candidacy before the nomination period ends. The refund is returned after the nomination period closes.

Contact the local Chief Election Officer to determine if a nomination deposit is required by the local government.

Challenge of Nomination

Nomination documents are available for public inspection in local government offices during regular office hours from the time they have been submitted until 30 days after the election results have been declared. Local governments may, by bylaw, choose to make the documents available during all or part of the 30 day time period. They may also choose to make the documents available to the public via other means, including on the Internet.

A person who inspects or accesses nomination documents must only use the information they contain for purposes related to:

- local government election activities;
- the conflict of interest provisions in the *Community Charter, Vancouver Charter, and/or School Act*;
- the disqualification provisions in the *Local Government Act, Local Elections Campaign Financing Act, Community Charter and/or Vancouver Charter*; and,
- provisions in the *Freedom of Information and Protection of Privacy Act*.

An eligible **elector**, another nominee for office or the local Chief Election Officer can challenge a prospective candidate's nomination when they believe the nomination documents are incorrect or the person is not otherwise eligible to be nominated for office. Nomination challenges must be made through an application to the Provincial Court.

The Provincial Court accepts challenges to nominations from the time the nomination documents were submitted to the local Chief Election Officer (or their designate) until 4 p.m. local time on the fourth day after the nomination period ends. The application must briefly set out the facts upon which the challenge is based and be supported by an affidavit signed by the challenger. The Provincial Court is required to hear the challenge and make a ruling within 72 hours of the challenge period ending.

A prospective candidate whose nomination has been challenged is entitled to immediate notification of the challenge. They must receive a copy of the challenge of nomination application and the date and time of the Provincial Court hearing within 24 hours of the application being submitted to the Provincial Court. The prospective candidate is also entitled to an opportunity to prove their eligibility to be nominated for elected office. The Provincial Court decision on the challenge of nomination is final and may not be appealed.

Withdrawing a Nomination

Prospective candidates may reconsider and withdraw their candidacy during the nomination period and for seven days following the close of nominations. The prospective candidate must provide written notice of their withdrawal to the local Chief Election Officer, and the local Chief Election Officer must then remove the prospective candidate's name from the ballot.

Nomination documents for the 2014 general local election are available for public inspection until **December 19** if the official election results were declared on November 19

Challenges to nominations for the 2014 general local election can be submitted until 4 p.m. local time on **October 14**. The Provincial Court is required to hear the challenge and make a ruling by 4 p.m. local time on **October 17**.

Nominees for the 2014 general local election may withdraw their candidacy until 4 p.m. local time on **October 17**.

Prospective candidates are not required to file candidate disclosure documents for the 2014 general local election if they withdraw before 4 p.m. local time on **October 10**

A prospective candidate may still withdraw their candidacy after the deadline by giving written notice to the local Chief Election Officer. The Minister responsible for local government must approve the withdrawal before the local Chief Election Officer can remove the prospective candidate's name from the ballot. The Minister is not obligated to approve the prospective candidate's withdrawal.

Any candidates who have withdrawn from the **general local election** after candidates have been declared are required to file a candidate disclosure statement with Elections BC – even if they received no **campaign contributions** and incurred no **election expenses**.

Candidates who fail to file a candidate disclosure statement, or do not obtain a Supreme Court order for relief from the obligation to file, forfeit their nomination deposit to the local government, are automatically disqualified from being nominated for, elected to or holding office anywhere in B.C. until after the next general local election and potentially face additional penalties. A candidate declared elected also loses their seat and the seat then becomes vacant.

Campaign financing requirements do not apply when a prospective candidate withdraws before the declaration of candidates. Any nomination deposit paid by the prospective candidate is returned after the nomination period ends.

What are Election Campaigns?

An **election campaign** is a connected series of actions (e.g. advertising, meetings and speeches) designed to elect a **candidate** or a slate of candidates to a **municipal council** or **regional district board**.

Typically, an election campaign involves candidates and/or **elector organizations** communicating with the electorate, through:

- public appearances and speeches;
- advertisements on television, radio, the Internet, social media (e.g. Facebook, Twitter, YouTube), in newspapers and magazines;
- brochures, signs, posters, billboards;
- mail inserts and newsletters; and,
- bumper stickers, buttons and displays and/or exhibitions.

An election campaign may be undertaken by a candidate or an elector organization during a local election.

CAMPAIGN PERIOD AND ELECTION PROCEEDINGS PERIOD

The **campaign period** for a general local election begins at the start of the calendar year in which the general local election is held and ends at the close of voting on general voting day

The **election proceedings period** runs from the 46th day before general voting day until the close of voting on general voting day

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* and *Third Party Sponsor Guide to Local Elections in B.C.* for more information about campaign period and election proceedings period requirements, available online at: www.elections.bc.ca

Candidate Campaigns

Candidates direct their own election campaigns during local elections. Candidates may retain an election campaign manager and campaign **volunteers** to prepare and distribute flyers, call eligible voters, handle logistics and take on other election campaign-related activities. Candidates have considerable flexibility in organizing their election campaigns, provided they avoid committing election and/or campaign financing offences.

Elector Organization Campaigns

Candidates and elector organizations may form mutually beneficial partnerships in order to realize a similar intended outcome – the election of the candidates endorsed by the elector organization.

Candidates and elector organizations each direct their own separate election campaigns; however, an endorsed candidate may decide not to undertake election campaign activities and instead rely solely on the elector organization to undertake election activities on their behalf. In turn, the elector organization would have its

The campaign period for the 2014 general local election begins on **January 1** and ends on **November 15**.

The election proceedings period for the 2014 general local election begins on **September 30** and ends on **November 15**.

name, abbreviation or acronym appear on the ballot beside the candidate's name as part of its campaign activities.

Alternatively, a candidate and elector organization may agree to run complementary campaigns in which they both undertake election campaign activities designed to elect that candidate within a specific **jurisdiction**.

Campaign financing and election advertising rules apply to elector organization election campaigns. Every elector organization must appoint a **financial agent** to ensure the financial aspects of the election campaign are run in accordance with the *Local Elections Campaign Financing Act*. Elector organizations are required to submit **disclosure statements** to Elections BC for each jurisdiction in which they ran an election campaign in a local government election.

Refer to the *Elector Organization Guide to Local Government Elections in B.C.* for further information about elector organizations and endorsements by elector organizations, available online at: www.cscd.gov.bc.ca/lgd/elections_home.htm

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* for information about the campaign financing disclosure process, available online at: www.elections.bc.ca

Key Campaign Activities

Key campaign activities may include a planned set of actions, events or initiatives (e.g. canvassing, telephone banks, events and advertising) designed to promote a candidate or a slate of candidates and communicate their election platform to the electorate during an election campaign.

Campaign activities usually trigger campaign financing disclosure rules and candidates must ensure they are aware of and follow the rules. A candidate that has failed to follow campaign financing requirements may have committed an offence and may be subject to penalties.

Refer to Election's BC's *Guide to Local Elections Campaign Financing in B.C.* for detailed information regarding the campaign financing disclosure process, available online at: www.elections.bc.ca

LIST OF REGISTERED ELECTORS (VOTER'S LIST)

Each candidate is entitled to one free copy of a list of registered electors (voter's list) if one is used by the local government to register electors and conduct the local election. Additional copies may be available to candidates at a cost determined by the local government. A list of registered electors is not available if the local government only permits registration on voting day (same day registration).

The list of registered electors must only be used by candidates for election campaign-related purposes – such as door-knocking, flyer distribution, and/or calling eligible voters to remind them to “get out and vote”.

A candidate must agree, in writing, that the information provided on the list of registered electors will only be used for election purposes before receiving a copy of the list. Contact the local government for more information about how to obtain a copy of the list of registered electors.

A candidate using the voter's list must treat the personal information it contains carefully. The list must be returned to the local government or otherwise destroyed following the local election.

Canvassing

Candidates and campaign **volunteers** may canvass door-to-door throughout the community in order to raise awareness about the candidate or elector organization and their election platform, identify which issues are important to electors and determine elector support for a given candidate.

Telephone Banks

Candidates may establish telephone banks as one aspect of their election campaign. Campaign volunteers may use the telephone bank to contact eligible **electors** to raise awareness about the candidate or elector organization, determine the level of support for their candidate and identify which issues are important to electors.

Telephone banks may also be used by candidates (or their representatives) during advance and general voting opportunities to contact and remind eligible electors to “get out and vote”.

Events

Candidates may hold “meet and greet” events (e.g. luncheons or fundraising dinners) where the electorate can listen to their platform or position on specific issues and ask questions. Local governments, community groups and local media often provide opportunities for candidates to communicate their platform or position on specific issues to the electorate at “all-candidate” forums. Local governments are not obligated to organize, supervise or inform candidates of these events.

Advertising

Advertising is a key component in most local election campaigns. Candidates, elector organizations and **third party sponsors** may use print, radio, television, the Internet and/or social media (e.g. Facebook, Twitter, YouTube) advertising to promote or **oppose** candidates, elector organizations or points of view during an election campaign.

Generally, candidates, elector organizations and third party sponsors must not sponsor (or agree to sponsor) or transmit election advertising on general voting day. Exceptions to this rule include:

- advertising on the Internet, as long as the advertising was transmitted to the public before general voting day and was not changed before being transmitted on general voting day;
- advertising by means of signs, posters, or banners; and,
- distributing pamphlets.

Election advertising and campaigning of any sort is prohibited within 100 metres of a voting place. This includes displaying signs, posters, flyers, bumper stickers on vehicles parked outside the voting place, badges worn by supporters, canvassing or soliciting votes, or otherwise trying to influence electors to vote for a particular candidate.

There are legislated election advertising requirements during the **election proceedings period** with which candidates must comply or be subject to election and/or campaign financing penalties.

Refer to Elections BC’s *Guide to Local Elections Campaign Financing in B.C.* for more information about election advertising, available online at: www.elections.bc.ca

It is an election offense to transmit election advertising on general voting day

The election proceedings period for the 2014 general local election begins on **September 30** and ends on **November 15**

Sponsorship information must be included on election advertising during the **election proceedings period**.

A **third party sponsor** is an individual or organization that conducts election advertising independent from a candidate or elector organization campaign.

Signs

Signs play a significant role in election advertising. Candidates may have supporters display signs on their behalf in windows, on lawns, or post signs in other public places throughout the jurisdiction.

Local governments have the authority to regulate the size, placement, maintenance and removal of signs and other forms of public advertising – the rules may be quite different between local governments.

The Ministry of Transportation and Infrastructure regulates sign placement along Provincial highways, medians, bridges and along major roadways. Contact the local government or local Ministry of Transportation and Infrastructure office before placing election campaign signs on medians, bridges or along major roads.

Sponsorship Information

Election advertising (signs, billboards, print ads, radio and television spots, Internet sites, Facebook pages, Twitter pages and YouTube pages and videos) must include information about who sponsored the advertisement during the **election proceedings period**. Generally, the election advertising sponsor is the person or organization that *paid* for the advertising or that is *liable* to pay for the advertising.

Election advertising sponsored by a candidate must include the financial agent's name and a B.C. telephone number or a B.C. mailing address or email address at which the financial agent can be reached. Each advertisement must also include a statement confirming that the advertisement was authorized by the candidate's financial agent.

Third Party Advertising

Third party advertising undertaken by **third party sponsors** is election advertising, other than election advertising undertaken by a candidate or elector organization as part of their election campaign.

Third party advertising includes advertising for or against a candidate or elector organization and advertising on an issue with which a candidate or elector organization is associated – such as funding for a local recreation centre or preserving parkland.

There are two types of third party advertising: **directed advertising**; and, **issue advertising**.

Advertising that is specifically related to a candidate or an elector organization and names the candidate, includes the candidate's image or likeness or identifies the candidate by voice or physical description is considered directed advertising.

Advertising about a public policy issue, such as preserving parkland or building a new recreation centre, is considered issue advertising.

Candidates may be subject to third party advertising rules when they have sponsored advertising during the election proceedings period in a jurisdiction other than the one in which they are running for office.

Independence

Candidates and their election campaigns *must* be independent from third party advertising undertaken by a third party sponsor. Third party sponsors and candidates *must not* coordinate their advertising.

Candidates can undertake third party advertising if it is *not related* to their own election campaign. A candidate may run for office in one jurisdiction and sponsor third party advertising in a different jurisdiction.

Candidates who intend to sponsor third party advertising in a jurisdiction other than the one in which they are running for office must register with Elections BC and file a third party sponsor **disclosure statement**.

Registration

Third party sponsors are required to register with Elections BC before undertaking election advertising.

Recording and Disclosing

Sponsorship contributions and information about sponsored third party advertising must be recorded and disclosed by third party sponsors. Third party sponsors are required to file a disclosure statement with Elections BC within 90 days following **general voting day**.

There is a 30 day late filing period for third party sponsors that did not file a disclosure statement within 90 days following general voting day. Third party sponsors are required to pay a \$500 late filing fee to Elections BC when they file during the 30 day late filing period.

Offences and Penalties

The *Local Elections Campaign Financing Act* sets out campaign financing offences for third party sponsors. Examples of offences include failure to register as a third party sponsor, failure to include **sponsorship information** on third party advertising and failure to file a third party sponsor disclosure statement.

Penalties including fines of up to \$10,000 and/or imprisonment for up to two years for individuals or fines of up to \$20,000 for organizations may be imposed on a third party sponsor for contravening the campaign financing provisions in the *Local Elections Campaign Financing Act*.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. and Third Party Sponsor Guide to Local Elections in B.C.* for more information about campaign financing offences and penalties and third party sponsors, available online at www.elections.bc.ca

Candidates and campaign workers convicted of vote-buying, intimidation, campaigning near a voting place on general voting day, providing or distributing false information, or conducting other activities contrary to the *Local Government Act* or *Vancouver Charter* may be subject to penalties.

Information about campaign financing offences and penalties under the *Local Elections Campaign Financing Act* can be found on page 34 of this guide.

Offences

Vote-buying

It is an election offence to offer incentives to an elector to vote or not to vote, or to vote for a particular candidate. Inducements can include offers of money, gifts, refreshments, entertainment, employment or any other benefit. It is also an offence for an elector to accept inducements to vote.

Vote-buying includes buying coffee for patrons or volunteering to drive an elector to a voting place in exchange for their vote. These activities are permitted as long as there is no obligation on the elector, whether overt or implied, to vote for a certain candidate(s).

Intimidation

It is an election offence to intimidate an elector, by action or threat, to compel the elector to vote, or to refrain from voting. It is also an election offence to punish an elector for voting or refraining from voting generally, or for voting for a particular candidate(s).

Campaigning near a voting place

It is an election offence to campaign and engage in other activities that show support for one candidate over another, or for an elector organization, within 100 metres of a voting place on general voting day.

Providing or distributing false information

It is an election offence to falsely withdraw a candidate from an election, distribute a false statement that a candidate has withdrawn, falsely withdraw an elector organization's candidate endorsement, consent to nomination when ineligible to do so, provide false information or make false statements or declarations during local government elections.

Contravening voting provisions

It is an election offence to vote when not entitled to do so, vote more than once in an election, obtain a ballot in another person's name, interfere with the secrecy of the ballot, tamper with ballots or ballot boxes, or print, reproduce, give out or destroy ballots without authorization during local government elections.

Penalties

Vote-buying and/or intimidation can result in penalties including fines of up to \$10,000, imprisonment for up to two years and/or disqualification from holding elected office in a local government for up to seven years.

Individuals and/or elector organization representatives that campaign near a voting place, provide or distribute false information and/or contravene voting provisions

may be subject to penalties that include fines of up to \$5,000 and/or imprisonment for up to one year.

Election Officials' Authority

The local Chief Election Officer and Presiding Election Officials must maintain the integrity and secrecy of the voting process. The local Chief Election Officer and Presiding Election Officials may restrict or regulate the number of people admitted to a voting place and remove or cover election advertising within 100 metres of a voting place during voting proceedings.

Elections BC can delegate authority to local Chief Election Officers during the **election proceedings period** to enter onto property and remove, cover or destroy election advertising that contravenes the *Local Elections Campaign Financing Act*.

The local Chief Election Officer and Presiding Election Officials may require a person to show identification when they believe the person is at a voting place when not permitted to be present, disturbing the peace and order of voting, interfering with voting proceedings or contravening elections legislation. They may also order anyone engaged in these activities, including **scrutineers**, to leave a voting place and remove, or have a peace officer remove, the person.

Election officials also have the authority to challenge an elector's ability to vote on the basis that they are not entitled to vote or that they accepted an inducement to vote.

In extreme cases the local Chief Election Officer or Presiding Election Official may adjourn voting proceedings when they believe people's health or safety at the voting place or the integrity of the vote is at risk.

See Appendix A for information about local election partner roles and responsibilities. See Appendix C for questions and answers about the local Chief Election Officer's role and responsibilities.

Elections BC Officials' Authority

Elections BC administers, investigates and enforces campaign financing, **third party sponsor** and election advertising provisions under the *Local Elections Campaign Financing Act*.

Elections BC has the authority to conduct audits and investigations related to non-compliance with campaign financing and third party sponsor provisions. It can also delegate certain powers (e.g. removing non-compliant advertising) to other individuals, such as local Chief Election Officers to act on its behalf.

Elections BC works with local Chief Election Officers to determine the most effective approach to deal with non-compliant election advertising. When necessary, Elections BC can make applications to the Supreme Court to seek an injunction to require an individual or organization to comply with the *Local Elections Campaign Financing Act* or to prevent an individual or organization from contravening the *Local Elections Campaign Financing Act*.

Elections BC is responsible for reviewing candidate, elector organization and third party sponsor **disclosure statements** to ensure compliance with the *Local Elections Campaign Financing Act*. Elections BC also publishes campaign financing disclosure statements and the lists of disqualified candidates, elector organizations and third party sponsors online at www.elections.bc.ca

See Appendix A for information about local election partner roles and responsibilities. See Appendix C for questions and answers about Elections BC's role and responsibilities.

A candidate is the financial agent for the election campaign when the candidate does not appoint a financial agent.

A **candidate** may appoint an individual or individuals to assist running an **election campaign** and to otherwise represent the candidate when the candidate is unable to appear in person. Each candidate may choose to appoint an official agent and/or **scrutineers**. Every candidate must appoint a financial agent, or may act in that role themselves.

Each candidate representative who attends a voting place must have made a **solemn declaration** to preserve the secrecy of the ballot and not interfere with an elector marking a ballot. Official agents and scrutineers may attend a voting place once they have made their solemn declaration – financial agents must have permission from the Presiding Election Official to be present at a voting place.

Contact the local government for information about how candidate representatives make their solemn declaration.

Financial Agent

Every candidate must appoint a financial agent. The candidate may act as their own financial agent; however, they must submit a declaration to that effect before the nomination period ends. The financial agent is legally responsible for ensuring that the financial aspects of the election campaign comply with the *Local Elections Campaign Financing Act* requirements. A financial agent must be appointed before any campaign-related transactions occur.

A candidate's financial agent has a wide range of financial responsibilities during an election campaign – such as opening a **campaign account** for the candidate at a savings institution; depositing all election campaign contributions, **transfers** and payments received into the candidate's campaign account; and, paying all campaign-related expenses from the candidate's campaign account. There are many other requirements under the *Local Elections Campaign Financing Act* that financial agents must be aware of and follow.

The financial agent must understand the scope of their responsibilities. Failure to comply with campaign financing rules may result in a fine of up to \$10,000 and/or imprisonment of up to two years for the candidate and/or financial agent.

A candidate who chooses to appoint another person to act as their financial agent must make that appointment in writing. The appointment must include the:

- person's full name;
- effective date of the appointment;
- **address for service**, telephone number and email address (if available) for the person appointed; and,
- person's signed consent to act as the financial agent.

The appointment must be signed by the candidate and submitted to the local Chief Election Officer before the nomination period ends. The financial agent appointment information is forwarded by the local Chief Election Officer to Elections BC as soon as possible after the information is received.

Financial agent appointment information is required by Elections BC in order to send campaign financing disclosure forms and campaign financing educational materials to the financial agent. Any changes to the financial agent appointment information that take place after the election results have been declared must be sent directly to Elections BC.

A person may act as a financial agent for more than one election campaign. A person may act as the financial agent for an elector organization and all candidates that it has endorsed. However, each candidate election campaign may have only one financial agent at a time.

Refer to the *Elector Organization Guide to Local Government Elections in B.C.* for information about elector organization financial agents, available online at: www.cscd.gov.bc.ca/lgd/elections_home.htm

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* for information about the financial agent's role and responsibilities, available online at: www.elections.bc.ca

Official Agent

A candidate may appoint an official agent to act on their behalf throughout the election process. The official agent may be the election campaign manager or the spokesperson for the candidate. The candidate may also appoint the official agent as their financial agent.

The official agent appointment must be made in writing and must include the person's full name and mailing address. The appointment must be signed by the candidate and submitted to the local Chief Election Officer as soon as practicable after the appointment has been made.

Scrutineers

Scrutineers represent candidates at voting opportunities by observing voting procedures and scrutinizing the ballot-counting process. A candidate and/or their official agent may appoint scrutineers.

Each candidate is permitted under the *Local Government Act* or *Vancouver Charter* to appoint one scrutineer for each ballot box used at a voting place. A local government may pass a bylaw to permit each candidate to have more than one scrutineer present for each ballot box used at a voting place and establish specific restrictions and conditions in the bylaw as deemed necessary.

The scrutineer appointment must be made in writing and must include the person's full name and mailing address. The appointment must be signed by the candidate and submitted to the local Chief Election Officer as soon as practicable after the appointment has been made.

Candidate representatives must carry copies of their appointment papers whenever they represent the candidate at an election proceeding.

Voting places must be open from 8 a.m. to 8 p.m. local time on general voting day and the required advance voting opportunity

Ballot counting for the 2014 general local election begins after 8 p.m. local time on **November 15**

Voting Times

Voting places must be open from 8 a.m. to 8 p.m. local time on **general voting day** and the required **advance voting opportunity** and another advance voting opportunity (date to be determined by the local government) for local governments with populations greater than 5,000. Local governments may set specific hours for any special voting opportunities or additional advance voting opportunities held during a local government election.

All voting places must close by 8 p.m. local time on general voting day to ensure ballots are counted at the same time.

Counting Ballots

Ballot counting begins after voting places close at 8 p.m. local time.

Candidates are entitled to be present during the ballot count, and may assign one representative to each location where ballot counting takes place. Candidates or candidate representatives (e.g. scrutineer or official agent) must raise their objection to a ballot's acceptance or rejection with the Presiding Election Official supervising the ballot counting process.

Objections to a ballot's acceptance or rejection must be raised while the ballot is being considered during the count. Objections to accept or reject a ballot and the Presiding Election Official's decision relative to the ballot in question are recorded and submitted with the ballot account for the voting place to the local **Chief Election Officer**.

The Presiding Election Official's decision to reject or accept a ballot can only be overturned by the local Chief Election Officer – or by the Provincial Court following a judicial recount.

Ballot accounts, that outline individual voting place results and reconcile the number of ballots distributed with the number of ballots cast in the local government election, are prepared at each voting place. Ballots are then packaged and returned to the local Chief Election Officer at the local government office, where the official election results are then determined.

Each candidate is notified by the local Chief Election Officer as to the time and location for the final ballot count and when the official election results will be declared. The official election results may not necessarily be announced on general voting day.

Conduct at Voting Places

The local Chief Election Officer has the authority to establish the process and standards of conduct that voters, candidates and candidate representatives must abide by at voting places during advance, special and general voting day opportunities.

Candidate Conduct

Candidates must not be present at a voting place during an advance or special voting opportunity or on general voting day except to cast their ballot. Candidates must not campaign within 100 metres of a voting place on general voting day – it is an election offence to do so. Candidates may wish to cast their ballot at an advance voting opportunity to avoid this situation.

Candidates are permitted to be present while ballots are being counted following the close of general voting. Candidates or candidate representatives (e.g. scrutineer or official agent) must not touch the ballots or ballot boxes or otherwise interfere with election officials during the counting process – except to object to a ballot's acceptance or rejection by an election official.

No one is permitted to enter or leave a voting place while the ballot count is in progress.

Scrutineer Conduct

Candidates (and/or their official agent) may appoint scrutineers to observe the voting and ballot counting process at voting places during advance, special and general voting opportunities.

Scrutineers are not permitted to wear anything (e.g. shirt, cap, badge, button, pen or pin) that shows support for a particular candidate. Scrutineers must not interfere with the voting place routines and/or the election officials' duties. Scrutineers are not permitted to handle election documents.

Local governments and local Chief Election Officers have the authority to establish specific rules governing scrutineer conduct and responsibilities. Local governments may permit more than one scrutineer for each candidate to be present per ballot box at a voting place during voting proceedings.

Scrutineers and election officials generally only communicate during times when no voters are present at the voting place – unless the scrutineer has challenged a voter's eligibility to receive a ballot. A scrutineer may challenge a voter's right to receive a ballot based on their belief that the elector is not entitled to vote or has accepted an inducement to vote. Challenges to a voter's eligibility to receive a ballot must be raised before the ballot is issued to the elector.

Scrutineers may also challenge a ballot's acceptance or rejection during the ballot counting process. The objection must be made to the Presiding Election Official supervising the ballot counting process. Objections to a ballot's acceptance or rejection must be raised while the ballot is being considered during the count. Objections to the Presiding Election Official's decision relative to the ballot in question are recorded and submitted with the ballot account for that voting place to the local Chief Election Officer.

After General Voting Day

Local Government Act – sections 134–147 and 210
Community Charter – section 120 and 124
Vancouver Charter – sections 140 and 143

Official election results for the 2014 general local election must be declared by 4 p.m. local time on **November 19**.

The period to apply for a judicial recount for the 2014 general local election ends on **November 24**.

A judicial recount for the 2014 general local election must be completed by **November 28**.

The *Local Government Act*, *Community Charter* and *Vancouver Charter* provide for several legislated procedures (e.g. breaking tie votes, taking the oath of office) that may or must be completed following **general voting day**.

Announcing Results

The official election results may not necessarily be announced on general voting day – the local **Chief Election Officer** may announce preliminary results after concluding the ballot count on general voting day and announce the official results at a later date.

The official election results must be declared within four days after the close of voting on general voting day. The local Chief Election Officer must state the number of ballots cast in favour of each **candidate** for each position. Those candidates with the most votes would then be declared elected.

Judicial Recount

An eligible elector, candidate, candidate representative (e.g. scrutineer or official agent), or the local Chief Election Officer, may apply to the Provincial Court for a judicial recount. An application for a judicial recount can only proceed on the basis that the:

- ballots were incorrectly accepted or rejected;
- ballot account does not accurately record the number of valid votes for a candidate;
- final determination of results did not correctly calculate the total number of valid votes for a candidate; or,
- same number of votes was received by two or more candidates.

The period to apply for a judicial recount begins as soon as the official election results have been declared and ends nine days after the close of general voting.

The applicant must notify candidates and the local Chief Election Officer about the judicial recount application. The applicant, the local Chief Election Officer, candidates and their official agents and legal counsel are entitled to be present during a judicial recount. The Provincial Court has the authority to determine any other people permitted to attend the recount.

Judicial recounts are based on the ballots and ballot boxes used in the local government election. The Provincial Court declares the election results at the completion of the ballot recount.

A tie between two or more candidates must be broken in accordance with the *Local Government Act* or *Vancouver Charter* and the local government **election bylaw**. The judicial recount must be completed within 13 days after the close of general voting.

Breaking Ties

There are two methods for breaking ties in a local election in which two or more candidates have an equal number of votes – drawing by lot (a random draw) or by runoff election.

A local government must have passed an **election bylaw** that specifies that drawing by lot will be used as the method for breaking a tie when there is a tie between candidates. Otherwise, a runoff election must be held to break the tie.

A local government election bylaw that states ties will be broken by lot means that the names of the *tied candidates* are written on pieces of paper, placed into a container, and one name is drawn by a Provincial Court-appointed person. The Provincial Court then declares the candidate whose name was drawn to be elected to office.

A runoff election means that *all unsuccessful candidates* from the original election may run in a second election. The runoff election can only occur after a judicial recount in which no winner was declared.

The local **Chief Election Officer** is required to notify candidates that a runoff election has been called to break the tie. Candidates then have three days to notify the local Chief Election Officer if they do not intend to run in the runoff election.

The local Chief Election Officer must set a date for the runoff election for a Saturday no later than 50 days after the judicial recount was completed. Generally runoff elections are conducted under the same rules as the original local government election.

Invalid Election

A candidate, the local Chief Election Officer or at least four eligible electors of the jurisdiction, may petition the Supreme Court to invalidate a local government election.

A petition to invalidate a local government election may only be made on the basis that:

- an elected candidate was not qualified to hold office;
- the election was not conducted in accordance with elections legislation; or,
- a candidate committed an election offence such as vote-buying or intimidation during the local election.

A petition to invalidate a local government election must be made within 30 days after the official election results were declared. The Supreme Court registry must set a date for the petition to be heard between 10 and 21 days after the petition was filed. The petitioner(s) must serve the local government with notice of the petition to declare the election invalid.

Oath of Office

Every municipal **councillor** must make an oath of office or solemn affirmation before they can assume their position on **municipal council**. Every **electoral area director** must also make an oath of office or solemn affirmation before they can assume their position on the **regional district board**.

A petition to invalidate a 2014 general local election must be made by **December 19** if the official election results were declared on November 19.

Candidates elected in the 2014 general local election must make an oath or solemn affirmation by **January 5, 2015** if the official election results were declared on November 19

Candidates acclaimed in the 2014 general local election must make an oath or solemn affirmation by **January 5, 2015**

The inaugural meeting after the 2014 general local election must be held by **December 10**

The term of office for regional district electoral area directors elected in the 2014 general local election begins on the first Monday after **December 1** following the general local election - or when the director has made their oath of office or solemn affirmation - whichever is later

Municipal councillors appointed to the regional district board must make a second oath or affirmation in addition to the oath or affirmation they made before they assumed their position on the municipal council.

Candidates elected in a general local election must make their oath or solemn affirmations within 45 days after the official election results were declared. Acclaimed candidates must make an oath or affirmation of office within 50 days of the date set for general voting – had voting been required.

The oath of office or solemn affirmation may be made before a judge, justice of the peace, Commissioner for Taking Affidavits for B.C. or the local government **Corporate Officer**. Candidates who fail to make an oath or affirmation of office are disqualified from holding office until after the next general local election.

Taking Office

A candidate may take the oath or affirmation of office as soon as they are declared elected by the local Chief Election Officer; however, elected candidates do not take office immediately.

Municipal council members formally take office at the first regularly scheduled council meeting following the general local election.

The term of office for a municipal council member appointed to a regional district board begins when the person has made an oath or solemn affirmation as a regional district director.

The term of office for regional district **electoral area directors** begins at the first regularly scheduled board meeting in the calendar month after the month in which the general local election was held.

Campaign financing disclosure rules under the *Local Elections Campaign Financing Act* were established to create accountability and transparency around campaign financing.

The disclosure rules require **candidates** and **elector organizations** to provide detailed information about the costs associated with running an **election campaign**, as well as the **money** spent or received during the election campaign. The rules also ensure public access to detailed information about the individuals and organizations that contributed \$100 or more to candidate and elector organization election campaigns.

General Campaign Financing Requirements and Restrictions

Appointing a Financial Agent

Every candidate must appoint a financial agent to oversee their election campaign finances. A candidate may choose to act as their own financial agent.

Campaign Accounts

A financial agent must open a separate **campaign account** for each candidate election campaign and record campaign-related transactions as soon as possible after they have occurred. Contributions received and expenses incurred prior to the candidate being officially declared a candidate in a local election must also be recorded.

Campaign Contributions and Election Expenses

Campaign contributions are the amount of any money or the value of any non-monetary property or services provided without compensation to a candidate or elector organization for election campaign use.

Any money provided by a candidate in relation to their own election campaign is considered a campaign contribution and must be recorded and disclosed.

Non-monetary property or services donated to a candidate or elector organization election campaign are considered campaign contributions, must be assigned a **market value**, and must be recorded and disclosed in the same manner as monetary contributions.

Discounted property or services contributed to a candidate or elector organization election campaign must be recorded and disclosed. The difference between the property or service's market value at the time it was provided and the amount that was charged is considered a campaign contribution.

Election expenses are the value of property or services used in an election campaign by or on behalf of a candidate or elector organization during the **campaign period** for an election.

Refer to Election's BC's *Guide to Local Elections Campaign Financing in B.C.* for detailed information and instructions about campaign financing requirements, available online at: www.elections.bc.ca

Detailed **campaign financing records** aid in the preparation of, and support the candidate disclosure statement.

The filing deadline for the 2014 general local election is **February 13, 2015** and the **late filing deadline** is **March 16, 2015**. It is an offence to not file a candidate disclosure statement.

Recording and Disclosing

Fulfilling the candidate disclosure requirements in the *Local Elections Campaign Financing Act* is a two-stage process. Candidates or their financial agents are first required to *record* the campaign financing-related information required under the *Local Elections Campaign Financing Act*; and, second, to *disclose* specific campaign financing information required under the *Local Elections Campaign Financing Act*.

Disclosure Statements

Candidates are required to file a **candidate disclosure statement** with Elections BC. The statement must include a detailed account of campaign financing-related information (e.g. campaign contributions and election expenses) related to the election campaign. The candidate disclosure statement must be filed with Elections BC within 90 days following **general voting day**.

There is a 30 day late filing period for candidates who did not file a candidate disclosure statement within 90 days following general voting day. Candidates are required to pay a \$500 late filing fee to Elections BC when they file during the 30 day late filing period.

Filing Requirements

The financial agent for every candidate must file a candidate disclosure statement with Elections BC whether the candidate was successfully elected or not.

A candidate disclosure statement is required even when the candidate received no contributions, incurred no expenses, was acclaimed, withdrew from the local government election or was declared by the Provincial Court to no longer be a candidate.

A candidate disclosure statement is not required for a person who was not declared to be a candidate by the local Chief Election Officer.

Campaign Financing Offences and Penalties

Offences

The *Local Elections Campaign Financing Act* sets out campaign financing offences that candidates must be aware of and comply with (e.g. failure to appoint a financial agent, failure to open a campaign account, failure to file a disclosure statement) or face penalties.

Penalties

Penalties are determined and assigned by the courts. Penalties, including fines of up to \$10,000 and/or imprisonment for up to two years, may be imposed on a candidate and/or their financial agent for contravening campaign financing provisions.

Penalties, including fines of up to \$10,000 and/or imprisonment for up to two years, may be imposed on an elector organization's financial agent and/or **responsible principal officials** for contravening campaign financing provisions.

Automatic Penalties

Automatic penalties may be imposed without court involvement and include disqualification penalties.

A candidate who failed to file a candidate disclosure statement or **supplementary report** with Elections BC by the filing deadline, and did not receive court relief from the requirement to do so, is automatically disqualified from being nominated for, elected to or holding office anywhere in B.C. until after the next general local election. A candidate declared elected also loses their seat and the seat then becomes vacant.

Disqualification List

Candidates who failed to file a candidate disclosure statement or are convicted of providing false or misleading information on a candidate disclosure statement or supplementary report are named to Elections BC's disqualification list. The list is available online at: www.elections.bc.ca

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* for more detailed information about campaign financing offences and penalties, available online at: www.elections.bc.ca

Glossary

Sections 97-98 of the
Local Government Act

Sections 69-70 of the
Vancouver Charter

Sections 157-159 of the
Local Government Act

Sections 129-131 of the
Vancouver Charter

Section 1 of the *School Act*

Section 30(2) of the
School Act

address for service

A mailing address or email address provided by an individual or organization at which notices and other communications are accepted as served on or otherwise delivered to the individual or organization.

advance voting opportunity

A voting day, prior to general voting day, for electors who choose to vote on that day for any reason. Typically electors who vote at that time do so because they:

- expect to be absent on general voting day from the jurisdiction for which the election is to be held;
- will be unable to vote on general voting day for reasons of conscience;
- will not be able to attend a voting place on general voting day for reasons beyond the elector's control;
- have a physical disability or are mobility impaired which would make it difficult to reach or navigate within a busy voting place on general voting day;
- are candidates or candidate representatives; or,
- are election officials.

assent voting

Voting on a bylaw or other matter for which a local government is required to obtain elector assent under Part 4 of the *Local Government Act* or Part 2 of the *Vancouver Charter*. Elector assent is obtained when a majority of the votes counted are in favour of the bylaw or question. Assent voting may also be referred to as a "referendum".

B.C. Chief Electoral Officer

An independent Officer of the Legislature appointed by the Lieutenant Governor on the recommendation of the Legislative Assembly. The B.C. Chief Electoral Officer is responsible for the administration of the provincial electoral process and ensuring compliance with the *Local Elections Campaign Financing Act*.

board

See entry for "regional district board".

board of education

A school district's governing body as constituted under the *School Act*. A board of education is comprised of three, five, seven or nine trustees, or as otherwise determined by the Minister of Education.

by-election

An election held between general local elections to fill a vacancy that occurred due to the death, disqualification or resignation of a municipal council or regional district board member, school trustee or Islands Trust local trustee.

Municipal councils are not required to hold a by-election when the vacancy occurs in the same calendar year as a general local election. Regional district boards and the Islands Trust Council are not required to hold a by-election to fill a vacancy that occurs after July 1 in the same calendar year as a general local election.

campaign account

An account opened at a savings institution by a financial agent to be used exclusively for election campaign purposes. The account must be opened in the candidate or elector organization's name and be separate and distinct from any personal or business accounts. All campaign payments must be paid directly or reimbursed from the campaign account. All campaign contributions and campaign transfers between candidates and elector organizations must be deposited into the campaign account.

campaign contribution

The amount of any money or the value of any non-monetary property or services provided without compensation to a candidate or elector organization for election campaign use.

Any money provided by a candidate in relation to their own election campaign is considered a campaign contribution and must be recorded and disclosed.

Donated non-monetary property or services to a candidate or elector organization campaign are considered campaign contributions and must be assigned a market value, and recorded and disclosed in the same manner as monetary contributions.

Discounted property or services contributed to a candidate or elector organization election campaign must be recorded and disclosed. The difference between the property or service's market value at the time it was provided and the amount that was charged is considered a campaign contribution.

campaign financing records

The records maintained by a financial agent to complete a candidate or elector organization disclosure statement. Campaign financing records must include specific information about each candidate and elector organization including campaign contributions, election expenses, transfers, and surplus campaign funds. These records must be kept in B.C. for five years after general voting day for the related election.

The records maintained by a third party sponsor to complete a third party sponsor disclosure statement. Campaign financing records must include specific information about each third party sponsor including the value of sponsored third party advertising, the value of the third party sponsor's own funds used in advertising, and any sponsorship contributions recorded.

Section 37 of the
Local Government Act

Section 10 of the
Vancouver Charter

Sections 18 and 20 of the
*Local Elections Campaign
Financing Act*

Sections 13, 22 and 29(1) of
*the Local Elections Campaign
Financing Act*

Section 88 of the *Local
Government Act*

Section 60 of the *Vancouver
Charter*

Section 22 of the *Local
Elections Campaign
Financing Act*

Section 10(1) of the
*Local Elections Campaign
Financing Act*

Section 33 of the
Local Government Act

Section 7 of the
Vancouver Charter

Schedule - Definitions
and Interpretations of the
*Local Elections Campaign
Financing Act*

Section 46(1) of the
*Local Elections Campaign
Financing Act*

Sections 41-43 of the
Local Government Act

Sections 14-16 of the
Vancouver Charter

campaign organizers

Campaign organizers are no longer regulated under the *Local Government Act*.

Activities that were typically undertaken by campaign organizers under the previous campaign financing rules will likely be captured as third party advertising under the *Local Elections Campaign Financing Act*.

Individuals or organizations that were campaign organizers prior to the enactment of the *Local Elections Campaign Financing Act* are not permitted to receive campaign contributions or incur election expenses for the 2014 general local election.

However, those individuals and organizations are still required to file a disclosure statement with Elections BC detailing any contributions received or expenses incurred in relation to the 2014 general local election prior to the *Local Elections Campaign Financing Act* coming into force.

Campaign organizers that have failed to file a disclosure statement may have committed an offence and may be subject to campaign financing penalties.

campaign period

The period that begins at the start of the calendar year in which the general local election is held and ends at the close of voting on general voting day.

The campaign period for a by-election begins on the day the vacancy for which a by-election is to be held occurred and ends at the end of general voting day.

candidate

An individual who has filed nomination papers before the close of the nomination period and has been declared a candidate by the local Chief Election Officer at the end of that period.

A candidate includes an individual who intends to become a candidate in an election, an individual who is seeking or intends to seek endorsement by an elector organization in relation to an election, and, in relation to obligations under the *Local Elections Campaign Financing Act*, an individual who was a candidate.

An individual who is declared a candidate in a local election must comply with the *Local Government Act* and the *Local Elections Campaign Financing Act*.

candidate disclosure statement

A campaign financing statement that includes, but is not limited to, a listing of contributions, expenses, transfers and surplus funds. Financial agents for candidates and elector organizations must file disclosure statements with Elections BC. Third party sponsors are also required to file disclosure statements with Elections BC.

chief election officer

An individual appointed by a municipal council or regional district board to conduct a general local election or by-election. The Chief Election Officer (CEO) is guided by the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter* as applicable, and the local government election bylaw. CEOs have broad authority to do all things necessary for the conduct of an election in accordance with the legislation and the local government election bylaw.

corporate officer

An individual appointed by a municipal council or regional district board that is responsible for:

- ensuring accurate meeting minutes are prepared;
- ensuring access is provided to records of council or board committees;
- administering oaths and taking affirmations, affidavits and declarations;
- certifying copies of bylaws;
- accepting notices and documents that are required or permitted to be given to, served on, filed with or otherwise provided to the council or board; and,
- keeping the corporate seal and affixing it to required documents.

Section 148 of the
Community Charter

Section 198 of the
Local Government Act

council

See entry for “municipal council”.

councillor

A member of a municipal council who is not the mayor. Every council member has the following responsibilities under the *Community Charter*, to:

- consider the well-being and interests of the municipality and its community;
- contribute to the development and evaluation of the policies and programs of the municipality respecting its services and other activities;
- participate in council meetings, committee meetings and meetings of other bodies which the member is appointed;
- carry out other duties assigned by the council; and,
- carry out other duties assigned under the *Community Charter* or any other Act.

Section 115 of the
Community Charter

directed advertising

Directed advertising is a form of third party advertising. Generally, directed advertising specifically relates to a candidate by naming the candidate or identifying the candidate by an image, likeness, voice or physical description.

Section 12(2) of the
*Local Elections Campaign
Financing Act*

disclosure statement

A campaign financing statement that includes, but is not limited to, a listing of contributions, expenses, transfers and surplus funds. Financial agents for candidates and elector organizations must file disclosure statements with Elections BC. Third party sponsors are also required to file disclosure statements with Elections BC.

Section 46(1) of the
*Local Elections Campaign
Financing Act*

Section 37 of the
Local Government Act

Section 12 of the
Vancouver Charter

Sections 4-5 of the
*Local Elections Campaign
Financing Act*

Section 83 of the
Local Government Act

Section 55 of the
Vancouver Charter

Section 14 of the *Local
Elections Campaign
Financing Act*

Sections 10(2), 15 and
46-51 of the *Local Elections
Campaign Financing Act*

election bylaw

A bylaw that enables a local government to make decisions about election administration, including whether:

- voting machines will be used, and if so, the procedures that will govern their use;
- mail ballot voting will be used, and if so, what procedures will govern its use;
- additional advance voting opportunities will be offered, or, in communities of less than 5,000, whether the required additional advance voting opportunity will be waived;
- voter registration will be conducted both on voting day and in advance or on voting day only; and,
- nomination deposits will be required.

An election bylaw must be adopted at least eight weeks before the first day of the nomination period in a general local election or six weeks before the first day of the nomination period in a by-election.

election campaign

Election campaigns are undertaken by candidates and elector organizations and include activities organized and conducted to benefit a candidate or elector organization for one of the following purposes:

- promote or oppose the election of a candidate or elector organization;
- approve or disapprove of a course of action advocated by a candidate or elector organization;
- promote or oppose an elector organization or its program; or,
- approve or disapprove of a course of action advocated by an elector organization.

Those activities that include any or all of the following: advertising; distribution or mailing of printed leaflets or letters; speeches; interviews with news media and door-to-door visits with potential voters.

election expense

The value of property or services used in an election campaign by, or on behalf of, a candidate or elector organization during the campaign period for an election. An election expense for a by-election is the value of property or services used in an election campaign after the date of the vacancy for which the by-election is being held.

election proceedings period

The period that begins on the 46th day before general voting day and ends at the close of voting on general voting day. Rules in relation to election advertising and third party advertising as defined in the *Local Elections Campaign Financing Act* come into effect during this period.

Election proceedings period expenses for candidates and elector organizations must be disclosed in the prescribed manner under the *Local Elections Campaign Financing Act*. Similarly, the value of third party advertising undertaken by third party sponsors during the election proceedings period must be disclosed in the prescribed manner under the *Local Elections Campaign Financing Act*.

Elections BC

A non-partisan and independent Office of the Legislature that oversees and administers campaign financing and election advertising in local elections under the *Local Elections Campaign Financing Act*.

elector

An individual who is a resident elector or non-resident property elector and who is qualified to vote in a municipal, regional district, Islands Trust, community commission or park board election.

elector organization

An organization that endorses or intends to endorse a candidate in a local election. The elector organization must have a membership of 50 or more eligible electors when the endorsement(s) are made.

Campaign financing rules apply to elector organization election campaigns. Every elector organization must appoint a financial agent to ensure compliance with the campaign financing rules in the *Local Elections Campaign Financing Act*.

electoral area director

A regional district board member who has been elected to that position by electoral area electors.

endorsement

The process by which an elector organization can formalize its relationship with one or more candidates running in a local election.

An elector organization that endorses candidates in a local election can undertake an election campaign to promote those candidates and the elector organization or to oppose another elector organization and its candidates. An elector organization may endorse more than one candidate – a candidate may only be endorsed by one elector organization.

An endorsement requires that the elector organization's name, abbreviation or acronym appear on the ballot beside the candidate's name. A ballot endorsement by an elector organization is the only visible indication of an elector organization's support for a candidate permitted within a voting place.

financial agent

A representative that a candidate or elector organization is legally required to appoint during an election campaign. A candidate may act as the financial agent or appoint another individual to this position.

A financial agent must ensure that the financial aspects of the election campaign comply with the *Local Elections Campaign Financing Act*. A candidate or elector organization may not have more than one financial agent at the same time.

Sections 49-51 of the
Local Government Act

Sections 22-24 of the
Vancouver Charter

Section 79 of the
Local Government Act

Section 51 of the
Vancouver Charter

Sections 19-23 and 25
of the *Local Elections
Campaign Financing Act*

Sections 17 and 19 of the
*Local Elections Campaign
Financing Act*

Section 12(1) of the *Local Elections Campaign Financing Act*

Section 1(2) of the *Local Elections Campaign Financing Act*

financial disclosure statement

A corporate and personal holdings statement made public by all nominated, elected and appointed public officials required under the *Financial Disclosure Act*.

The financial disclosure statement is intended to help public officials avoid conflict of interest situations by identifying their financial interests. Financial disclosure statements must be filed with the designated local government officer at the time of nomination, annually while holding elected office, and shortly after leaving elected office.

general local election

A collective reference to the elections conducted throughout the province every four years for the:

- mayor and councillors of a municipality;
- electoral area directors of each regional district;
- commissioners of each local community commission that uses a four-year term;
- commissioners of each park board;
- local trustees of each area in the Islands Trust; and,
- school trustees of each board of education.

general voting day

The final voting day in a general local election or by-election. General voting day is held on the third Saturday in October for a general local election, and a Saturday chosen by the chief election officer for a by-election.

Islands Trust

A federation of local island governments with a mandate to make land use decisions that preserve and protect the Islands Trust area.

Islands Trust Council

The Islands Trust governing body composed of two elected trustees (local trustees) from each local Trust area and two appointed trustees from each municipal council in the Trust area (municipal trustees).

Islands Trust local trustee

An individual elected to serve on a Local Trust Committee for each local Trust area within the Islands Trust. Two candidates are elected from each local Trust area. The local trustees are also members of the Islands Trust Council.

issue advertising

Issue advertising is a form of third party advertising that is related to an issue of public policy – such as preserving parkland or building a new recreation centre – and not specifically related to a candidate or an elector organization.

jurisdiction

The applicable municipality, regional district, Trust council or board of education in which a general local election or by-election is being held.

late filing deadline

A date 120 days after general voting day in an election or assent voting by which a disclosure statement must be filed by a candidate, elector organization or third party sponsor. A disclosure statement submitted after 90 days and before 120 days must be accompanied by a \$500 late filing fee.

local community commission

A body established by regional district bylaw in an electoral area to provide advice in relation to, or management of, one or more regional district services provided within the "local community". Between four and six elected commissioners and the electoral area director compose a local community commission.

Commissioners may be elected for a four-year term during a general local election or for a one-year term, as specified in the establishing bylaw.

local community commissioner

See entry for "local community commission".

local election

A collective term referring to any general local election or by-election that may be conducted by municipalities, regional districts, park boards, local community commissions, boards of education, or the Islands Trust.

market value

The lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time. Market value includes all applicable taxes.

mayor

An individual elected to head municipal council and be the municipal chief executive officer. The mayor has responsibilities under the *Community Charter* in addition to their councillor responsibilities, including to:

- provide leadership to the council, including recommending bylaws, resolutions and other measures that, in the mayor's opinion, may assist the peace, order and good government of the municipality;
- communicate information to the council;
- preside at council meetings when in attendance;
- provide, on behalf of the council, general direction to municipal officers respecting implementation of municipal policies, programs and other directions of the council;
- establish standing committees in accordance with section 141;
- suspend municipal officers and employees in accordance with section 151;
- reflect the will of council and to carry out other duties on behalf of the council; and,
- carry out other duties assigned by or under this or any other Act.

Section 47(2) of the
*Local Elections Campaign
Financing Act*

Section 116 of the
Community Charter

Sections 114-121 of the
Community Charter

money

Includes cash, a negotiable instrument (cheque, money order or traveller's cheque), a payment by credit card, and any form of electronic payment or funds transfer.

municipal council

The governing body of a municipality composed of a mayor and several councillors. A municipal council has between five and eleven members – the number of councillors depends on the population of the municipality. All municipal council members are elected during a general local election unless elected at a by-election held to fill a council vacancy.

The municipal council is a decision-making body and is responsible for setting the strategic policies and priorities for the local government – municipal councils do not implement policies and decisions.

municipal director

A council member appointed to the regional district board from a municipality within the regional district jurisdiction. A municipal director may be a mayor or councillor. The municipal director serves on the regional district board until the municipal council appoints a replacement or until they cease to be a council member.

municipality

A local government area represented by a mayor and councillors elected to serve on a municipal council. A municipality provides services within a defined geographic area.

Sections 7-32 of the
Local Government Act

non-resident property elector

An individual that does not live in a jurisdiction and who is entitled to vote in an election by virtue of owning property in that jurisdiction. On voting day, a non-resident property elector must:

- be a Canadian citizen;
- be at least 18 years of age;
- have lived in British Columbia for at least six months;
- have owned the property in the jurisdiction for at least 30 days; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Section 51 of the
Local Government Act

Section 24 of the
Vancouver Charter

park board

A board of commissioners having responsibility for the governance of a public park system and its attendant services, such as recreational operations.

Commissioners are elected to a four-year term during a general local election.

Sections 485-497 of the
Vancouver Charter
Sections 3, 7 and 14 of the
Cuitus Lake Park Act

park board commissioners

See entry for "park board".

referenda

See entry for "assent voting".

regional district

A local government area represented by elected and/or appointed representatives serving on a regional district board. A regional district provides local government services within a defined geographic area which may consist of municipalities and/or unincorporated electoral areas.

regional district board

The regional district governing body composed of electoral areas (see “electoral area director”) elected representatives and appointed representatives from the municipal councils within the regional district.

resident elector

An individual qualified to vote in an election by virtue of living in the jurisdiction.

On voting day, a resident elector must:

- be a Canadian citizen;
- be at least 18 years of age;
- have lived in British Columbia for at least six months before registering to vote;
- have lived in the jurisdiction for at least 30 days before registering to vote; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

responsible principal official

An individual appointed by an elector organization or third party sponsor who may represent the organization as needed. Each elector organization or third party sponsor that is an organization must have appointed at least two individuals who have consented to be the responsible principal officials.

school board

See entry for “board of education”.

school trustee

A member of the board of education for a school district.

scrutineer

An individual appointed in writing by a candidate (and/or their official agent) who may observe voter registration, voting procedures and the ballot-counting process at voting places during advance, special and general voting opportunities.

solemn declaration

A written oath or solemn affirmation of a signed statement witnessed by the local Chief Election Officer or their delegates, or a Commissioner for Taking Affidavits for B.C. (e.g. lawyer or notary public).

Sections 173-174 of the
Local Government Act

Section 50 of the
Local Government Act

Section 23 of the
Vancouver Charter

Sections 21 and 40 of the
*Local Elections Campaign
Financing Act*

Section 1 of the *School Act*

Section 97 of the
*Local Elections Campaign
Financing Act*

Section 32 of the
*Local Elections Campaign
Financing Act*

sponsorship contribution

The amount of any money or the value of any non-monetary property or services provided without compensation to an individual or organization to be used to sponsor third party advertising.

Section 44 of the
*Local Elections Campaign
Financing Act*

sponsorship information

Identifies the required information about election advertising sponsors, including:

- the name of the financial agent or third party sponsor;
- a B.C. telephone number or B.C. mailing address or email address for the financial agent or third party sponsor;
- authorization from the financial agent or third party sponsor; and,
- an indication of whether the sponsor is registered as a third party sponsor.

Section 54 of the
*Local Elections Campaign
Financing Act*

supplementary report

A report that updates Elections BC as to any changed, added or corrected information to the disclosure statement originally submitted by a candidate, elector organization or third party sponsor. The report must include a description of the circumstances leading to the supplementary report being submitted.

Section 11 of the
*Local Elections Campaign
Financing Act*

third party advertising

Election advertising that is not sponsored by a candidate or an elector organization as part of their election campaign. Third party advertising generally promotes or opposes a candidate, elector organization or point of view during a local government election.

Sections 37-41 of the
*Local Elections Campaign
Financing Act*

third party sponsor

An individual or organization that undertakes, or intends to undertake, third party advertising independently from a candidate or elector organization election campaign. Third party sponsors are subject to registration and campaign financing disclosure requirements under the *Local Elections Campaign Financing Act*.

volunteer

An individual who provides services, such as canvassing, preparing and distributing flyers, calling eligible voters, handling logistics and taking on other election campaign-related activities. A volunteer must not receive any payment or remuneration.

Appendix A: Local Election Partner Roles and Responsibilities

LOCAL ELECTION PARTNER ROLES AND RESPONSIBILITIES	
WHO	ROLES / RESPONSIBILITIES
Local Chief Election Officers	Provide nomination and endorsement documents, and receive nomination, endorsement and candidate and elector organization representative documents
	Collect nomination deposits (if applicable)
	Oversee all local election administration activities (e.g. declare candidates, set up voting opportunities, count votes, declare the election results)
Elections BC	Provide local elections campaign financing education guides, an online website and presentations to local government staff, candidates, other election participants and the public
	Provide information and support by telephone and email to candidates, elector organizations, local government staff, other election participants and the public about the campaign financing and election advertising process
	Receive nomination and candidate representative documents from local governments
	Receive updates to information in nomination and candidate representative documents
	Register third party sponsors
	Investigate non-compliant election advertising
	Enforce election advertising and third party advertising rules
	Review disclosure and supplementary reports
	Collect \$500 late filing fee
	Investigate local election campaign financing irregularities
	Enforce local election campaign financing rules
	Maintain disqualification lists
Ministry of Community, Sport and Cultural Development	Provide election education guides, a webinar and presentations to candidates, elector organizations, local government staff, other election participants and the public
	Provide information and support by telephone or email to candidates, local government staff, other election participants and the public about local government election administration

Appendix A: Local Election Partner Roles and Responsibilities

LOCAL ELECTION PARTNER ROLES AND RESPONSIBILITIES	
WHO	ROLES / RESPONSIBILITIES
Local Government Management Association	Provide election education manuals and workshops to local government election officials
	Provide information and support by telephone and email to local government election officials about local government election administration
Union of British Columbia Municipalities	Develop election educational material for local government elected officials
Ministry of Education	Provide board of education trustee manual to candidates, school district administrators, local government staff and the public
	Provide information and support by telephone and email to candidates, school district administrators, local government staff and the public about local elections legislation
BC School Trustees Association	Produce and distribute election educational material about trustees and boards of education roles

Appendix B: Key Election Dates

KEY ELECTION DATES	
ACTION OR DEADLINE	DATE
Campaign Period Begins	January 1, 2014
Nomination Period Begins	September 30, 2014
Election Proceedings Period Begins	September 30, 2014
Nomination Period Ends	October 10, 2014
Declaration of Candidates	October 10, 2014
Nomination Challenge Deadline	October 14, 2014
Nomination Documents Originals to local Chief Election Officer Deadline	October 17, 2014
Candidate Nomination Withdrawal Deadline	October 17, 2014
Advance Voting Day	November 5, 2014
General Voting Day	November 15, 2014
Campaign Period Ends	November 15, 2014
Election Proceedings Period Ends	November 15, 2014
Declaration of Official Election Results	November 19, 2014
Judicial Recount Application Deadline	November 24, 2014
Judicial Recount Completion Deadline	November 28, 2014
Oath or Affirmation of Office Deadline	January 5, 2015
Disclosure Statements Filing Deadline	February 13, 2015
Disclosure Statements Late Filing Deadline	March 16, 2015

Appendix C: Elections BC and Local Chief Election Officer Questions and Answers

ELECTIONS BC AND LOCAL CHIEF ELECTION OFFICER QUESTIONS AND ANSWERS	
QUESTION	ANSWER
Who do I get a nomination package from?	local Chief Election Officer
Who do I give my completed nomination package to?	local Chief Election Officer
Who do I pay my nomination deposit to?	local Chief Election Officer
Who do I make my solemn declaration to?	local Chief Election Officer
Who declares candidates?	local Chief Election Officer
Who oversees the administration of elections (e.g. designing ballots, setting up voting opportunities, counting votes)?	local Chief Election Officer
Who declares the election results?	local Chief Election Officer
Who do I contact for information about campaign financing?	Elections BC
Who do I contact for information about election advertising?	Elections BC
Who do I register with as a third party sponsor?	Elections BC
Who do I send nomination document updates to?	Elections BC
Who do I file disclosure statements and supplementary reports with?	Elections BC
Who do I pay the \$500 late filing fee to?	Elections BC
Who maintains the disqualification lists?	Elections BC
Who do I submit prohibited contributions to?	Elections BC
Who addresses instances of non-compliant advertising?	Elections BC and/or local Chief Election Officer

Elections BC

Contact Elections BC for answers to questions about local elections campaign financing and election advertising requirements

Elections BC

In Victoria call 250 387-5305

Elsewhere in B.C. call 1 855 952-0280

Email address: electoral.finance@elections.bc.ca

www.elections.bc.ca

Municipal and Regional District Information

Contact CivicInfoBC for local government election statistics and results and local government mailing addresses, telephone numbers, email addresses and websites.

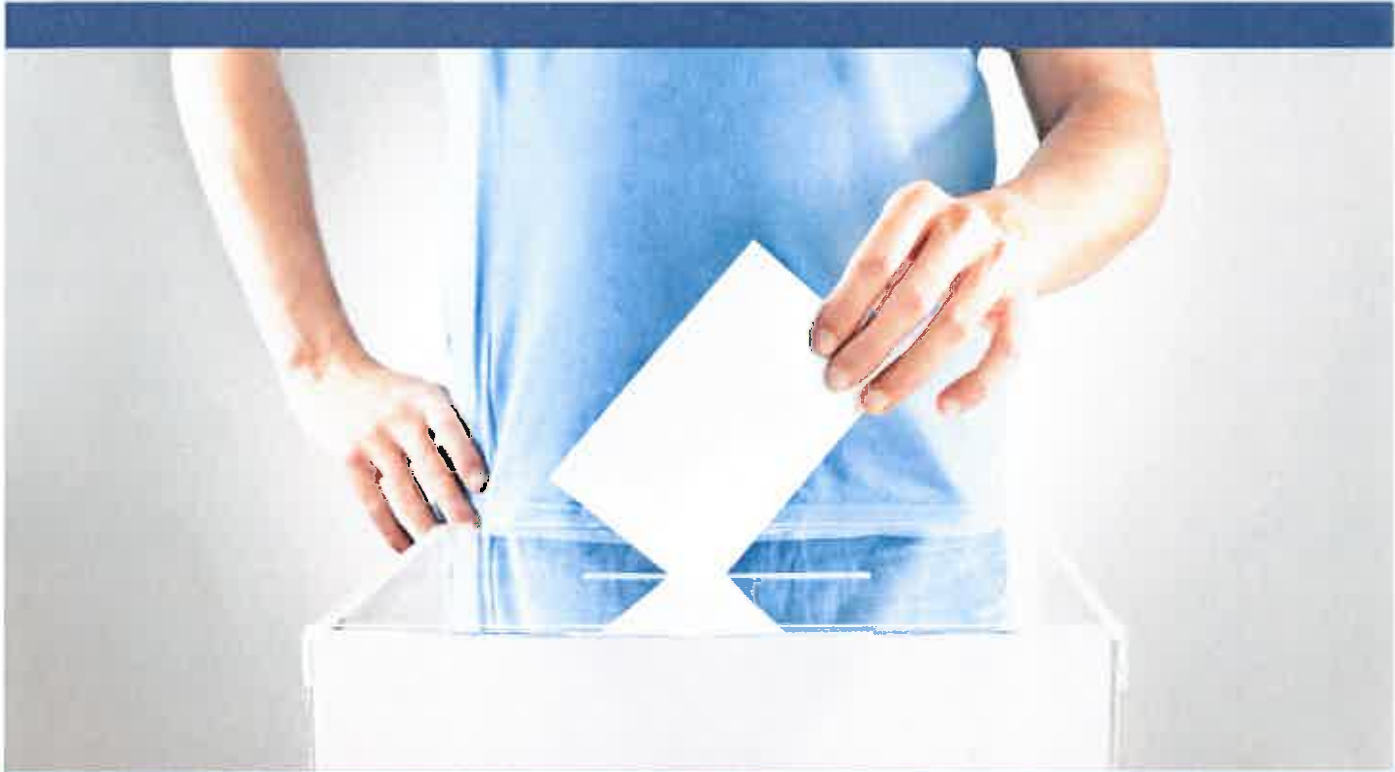
CivicInfoBC

Phone 250 383-4898

Email address: info@civicinfo.bc.ca

www.civicinfo.bc.ca/11.asp





ELECTOR ORGANIZATION GUIDE

TO LOCAL GOVERNMENT ELECTIONS IN B.C.

2014



Library and Archives Canada Cataloguing in Publication

Elector organization guide to local government elections in B.C.

ISBN 978-0-7726-6033-6

1. Campaign management--British Columbia--Handbooks, manuals, etc.
2. Political campaigns--British Columbia--Handbooks, manuals, etc. 3. Elections
--British Columbia--Handbooks, manuals, etc. I. British Columbia. Ministry of
Community, Sport and Cultural Development

JF2112.C3E43 2008

324.709711

C2008-905523-3

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Key Contacts

Ministry of Community, Sport and Cultural Development

Contact the Ministry of Community, Sport and Cultural Development (Ministry) for answers to questions about the material contained in this guide. Ministry staff can also provide additional information about local elections administration in British Columbia.

Ministry of Community, Sport and Cultural Development

Governance and Structure Branch

PO Box 9839 Stn. Prov. Govt.

Victoria, BC V8W 9T1

Phone: 250 387-4020

Website: www.cscd.gov.bc.ca/lgd/contacts/department.htm

Elections BC

Contact Elections BC for answers to questions about local elections campaign financing and election advertising requirements.

Elections BC

In Victoria call: 250 387-5305

Elsewhere in B.C. call: 1 855 952-0280

Email address: electoral.finance@elections.bc.ca

Website: www.elections.bc.ca

Ministry of Education

Contact the Ministry of Education for answers to questions about school trustee elections and the *School Act*.

Ministry of Education

Knowledge Management and Accountability Division

PO Box 9146 Stn. Prov. Govt.

Victoria, BC V8W 9H1

Phone: 250 356-1404

Email address: EDUC.Governance.Legislation@gov.bc.ca

Website: www.bced.gov.bc.ca/legislation/trustee_election/welcome.htm

Enquiry BC

Contact Enquiry BC for answers to questions about Provincial Government programs and services.

Enquiry BC

In Victoria call: 250 387-6121

In Vancouver call: 604 660-2421

Elsewhere in B.C. call: 1 800 663-7867

Outside B.C.: 604 660-2421

Email address: EnquiryBC@gov.bc.ca

Website: extranet.gov.bc.ca/forms/gov/contact/index.html

Municipal and Regional District Information

Contact CivicInfoBC for local government election statistics and results and local government mailing addresses, telephone numbers, email addresses and websites.

CivicInfoBC

Phone: 250 383-4898

Email address: info@civicinfo.bc.ca

Website: www.civicinfo.bc.ca/11.asp

Other Resources

BC Laws

BC Laws provides free public online access to the current laws of British Columbia. This unofficial current consolidation of B.C. Statutes and Regulations is updated continually as new and amended laws come into force.

Electronic versions of the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* are available online at: www.bclaws.ca

NOTE: The Province of British Columbia does not warrant the accuracy or the completeness of the electronic version of the B.C. Statutes and Regulations available online at BC Laws.

Elections Legislation

Printed versions of local government elections legislation including the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* are available at public libraries in communities throughout British Columbia. Printed versions of the legislation are also available from Crown Publications, Queens Printer for British Columbia at:

Crown Publications Inc.

563 Superior Street

Victoria, BC V8V 1T7

Phone: 250 387-6409

Fax: 250 387-1120

Toll Free: 1 800 663-6105

E-mail address: crownpub@gov.bc.ca

Website: www.crownpub.bc.ca/default.aspx

Educational Materials

The Ministry of Community, Sport and Cultural Development, Elections BC, Union of B.C. Municipalities, Local Government Management Association, Ministry of Education, Ministry of Justice, and the BC School Trustees Association collaborated to produce educational materials and guides for the 2014 general local election.

The Ministry of Community, Sport and Cultural Development's educational materials are available online at: www.cscd.gov.bc.ca/lgd/elections_home.htm

- Candidate's Guide to Local Government Elections in B.C.
- Guide to Supporting a Candidate for Local Government Elections in B.C.
- Local Elections in British Columbia: What Every Candidate Needs to Know
- Voter's Guide to Local Elections in B.C.

Elector organizations running campaigns in elections conducted by the City of Vancouver must refer to the *Vancouver Charter* and its regulations for specific provisions related to City of Vancouver elections.

Educational materials developed by Elections BC are available online at: www.elections.bc.ca

- Guide to Local Elections Campaign Financing in B.C.
- Third Party Sponsor Guide to Local Elections in B.C.

Educational materials developed by the Ministry of Education are available online at: www.bced.gov.bc.ca/legislation/trustee_election

- School Trustee Election Procedures in British Columbia

Educational materials developed by the BC School Trustees Association are available online at: www.bcsta.org

Disclaimer

The information contained in the *Elector Organization Guide to Local Government Elections in B.C.* (guide) is provided as general reference and while all attempts have been made to ensure the accuracy of the material – the guide is not a substitute for provincial legislation.

Please refer directly to the latest consolidation of provincial statutes at BC Laws (www.bclaws.ca) for specific election-related provisions and requirements within the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act*.

NOTE: The *Elector Organization Guide to Local Government Elections in B.C.* was prepared to help elector organizations understand the electoral process and legislation regarding local government elections in British Columbia. Each elector organization must refer to the *Local Government Act* and its regulations, the *Local Elections Campaign Financing Act* and its regulations, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* for specific provisions related to local government elections.

Terms in **boldface** font are further explained in the Glossary.

New Elections Legislation – Shared Roles and Responsibilities

The *Local Elections Campaign Financing Act* – enacted in 2014 – was created to enhance campaign financing rules and ensure greater accountability and transparency in local elections. The *Local Elections Campaign Financing Act* separates the rules that regulate election advertising and campaign financing disclosure from the more procedural rules that apply generally to local elections administration.

Elections BC is a non-partisan and independent Office of the Legislature that oversees campaign financing and election advertising in local elections under the *Local Elections Campaign Financing Act*.

Elections BC is responsible for managing campaign financing disclosure requirements, investigations, and enforcing the campaign financing and **third party advertising** provisions set out in the *Local Elections Campaign Financing Act*. Elections BC's role also extends to **by-elections** and **assent voting** (referenda) held by local election authorities outside of the **general local election** cycle.

The Ministry of Community, Sport and Cultural Development, Local Government Management Association, Union of British Columbia Municipalities, Ministry of Education, Ministry of Justice, the BC School Trustees Association and Elections BC have developed educational materials related to local elections.

Elections BC provides information and advice about election advertising, campaign financing and **third party sponsors** and has developed educational materials on these topics.

Local **Chief Election Officers** appointed by local governments continue to be responsible for local government elections administration, including receiving nomination documents, declaring **candidates**, administering voting opportunities, counting ballots and declaring election results.

Local Chief Election Officers also work with Elections BC to monitor compliance with election advertising regulations, and may assist Elections BC to address incidents of non-compliance. In this way, the practical, on the ground presence and knowledge of local Chief Election Officers has been combined with the expertise of Elections BC to create an effective approach to local elections campaign financing and election advertising rules.

See Appendix A for more information about local election partner roles and responsibilities.

Elector organizations must be familiar with the *Local Elections Campaign Financing Act* and its requirements. The *Local Elections Campaign Financing Act* is available online at BC Laws (www.bclaws.ca) Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* and *Third Party Sponsor Guide to Local Elections in B.C.* for detailed information and instructions about the campaign financing disclosure process and requirements, and rules related to third party sponsors, available online at: www.elections.bc.ca

Introduction

The next general
local election is
November 15, 2014.

A separate guide for **school trustee** elections has been published by the Ministry of Education, available online at www.bced.gov.bc.ca/legislation/trustee_election

Local elections are the foundation of democratic local governments in British Columbia (B.C.).

Locally elected officials are charged with making decisions that affect the daily lives of citizens, families, and the business community – **municipal councils, regional district boards, boards of education, Islands Trust, local community commissions, park boards** and other local bodies influence jobs, create safe communities for British Columbians and shape the long-term vision for their community as a whole.

The local election process enables residents and property owners to determine the body of individuals who then make decisions and govern on their behalf following **general voting day**.

Local governments have roles that include:

- acting as a political forum through which citizens, families and business owners within the local community express their collective vision; and,
- providing services and programs to the community.

General local elections for **mayors, councillors, electoral area directors, school trustees, Islands Trust local trustees, local community commissioners** and **park board commissioners** in B.C. are held every four years.

Local governments hold **by-elections** to fill council and regional district board vacancies that occur between **general local elections**. Local governments also conduct **referenda** to obtain **elector** assent in order to carry out certain council and regional district board decisions (e.g. borrowing to construct a new library or recreation centre).

The *Elector Organization Guide to Local Government Elections in B.C.* (guide) provides those elector organizations operating election campaigns in support of **candidates** or points of view with comprehensive, detailed information about the local government election process. The guide is a companion to the *Candidate's Guide to Local Government Elections in B.C.*, available online at: www.cscd.gov.bc.ca/lgd/elections_home.htm

The guide provides: general information about local government elections in B.C.; background; the opportunities electors have to vote during a **local election**; the key participants in a local election (e.g. **elector organizations, third party sponsors, candidates and electors**); the key administrators in a local election (local government election officials and **Elections BC**); and, information about **elector organizations**, including membership requirements and appointed representatives.

The major elements of the election process – endorsing candidates, **election campaigns**; and, what happens on general voting day are also described in the guide.

The guide primarily focuses mainly on elector organizations that endorse candidates for **municipal councils** and **regional district boards**; however, the information in the guide is applicable to elector organizations that endorse candidates for **Islands Trust Council, local community commissions** and **park boards**.

Elections BC has published the *Guide to Local Elections Campaign Financing in B.C.* and the *Third Party Sponsor Guide to Local Elections in B.C.* that describe the campaign financing disclosure process and requirements, and rules related to third party sponsors, available online at: www.elections.bc.ca

Local Government Elections Generally

Local Government Act – sections 42, 50, 51, 73.3 and 94–100
Local Elections Campaign Financing Act – sections 17, 31–41 and 73–79

Each local government (**municipality** and **regional district**) is responsible for running its own **local election**. Local governments may also run school trustee elections on behalf of **boards of education**.

Municipal councils and **regional district boards** appoint a local **Chief Election Officer** to ensure the process is run in accordance with the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act*, the *Offence Act* and the local government **election bylaw**.

The elections legislation contains provisions that must be consistently applied to all local elections; however, the legislation is also flexible enough that local governments are able to make choices about how to conduct elections in a manner that suits local circumstances.

Voting Opportunities

General voting day is usually the most publicized or widely-known voting opportunity **resident** and **non-resident property electors** have to cast their ballot in a local election.

An **advance voting opportunity** must also be available whereby eligible electors may cast their ballot in a local election. There are two additional opportunities that may also be available: special voting; and, mail ballot voting.

Local governments have the authority to increase **elector** access to the voting process by holding additional voting opportunities for their citizens. Increasing the number of voting opportunities may positively impact voter turnout and increase overall access to, and the transparency of, the election process.

General Voting Day

General voting day is held every four years. General voting day is the primary opportunity for **candidates** seeking office as a **mayor, councillor, electoral area director, Islands Trust local trustee, local community commissioner** or **park board commissioner** to be elected to office by eligible electors. Voting places are open from 8 a.m. to 8 p.m. local time on general voting day.

Advance Voting

An **advance voting opportunity** must be held 10 days prior to general voting day. This required advance voting day allows eligible electors who may not otherwise be able to vote on general voting day to cast their ballots. Local governments with populations greater than 5,000 are required to hold at least two advance voting opportunities.

See *Appendix B* for other key election dates.

Special Voting

Special voting opportunities may be held in any location – inside or outside the local government boundary – to provide eligible electors who may not otherwise be able to attend a voting place an opportunity to cast their ballots during a local election.

The *Local Elections Campaign Financing Act* refers to local Chief Election Officers as “local election officers”. Local Chief Election Officers and local election officers perform the same role and function during a local government election.

General voting day for the 2014 general local election is **November 15**.

The required advance voting opportunity for the 2014 general local election is **November 5**.

Electors may not cast their ballot on the Internet or by telephone

Special voting opportunities are generally held in hospitals, long-term care facilities or other locations where electors' mobility may be impaired. Only designated **electors** are eligible to vote at special voting opportunities – for example, a local government may decide only patients and staff would be entitled to vote during a special voting opportunity held at a hospital.

Mail Ballot Voting

Mail ballot voting provides those electors unable to attend a special, advance or general voting opportunity the ability to vote in a local election. Generally, mail ballot voting is intended to allow **non-resident property electors**, seasonal residents, electors in geographically remote locations and electors whose mobility or health is compromised, an opportunity to cast their ballot in the election.

Key Participants

Electors, candidates, financial agents, **third party sponsors**, **elector organizations** and **volunteers** are the key participants in the local election process.

Electors

The right to vote in local elections is conferred on **resident electors** and **non-resident property electors**.

A resident elector must:

- be 18 years of age or older on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months before registering to vote;
- have been a resident of the **jurisdiction** in which they intend to vote for at least 30 days before registering to vote; and,
- not be disqualified under the *Local Government Act* or any other enactment from voting in a local election, or be otherwise disqualified by law.

A non-resident property elector must:

- be 18 years of age or older on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months before registering to vote;
- have owned property in the **jurisdiction** in which they intend to vote for at least 30 days before registering to vote; and,
- not be disqualified under the *Local Government Act* or any other enactment from voting in a local election, or be otherwise disqualified by law.

Candidates

A **candidate** is an individual seeking election as a **mayor**, **councillor**, **electoral area director**, **Islands Trust local trustee**, **local community commissioner** or **park board commissioner** within a **municipality**, **regional district** electoral area, Trust area, community commission area or park board jurisdiction that has been nominated by eligible electors and declared a candidate by the local **Chief Election Officer**.

Electors must have been a B.C. resident prior to **May 13, 2014** to register to vote on general voting day

Refer to the *Candidate's Guide to Local Government Elections in B.C.* for more information about candidates, available online at: www.cscd.gov.bc.ca/lgd/elections_home.htm

Financial Agents

A financial agent has a wide range of financial responsibilities during an election campaign, including: opening and depositing contributions to, and paying election-related expenses from, an elector organization's **campaign account**; recording campaign contributions and election expenses; and, filing the elector organization's disclosure statement following the election.

Every elector organization must appoint an individual to act as its financial agent; this individual may also be appointed financial agent for candidates endorsed by the elector organization. Financial agents are responsible for ensuring that all campaign financing recording and disclosure requirements are done in accordance with the *Local Elections Campaign Financing Act*.

Third Party Sponsors

A third party sponsor is an individual or organization that undertakes election advertising independent from an elector organization or candidate campaign. Third party sponsors are subject to registration and campaign financing disclosure requirements under the *Local Elections Campaign Financing Act*.

Refer to Elections BC's *Third Party Sponsor Guide to Local Elections in B.C.* for more information about registration and financial disclosure, available online at: www.elections.bc.ca

CAMPAIGN ORGANIZERS

Campaign organizers are no longer regulated under the *Local Government Act*.

Activities that were typically undertaken by **campaign organizers** under the previous campaign financing rules will likely be captured as **third party advertising** under the *Local Elections Campaign Financing Act*.

Individuals or organizations that were campaign organizers prior to the enactment of the *Local Elections Campaign Financing Act* are not permitted to receive **campaign contributions** or incur **election expenses** for the 2014 general local election.

However, those individuals and organizations are still required to file a **disclosure statement** with Elections BC detailing any contributions received or expenses incurred in relation to the 2014 general local election prior to the *Local Elections Campaign Financing Act* coming into force.

Campaign organizers that have failed to file a disclosure statement may have committed an offence and may be subject to campaign financing penalties.

Elector Organizations

Elector organizations promote a candidate, slate of candidates or a point of view during a local election in one or more jurisdictions. Elector organizations are occasionally referred to as "civic political parties".

Third party advertising is election advertising, other than election advertising undertaken by a candidate or elector organization as part of their election campaign. Third party advertising includes advertising for or against a candidate or elector organization and advertising on an issue with which a candidate or elector organization is associated, such as funding for a local recreation centre or preserving parkland.

Elector organizations have their name, abbreviation or acronym shown on the ballot beside their endorsed candidate's name and generally promote their endorsed candidate's or the organization's viewpoints during an election campaign.

Volunteers

Volunteers are individuals who provide services, such as preparing and distributing flyers, calling eligible voters, handling logistics and taking on other election campaign-related activities. Candidates, elector organizations and third party sponsors may enlist volunteer services. A volunteer must not receive any payment or remuneration.

Key Election Administrators

Local governments and **Elections BC** administer local elections in B.C.

Election Officials

Municipal councils and **regional district boards** appoint a local **Chief Election Officer** to administer local elections. The local Chief Election Officer may be a senior local government employee (e.g. **Corporate Officer**) or a private contractor hired to conduct the election on the local government's behalf.

The local Chief Election Officer must conduct the election in accordance with the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act*, the *Offence Act* and the local government **election bylaw**.

The local Chief Election Officer is also responsible for training the Deputy Chief Election Officer, Presiding Election Officials and any additional election officials required to conduct the local government election.

Elections BC

Elections BC is a non-partisan, independent Office of the Legislature that oversees campaign financing and election advertising in local elections under the *Local Elections Campaign Financing Act*.

Elections BC is responsible for managing campaign financing disclosure requirements, investigations, and enforcing the campaign financing, election advertising and third party sponsor provisions set out in the *Local Elections Campaign Financing Act*.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* and *Third Party Sponsor Guide to Local Elections in B.C.* for more information about campaign financing and third party sponsors, available online at: www.elections.bc.ca

B.C. CHIEF ELECTORAL OFFICER

The BC Chief Electoral Officer's role is different from the local Chief Election Officer's role. The **B.C. Chief Electoral Officer** is an independent officer of the Legislature who oversees provincial elections in B.C. The *Local Elections Campaign Financing Act* gives the B.C. Chief Electoral Officer the additional role of overseeing campaign financing and election advertising in local elections and ensuring compliance with the *Local Elections Campaign Financing Act*.

What are Election Campaigns?

An **election campaign** is a connected series of actions (e.g. advertising, meetings and speeches) designed to elect a **candidate** or a slate of candidates to a **municipal council** or **regional district board**.

Typically, an election campaign involves **elector organizations** and/or candidates communicating with the electorate, through:

- public appearances and speeches;
- advertisements on television, radio, the Internet, social media (e.g. Facebook, Twitter, YouTube), in newspapers and magazines;
- brochures, signs, posters, billboards;
- mail inserts and newsletters; and,
- bumper stickers, buttons and displays and/or exhibitions.

An election campaign may be undertaken by an elector organization or a candidate during a local election.

CAMPAIGN PERIOD AND ELECTION PROCEEDINGS PERIOD

The **campaign period** for a general local election begins at the start of the calendar year in which the general local election is held and ends at the close of voting on general voting day.

The **election proceedings period** runs from the 46th day before general voting day until the close of voting on general voting day.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* and *Third Party Sponsor Guide to Local Elections in B.C.* for more information about campaign period and election proceedings period requirements, available online at: www.elections.bc.ca

Electors Organization Campaigns

Electors organizations and candidates may form mutually beneficial partnerships in order to realize a similar intended outcome – the election of the candidates endorsed by the elector organization.

Electors organizations and candidates each direct their own separate election campaigns; however, an endorsed candidate may decide not to undertake election campaign activities and instead rely solely on the elector organization to undertake these activities in order to promote the candidate. In turn, the elector organization would have its name, abbreviation or acronym appear on the ballot beside the candidate's name.

The campaign period for the 2014 general local election begins on **January 1** and ends on **November 15**.

The election proceedings period for the 2014 general local election begins on **September 30** and ends on **November 15**.

Alternatively, a candidate and elector organization may agree to run complementary campaigns in which they both undertake election campaign activities designed to elect that candidate within a specific **jurisdiction**.

Candidate Campaigns

Candidates direct their own election campaigns during local elections. Candidates may retain an election campaign manager and campaign **volunteers** to prepare and distribute flyers, call eligible voters, handle logistics and take on other election campaign-related activities. Candidates have considerable flexibility in organizing their election campaigns, provided they avoid committing election and/or campaign financing offences.

Refer to the *Candidate's Guide to Local Government Elections in B.C.* for more information about candidates, available online at:

www.cscd.gov.bc.ca/lgd/elections_home.htm

Elector Organizations

Local Government Act – sections 73.3 – 73.7

Vancouver Charter – sections 45.3 – 45.7

Local Elections Campaign Financing Act – sections 19, 21 and 46

Elector organizations are formed to promote a **candidate**, slate of candidates or a point of view in a **local election** by endorsing candidates on the ballot and advertising for or in conjunction with candidates. Generally, elector organizations promote a slate of candidates or otherwise undertake **election campaigns** to elect multiple candidates in one or more jurisdictions. Elector organizations are occasionally referred to as “civic political parties”.

An elector organization must appoint **responsible principal officials** and file contact and other information with the local **Chief Election Officer**. An elector organization must also appoint a **financial agent** to ensure the financial aspects of the election campaign are run in accordance with the campaign financing requirements contained in the *Local Elections Campaign Financing Act*. Elector organizations are required to submit **elector organization disclosure statements** to Elections BC for each jurisdiction in which they endorsed candidates in a local election.

Membership

An elector organization must have 50 members who are eligible **electors** in the jurisdiction where the election is being held to qualify as an elector organization and endorse a candidate(s) on the ballot. The elector organization’s **authorized principal official** is required to swear a **solemn declaration** indicating that the organization has at least 50 members who are eligible electors at the time of **endorsement** in order to have its endorsement appear on a ballot.

An elector organization must collect sufficient information about its members in order to make a reasonable determination of which members are eligible electors in the jurisdiction where the election is being held. At a minimum this would include: the names and addresses of the members; and, for members who are **non-resident property electors**, the addresses of the property in relation to which they are eligible to vote.

An elector organization is subject to the *Personal Information Protection Act*. Under that Act, the elector organization must have established a policy regarding the use and disclosure of personal information and advise any prospective members about that policy prior to collecting their personal information.

An elector organization is not required to provide a membership list to the local Chief Election Officer upon making an endorsement, though it may be required to provide the list when a candidate’s nomination is challenged on the basis that the elector organization is not qualified to make a **ballot endorsement**.

Representatives

An elector organization must appoint at least two responsible principal officials and a financial agent – an individual can fill the role of both financial agent and responsible principal official. All representative appointments must be made in writing and must be submitted to the local Chief Election Officer before the nomination period ends.

Responsible Principal Officials

Elector organizations must appoint responsible principal officials as their representatives – they are often the organization's presidents or chief officers. Each elector organization must have at least two responsible principal officials, and one of these officials must be designated to act as the **authorized principal official**.

The authorized principal official is the individual who must sign key documents for the elector organization and make solemn declarations, such as appointing a financial agent and making candidate endorsements, on the elector organization's behalf. The authorized principal official is also responsible for retaining **campaign financing records**.

Responsible principal officials, including authorized principal officials, can be held legally responsible and liable for the elector organization's actions. These officials' responsibility continues after the local election, whether the elector organization continues to exist or not. Responsible principal officials must provide updated contact and representative information to Elections BC and they must ensure that the elector organization's financial agent has filed a disclosure statement even when the elector organization ceases to operate after the election.

Specific information about the responsible principal officials must be submitted to the local Chief Election Officer. This information must be made in writing and include the:

- person's full name;
- contact information, including mailing address, **address for service**; and,
- person's signed consent to act as responsible principal official.

The elector organization's **authorized principle official** must provide the local Chief Election Officer with a telephone number or an email address (if available) where they can be reached in addition to information they are already required to provide as a responsible principle official.

Financial Agent

Every elector organization must appoint a financial agent. The financial agent is legally responsible for ensuring that the financial aspects of the elector organization election campaign(s) comply with the *Local Elections Campaign Financing Act's* requirements. A financial agent must be appointed before any campaign-related transactions occur.

An elector organization's financial agent has a wide range of financial responsibilities during an election campaign – such as opening a **campaign account** at a savings institution; depositing all election campaign contributions, transfers and payments received into the campaign account; and, paying all campaign-related expenses from the campaign account. There are many other requirements under the *Local Elections Campaign Financing Act* that financial agents must be aware of and follow.

An elector organization must only have one financial agent at a time – however, an individual may be the financial agent for more than one election campaign during a local election. The financial agent for an elector organization may also be appointed as the financial agent for all candidates endorsed by the organization. The financial agent may also act on behalf of more than one elector organization.

The financial agent must understand the scope of their responsibilities – failure to comply with the *Local Elections Campaign Financing Act's* rules may result in a penalty of up to \$20,000 for the elector organization or a penalty of up to \$10,000 and/or imprisonment for up to two years for the financial agent and/or responsible principal officials.

The elector organization's financial agent appointment must be made in writing and include the:

- person's full name;
- effective date of the appointment;
- **address for service**, telephone number and email address (if available) for the person appointed; and,
- person's signed consent to act as the financial agent.

The appointment must be signed by the elector organization's authorized principal official and submitted to the local Chief Election Officer before the nomination period ends. The financial agent appointment information is forwarded by the local Chief Election Officer to Elections BC as soon as possible after the information is received.

Financial agent appointment information is required by Elections BC in order to send campaign financing disclosure forms and campaign financing educational materials to the financial agent. Any changes to the financial agent appointment information that take place after the election results have been declared must be sent directly to Elections BC.

Refer to Election's BC's *Guide to Local Elections Campaign Financing in B.C.* for detailed information regarding the campaign financing disclosure process, available online at: www.elections.bc.ca

Scrutineers

Elector organizations do not have official standing in a voting place and are not entitled to appoint **scrutineers**.

Structure

Elector organizations tend to have a somewhat formalized structure because of the 50 elector membership requirement and also because the organization has the ability to endorse a candidate(s) on the ballot.

An elector organization may adopt any decision-making model or organizational structure that provides a basis upon which the members collectively agree how candidate(s) will be endorsed.

Key Campaign Activities

Key campaign activities may include a planned set of actions, events or initiatives (e.g. canvassing, telephone banks, events and advertising) designed to promote a candidate or a slate of candidates and communicate their election platform and the elector organization's point of view on various matters to the electorate during an election campaign.

Campaign activities usually trigger campaign financing disclosure rules and elector organizations must ensure they are aware of and follow the rules. An elector organization that has failed to follow campaign financing requirements may have committed an offence and both it and its financial agent and responsible principal officials may be subject to penalties.

Refer to Election's BC's *Guide to Local Elections Campaign Financing in B.C.* for detailed information regarding the campaign financing disclosure process, available online at: www.elections.bc.ca

Canvassing

Elector organizations and their **volunteers** may canvass door-to-door throughout the community in order to raise awareness about the elector organization or the candidate(s) it has endorsed and their election platform, identify which issues are important to electors and determine elector support for a given candidate.

Telephone Banks

Elector organizations may establish telephone banks as one aspect of their election campaign(s). Campaign volunteers may use the telephone bank to contact eligible **electors** to raise awareness about the elector organization or the candidate(s) it has endorsed, determine the level of support for their endorsed candidate(s) and identify which issues are important to electors.

Telephone banks may also be used by elector organizations during advance and general voting opportunities to contact and remind eligible electors to “get out and vote”.

Events

Elector organizations may hold “meet and greet” events (e.g. luncheons or fundraising dinners) where the electorate can listen to an endorsed candidate’s platform or position on specific issues and ask questions. Local governments, community groups and local media often provide opportunities for candidates to communicate their platform or position on specific issues to the electorate at “all-candidate” forums. Local governments are not obligated to organize, supervise or inform elector organizations of these events.

Advertising

Advertising is a key component of most local election campaigns. Elector organizations, candidates and **third party sponsors** may use print, radio, television, the Internet and/or social media (e.g. Facebook, Twitter, YouTube) advertising to promote or oppose elector organizations, candidates or points of view during an election campaign.

Generally, candidates, elector organizations and third party sponsors must not sponsor (or agree to sponsor) or transmit election advertising on general voting day. Exceptions to this rule include:

- advertising on the Internet, as long as the advertising was transmitted to the public before general voting day and was not changed before being transmitted on general voting day;
- advertising by means of signs, posters, or banners; and,
- distributing pamphlets.

Election advertising and campaigning of any sort is prohibited within 100 metres of a voting place. This includes displaying signs, posters, flyers, bumper stickers on vehicles parked outside the voting place, badges worn by supporters, canvassing or soliciting votes, or otherwise trying to influence electors to vote for a particular candidate endorsed by an elector organization.

There are legislated election advertising requirements during the **election proceedings period** with which elector organizations must comply or be subject to election and/or campaign financing penalties.

Refer to Elections BC’s *Guide to Local Elections Campaign Financing in B.C.* for more information about election advertising, available online at: www.elections.bc.ca

It is an election offense to transmit election advertising on general voting day

The election proceedings period for the 2014 general local election begins on **September 30** and ends on **November 15**

Signs

Signs play a significant role in election advertising. Elector organizations may display signs in windows, on lawns, or post signs in other public places throughout the jurisdiction for the candidates they have endorsed.

Local governments have the authority to regulate the size, placement, maintenance and removal of signs and other forms of public advertising – the rules may be quite different between local governments.

The Ministry of Transportation and Infrastructure regulates sign placement along Provincial highways, medians, bridges and along major roadways. Contact the local government or local Ministry of Transportation and Infrastructure office before placing election campaign signs on medians, bridges or along major roads.

Sponsorship Information

Election advertising (signs, billboards, print ads, radio and television spots, Internet sites, Facebook pages, Twitter pages and YouTube pages and videos) must include information about who sponsored the advertisement during the **election proceedings period**. Generally, the election advertising sponsor is the person or organization that *paid* for the advertising or that is *liable* to pay for the advertising.

Election advertising sponsored by an elector organization must include the financial agent's name and a B.C. telephone number or a B.C. mailing address or email address at which the financial agent can be reached. Each advertisement must also include a statement confirming that the advertisement was authorized by the elector organization's financial agent.

Third Party Advertising

Third party advertising undertaken by **third party sponsors** is election advertising, other than election advertising undertaken by an elector organization or candidate as part of their election campaign.

Third party advertising includes advertising for or against an elector organization or a candidate and advertising on an issue with which an elector organization or a candidate is associated – such as funding for a local recreation centre or preserving parkland.

There are two types of third party advertising: **directed advertising**; and, **issue advertising**.

Advertising that is specifically related to an elector organization or a candidate and names the elector organization and includes the elector organization's logo or likeness of logo is considered directed advertising.

Advertising about a public policy issue, such as preserving parkland or building a new recreation centre, is considered issue advertising.

Independence

Elector organizations and elector organization election campaigns *must* be independent from third party advertising undertaken by a third party sponsor. Elector organizations and third party sponsors *must not* coordinate their advertising.

Registration

Third party sponsors are required to register with Elections BC before undertaking election advertising.

Sponsorship information

must be included on election advertising during the election proceedings period

A **third party sponsor** is an individual or organization that conducts election advertising independent from a candidate or elector organization campaign

The nomination period for the 2014 general local election begins at 9 a.m. local time on **September 30** and ends at 4 p.m. local time on **October 10** when candidates are declared.

Recording and Disclosing

Sponsorship contributions and information about sponsored third party advertising must be recorded and disclosed by third party sponsors. Third party sponsors are required to file a disclosure statement with Elections BC within 90 days following **general voting day**.

There is a 30 day late filing period for third party sponsors that did not file a disclosure statement within 90 days following general voting day. Third party sponsors are required to pay a \$500 late filing fee to Elections BC when they file during the 30 day late filing period.

Offences and Penalties

The *Local Elections Campaign Financing Act* sets out campaign financing offences for third party sponsors. Examples of offences include failure to register as a third party sponsor, failure to include **sponsorship information** on third party advertising and failure to file a third party sponsor disclosure statement.

Penalties including fines of up to \$10,000 and/or imprisonment for up to two years for individuals or fines of up to \$20,000 for organizations may be imposed on a third party sponsor for contravening the campaign financing provisions in the *Local Elections Campaign Financing Act*.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* and *Third Party Sponsor Guide to Local Elections in B.C.* for more information about campaign financing offences and penalties and third party sponsors, available online at: www.elections.bc.ca

Candidate Endorsement

Ballot Endorsements

A key part of an elector organization campaign is the **ballot endorsement** – only elector organizations can endorse a candidate(s) on the ballot.

Elector organizations and candidates may form mutually beneficial partnerships in order to realize a similar intended outcome – the election of the candidates supported by the elector organization. Elector organizations and candidates each direct their own separate election campaigns; however, an endorsed candidate may decide not to undertake election campaign activities and instead rely solely on the elector organization to undertake these activities in order to promote the candidate. In turn the elector organization would have its name, abbreviation or acronym appear on the ballot beside the candidate's name.

Alternatively, a candidate and elector organization may agree to run complementary campaigns in which they both undertake election campaign activities designed to elect that candidate within a specific **jurisdiction**.

There are no specific rules related to how an elector organization decides which candidate(s) to endorse – or who may be involved in planning campaign activities; however, there are specific rules about how the ballot endorsement is made. The ballot endorsement must be mutually agreed to by both the elector organization and the candidate.

Endorsement documents must be submitted to the local Chief Election Officer before the end of the nomination period.

The only visible indication of elector organization support for a candidate that is permitted within a voting place is an elector organization ballot endorsement – when the elector organization's name, abbreviation or acronym is noted beside the endorsed candidate's name on the ballot.

Choosing a Ballot Endorsement Mark

The *Local Government Act* and *Vancouver Charter* do not permit the ballot to show any indication of a candidate's current or prior experience as an elected official, their occupation or titles, honours, degrees or decorations received or held. This restriction extends to information contained in the elector organization's endorsement mark.

An elector organization may use the same endorsement mark from one election to the next; however, a new elector organization must choose a mark that cannot be confused with the name, abbreviation or acronym of another elector organization whose candidate endorsement appeared on a ballot in a previous election or will appear in the upcoming election.

It is at the local Chief Election Officer's discretion to accept or refuse an endorsement mark. The local Chief Election Officer is prohibited from allowing additional candidate information or endorsement marks from appearing on the ballot that may be confusing to the electors.

Choosing Candidates

The process an elector organization uses to select a candidate may be unique to that organization. Factors such as the organization's history, its central objectives or its guiding principles may influence which like-minded candidate(s) are endorsed by the elector organization.

Making an Endorsement

In order to make an **endorsement**, an elector organization must submit endorsement documents in writing to the local Chief Election Officer and must include the following, the:

- elector organization's legal, full, and/or usual name, and any abbreviations, acronyms and other names used by the organization;
- elector organization's name, abbreviation or acronym as it will appear on the ballot;
- elector organization's contact information; and,
- full name of the candidate(s) endorsed by the elector organization and the candidate's consent to the endorsement.

In addition, the elector organization must submit contact information for the:

- elector organization's **financial agent**;
- elector organization's **responsible principal officials**, including the **authorized principal official**; and,
- candidate(s) it has endorsed.

The elector organization's authorized principal official must make a **solemn declaration** in order to endorse a candidate(s). The solemn declaration attests that the elector organization:

- is not disqualified from endorsing a candidate;
- has at least 50 members who are eligible electors of the jurisdiction where the election is being held at the time the endorsement is made;
- is aware of and understands the *Local Elections Campaign Financing Act* and intends to comply with its restrictions and requirements; and,
- has authorized the official to make declarations on its behalf.

Any changes to the endorsement information that take place after general voting day must be sent directly to Elections BC.

The elector organization's authorized principal official may make the required solemn declaration in advance before a judge, justice of the peace, Commissioner for Taking Affidavits for B.C. (e.g. lawyer, notary public) or make it before the local Chief Election Officer when the endorsement documents are submitted to the local Chief Election Officer.

Completed endorsement documents must be submitted to the local Chief Election Officer before the nomination period ends.

Standardized endorsement forms are available from local governments across B.C.

Consent

The endorsed candidate's consent is required before the local Chief Election Officer may place the endorsement mark on the ballot. An elector organization may endorse more than one candidate; however, a candidate may only be endorsed by one elector organization.

Each endorsed candidate is required to give their signed consent to the endorsement on the elector organization's endorsement documents. The endorsement documents submitted by the elector organization must be accompanied by the solemn declaration from the elector organization that the organization fulfils the requirements for endorsing a candidate.

Withdrawing an Endorsement

An elector organization or candidate may reconsider and withdraw an endorsement until 29 days before general voting day. An elector organization may withdraw a candidate endorsement by delivering to the local Chief Election Officer a written withdrawal signed by the authorized principal official. The written withdrawal must be accompanied by a solemn declaration made by the official that the elector organization has authorized the withdrawal.

A candidate may withdraw their consent to the elector organization's endorsement by delivering a signed withdrawal to the local Chief Election Officer.

Challenging a Ballot Endorsement

Endorsement documents are available for public inspection in local government offices during regular office hours from the time of delivery until 30 days after the election results have been declared. Local governments may, by bylaw, choose to make the documents available during all or part of this time period. They may also choose to make the documents available to the public via other means, including on the Internet.

A person who inspects or accesses endorsement documents must only use the information they contain for purposes related to:

- local government election activities;
- the conflict of interest provisions in the *Community Charter, Vancouver Charter, and/or School Act*;
- the disqualification provisions in the *Local Government Act, Local Elections Campaign Financing Act, Community Charter and/or Vancouver Charter*; and,
- provisions in the *Freedom of Information and Protection of Privacy Act*.

An eligible elector, another nominee for office or the local Chief Election Officer can challenge a candidate endorsement by an elector organization when they believe the endorsement documents are incorrect or the elector organization is not otherwise eligible to make a **ballot endorsement**. Endorsement challenges must be made through an application to the Provincial Court.

Electors organizations or candidates for the 2014 general local election may withdraw an endorsement until 4 p.m. local time on **October 17**.

Endorsement documents for the 2014 general local election are available for public inspection until **December 19** if the official election results were declared on November 19.

The local Chief Election Officer is obligated to challenge the elector organization named in the endorsement documents when the organization is identified on the list of organizations that are disqualified from endorsing a candidate for failure to file campaign financing disclosure statements or for providing false or misleading information on a disclosure statement in a previous election.

The Provincial Court accepts challenges to endorsements from the time the endorsement documents were submitted to the local Chief Election Officer (or their designate) until 4 p.m. local time on the fourth day after the nomination period ends. The application must briefly set out the facts upon which the challenge is based and be supported by an affidavit signed by the challenger. The Provincial Court is required to hear the challenge and make a ruling within 72 hours of the challenge period ending.

An elector organization whose endorsement has been challenged is entitled to immediate notification of the challenge. It must receive a copy of the challenge of endorsement application and the date and time of the Provincial Court hearing within 24 hours of the application being submitted to the Provincial Court. An elector organization is also entitled to an opportunity to prove its eligibility to endorse candidates. The Provincial Court decision on the challenge of endorsement is final and may not be appealed.

An elector organization and/or its appointed representative (e.g. responsible principal official or financial agent) convicted of vote-buying, intimidation, campaigning near a voting place on general voting day, providing or distributing false information, or conducting other activities contrary to the *Local Government Act* or *Vancouver Charter* may be subject to penalties.

Information about campaign financing offences and penalties under the *Local Elections Campaign Financing Act* can be found on page 26 of this guide.

Offences

Vote-buying

It is an election offence to offer incentives to vote or not to vote, or to vote for a particular candidate. Inducements can include offers of money, gifts, refreshments, entertainment, employment or any other benefit. It is also an offence to accept inducements to vote.

Vote-buying includes buying coffee for patrons or volunteering to drive an elector to a voting place in exchange for their vote. These activities are permitted as long as there is no obligation on the elector, whether overt or implied, to vote for certain candidates endorsed by an elector organization.

Intimidation

It is an election offence to intimidate an elector, by action or threat, to compel the elector to vote or to refrain from voting. It is also an election offence to punish a person for voting or refraining from voting generally, or for voting for a particular candidate(s) endorsed by an elector organization.

Campaigning near a voting place

It is an election offence to campaign and engage in other activities that show support for an elector organization or for one candidate over another, within 100 metres of a voting place on general voting day.

Providing or distributing false information

It is an election offence to falsely withdraw a candidate from an election, distribute a false statement that a candidate has withdrawn, falsely withdraw an elector organization's candidate endorsement, consent to nomination when ineligible to do so, provide false information or make false statements or declarations during local government elections.

Contravening voting provisions

It is an election offence to vote when not entitled to do so, vote more than once in an election, obtain a ballot in another person's name, interfere with the secrecy of the ballot, tamper with ballots or ballot boxes, or print, reproduce, give out or destroy ballots without authorization during local government elections.

Penalties

Vote-buying and/or intimidation can result in penalties including fines of up to \$10,000, imprisonment for up to two years and/or disqualification from holding elected office in a local government for up to seven years.

Individuals and/or elector organization representatives that campaign near a voting place, provide or distribute false information and/or contravene voting provisions

may be subject to penalties that include fines of up to \$5,000 and/or imprisonment for up to one year.

Election Officials' Authority

The local Chief Election Officer and Presiding Election Officials must maintain the integrity and secrecy of the voting process. The local Chief Election Officer and Presiding Election Officials may restrict or regulate the number of people admitted to a voting place and remove or cover election advertising within 100 metres of a voting place during voting proceedings.

Elections BC can delegate authority to local Chief Election Officers during the **election proceedings period** to enter onto property and remove, cover or destroy election advertising that contravenes the *Local Elections Campaign Financing Act*.

The local Chief Election Officer and Presiding Election Officials may require a person to show identification when they believe the person is at a voting place when not permitted to be present, disturbing the peace and order of voting, interfering with voting proceedings or contravening elections legislation. They may also order anyone engaged in these activities, including **scrutineers**, to leave a voting place and remove, or have a peace officer remove, the person.

Election officials also have the authority to challenge an elector's ability to vote on the basis that they are not entitled to vote or that they accepted an inducement to vote.

In extreme cases the local Chief Election Officer or Presiding Election Official may adjourn voting proceedings when they believe people's health or safety at the voting place or the integrity of the vote is at risk.

See Appendix A for information about local election partner roles and responsibilities. See Appendix C for questions and answers about the local Chief Election Officer's role and responsibilities.

Elections BC Officials' Authority

Elections BC administers, investigates and enforces campaign financing, **third party sponsor** and election advertising provisions under the *Local Elections Campaign Financing Act*.

Elections BC has the authority to conduct audits and investigations related to non-compliance with campaign financing and third party sponsor provisions. It can also delegate certain powers (e.g. removing non-compliant advertising) to other individuals, such as local Chief Election Officers to act on its behalf.

Elections BC works with local Chief Election Officers to determine the most effective approach to deal with non-compliant election advertising. When necessary, Elections BC can make applications to the Supreme Court to seek an injunction to require an organization or individual to comply with the *Local Elections Campaign Financing Act* or to prevent an individual or organization from contravening the *Local Elections Campaign Financing Act*.

Elections BC is responsible for reviewing elector organization, candidate and third party sponsor **disclosure statements** to ensure compliance with the *Local Elections Campaign Financing Act*. Elections BC also publishes campaign financing disclosure statements and the lists of disqualified elector organizations, candidates and third party sponsors online at www.elections.bc.ca

See Appendix A for information about local election partner roles and responsibilities. See Appendix C for questions and answers about Elections BC's role and responsibilities.

Voting places must be open from 8 a.m. to 8 p.m. local time on general voting day and the required advance voting opportunities

Ballot counting for the 2014 general local election begins after 8 p.m. local time on **November 15**.

Voting Times

Voting places must be open from 8 a.m. to 8 p.m. local time on **general voting day** and the required **advance voting opportunity** and another advance voting opportunity (date to be determined by the local government) for local governments with populations greater than 5,000. Local governments may set specific hours for any special voting opportunities or additional advance voting opportunities held during a local election.

All voting places must close by 8 p.m. local time on general voting day to ensure ballots are counted at the same time.

Counting Ballots

Ballot counting begins after voting places close at 8 p.m. local time.

Candidates are entitled to be present during the ballot count, and may assign one representative to each location where counting takes place. Candidates or candidate representatives (e.g. scrutineer or official agent) must raise their objection to a ballot's acceptance or rejection with the Presiding Election Official supervising the ballot counting process.

Objections to a ballot's acceptance or rejection must be raised while the ballot is being considered during the count. Objections to accept or reject a ballot and the Presiding Election Official's decision relative to the ballot in question are recorded and submitted with the ballot account for the voting place to the local **Chief Election Officer**. Elector organization representatives may not be present during the count, nor can they appoint scrutineers.

The Presiding Election Official's decision to reject or accept a ballot can only be overturned by the local Chief Election Officer – or by the Provincial Court following a judicial recount.

Ballot accounts, that outline individual voting place results and reconcile the number of ballots distributed with the number of ballots cast in the local government election, are prepared at each voting place. Ballots are then packaged and returned to the local Chief Election Officer at the local government office, where the official election results are then determined.

Each candidate is notified by the local Chief Election Officer as to the time and location for the final ballot count and when the official election results will be declared. The official election results may not necessarily be announced on general voting day.

Candidate Conduct

Candidates must not be present at a voting place during an advance or special voting opportunity or on general voting day except to cast their ballot. Candidates must not campaign within 100 metres of a voting place on general voting day – it is an election offence to do so. Candidates may wish to cast their ballot at an advance voting opportunity to avoid this situation.

Candidates are permitted to be present while ballots are being counted following the close of general voting. Candidates or candidate representatives (e.g. scrutineer or official agent) must not touch the ballots or ballot boxes or otherwise interfere with election officials during the counting process – except to object to a ballot's acceptance or rejection by an election official.

No one is permitted to enter or leave a voting place while the ballot count is in progress.

Scrutineer Conduct

Candidates (and/or their official agent) appoint scrutineers to observe the voting and ballot counting process at voting places during advance, special and general voting opportunities.

Scrutineers are not permitted to wear anything (e.g. shirt, cap, badge, button, pen or pin) that shows support for a particular candidate. Scrutineers must not interfere with the voting place routines and/or the election officials' duties. Scrutineers are not permitted to handle election documents.

Local governments and local Chief Election Officers have the authority to establish specific rules governing scrutineer conduct and responsibilities. Local governments may permit more than one scrutineer for each candidate to be present per ballot box at a voting place during voting proceedings.

Scrutineers and election officials generally only communicate during times when no voters are present at the voting place – unless the scrutineer has challenged a voter's eligibility to receive a ballot. A scrutineer may challenge a voter's right to receive a ballot based on their belief that the elector is not entitled to vote or has accepted an inducement to vote. Challenges to a voter's eligibility to receive a ballot must be raised before the ballot is issued to the elector.

Scrutineers may also challenge a ballot's acceptance or rejection during the ballot counting process. The objection must be made with the Presiding Election Official supervising the ballot counting process. Objections to a ballot's acceptance or rejection must be raised while the ballot is being considered during the count. Objections to the presiding election official's decision relative to the ballot in question are recorded and submitted with the ballot account for that voting place to the local Chief Election Officer.

Elector organizations are not entitled to appoint scrutineers independently from candidates.

After General Voting Day

Local Government Act – sections 134–147 and 210
Community Charter – sections 120 and 124
Vancouver Charter – sections 140 and 143

Official election results for the 2014 general local election must be declared by 4 p.m. local time on **November 19**.

The *Local Government Act* and *Vancouver Charter* provide for a number of legislated procedures (e.g. breaking tie votes, taking the oath of office) that *may* or *must* be completed following **general voting day**.

Announcing Results

The official election results may not necessarily be announced on general voting day – the local **Chief Election Officer** may announce preliminary results after concluding the ballot count on general voting day and announce the official results at a later date.

The official election results must be declared within four days after the close of voting on general voting day. The local Chief Election Officer must state the number of ballots cast in favour of each **candidate** for each position. Those candidates with the most votes would then be declared elected.

Judicial Recount

An eligible elector, candidate, candidate representative (e.g. scrutineer or official agent) or the local Chief Election Officer, may apply to the Provincial Court for a judicial recount. An application for a judicial recount can only proceed on the basis that the:

- ballots were incorrectly accepted or rejected;
- ballot account does not accurately record the number of valid votes for a candidate;
- final determination of results did not correctly calculate the total number of valid votes for a candidate; or,
- same number of votes was received by two or more candidates.

The period to apply for a judicial recount begins as soon as the official election results have been declared and ends nine days after the close of general voting.

The applicant must notify candidates and the local Chief Election Officer about the judicial recount application. The applicant, the local Chief Election Officer, candidates and their official agents and legal counsel are entitled to be present during a judicial recount. The Provincial Court has the authority to determine any other people permitted to attend the recount.

Judicial recounts are based on the ballots and ballot boxes used in the local government election. The Provincial Court declares the election results at the completion of the ballot recount.

A tie between two or more candidates must be broken in accordance with the *Local Government Act* or *Vancouver Charter* and the local government **election bylaw**. The judicial recount must be completed within 13 days after the close of general voting.

The period to apply for a judicial recount for the 2014 general local election ends on **November 24**.

A judicial recount for a 2014 general local election must be completed by **November 28**.

Breaking Ties

There are **two** methods for breaking ties in a local election in which two or more candidates have an equal number of votes – drawing by lot (a random draw) or by runoff election.

A local government must have passed an **election bylaw** that specifies that drawing by lot will be used as the method for breaking a tie when there is a tie between candidates. Otherwise, a runoff election must be held to break the tie.

A local government election bylaw that states ties will be broken by lot means that the names of the *tiered candidates* are written on pieces of paper, placed into a container and one name is drawn by a Provincial Court-appointed person. The Provincial Court then declares the candidate whose name was drawn to be elected to office.

A runoff election means that *all unsuccessful candidates* from the original election may run in a second election. The runoff election can only occur after a judicial recount in which no winner was declared.

The local **Chief Election Officer** is required to notify candidates that a runoff election has been called to break the tie. Candidates then have three days to notify the local Chief Election Officer if they do not intend to run in the runoff election.

The local Chief Election Officer must set a date for the runoff election for a Saturday no later than 50 days after the judicial recount was completed. Generally, runoff elections are conducted under the same rules as the original election.

Invalid Election

A candidate, the local Chief Election Officer or at least four eligible electors of the **jurisdiction**, may petition the Supreme Court to invalidate a local election.

A petition may only be made on the basis that:

- an elected candidate was not qualified to hold office;
- the election was not conducted in accordance with elections legislation; or,
- a candidate committed an election offence such as vote-buying or intimidation during the election.

A petition to invalidate an election must be made within 30 days after the official election results were declared. The Supreme Court registry must set a date for the petition to be heard between 10 and 21 days after the petition was filed. The petitioner(s) must serve the local government with notice of the petition to declare the election invalid.

Oath of Office

Every municipal **councillor** must make an oath of office or solemn affirmation before they can assume their position on **municipal council**. Every **electoral area director** must also make an oath of office or solemn affirmation before they can assume their position on the **regional district board**.

Municipal councillors appointed to the regional district board must make a second oath or affirmation in addition to the oath or affirmation they made before they assumed their position on the municipal council.

A petition to invalidate a 2014 general local election must be made by **December 19** if the official election results were declared on November 19.

Candidates elected in the 2014 general local election must make an oath or solemn affirmation by **January 5, 2015** if the official election results were declared on November 19.

Candidates acclaimed in the 2014 general local election must make an oath or solemn affirmation by **January 5, 2015**.

The inaugural meeting after the 2014 general local election must be held by **December 10**.

The term of office for regional district electoral area directors elected in the 2014 general local election begins on the first Monday after **December 1** following the general local election - or when the director has made their oath of office or solemn affirmation - whichever is later.

Candidates elected in a general local election must make their oath or solemn affirmations within 45 days after the official election results were declared. Acclaimed candidates must make their oath or solemn affirmations within 50 days of the date set for general voting – had voting been required.

The oath of office or solemn affirmation may be made before a judge, justice of the peace, Commissioner for Taking Affidavits for B.C. or the local government **Corporate Officer**. Candidates who fail to make an oath or affirmation of office are disqualified from holding office until after the next general election.

Taking Office

A candidate may take the oath or affirmation of office as soon as they are declared elected by the local Chief Election Officer; however, elected candidates do not take office immediately.

Municipal council members formally take office at the first regularly scheduled council meeting following the general local election.

The term of office for a municipal council member appointed to a regional district board begins when the person has made an oath or solemn affirmation as a regional district director.

The term of office for regional district electoral area directors begins at the first regularly scheduled board meeting in the calendar month after the month in which the general local election was held.

Campaign financing disclosure rules under the *Local Elections Campaign Financing Act* were established to create accountability and transparency around campaign financing.

The disclosure rules require **elector organizations** and **candidates** to provide detailed information about the costs associated with running an **election campaign**, as well as the **money** spent or received during the election campaign. The rules also ensure public access to detailed information about the individuals and organizations that contributed \$100 or more to elector **organization** and candidate election campaigns.

General Campaign Financing Requirements and Restrictions

Appointing a Financial Agent

Every elector organization must appoint a **financial agent** to oversee its election campaign finances.

Campaign Accounts

A financial agent must open a separate **campaign account** for each elector organization election campaign and record campaign-related transactions as soon as possible after they have occurred. Contributions received and expenses incurred prior to an elector organization endorsing a candidate(s) must also be recorded.

Campaign Contributions and Election Expenses

Campaign contributions are the amount of any money or the value of any non-monetary property or services provided without compensation to an elector organization or candidate for election campaign use.

Non-monetary property or services donated to an elector organization or candidate election campaign are considered campaign contributions, must be assigned a **market value**, and must be recorded and disclosed in the same manner as monetary contributions.

Discounted property or services contributed to an elector organization or candidate election campaign must be recorded and disclosed. The difference between the property or service's market value at the time it was provided and the amount that was charged is considered a campaign contribution.

Election expenses are the value of property or services used in an election campaign by or on behalf of an elector organization or candidate during the **campaign period** for an election.

Recording and Disclosing

Fulfilling the elector organization disclosure requirements in the *Local Elections Campaign Financing Act* is a two-stage process. Elector organizations or their financial agents are first required to **record** the campaign financing-related information required under the *Local Elections Campaign Financing Act*; and, second, to **disclose** specific campaign financing information required under the *Local Elections Campaign Financing Act*.

Refer to Election's BC's *Guide to Local Elections Campaign Financing in B.C.* for detailed information and instructions about campaign financing requirements, available online at: www.elections.bc.ca

Detailed **campaign financing records** aid in the preparation of, and support the elector organization disclosure statement.

The filing deadline for the 2014 general local election is **February 13, 2015** and the **late filing deadline** is **March 16, 2015**. It is an offence to not file an elector organization disclosure statement.

Disclosure Statements

Elector organizations are required to file an **elector organization disclosure statement** with Elections BC. This statement is separate from the candidate disclosure statement that all candidates, including those endorsed by an elector organization, must file.

The elector organization disclosure statement must include a detailed account of campaign financing-related information (e.g. campaign contributions and election expenses) related to the election campaign. The elector organization disclosure statement must be filed with Elections BC within 90 days following **general voting day**.

There is a 30 day late filing period for elector organizations that did not file an elector organization disclosure statement within 90 days following general voting day. Elector organizations are required to pay a \$500 late filing fee to Elections BC when they file during the 30 day late filing period.

Filing Requirements

The financial agent for every elector organization must file an elector organization disclosure statement with Elections BC.

An elector organization disclosure statement is required even when the elector organization received no contributions, incurred no expenses, withdrew its **endorsement** of a candidate or was declared by the Provincial Court to no longer be qualified to endorse a candidate.

Campaign Financing Offences and Penalties

Offences

The *Local Elections Campaign Financing Act* sets out campaign financing offences that elector organizations must be aware of and comply with (e.g. failure to appoint a financial agent, failure to open a campaign account, failure to file a disclosure statement) or face penalties.

Penalties

Penalties are determined and assigned by the courts. Penalties, including fines of up to \$20,000, may be imposed on an elector organization for contravening campaign financing provisions.

Penalties, including fines of up to \$10,000 and/or imprisonment for up to two years, may be imposed on an elector organization's financial agent and/or **responsible principal officials** for contravening campaign financing provisions.

Automatic Penalties

Automatic penalties may be imposed without court involvement and include disqualification penalties.

An elector organization that failed to file an elector organization disclosure statement or **supplementary report** with Elections BC by the filing deadline, and did not receive court relief from the requirement to do so, is automatically disqualified from endorsing candidates for local office anywhere in B.C. until after the next general local election. In addition, the elector organization is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.

Disqualification List

Elector organizations that failed to file a disclosure statement or are convicted of providing false or misleading information on an elector organization disclosure statement or supplementary report are named on Elections BC's disqualification list. The list is available online at: www.elections.bc.ca

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C.* for more detailed information about campaign financing offences and penalties, available online at: www.elections.bc.ca

Glossary

Sections 97-98 of the
Local Government Act

Sections 69-70 of the
Vancouver Charter

Sections 157-159 of the
Local Government Act

Sections 129-131 of the
Vancouver Charter

Sections 21(1)(b) and 40(1)
(b) of the *Local Elections
Campaign Financing Act*

address for service

A mailing address or email address provided by an individual or organization at which notices and other communications are accepted as served on or otherwise delivered to the individual or organization.

advance voting opportunity

A voting day, prior to general voting day, for electors who choose to vote on that day for any reason. Typically electors who vote at that time do so because they:

- expect to be absent on general voting day from the jurisdiction for which the election is to be held;
- will be unable to vote on general voting day for reasons of conscience;
- will not be able to attend a voting place on general voting day for reasons beyond the elector's control;
- have a physical disability or are mobility impaired which would make it difficult to reach or navigate within a busy voting place on general voting day;
- are candidates or candidate representatives; or,
- are election officials.

assent voting

Voting on a bylaw or other matter for which a local government is required to obtain elector assent under Part 4 of the *Local Government Act* or Part 2 of the *Vancouver Charter*. Elector assent is obtained when a majority of the votes counted are in favour of the bylaw or question. Assent voting may also be referred to as a "referendum".

authorized principal official

An individual who signs key documents and makes solemn declarations on behalf of elector organizations and third party sponsors. The authorized principal official signs a solemn declaration in order to endorse candidates and is responsible for retaining campaign financing and sponsorship contribution and sponsored advertising records.

ballot endorsement

An elector organization name, abbreviation or acronym that appears next to the candidate's name on the ballot.

B.C. Chief Electoral Officer

An independent Officer of the Legislature appointed by the Lieutenant Governor on the recommendation of the Legislative Assembly. The B.C. Chief Electoral Officer is responsible for the administration of the provincial electoral process and ensuring compliance with the *Local Elections Campaign Financing Act*.

board

See entry for "regional district board".

board of education

A school district's governing body as constituted under the *School Act*. A board of education is comprised of three, five, seven or nine trustees, or as otherwise determined by the Minister of Education.

by-election

An election held between general local elections to fill a vacancy that occurred due to the death, disqualification or resignation of a municipal council or regional district board member, school trustee or Islands Trust local trustee.

Municipal councils are not required to hold a by-election when the vacancy occurs in the same calendar year as a general local election. Regional district boards and the Islands Trust Council are not required to hold a by-election to fill a vacancy that occurs after July 1 in the same calendar year as a general local election.

campaign account

An account opened at a savings institution by a financial agent to be used exclusively for election campaign purposes. The account must be opened in the candidate or elector organization's name and be separate and distinct from any personal or business accounts. All campaign payments must be paid directly or reimbursed from the campaign account. All campaign contributions and campaign transfers between candidates and elector organizations must be deposited into the campaign account.

campaign contribution

The amount of any money or the value of any non-monetary property or services provided without compensation to a candidate or elector organization for election campaign use.

Any money provided by a candidate in relation to their own election campaign is considered a campaign contribution and must be recorded and disclosed.

Donated non-monetary property or services to an elector organization or candidate election campaign are campaign contributions and must be assigned a market value, and recorded and considered in the same manner as monetary contributions.

Discounted property or services contributed to an elector organization or candidate election campaign must be recorded and disclosed. The difference between the property or service's market value at the time it was provided and the amount that was charged is considered a campaign contribution.

campaign financing records

The records maintained by a financial agent to complete an elector organization or candidate disclosure statement. Campaign financing records must include specific information about each candidate and elector organization including campaign contributions, election expenses, transfers, and campaign surplus funds. These records must be kept in B.C. for five years after general voting day for the related election.

The records maintained by a third party sponsor to complete a third party sponsor disclosure statement. Campaign financing records must include specific information about each third party sponsor including the value of sponsored third party advertising, the value of the third party sponsor's own funds used in advertising, and any sponsorship contributions received.

Section 1 of the *School Act*

Section 30(2) of the *School Act*

Section 37 of the *Local Government Act*

Section 10 of the *Vancouver Charter*

Sections 18 and 20 of the *Local Elections Campaign Financing Act*

Sections 13, 22 and 29(1) of the *Local Elections Campaign Financing Act*

Section 88 of the *Local Government Act*

Section 60 of the *Vancouver Charter*

Section 22 of the *Local Elections Campaign Financing Act*

campaign organizers

Campaign organizers are no longer regulated under the *Local Government Act*.

Activities that were typically undertaken by campaign organizers under the previous campaign financing rules will likely be captured as third party advertising under the *Local Elections Campaign Financing Act*.

Individuals or organizations that were campaign organizers prior to the enactment of the *Local Elections Campaign Financing Act* are not permitted to receive campaign contributions or incur election expenses for the 2014 general local election.

However, those individuals and organizations are still required to file a disclosure statement with Elections BC detailing any contributions received or expenses incurred in relation to the 2014 general local election prior to the *Local Elections Campaign Financing Act* coming into force.

Campaign organizers that have failed to file a disclosure statement may have committed an offence and may be subject to campaign financing penalties.

campaign period

The period that begins at the start of the calendar year in which the general local election is held and ends at the close of voting on general voting day.

The campaign period for a by-election begins on the day the vacancy for which a by-election is to be held occurred and ends at the end of general voting day.

candidate

An individual who has filed nomination papers before the close of the nomination period and has been declared a candidate by the local Chief Election Officer at the end of that period.

A candidate includes an individual who intends to become a candidate in an election, an individual who is seeking or intends to seek endorsement by an elector organization in relation to an election, and, in relation to obligations under the *Local Elections Campaign Financing Act*, an individual who was a candidate.

An individual who is declared a candidate in a local election must comply with the *Local Government Act* and the *Local Elections Campaign Financing Act*.

chief election officer

An individual appointed by a municipal council or regional district board to conduct a general local election or by-election. The Chief Election Officer (CEO) is guided by the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter* as applicable, and the local government election bylaw. CEOs have broad authority to do all things necessary for the conduct of an election in accordance with the legislation and the local government election bylaw.

Section 10(1) of the
*Local Elections Campaign
Financing Act*

Section 33 of the
Local Government Act

Section 7 of the
Vancouver Charter
Schedule - Definitions and
Interpretations of the
*Local Elections Campaign
Financing Act*

Sections 41-43 of the
Local Government Act

Sections 14-16 of the
Vancouver Charter

corporate officer

An individual appointed by a municipal council or regional district board that is responsible for:

- ensuring accurate meeting minutes are prepared;
- ensuring access is provided to records of council or board committees;
- administering oaths and taking affirmations, affidavits and declarations;
- certifying copies of bylaws;
- accepting notices and documents that are required or permitted to be given to, served on, filed with or otherwise provided to the council or board; and,
- keeping the corporate seal and affixing it to required documents.

Section 148 of the *Community Charter*

Section 198 of the *Local Government Act*

council

See entry for “municipal council”.

councillor

A member of a municipal council who is not the mayor. Every council member has the following responsibilities under the *Community Charter*, to:

- consider the well-being and interests of the municipality and its community;
- contribute to the development and evaluation of the policies and programs of the municipality respecting its services and other activities;
- participate in council meetings, committee meetings and meetings of other bodies which the member is appointed;
- carry out other duties assigned by the council; and,
- carry out other duties assigned under the *Community Charter* or any other Act.

Section 115 of the *Community Charter*

directed advertising

Directed advertising is a form of third party advertising. Generally, directed advertising specifically relates to an elector organization by naming the elector organization or including a logo or likeness of a logo used by the elector organization.

Section 12(2) of the *Local Elections Campaign Financing Act*

disclosure statement

A campaign financing statement that includes, but is not limited to, a listing of contributions, expenses, transfers and surplus funds. Financial agents for candidates and elector organizations must file disclosure statements with Elections BC. Third party sponsors are also required to file disclosure statements with Elections BC.

Section 46(1) of the *Local Elections Campaign Financing Act*

Section 37 of the
Local Government Act

Section 12 of the
Vancouver Charter

Sections 4-5 of the
*Local Elections Campaign
Financing Act*

Section 83 of the
Local Government Act

Section 55 of the
Vancouver Charter

Section 14 of the
*Local Elections Campaign
Financing Act*

Sections 10(2), 15 and
46-51 of the *Local Elections
Campaign Financing Act*

election bylaw

A bylaw that enables a local government to make decisions about election administration, including whether:

- voting machines will be used, and if so, the procedures that will govern their use;
- mail ballot voting will be used, and if so, what procedures will govern its use;
- additional advance voting opportunities will be offered, or, in communities of less than 5,000, whether the required additional advance voting opportunity will be waived;
- voter registration will be conducted both on voting day and in advance or on voting day only; and,
- nomination deposits will be required.

An election bylaw must be adopted at least eight weeks before the first day of the nomination period in a general local election or six weeks before the first day of the nomination period in a by-election.

election campaign

Election campaigns are undertaken by candidates and elector organizations and include activities organized and conducted to benefit a candidate or elector organization for one of the following purposes:

- promote or oppose the election of a candidate or elector organization;
- approve or disapprove of a course of action advocated by a candidate or elector organization;
- promote or oppose an elector organization or its program; or,
- approve or disapprove of a course of action advocated by an elector organization.

Those activities that include any or all of the following: advertising; distribution or mailing of printed leaflets or letters; speeches; interviews with news media and door-to-door visits with potential voters.

election expense

The value of property or services used in an election campaign by, or on behalf of, a candidate or elector organization during the campaign period for an election. An election expense for a by-election is the value of property or services used in an election campaign after the date of the vacancy for which the by-election is being held.

election proceedings period

The period that begins on the 46th day before general voting day and ends at the close of voting on general voting day. Rules in relation to election advertising and third party advertising as defined in the *Local Elections Campaign Financing Act* come into effect during this period.

Election proceedings period expenses for candidates and elector organizations must be disclosed in the prescribed manner under the *Local Elections Campaign Financing Act*. Similarly, the value of third party advertising undertaken by third party sponsors during the election proceedings period must be disclosed in the prescribed manner under the *Local Elections Campaign Financing Act*.

Elections BC

A non-partisan and independent Office of the Legislature that oversees and administers campaign financing and election advertising in local elections under the *Local Elections Campaign Financing Act*.

elector

An individual who is a resident elector or non-resident property elector and who is qualified to vote in a municipal, regional district, Islands Trust, community commission or park board election.

elector organization

An organization that endorses or intends to endorse a candidate in a local election. The elector organization must have a membership of 50 or more eligible electors when the endorsement(s) is made.

Campaign financing rules apply to elector organization election campaigns. Every elector organization must appoint a financial agent to ensure compliance with the campaign financing rules in the *Local Elections Campaign Financing Act*.

elector organization disclosure statement

A campaign financing statement that includes, but is not limited to, a listing of contributions, expenses, transfers and surplus funds. Financial agents for elector organizations and candidates must file disclosure statements with Elections BC.

electoral area director

A regional district board member who has been elected to that position by electoral area electors.

endorsement

The process by which an elector organization can formalize its relationship with one or more candidates running in a local election.

An elector organization that endorses candidates in a local election can undertake an election campaign to promote those candidates and the elector organization or to oppose another elector organization and its candidates. An elector organization may endorse more than one candidate – a candidate may only be endorsed by one elector organization.

An endorsement requires that the elector organization's name, abbreviation or acronym appear on the ballot beside the candidate's name. A ballot endorsement by an elector organization is the only visible indication of an elector organization's support for a candidate permitted within a voting place.

financial agent

A representative that a candidate or elector organization is legally required to appoint during an election campaign. A candidate may act as the financial agent or appoint another individual to this position.

A financial agent must ensure that the financial aspects of the election campaign comply with the *Local Elections Campaign Financing Act*. A candidate or elector organization may not have more than one financial agent at the same time.

Sections 49-51 of the
Local Government Act

Sections 22-24 of the
Vancouver Charter

Section 79 of the
Local Government Act

Section 51 of
the *Vancouver Charter*

Sections 19-23 and 25 of
the *Local Elections Campaign
Financing Act*

Section 46(1) of the
*Local Elections Campaign
Financing Act*

Sections 17 and 19 of the
*Local Elections Campaign
Financing Act*

general local election

A collective reference to the elections conducted throughout the province every four years for the:

- mayor and councillors of a municipality;
- electoral area directors of each regional district;
- commissioners of each local community commission that uses a four-year term;
- commissioners of each park board;
- local trustees of each area in the Islands Trust; and,
- school trustees of each board of education.

general voting day

The final voting day in a general local election or by-election. General voting day is held on the third Saturday in October for a general local election, and a Saturday chosen by the chief election officer for a by-election.

Islands Trust

A federation of local island governments with a mandate to make land use decisions that preserve and protect the Islands Trust area.

Islands Trust Council

The Islands Trust governing body composed of two elected trustees (local trustees) from each local Trust area and two appointed trustees from each municipal council in the Trust area (municipal trustees).

Islands Trust local trustee

An individual elected to serve on a Local Trust Committee for each local Trust area within the Islands Trust. Two candidates are elected from each local Trust area. The local trustees are also members of the Islands Trust Council.

issue advertising

Issue advertising is a form of third party advertising that is related to an issue of public policy – such as preserving parkland or building a new recreation centre – and not specifically related to a candidate or an elector organization.

jurisdiction

The applicable municipality, regional district, Trust council or board of education in which a general local election or by-election is being held.

late filing deadline

A date 120 days after general voting day in an election or assent voting by which a disclosure statement must be filed by a candidate, elector organization or third party sponsor. A disclosure statement submitted after 90 days and before 120 days must be accompanied by a \$500 late filing fee.

Section 12(1) of the
*Local Elections Campaign
Financing Act*

Section 1(2) of the
*Local Elections Campaign
Financing Act*

Section 47(2) of the
*Local Elections Campaign
Financing Act*

local community commission

A body established by regional district bylaw in an electoral area to provide advice in relation to, or management of, one or more regional district services provided within the "local community". Between four and six elected commissioners and the electoral area director compose a local community commission.

Commissioners may be elected for a four-year term during a general local election or for a one-year term, as specified in the establishing bylaw.

local community commissioner

See entry for "local community commission".

local election

A collective term referring to any general local election or by-election that may be conducted by municipalities, regional districts, park boards, local community commissions, boards of education, or the Islands Trust.

market value

The lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time. Market value includes all applicable taxes.

mayor

An individual elected to head municipal council and be the municipal chief executive officer. The mayor has responsibilities under the *Community Charter* in addition to their councillor responsibilities, including to:

- provide leadership to the council, including recommending bylaws, resolutions and other measures that, in the mayor's opinion, may assist the peace, order and good government of the municipality;
- communicate information to the council;
- preside at council meetings when in attendance;
- provide, on behalf of the council, general direction to municipal officers respecting implementation of municipal policies, programs and other directions of the council;
- establish standing committees in accordance with section 141;
- suspend municipal officers and employees in accordance with section 151;
- reflect the will of council and to carry out other duties on behalf of the council; and,
- carry out other duties assigned by or under this or any other Act.

money

Includes cash, a negotiable instrument (cheque, money order or traveller's cheque), a payment by credit card, and any form of electronic payment or funds transfer.

Section 116 of the
Community Charter

Sections 114-121 of the
Community Charter

Sections 7-32 of the
Local Government Act

Section 51 of the
Local Government Act

Section 24 of the
Vancouver Charter

Sections 485-497 of the
Vancouver Charter

Sections 3, 7 and 14 of the
Cultus Lake Park Act

Sections 173-174 of the
Local Government Act

municipal council

The governing body of a municipality composed of a mayor and several councillors. A municipal council has between five and eleven members – the number of councillors depends on the population of the municipality. All municipal council members are elected during a general local election unless elected at a by-election held to fill a council vacancy.

The municipal council is a decision-making body and is responsible for setting the strategic policies and priorities for the local government – municipal councils do not implement policies and decisions.

municipality

A local government area represented by a mayor and councillors elected to serve on a municipal council. A municipality provides services within a defined geographic area.

non-resident property elector

An individual that does not live in a jurisdiction and who is entitled to vote in an election by virtue of owning property in that jurisdiction. On voting day, a non-resident property elector must:

- be a Canadian citizen;
- be at least 18 years of age;
- have lived in British Columbia for at least six months;
- have owned the property in the jurisdiction for at least 30 days; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

park board

A board of commissioners having responsibility for the governance of a public park system and its attendant services, such as recreational operations.

Commissioners are elected to a four-year term during a general local election.

park board commissioners

See entry for “park board”.

referenda

See entry for “assent voting”.

regional district

A local government area represented by elected and/or appointed representatives serving on a regional district board. A regional district provides local government services within a defined geographic area which may consist of municipalities and/or unincorporated electoral areas.

regional district board

The regional district governing body composed of electoral areas (see “electoral area director”) elected representatives and appointed representatives from the municipal councils within the regional district.

resident elector

An individual qualified to vote in an election by virtue of living in the jurisdiction.

On voting day, a resident elector must:

- be a Canadian citizen;
- be at least 18 years of age;
- have lived in British Columbia for at least six months before registering to vote;
- have lived in the jurisdiction for at least 30 days before registering to vote; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Section 50 of the
Local Government Act

Section 23 of the
Vancouver Charter

responsible principal official

An individual appointed by an elector organization or third party sponsor who may represent the organization as needed. Each elector organization or third party sponsor that is an organization must have appointed at least two individuals who have consented to be the responsible principal officials.

Sections 21 and 40 of the
Local Elections Campaign Financing Act

school board

See entry for “board of education”.

school trustee

A member of the board of education for a school district.

Section 1 of the *School Act*

scrutineer

An individual appointed in writing by a candidate (and/or their official agent) who may observe voter registration, voting procedures and the ballot-counting process at voting places during advance, special and general voting opportunities.

solemn declaration

A written oath or solemn affirmation of a signed statement witnessed by the local Chief Election Officer or their delegates, or a Commissioner for Taking Affidavits for B.C. (e.g. lawyer or notary public).

Section 97 of the
Local Elections Campaign Financing Act

sponsorship contribution

The amount of any money or the value of any non-monetary property or services provided without compensation to an individual or organization to be used to sponsor third party advertising.

Section 32 of the
Local Elections Campaign Financing Act

sponsorship information

Identifies the required information about election advertising sponsors, including:

- the name of the financial agent or third party sponsor;
- a B.C. telephone number or B.C. mailing address or email address for the financial agent or third party sponsor;
- authorization from the financial agent or third party sponsor; and,
- an indication of whether the sponsor is registered as a third party sponsor.

Section 44 of the
Local Elections Campaign Financing Act

Section 54 of the
*Local Elections Campaign
Financing Act*

Section 11 of the
*Local Elections Campaign
Financing Act*

Sections 37-41 of the
*Local Elections Campaign
Financing Act*

supplementary report

A report that updates Elections BC as to any changed, added or corrected information to the disclosure statement originally submitted by a candidate, elector organization or third party sponsor. The report must include a description of the circumstances leading to the supplementary report being submitted.

third party advertising

Election advertising that is not sponsored by an elector organization or a candidate as part of their election campaign. Third party advertising generally promotes or opposes a candidate, elector organization or point of view during a local government election.

third party sponsor

An individual or organization that undertakes, or intends to undertake, third party advertising independently from an elector organization or candidate election campaign. Third party sponsors are subject to registration and campaign financing disclosure requirements under the *Local Elections Campaign Financing Act*.

volunteer

An individual who provides services, such as canvassing, preparing and distributing flyers, calling eligible voters, handling logistics and taking on other election campaign-related activities. A volunteer must not receive any payment or remuneration.

Appendix A: Local Election Partner Roles and Responsibilities

LOCAL ELECTION PARTNER ROLES AND RESPONSIBILITIES	
WHO	ROLES / RESPONSIBILITIES
Local Chief Election Officers	Provide nomination and endorsement documents, and receive nomination, endorsement and candidate and elector organization representative documents
	Collect nomination deposits (if applicable)
	Oversee all local election administration activities (e.g. declare candidates, set up voting opportunities, count votes, declare the election results)
Elections BC	Provide local elections campaign financing education guides, an online website and information to local government staff, candidates, elector organizations, other election participants and the public
	Provide information and support by telephone and email to candidates, elector organizations, local government staff, other election participants and the public about the campaign financing and election advertising process
	Receive nomination, endorsement and candidate representative documents from local governments
	Receive updates to information in nomination, endorsement and candidate representative documents
	Register third party sponsors
	Investigate non-compliant election advertising
	Enforce election advertising rules and third party advertising rules
	Review disclosure and supplementary reports
	Collect \$500 late filing fee
	Investigate local election campaign financing irregularities
	Enforce local election campaign financing rules
	Maintain disqualification lists
Ministry of Community, Sport and Cultural Development	Provide election education guides, a webinar and presentations to candidates, elector organizations, local government staff, other election participants and the public
	Provide information and support by telephone or email to candidates, local government staff, other election participants and the public about local government election administration

Appendix A: Local Election Partner Roles and Responsibilities

LOCAL ELECTION PARTNER ROLES AND RESPONSIBILITIES	
WHO	ROLES / RESPONSIBILITIES
Local Government Management Association	Provide election education manuals and workshops to local government election officials
	Provide information and support by telephone and email to local government election officials about local government election administration
Union of British Columbia Municipalities	Develop election educational material for local government elected officials
Ministry of Education	Provide board of education trustee manual to candidates, school district administrators, local government staff and the public
	Provide information and support by telephone and email to candidates, school district administrators, local government staff and the public about local elections legislation
BC School Trustees Association	Produce and distribute election educational material about trustees and boards of education roles

Appendix B: Key Election Dates

KEY ELECTION DATES	
ACTION OR DEADLINE	DATE
Campaign Period Begins	January 1, 2014
Nomination Period Begins	September 30, 2014
Election Proceedings Period Begins	September 30, 2014
Nomination Period Ends	October 10, 2014
Declaration of Candidates	October 10, 2014
Endorsement Challenge Deadline	October 14, 2014
Endorsement Documents Originals to local Chief Election Officer Deadline	October 17, 2014
Endorsement Withdrawal Deadline	October 17, 2014
Advance Voting Day	November 5, 2014
General Voting Day	November 15, 2014
Campaign Period Ends	November 15, 2014
Election Proceedings Period Ends	November 15, 2014
Declaration of Official Election Results	November 19, 2014
Judicial Recount Application Deadline	November 24, 2014
Judicial Recount Completion Deadline	November 28, 2014
Oath or Affirmation of Office Deadline	January 5, 2015
Disclosure Statements Filing Deadline	February 13, 2015
Disclosure Statements Late Filing Deadline	March 16, 2015

Appendix C: Elections BC and Local Chief Election Officer Questions and Answers

ELECTIONS BC AND LOCAL CHIEF ELECTION OFFICER QUESTIONS AND ANSWERS	
QUESTION	ANSWER
Who do I get endorsement forms from?	local Chief Election Officer
Who do I give my completed endorsement forms to?	local Chief Election Officer
Who do I make my solemn declaration to?	local Chief Election Officer
Who declares candidates?	local Chief Election Officer
Who oversees the administration of elections (e.g. designing ballots, setting up voting opportunities, counting votes)?	local Chief Election Officer
Who declares the election results?	local Chief Election Officer
Who do I contact for information about campaign financing?	Elections BC
Who do I contact for information about election advertising?	Elections BC
Who do I register with as a third party sponsor?	Elections BC
Who do I send endorsement document updates to?	Elections BC
Who do I file disclosure statements and supplementary reports with?	Elections BC
Who do I pay the \$500 late filing fee to?	Elections BC
Who maintains the disqualification lists?	Elections BC
Who do I submit prohibited contributions to?	Elections BC
Who addresses instances of non-compliant advertising?	Elections BC and/or local Chief Election Officer

Elections BC

Contact Elections BC for answers to questions about local elections campaign financing and election advertising requirements

Elections BC

In Victoria call 250 387-5305

Elsewhere in B.C. call: 1 855 952-0280

Email address: electoral.finance@elections.bc.ca

www.elections.bc.ca

Municipal and Regional District Information

Contact CivicInfoBC for local government election statistics and results and local government mailing addresses, telephone numbers, email addresses and websites

CivicInfoBC

Phone 250 383-4898

Email address: info@civicinfo.bc.ca

www.civicinfo.bc.ca/11.asp



ELECTOR ORGANIZATION ENDORSEMENT PACKAGE

Use the Elector Organization Cover Sheet and Checklist Form E1 to ensure that the Elector Organization Endorsement Package is complete and meets the legislative requirements of the *Local Government Act*, *Local Elections Campaign Financing Act*, *Financial Disclosure Act* and/or *Vancouver Charter*.

The Elector Organization Endorsement Package Cover Sheet and Checklist Form E1 serve as a guide to the forms that must be submitted by the Elector Organization Authorized Principal Official to the local Chief Election Officer as part of the Candidate endorsement process.

Ensure that, for each item checked off on the Checklist Form E1 (Section B), the relevant form is completed and attached.

The Elector Organization Cover Sheet and Checklist Form E1 are for the local Chief Election Officer's reference only and do not constitute part of the Elector Organization Endorsement Package.

Completing only the Elector Organization Cover Sheet and Checklist Form E1 **does not** constitute completion of the Elector Organization Endorsement Package, nor does it satisfy the legislative requirements set out in the *Local Government Act*, *Local Elections Campaign Financing Act*, *Financial Disclosure Act* and/or *Vancouver Charter*.

COMPLETION INSTRUCTIONS:

1. Record the Elector Organization Authorized Principal Official's full name.
2. Record the endorsing Elector Organization's name.
3. Use section B of the Cover Sheet and Checklist Form E1 to identify which forms have been completed and are included in the Elector Organization Endorsement Package.
4. Return the completed package to the local Chief Election Officer.

As per Local Elections Campaign Financing Act requirements, the following forms will be forwarded to Elections BC by the local Chief Election Officer:
E4 – Consent of Elector Organization Responsible Principal Official(s)
E5 – Other Information Provided by Elector Organization; and,
E6 – Appointment of Elector Organization Financial Agent.

After election results have been declared, please send any changes to these documents to:

Elections BC
PO Box 9275 Stn Prov Govt
Victoria BC V8W 9J6
Toll-free fax: 1-866-466-0665
Email: electoral.finance@elections.bc.ca

E1 – Elector Organization Cover Sheet and Checklist Form

PLEASE PRINT IN BLOCK LETTERS

SECTION A

ENDORISING ELECTOR ORGANIZATION'S NAME	GENERAL VOTING DAY
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SECTION B

This Elector Organization Endorsement Package includes the following completed forms, appointments, consents and declarations:

- E2 – Elector Organization Endorsement Documents**
- E3 – Elector Organization Endorsement Documents:
Declaration of Elector Organization Authorized Principal Official**
- E4 – Consent of the Elector Organization Responsible Principal Official(s)**
- E5 – Other Information Provided by Elector Organization**
- E6 – Appointment of Elector Organization Financial Agent**

Disclaimer: All attempts have been made to ensure the accuracy of the forms contained in the Elector Organization Endorsement Package – however the forms are not a substitute for provincial legislation and/or regulations

Please refer directly to the latest consolidation of provincial statutes at BC Laws (www.bclaws.ca) for applicable election-related provisions and requirements.

E2 – Elector Organization Endorsement Documents

PLEASE PRINT IN BLOCK LETTERS

ELECTOR ORGANIZATION'S LEGAL NAME (IF APPLICABLE)	USUAL NAME IF DIFFERENT FROM LEGAL NAME OR NO LEGAL NAME	
ABBREVIATION/ACRONYMS USED BY THE ELECTOR ORGANIZATION	NAME, ABBREVIATION OR ACRONYM TO BE INCLUDED ON THE BALLOT	
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

***Please see over for additional space when endorsing more than two candidates.
Please attach additional endorsement sheets as necessary.***

ELECTOR ORGANIZATION ENDORSEMENT PACKAGE

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

E3 – Elector Organization Endorsement Documents: Declaration of Elector Organization Authorized Principal Official

PLEASE PRINT IN BLOCK LETTERS

ELECTOR ORGANIZATION'S NAME

As **Authorized Principal Official** for the above named Elector Organization, I do solemnly declare that to the best of my knowledge and belief:

1. The above named Elector Organization has at least 50 members who are electors of the municipality or regional district for which the election is being held.
2. The above named Elector Organization is not disqualified from endorsing candidate(s).
3. The Elector Organization is aware of and understands the requirements and restrictions of the *Local Elections Campaign Financing Act* that apply to the above named Elector Organization and that the Elector Organization intends to fully comply with those requirements and restrictions.
4. I am authorized to make the solemn declaration on behalf of the above named Elector Organization.
5. That this endorsement applies to the candidate(s) named on Form E2 – Elector Organization Endorsement Documents.

AUTHORIZED PRINCIPAL OFFICIAL'S SIGNATURE

DECLARED BEFORE ME: CHIEF ELECTION OFFICER OR COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

AT: (LOCATION)

DATE: (YYYY / MM / DD)

E4 – Consent of Elector Organization Responsible Principal Official(s)

PLEASE PRINT IN BLOCK LETTERS

ELECTOR ORGANIZATION'S NAME

I hereby consent to act as the **Authorized Principal Official** and a **Responsible Principal Official** for the above named Elector Organization for the:

GENERAL VOTING DATE: (YYYY / MM / DD)

General Local Election

By-election

AUTHORIZED/RESPONSIBLE PRINCIPAL OFFICIAL'S LAST NAME

FIRST NAME

MIDDLE NAME(S)

MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)

CITY/TOWN

POSTAL CODE

ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)

CITY/TOWN

POSTAL CODE

TELEPHONE NUMBER

EMAIL ADDRESS (IF AVAILABLE)

Additional Addresses for Service Information

OPTIONAL

MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)
IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE

CITY/TOWN

POSTAL CODE

FAX NUMBER

EMAIL ADDRESS
IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE

AUTHORIZED/RESPONSIBLE PRINCIPAL OFFICIAL'S SIGNATURE

DATE: (YYYY / MM / DD)

E4 – Consent of Elector Organization Responsible Principal Official(s)

PLEASE PRINT IN BLOCK LETTERS

I hereby consent to act as a **Responsible Principal Official** for the above named Elector Organization for the:

GENERAL VOTING DATE: (YYYY / MM / DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
RESPONSIBLE PRINCIPAL OFFICIAL'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)	CITY/TOWN	POSTAL CODE
Additional Addresses for Service Information		OPTIONAL
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE	CITY/TOWN	POSTAL CODE
FAX NUMBER	EMAIL ADDRESS IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE	
RESPONSIBLE PRINCIPAL OFFICIAL'S SIGNATURE	DATE: (YYYY / MM / DD)	

If additional Responsible Principal Officials consent to act for the above named Elector Organization please attach additional sheets as necessary.

E5 – Other Information Provided by Elector Organization

PLEASE PRINT IN BLOCK LETTERS

JURISDICTION NAME (E.G. MUNICIPALITY, REGIONAL DISTRICT ELECTORAL AREA)		
ELECTOR ORGANIZATION'S LEGAL NAME (IF APPLICABLE)	USUAL NAME IF DIFFERENT FROM LEGAL NAME OR NO LEGAL NAME	
ABBREVIATION/ACRONYMS USED BY THE ELECTOR ORGANIZATION	NAME, ABBREVIATION OR ACRONYM TO BE INCLUDED ON THE BALLOT	
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)	CITY/TOWN	POSTAL CODE
TELEPHONE NUMBER	EMAIL ADDRESS (IF AVAILABLE)	

Additional Addresses for Service Information

OPTIONAL

MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE	CITY/TOWN	POSTAL CODE
FAX NUMBER	EMAIL ADDRESS IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE	

Endorsed Candidate(s):

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

Please see over for additional space and attach additional endorsement sheets as necessary.

ELECTOR ORGANIZATION ENDORSEMENT PACKAGE

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

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USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

E6 – Appointment of Elector Organization Financial Agent

PLEASE PRINT IN BLOCK LETTERS

ELECTOR ORGANIZATION'S NAME		
FINANCIAL AGENT'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
is hereby appointed as the Financial Agent for the above named Elector Organization for the:		
GENERAL VOTING DATE: (YYYY / MM / DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
TELEPHONE NUMBER	EMAIL ADDRESS (IF AVAILABLE)	
EFFECTIVE DATE OF APPOINTMENT: (YYYY / MM / DD)		
AUTHORIZED PRINCIPAL OFFICIAL'S SIGNATURE	DATE: (YYYY / MM / DD)	

I hereby consent to act as the Financial Agent for the above named elector organization for the:		
GENERAL VOTING DATE: (YYYY / MM / DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
FINANCIAL AGENT ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)	CITY/TOWN	POSTAL CODE
Additional Addresses for Service Information OPTIONAL		
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE	CITY/TOWN	POSTAL CODE
FAX NUMBER	EMAIL ADDRESS IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE	
FINANCIAL AGENT'S SIGNATURE	DATE: (YYYY / MM / DD)	



GUIDE TO
LOCAL ELECTIONS
CAMPAIGN FINANCING IN B.C.

for Candidates, Elector Organizations and their Financial Agents

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Elections BC

A non-partisan, independent Office of the Legislature, Elections BC is responsible for administering the provincial electoral process, including provincial general elections and by-elections, provincial referenda, recall and initiative petitions and initiative votes.

Elections BC is also responsible for administering the campaign financing and election advertising requirements in the *Local Elections Campaign Financing Act* (LECFA, the Act). The responsibility includes managing campaign financing disclosure requirements, conducting investigations and enforcing campaign financing and third party advertising provisions set out in the Act. The responsibility extends to by-elections and assent voting (referenda) held by local election authorities outside of the general local elections cycle.

Elections BC's responsibilities under LECFA include:

- accepting, reviewing and publishing filed disclosure statements and supplementary reports
- assisting participants to comply with LECFA
- registering third party sponsors during elections
- registering non-election assent voting advertising sponsors
- undertaking investigations and audits
- applying for injunctions if needed
- referring matters to the Criminal Justice Branch of the Ministry of Justice for prosecution of offences under LECFA

Elections BC: Local elections campaign financing guides

The Guide to Local Elections Campaign Financing in B.C. is intended to explain how the campaign financing rules in LECFA apply to candidates, elector organizations and their financial agents.

The Third Party Sponsor Guide to Local Elections in B.C. is intended to explain how the third party sponsor financing rules in LECFA are applied.

The guides are available online at elections.bc.ca/lecfa.

A guide for non-election assent voting advertising sponsors will be available in the future. A brief description of non-election assent voting advertising is [on page 57](#).

Disclaimer: How the *Local Elections Campaign Financing Act* (LECFA, the Act) applies to any particular case will depend on the individual circumstances and may change in light of new legislation and judicial developments. Where there is inconsistency between this guide and LECFA, the Act will prevail.

The Act is available for viewing on the Elections BC website (elections.bc.ca/lecfa). The Act can also be viewed at BC Laws (bclaws.ca) or purchased from Crown Publications (crownpub.bc.ca).

Local Elections Campaign Financing Act

The *Local Elections Campaign Financing Act* (LECFA, the Act) addresses campaign financing rules and advertising requirements in local elections. LECFA separates the rules that regulate election advertising and campaign financing from the more procedural rules that apply generally to local election administration.

Local elections: shared roles and responsibilities

General local elections are held every four years for mayors, councillors, electoral area directors, board of education trustees, park board members and commissioners, advisory council members, regional trustees and Islands Trust local trustees in British Columbia.

Local governments hold by-elections to fill council and regional district board vacancies that occur between general local elections. Local governments also conduct assent voting to obtain elector assent in order to carry out certain council and board decisions (e.g., borrowing to construct a new library or recreation centre).

The Ministry of Community, Sport and Cultural Development, the Local Government Management Association, the Union of British Columbia Municipalities, the Ministry of Education, the Ministry of Justice, the BC School Trustees Association and Elections BC have educational materials related to local elections.

Local election officers appointed by local governments are responsible for local government elections administration, including receiving nomination documents, declaring candidates, administering voting opportunities, counting votes and declaring election results.

Local election officers work with Elections BC to monitor compliance with election advertising regulations and may assist Elections BC to address incidents of non-compliance with the Act.

Local election officers also provide Elections BC with information required by the Act. This information enables Elections BC to connect with local election participants to prepare them for their responsibilities under LECFA. Elections BC has educational materials to aid with compliance and the enforcement of election advertising, campaign financing and third party sponsor rules and regulations within the Act.

A local election officer is the chief election officer for a jurisdiction or the designated local authority officer.

Key local elections contacts

<p>Ministry of Community, Sport and Cultural Development</p> <p>For information about local government elections in British Columbia.</p>	<p>Internet: cscd.gov.bc.ca/lgd/elections_home.htm</p> <p>Phone: Governance and Structure Branch, Advisory Services 250-387-4020</p> <p>Address: PO Box 9839 Stn Prov Govt Victoria, BC V8W 9T1</p>
<p>Ministry of Education</p> <p>For information about school trustee elections and the <i>School Act</i></p>	<p>Internet: bced.gov.bc.ca/legislation/trustee_election</p> <p>Phone: Knowledge Management and Accountability Division, Governance and Legislation 250-356-1404</p> <p>Email: EDUC.Governance.Legislation@gov.bc.ca</p>
<p>Enquiry BC</p> <p>For information about provincial government programs and services.</p>	<p>Internet: extranet.gov.bc.ca/forms/gov/contact/index.html</p> <p>Phone: Victoria: 250-387-6121 Vancouver: 604-660-2421 Elsewhere in B.C.: 1-800-663-7867 Outside B.C.: 604-660-2421</p> <p>Email: EnquiryBC@gov.bc.ca</p>
<p>CivicInfoBC</p> <p>For local government election statistics and results and for local government mailing addresses, telephone numbers, email addresses and websites.</p>	<p>Internet: civicinfo.bc.ca/11.asp</p> <p>Phone: 250-383-4898</p> <p>Email: info@civicinfo.bc.ca</p>

Campaign financing

Campaign financing in the *Local Elections Campaign Financing Act* (LECFA, the Act) includes:

- rules that candidates, elector organizations and third party sponsors must follow
- disclosure requirements for disclosing campaign financing and election advertising

Campaign financing rules enhance accountability and transparency by requiring financial agents for candidates and elector organizations to record and disclose detailed information about financial transactions associated with running a local election campaign. These include campaign contributions, election expenses and other income and expenditures related to a campaign. In addition, LECFA details the requirements for recording and disclosing financing related to third party and non-election assent voting advertising.

LECFA also contains very specific campaign financing offences and penalties. Knowing the rules and fulfilling the requirements for disclosure will ensure compliance with the Act.

Campaign financing periods

The *Local Elections Campaign Financing Act* outlines two periods related to campaign financing: the **campaign period** and the **election proceedings period**.

Campaign period

The campaign period for a general local election begins at the start of the calendar year in which the general local election is held and ends at the close of voting on General Voting Day (GVD).

For a by-election, the campaign period starts on the day the vacancy of the office occurs.

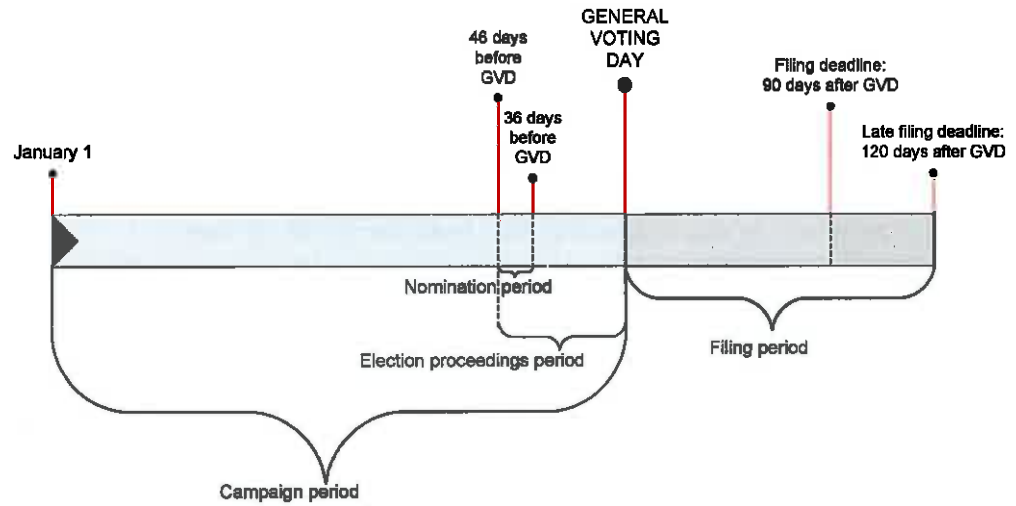
Election proceedings period

For a general local election or by-election, the election proceedings period runs from the 46th day before GVD until the close of voting on GVD.

Filing period

The disclosure statement filing deadline is 90 days after General Voting Day (GVD), and the late filing deadline, accompanied by a late filing fee of \$500, is 120 days after GVD.

General Local Elections Campaign Financing Periods



Disclosure statements

A disclosure statement is a financial report showing all campaign contributions, election expenses, transfers, surplus funds and other transactions related to an election. Financial agents for candidates and elector organizations, and individuals and organizations who are third party sponsors, must file disclosure statements with Elections BC.

All disclosure statements must be prepared according to the rules in the *Local Elections Campaign Financing Act* (LECFA) and related regulations. Elections BC provides the forms required to complete the disclosure statement package.

Financial agents are responsible for filing disclosure statements even if there were few or no financial transactions during the election campaign. Candidates and responsible principal officials for elector organizations must also ensure that their financial agents file their disclosure statements.

Disclosure statements can be filed by:

- email
- mail
- courier
- fax
- hand to a Service BC Centre (servicebc.gov.bc.ca/locations)
- hand to the Elections BC office in Victoria

Compliance review

Elections BC conducts compliance reviews of each disclosure statement and:

- ensures the disclosure statement complies with LECFA
- contacts the financial agent if any issues are identified
- ensures the disclosure statement is amended if needed
- sends a letter indicating that the disclosure statement was reviewed

Financial agents are appointed by candidates and elector organizations to manage their campaign finances. Third party sponsors do not have financial agents.

A postmark is not acceptable as proof of delivery by the deadline. The disclosure statement must be received and accepted by Elections BC by the filing deadline.

Disclosure requirements

Elections BC must only accept disclosure statements that are completed on forms provided by Elections BC, have the required signatures and include all required forms. A disclosure statement cannot be accepted if it does not meet the requirements outlined in this section.

Disclosure statements for candidates and elector organizations must include the following:

- cover sheet, checklist and all applicable forms
- required declarations form with signatures
- full name and required contact information for each individual who acted as financial agent during the campaign
- effective appointment date(s) of the financial agent(s)
- name and address of the savings institution for each campaign account
- total value of election expenses by class
- total value of election proceedings period expenses by class
- total value of campaign contributions by class
- name, address and class of significant contributors, except the address for individuals
- amount, date and purpose of other authorized payments paid into or from the campaign account
- identification if also a third party sponsor during the election proceedings period
- specific additional information as outlined below

For further explanation of classes of expenses, refer to [Recording and disclosure requirements for expenses on page 47](#).

Contributor classes are explained in detail in [Classes of contributors on page 32](#).

Candidates

Candidates running for office in multiple elections must file a separate disclosure statement for each separate election campaign. Financial agents filing disclosure statements for their candidates must ensure that the following information is also included:

- declaration form signed by the financial agent and candidate
- full name of candidate
- if different, the usual name used on the ballot in the election
- required contact information
- the jurisdiction in which the candidate sought election
- the office for which the candidate sought election

- campaign surplus funds from a previous election provided by the jurisdiction
- transfers between own campaign accounts
- transfers of money, property or services to or from an endorsing elector organization
- value of surplus campaign funds from the current election
- how surplus campaign funds from the current election were dealt with
- free election advertising provided by the jurisdiction

Elector organizations

Elector organizations endorsing candidates in more than one jurisdiction must file a separate disclosure statement for each jurisdiction in which they endorsed a candidate. Financial agents filing disclosure statements for their elector organizations must ensure that the following information is also included:

- declaration form signed by the financial agent and authorized principal official
- name of elector organization
- if different, the legal name of the organization, the ballot name, the usual name, any abbreviations, acronyms and other names used
- full name and required contact information of the authorized principal official
- full names and mailing addresses of the other responsible principal officials
- jurisdiction in relation to which the disclosure statement is being filed
- full names of the endorsed candidates
- if different, the ballot names of the endorsed candidates
- the offices for which the candidates sought election
- transfers between own campaign accounts
- transfers of money, property and services to or from candidates
- campaign contributions received by individuals who sought endorsement but were not declared as candidates – if they transferred money to the elector organization and the funds were not returned
- value of surplus campaign funds from the current election and how they were dealt with

For support in complying with the campaign financing rules and regulations, [contact Elections BC.](#)

If a disclosure statement does not meet the requirements above, Elections BC will not accept it. Elections BC will work with the financial agent to ensure that the disclosure statement meets the requirements. If Elections BC is unable to reach a financial agent before the filing deadline, the unacceptable disclosure statement could be considered not filed or filed late.

Filing deadline

The filing deadline for disclosure statements is 4:30 p.m. (Pacific time), 90 days after General Voting Day (GVD).

Disclosure statements filed before or on the filing deadline are considered filed on time if the disclosure statement meets all of the requirements. If the statement requires additional information, Elections BC will contact the financial agent to give them an opportunity to correct the disclosure statement. If a financial agent is unable to file an acceptable disclosure statement before the 90 day filing deadline, they may file the statement late under the late filing provisions discussed below.

Extensions to the filing deadline cannot be beyond 120 days after GVD.

The B.C. Chief Electoral Officer may grant extensions to the filing deadline if there are documented extenuating circumstances. Requests for extensions must be made in writing to the B.C. Chief Electoral Officer before the 90 day filing deadline.

Late filing deadline

The late filing deadline is 4:30 p.m. (Pacific time), 120 days after General Voting Day (GVD). Disclosure statements submitted between 91 to 120 days after GVD are late and must include a **\$500 late filing fee**. If a financial agent is responsible for filing more than one disclosure statement and if those disclosure statements are all filed late, each disclosure statement must be accompanied by its own \$500 late filing fee.

It is an offence to not file a disclosure statement by the late filing deadline. There are significant penalties for committing offences.

Additional information regarding filing deadlines, penalties, Elections BC's role and information is provided in the table below.

Time period	Fee	Elections BC's role	Communication from Elections BC Includes:
On time: 1-90 days after GVD	Not applicable	<ul style="list-style-type: none"> ▪ Review to determine if statement meets the requirements. ▪ Publish disclosure statements on Elections BC website (after 90 days). ▪ Contact financial agent if necessary. 	<ul style="list-style-type: none"> ▪ requirements needed to complete disclosure statement ▪ information regarding late penalty fees ▪ information required in a supplementary report
Late: 91-120 days after GVD	\$500 for each disclosure statement submitted	<ul style="list-style-type: none"> ▪ Send notice to financial agent and other responsible individuals. ▪ Send notice to local authorities that a disclosure statement was not filed on time. 	<ul style="list-style-type: none"> ▪ disclosure statement is late ▪ disclosure statement must be submitted by late filing deadline with \$500 late penalty fee ▪ offences and penalties apply for not filing by late filing deadline ▪ application can be made to the Supreme Court for relief

For more information about offences and penalties, go to [Court order for relief, campaign financing offences and penalties on page 59.](#)

Elections BC will notify the financial agent when the review of the disclosure statement is complete.

It is an offence to file a false or misleading disclosure statement or supplementary report.

Fines and/or penalties for filing a false or misleading campaign financing disclosure statement could still apply even if a supplementary report was filed.

Keep records in B.C. for five years after General Voting Day.

Supplementary reports

A supplementary report must be filed with Elections BC if the information in the disclosure statement has changed or did not completely and accurately disclose the information required. Such a report must be filed within 30 days of the financial agent becoming aware of the change.

Additionally, if Elections BC advises a financial agent that a supplementary report is required, the supplementary report must be submitted within 30 days of notice being given. Elections BC will also notify the local election officer of any required supplementary reports for candidates and elector organizations.

A supplementary report must:

- provide details about the addition, change or correction to the original disclosure statement
- include a description of the circumstances that led to filing the supplementary report
- be in a form approved by Elections BC

Requirement for retaining records

Financial agents must keep all campaign financing records and other material related to the disclosure statement in British Columbia until all disclosure requirements have been fulfilled.

After the requirements have been met, the candidate or elector organization becomes responsible for retaining records and materials. Records must be retained by candidates or by the authorized principal official of the elector organization in British Columbia until five years after General Voting Day (GVD).

Public information

Disclosure statements are posted to the Elections BC website after the 90 day filing deadline. The statements may also be viewed at the Elections BC office in Victoria.

Local governments must also provide public access to the disclosure statements and supplementary reports. The access may be a link directly to the Elections BC website or a hard copy. Copies of the disclosure statements may be obtained from the local governments for a fee.

Elections BC must also make the following candidate and elector organization information available to the public:

- financial agent name, mailing address and updated information
- name of elector organization's authorized principal official

PRIVACY NOTICE

Information collected by Elections BC in the campaign financing disclosure statements and supplementary reports is to administer the *Local Elections Campaign Financing Act*.

For more information, contact the **Privacy Officer** at Elections BC:

1-800-661-8683 or PO Box 9275 Stn Prov Govt, Victoria, BC V8W 9J6

Financial agents

Candidates can act as their own financial agent.

All candidates and elector organizations must have a financial agent during an election campaign. The financial agent is legally responsible for administering campaign finances in compliance with the *Local Elections Campaign Financing Act* (LECFA, the Act).

A candidate and elector organization may only have one financial agent at any one time. However, a financial agent can act for more than one candidate or for more than one elector organization during the same election.

Appointment requirements

The nomination period is 10 days long, between the 46th and 36th days before General Voting Day.

Unless a candidate is their own financial agent, a financial agent must be appointed before any election-related financial transactions (such as campaign contributions, transfers and expenses) occur.

All financial agent appointments must be made in writing and delivered to the local election officer by the end of the nomination period. The table below outlines requirements for the financial agent appointment process.

Financial agent for:	Appointment information required	Signatures required
Candidate	<ul style="list-style-type: none"> ▪ the full name of the financial agent ▪ the effective date of the appointment ▪ the required contact information for the financial agent ▪ address for service of the financial agent 	<ul style="list-style-type: none"> ▪ candidate ▪ financial agent
Elector organization	<ul style="list-style-type: none"> ▪ the full name of the financial agent ▪ the effective date of the appointment ▪ the required contact information for the financial agent ▪ address for service of the financial agent 	<ul style="list-style-type: none"> ▪ authorized principal official of the elector organization ▪ financial agent

Address for service is defined in the Glossary [on page 64](#).

Responsibilities

Financial agents' responsibilities start from the time they are appointed and generally end when the disclosure statement is finalized by Elections BC. Financial agents must understand the scope of their responsibilities under the *Local Elections Campaign Financing Act* (LECFA, the Act) because failure to comply with campaign financing rules may result in fines and/or other penalties.

Financial agents are responsible for:

- opening a separate campaign bank account for each candidate or elector organization
- ensuring that all transactions of money are made through the campaign account
- determining the market value of campaign contributions of property, services, expenses and election advertising
- receiving campaign contributions and determining whether those contributions can be accepted in accordance with the Act
- incurring, paying, recording and disclosing election expenses
- providing and/or receiving transfers of money, property or services between candidate accounts or between candidates and elector organizations
- keeping complete and accurate financial records of, and disclosing, all transfers, campaign contributions, election expenses and other financial transactions
- filing a campaign financing disclosure statement within 90 days after General Voting Day (GVD)
- ensuring all required financial records are kept in British Columbia for five years after GVD
- working with Elections BC to reconcile disclosure statement(s) as needed

Financial agents may, in writing, authorize another individual to accept campaign contributions or pay election expenses. Unless financial agents provide a personal guarantee, they are not liable for debts or other liabilities of a candidate or elector organization.

Elections BC works closely with financial agents to reconcile the disclosure statements. Some disclosure statements may take months to finalize.

Financial agents must open a separate campaign account for each campaign they manage.

Financial agents may also have other roles. For example, a financial agent may also be:

- the official agent for the candidate
- a responsible principal official for an elector organization

Changes and updated information

As soon as practicable after a change in financial agent or financial agent information, the candidate, elector organization or financial agent must provide the updated information as follows:

- **before declaration of election results**, to the local election officer
- **after declaration of election results**, to Elections BC

Bank accounts

A bank account is an account in a savings institution such as a bank, credit union or trust company. Campaign accounts are bank accounts used exclusively for the election campaign.

A sub-account may be opened with an institution that requires a primary or membership account as long as the account has a distinct account number and records are maintained separately from any other account.

When to open

The campaign account must be opened as soon as practicable after the first campaign contribution is received and before becoming liable for payment of an election expense. This includes:

- transfers of money between candidates and elector organizations
- a jurisdiction's return of surplus campaign funds from a previous election

The campaign account must be opened at the earliest of the following events:

Financial agent for:	Before	After
Candidate	<ul style="list-style-type: none"> ■ receiving a transfer of money ■ receiving payment of surplus campaign funds from the previous election ■ becoming liable for payment of an actual and/or intended election expense 	<ul style="list-style-type: none"> ■ receiving a campaign contribution of money
Elector organization	<ul style="list-style-type: none"> ■ receiving a transfer of money ■ becoming liable for payment of an actual and/or intended election expense 	<ul style="list-style-type: none"> ■ receiving a campaign contribution of money

The name of the election campaign could be different than the legal name of the candidate or the registered title of the elector organization.

Requirements for opening an account

Financial agents must open a separate campaign account for each candidate or elector organization they manage. This means that candidates cannot share a bank account. It also means that endorsed candidates and their elector organizations must have separate campaign accounts and separate accounting books or ledgers.

Each campaign account must be in the name of the election campaign of the candidate or elector organization.

EXAMPLE 1

Candidate campaign account name
"John Smith campaign"

EXAMPLE 2

Elector organization campaign account name
"ABC elector organization campaign"

Payments must be made by the financial agent, the candidate or an individual that is authorized by the financial agent.

In addition, it is important to note that:

- all monetary transactions (contributions, transfers and expenses) must go through the account
- accounts must be used only for purposes of that election campaign
- accounts must only receive deposits that are permitted

Other permissible transactions

Candidates and elector organizations that have more than one campaign account can make transfers between those accounts. If an elector organization endorses a candidate, the elector organization can make transfers to the candidate's campaign account. The endorsed candidate can also make transfers to the elector organization's campaign account.

If applicable, candidate or elector organization campaign accounts may be also used for the following purposes:

Campaign account for:	Payments	Deposits
Candidate	<ul style="list-style-type: none"> ▪ nomination deposit ▪ surplus campaign funds to local authority ▪ dealing with prohibited contributions (e.g., refunds) ▪ election expenses ▪ campaign account banking fees ▪ campaign-related professional fees ▪ reimbursed expenses paid by individual authorized by financial agent (receipt required) ▪ other expenses incidental to the election campaign ▪ financial agent salary or stipend 	<ul style="list-style-type: none"> ▪ campaign contributions of money ▪ if applicable, dividends of shares paid by a credit union ▪ fundraising income other than campaign contributions (e.g., a silent auction, bake sale or merchandise sale) ▪ payment received for reimbursement of election expenses shared with another candidate ▪ interest earned from campaign account
Elector organization	<ul style="list-style-type: none"> ▪ dealing with prohibited contributions (e.g., refunds) ▪ election expenses ▪ campaign account banking fees ▪ campaign-related professional fees ▪ reimbursed expenses paid by individual authorized by financial agent (receipt required) ▪ other expenses incidental to the election campaign ▪ financial agent salary or stipend 	<ul style="list-style-type: none"> ▪ campaign contributions of money ▪ if applicable, dividends of shares paid by a credit union ▪ fundraising income other than campaign contributions ▪ interest earned from campaign account

Market value

The value of property or services is generally:

- the price paid for the property or services, or
- the market value of the property or services if no price is paid or if the price paid is less than the market value

The market value of a property or service is the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time. Market value includes all applicable taxes.

Volunteers

A volunteer, generally, is an individual who willingly performs free services for an election campaign. Specifically, volunteers:

- receive no compensation (directly or indirectly) or material benefit for their services
- are not paid by their employer for working as a volunteer
- can willingly volunteer while they are on vacation and receive vacation pay
- must be authorized in writing by the financial agent to incur election expenses

Volunteer services are not assigned a market value.

Property of volunteers provided or used in relation to their volunteer services is neither a campaign contribution nor an election expense.

It is beneficial for financial agents to get a signed letter from each volunteer confirming that they are not being paid.

Volunteers cannot get extra paid vacation time from their employer for willingly working on a campaign during their vacation.

EXAMPLE

Miranda is a volunteer on Kelly's campaign. Miranda uses her own car to deliver lawn signs and brochures. She does not get any money for gas or other expenses. Since Miranda is using her own property (her car and gas) in relation to her volunteer services, the value of using the car and the gas is not a campaign contribution nor an election expense.

Non-volunteers

The following scenarios are examples of individuals or employers who provide services for free and are not volunteers.

Self-employed individual

An individual who is self-employed and provides free services for which they would normally charge is not a volunteer. Instead, that individual is making a campaign contribution. Financial agents must, therefore, value, record and disclose that individual's contribution.

EXAMPLE

Martin is a self-employed communications professional. A candidate wants to prepare for an interview and asks Martin to help her as a favour. For a paying client, Martin would normally charge \$100 for three hours of work, but Martin provides the service for free.

Martin has made a campaign contribution of \$100, and the candidate has incurred an election expense of \$100. Both the contribution and the expense must be recorded and disclosed in the candidate's disclosure statement.

Employer

If an employer provides the labour of its employees to an election campaign without charge, the employees are not volunteers because they are getting paid for providing that free service. The employer in this case is making a contribution to the candidate or elector organization receiving the free services.

The value of the contribution would be the cost to pay the employees to provide the free service.

The following table summarizes the information in this section.

Scenario	Value	From
Individual who volunteers to work on a campaign and receives no compensation or material benefit	Nil	
Individual on vacation who volunteers to work on a campaign	Nil	
Self-employed individual providing free service that would normally be charged for as part of that individual's business	Cost of labour used to provide the service (as if provided for a paying client)	Self-employed individual
Employee paid by employer who is providing a free service	Amount of salary paid to employee for providing the service	Employer

Campaign contributions

A campaign contribution is the value of any money or non-monetary property or services provided to a candidate or elector organization for campaign use. The contribution can be made before or after the start of a campaign period.

A campaign contribution may be provided by donation, advance, deposit or discount. Any money provided by a candidate in relation to their own campaign is considered a campaign contribution. Elector organizations cannot make campaign contributions of money to their own campaign or to the campaign of a candidate. Elector organizations can make transfers of money to their endorsed candidates.

Fundraising functions

A fundraising function under the *Local Elections Campaign Financing Act* includes a social function held by, or on behalf of, a candidate or elector organization for the purpose of obtaining funds.

There are special rules for fundraising function tickets that define what is and what is not a campaign contribution. Depending on these rules, a ticket sold for a fundraiser may or may not be a campaign contribution. These rules are explained below:

- If an organization buys a ticket to a fundraising function, the price paid is a campaign contribution.
- If an organization buys fundraising function tickets and provides those tickets to other individuals to attend the fundraising function, the organization is still the contributor for the purposes of the *Local Elections Campaign Financing Act*.
- If an individual buys a ticket to a fundraising function and the ticket price is more than \$50, the individual is making a campaign contribution equal to the price of the ticket.
- If the price is \$50 or less, the price paid by an individual is not a campaign contribution unless the individual buys more than \$250 worth of tickets. If they do buy more than \$250 worth of tickets, the price paid is a campaign contribution.

Examples are provided on the following page.

EXAMPLE 1

Sally Jones buys five tickets to a \$50 candidate fundraising dinner for herself and to treat four of her friends.

5 tickets x \$50 per ticket = \$250

Has Sally made a campaign contribution?

No, Sally has not made a campaign contribution for purposes of the *Local Elections Campaign Financing Act* because the ticket price is \$50 or less and the total cost of the tickets (\$250) is not more than \$250. This means that the money Sally paid is not recorded or disclosed as a campaign contribution, but it still must be recorded and reported as other income.

EXAMPLE 2

Big Company buys two tickets for \$25 each to a luncheon held by an elector organization.

2 tickets x \$25 per ticket = \$50

Has Big Company made a campaign contribution?

Yes, Big Company has made a campaign contribution of \$50 because all fundraising function tickets **purchased by organizations** are campaign contributions regardless of the cost of the tickets.

For information about selling goods or services to raise funds, see [Other income on page 35](#).

What are acceptable, prohibited and not contributions

It is important to know which contributions are **acceptable**, which are **prohibited**, and the circumstances in which money, property or services provided to a candidate or an elector organization are **not contributions**.

Acceptable contributions	Prohibited contributions	Not contributions
Donations of non-monetary property and services (e.g., volunteers who let other campaign workers use their cars for the purpose of the campaign)	Giving a contribution to someone other than the financial agent or other than an individual authorized in writing by the financial agent, to accept campaign contributions	<p>Services provided by a volunteer</p> <p>Non-monetary property of a volunteer used or provided in relation to the volunteer's services (e.g., volunteers using their own cars to deliver flyers)</p>
Money given by a candidate to the candidate's financial agent for use in the candidate's own campaign	Making a campaign contribution, other than a permitted anonymous contribution, without disclosing to the financial agent the information that must be recorded	Publishing news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary for free in a legitimate periodical or radio or television program
Money to be used for the campaign given to a financial agent (or an individual authorized by the financial agent in writing)	Accepting a campaign contribution, other than a permitted anonymous contribution, without the information that must be recorded	Free broadcasting time in a legitimate public affairs program
Discounts on property and service	Making indirect campaign contributions	Publications intended to be sold whether there was an election or not
	Giving money or non-monetary property or services to an individual or organization as consideration for that individual or organization making a campaign contribution	Transfers of money, property or services between an elector organization and an endorsed candidate

An indirect contribution is a campaign contribution made with money or non-monetary property or services of another individual or organization.

Acceptable contributions	Prohibited contributions	Not contributions
Anonymous donations of \$50 or less	Accepting indirect campaign contributions	Non-monetary property or services provided by a candidate for use in the candidate's own campaign
Income from sales or fundraisers if greater than market value	Elector organizations making a contribution of money to their own campaign or to a candidate	Jurisdiction's return of candidate's surplus funds from the last election*
Membership fees for an established elector organization	Making or receiving an anonymous campaign contribution of more than \$50	Provision of free and equitable advertising to all candidates in the election*

** While these examples are excluded from being contributions, they have recording and disclosing requirements under LECFA which are explained later under [Recording and disclosure requirements for campaign contributions on page 32](#).*

The following are examples of **acceptable contributions**, **prohibited contributions** and situations in which money, property or services provided to a candidate or an elector organization are **not contributions**.

EXAMPLE 1

A candidate buys 5,000 printed copies of a brochure. The candidate pays \$400, but the printer normally charges \$750.

Is this an acceptable campaign contribution?

Yes, because this is an example of a campaign contribution by discount.

How much?

The printer has made a campaign contribution of \$350 (\$750 - \$400) by providing the service at less than market value. This is a discount on a property or service provided to the candidate.

EXAMPLE 2

Jane pays for a membership fee to an elector organization in her own name, but her employer reimburses her for the fee.

Did Jane make an acceptable campaign contribution?

No, because her employer reimbursed her for the fee. This is an example of a prohibited contribution because the employer has made an indirect contribution through Jane.

Can Jane's employer pay for her membership and make an acceptable campaign contribution?

Yes, but only if the elector organization's financial agent is told that the employer is making the contribution and is provided with the information that must be recorded under LECFA.

EXAMPLE 3

A landlord provides campaign office space for no charge.

Did the landlord make a campaign contribution?

Yes, because it was a **donation** of property or service. The value of the contribution would be the market value of renting the office space.

EXAMPLE 4

Candidate John Smith uses the basement suite at his home as a campaign office.

Did John Smith make an acceptable campaign contribution to his own campaign?

No, because property or services provided by a candidate for use in their own campaign is not a contribution.

Campaign contribution limits

Except for anonymous contributions, there are no campaign contribution limits or restrictions on when contributions can be made or accepted. Campaign contributions may be received before or after a candidate has been officially declared and may also be accepted after General Voting Day (GVD).

Loans or debts

Any loan or debt which remains unpaid for six months after it becomes due converts to a campaign contribution unless the creditor has started legal proceedings to recover the debt. Creditors keep their rights to collect the loan or debt past the six month period even if no prior collection action was taken.

Determining market value of campaign contributions

The value of contributions of property and services depends on the circumstances of the contributions. If property or services are given at no cost, the value of the contribution is the market value of the property and services.

Discounted property or services

If property or services are given at less than market value, the provider of the property or services is making a campaign contribution. The campaign contribution is the difference between the price paid and the market value of the property or service.

EXAMPLE 1

A printer gives a discount on signs. The signs would normally cost \$1,500, but the printer only charges \$1,000. The printer has made a campaign contribution.

What is the market value of the contribution?

The contribution is valued and recorded as \$500 (\$1,500 - \$1,000).

EXAMPLE 2

The Vote for Us Elector Organization purchases office supplies at the ABCD office supplies store and receives a special 25% discount because the financial agent knows the manager. The store has made a campaign contribution.

What is the market value of the contribution?

If the supplies have a market value of \$50 and the financial agent only pays \$37.50 with the 25% discount, then the ABCD office supplies store is making a campaign contribution of \$12.50.

Donated property or services

Donated property or services must be recorded as campaign contributions. The value of a campaign contribution is based on the market value of that property or service.

EXAMPLE

If a printer provides free campaign signs, the printer is making a campaign contribution.

What is the market value of the contribution?

The market value is what the printer would normally charge, including taxes, for those signs.

Donated property or services used during an election campaign are also election expenses. Only the portion used is disclosed as an election expense, so the market value for only that portion must be calculated and disclosed.

EXAMPLE

QRS Lumber donates wood to Michelle's campaign for campaign signs. The value of the wood is \$500. QRS lumber is making a campaign contribution.

What is the market value of the contribution?

It would be \$500. If Michelle only used half of the wood for her campaign signs, she would disclose \$250 as an election expense ($\$500 - \$250 = \$250$).

Capital assets

When capital assets are donated, the contribution is the market value of **using** the property. For example, the value of office space is the market value of renting the space. Capital assets may include buildings, computers, office furniture and equipment.

EXAMPLE

If a landlord provides free campaign office space, the landlord is making a contribution equal to the market value of renting the office space.

Rules for making and accepting campaign contributions

The following rules for making and accepting campaign contributions apply to all contributions:

- campaign contributions of money and other income must be deposited into the campaign bank account
- when accepting campaign contributions, the financial agent must record the **amount**, the **date** the contributions were made and the **contributor information** as required by the *Local Elections Campaign Financing Act* (LECFA, the Act)

[Recording and disclosure requirements for campaign contributions on page 32](#) outlines the required information.

- **contributors must provide required information** to financial agents so that financial agents can meet legal disclosure requirements
- any money a candidate contributes to their own campaign must be treated as any other campaign contribution and must be recorded and disclosed in compliance with LECFA
- donated property or services must be assigned a market value and recorded and disclosed in the same way as contributions of money
- campaign contributions, unless truly anonymous, can **only** be made to, or accepted by, the financial agent or an individual authorized in writing by the financial agent

Anonymous contributions

An anonymous contribution must be truly anonymous. This means that the financial agent or candidate does not know who the contributor is. An individual cannot request that a contribution be accepted and disclosed as an anonymous contribution.

Anonymous contributions of **\$50 or less** are allowed, but an individual or organization can only make anonymous contributions of up to \$50 in total **per** candidate or elector organization.

An anonymous contribution of **more than \$50** received by a candidate or elector organization is **prohibited** and must be remitted **in total** to Elections BC. Elections BC will deposit the amount in the government's Consolidated Revenue Fund.

EXAMPLE

If a financial agent receives an anonymous contribution of \$75, **all of the \$75** must be remitted to Elections BC. The financial agent **cannot keep \$50 and give Elections BC \$25**.

It is prohibited to make multiple anonymous contributions totalling more than \$50 to the same candidate or elector organization.

Prohibited contributions are listed in a table under [What are acceptable, prohibited and not contributions](#) on page 25.

Prohibited contributions

It is an offence to make or knowingly accept a prohibited contribution. If anyone related to the campaign becomes aware that a contribution is prohibited, they must inform the financial agent immediately.

Dealing with prohibited contributions

Financial agents who become aware that a campaign contribution was made or accepted in contravention of the *Local Elections Campaign Financing Act* (LECFA, the Act) must return the contribution, or an amount equal to its value, to the contributor within 30 days after becoming aware that the contribution is prohibited.

A financial agent who cannot return the contribution (e.g., it was an anonymous contribution over \$50) must pay its value to Elections BC for remittance to the Consolidated Revenue Fund.

Classes of contributors

Contributors are categorized into classes as outlined below:

- Class 1:** Individuals
- Class 2:** Corporations
- Class 3:** Unincorporated business/commercial organizations
- Class 4:** Trade unions
- Class 5:** Non-profit organizations
- Class 6:** Other identifiable contributors
- Class 7:** Anonymous

Recording and disclosure requirements for campaign contributions

It is very important that financial agents maintain accurate and detailed records of all transactions throughout the campaign. In some instances, what is recorded is not always what is disclosed. Detailed records will make completing the campaign financing disclosure statements easier, and the information that is recorded can be helpful later when Elections BC reviews the disclosure statements. The *Local Elections Campaign Financing Act* outlines the following recording and disclosure requirements.

Recording requirements

The financial agent must record the following information for each campaign contribution:

- the full name and mailing address of the contributor
- the value of the campaign contribution
- the date of the campaign contribution
- the class of the contributor
- and, **if the contributor is an organization**, the full names and mailing addresses of two directors or principal officials of the organization

Disclosure requirements

Disclosure requirements differ depending on the contributor and the amount contributed.

Significant contributors are individuals or organizations that make a contribution of \$100 or more to the same entity. The total contribution could either be a single donation of \$100 or more **or** multiple smaller donations that total \$100 or more. The financial agent must disclose significant contributor information as follows:

- the name of the contributor
- the value of the contribution
- the date the contribution was made
- the class of the contributor
- and, **if the contributor is an organization:**
 - the mailing address of the organization
 - the full names of two directors or principal officials of the organization

For **contributors who contributed less than \$100 in total:**

- the total amount of all contributions by class
- the total number of contributors

For **anonymous contributions:**

- the total amount of anonymous contributions
- the total number of anonymous contributors

Mailing addresses for individuals are recorded at the time a contribution is made; however, they are not disclosed on the disclosure statement.

The financial agent may inform significant contributors who are individuals that their full names, class and mailing address will be recorded but only their names and class will be disclosed.

For **prohibited contributions**:

- the circumstances in which the contribution was received
- as much as possible of the required information needed for campaign contributions
- when and how the contribution was dealt with

Free advertising provided by the local jurisdiction

If the local jurisdiction provides free transmission of election advertising and offers it equitably to all candidates in the election, the following information must be disclosed:

- the date the election advertising was transmitted to the public
- the specific means by which the election advertising was transmitted
- the jurisdiction that provided the election advertising

Other income

Other income includes interest income and dividends of shares paid by a credit union. It also includes money earned through product sales and fundraising activities such as auctions, garage sales, wine and cheese events and meet and greet the candidate events. Surplus campaign funds from a previous election that are returned to a candidate by a jurisdiction are also other income.

Some income from property and services sold at auctions and other sales may be a campaign contribution. If property or services are bought at a price higher than the market value, the difference between the price paid and the market value is a campaign contribution.

Candidates and elector organizations are not permitted to use lotteries, raffles or any other gambling type activity for campaign fundraising. It is illegal to conduct these activities without a licence. The Province of British Columbia will not issue such a licence for the purpose of campaign fundraising.

The following examples explain when money raised at an event is other income or a campaign contribution.

EXAMPLE 1

Other income

To raise money for a candidate's campaign, Jerry donates a TV that has a market value of \$175. Jennifer buys the TV at an auction held by the candidate's campaign for \$70.

Has Jerry made a campaign contribution?

Yes, because he donated the TV at no cost to the candidate campaign.

How much is his campaign contribution?

The contribution is \$175 because the market value of the donated TV is \$175.

Has Jennifer made a campaign contribution?

No, because she paid less than the market value of the TV.

What is the \$70?

In this situation, it is **other income**.

EXAMPLE 2

Campaign contribution

Jennifer, from example 1, buys the TV for \$275.

Has Jennifer made a campaign contribution?

Yes, because she paid more than the market value of the TV.

How much is her campaign contribution?

Her contribution is \$100 because it is the amount Jennifer paid minus the market value ($\$275 - \$175 = \$100$).

The value of donated goods and services sold at a fundraiser must be disclosed as an election expense.

Recording and disclosure requirements for other income

The financial agent is required to record and disclose:

- the amount and purpose of each deposit of other income to the campaign bank account, including a description of the sales, fundraising function or event
- for **surplus campaign funds** from a previous election that are returned to a candidate by a jurisdiction:
 - the amount
 - the date

Surplus campaign funds are discussed in more detail [on page 40.](#)

Transfers

Transfers are movements of money between:

- a candidate's own campaign accounts
- an elector organization's own campaign accounts
- the accounts of an elector organization and its candidates

Transfers can be made during the election campaign and after General Voting Day.

Transfers of non-monetary property or services

Endorsed candidates and their elector organizations can transfer non-monetary property or services to each other. Financial agents for the **giver** and the **receiver** of the property and services must determine the market value for the property and services. The transfer must be consistently recorded and disclosed by **both** the giver and the receiver.

Recording and disclosure requirements for transfers

All transfers of money, property or services:

- must be recorded and disclosed at market value
- must be consistently disclosed by the giver and the receiver
- will be reconciled by Elections BC upon review of the disclosure statements

Transfers of non-monetary property or services

Non-monetary property or services may be transferred between a candidate and an elector organization. These are not campaign contributions. The disclosure statement must include the following information:

- the value of the non-monetary property or services provided or received
- the date the non-monetary property or services were provided or received
- the name of the candidate that provided the non-monetary property or services
- a description of the non-monetary property or services provided or received

The following table explains what needs to be recorded and disclosed.

Between a candidate or elector organization's own campaign accounts	Between candidates and elector organizations	
	Money	Property or services
Amount	Amount	Market value of property or services provided or received
Date	Date	Date property or service was provided or received
Accounts involved	Name of candidate or elector organization who provided or received the money	Name of candidate or elector organization who provided or received the property or service
		Description of the property or service provided or received

Undeclared candidates

If a candidate seeking endorsement by an elector organization transfers money to that elector organization but is not endorsed and not declared to be a candidate, the elector organization may return the amount transferred by the candidate. If the amount is not returned by the elector organization, the candidate must provide the elector organization the required information and records relating to campaign contributions received by the candidate, including:

- the total value of those contributions
- the total value of those contributions in each contributor class
- the required information for each significant contributor
- if applicable and to the extent known, the required information for each prohibited contribution
- the total value of the other contributions received and the total number of contributors from whom they were received

Unendorsed but declared candidates

The following information about any transfers between an unendorsed candidate and an elector organization must be included in the candidate and elector organization disclosure statements:

- the name of the unendorsed candidate or elector organization
- amount and date of transfers received
- amount and date of transfers provided
- description of any non-monetary property or services transferred

Surplus campaign funds

Surplus campaign funds are the balance of money left in the campaign account after all financial transactions are done. Elector organizations and candidates have different rules for dealing with surplus campaign funds.

Elector organizations

The financial agent for an elector organization may deal with the elector organization's surplus campaign funds as follows:

- pay the balance to the elector organization, or
- disburse the surplus as directed by the elector organization

Candidates

The financial agent must deal with any candidate surplus campaign funds after all expenses, incidental expenses and transfers have been made.

If the candidate made campaign contributions of money to their own campaign, the financial agent can repay the candidate up to the value of **only** those campaign contributions.

After the candidate has been reimbursed for the contributions they made, any remaining surplus is dealt with as follows:

- If the surplus is **under \$500**, the financial agent must **pay the candidate** the surplus or deal with those funds as directed by the candidate.
- If the surplus is **\$500 or more**, the financial agent must pay the **total** amount of the surplus campaign funds (not just the amount over \$500) **to the jurisdiction** in which the candidate's election was held.

The jurisdiction will hold the funds plus the accumulated interest in trust.

Surplus campaign funds held in trust by a jurisdiction

Payments of candidate surplus campaign funds over \$500 must be made to the jurisdiction in which the candidate's election was held. The jurisdiction will hold the funds, plus accumulated interest, in trust. If the candidate seeks office in the same jurisdiction in the next general local election or an earlier by-election, the jurisdiction must pay those funds to the candidate's financial agent to use in the election.

If the candidate does not run for office in the same jurisdiction in the next general local election or an earlier by-election, the surplus campaign funds cease to be trust funds. They become funds of the jurisdiction to be used at the discretion of the local authority.

Recording and disclosure requirements for surplus campaign funds

Financial agents must record and disclose the following information about surplus campaign funds.

For **both** candidates and elector organizations:

- the total amount of any surplus campaign funds
- how surplus campaign funds were dealt with

For **candidates only**:

- the total amount of surplus campaign funds **from a previous election** transferred from the jurisdiction to the candidate's current campaign account
- if the candidate made campaign contributions to their own campaign, the total amount the candidate was repaid
- how surplus campaign funds under \$500 were dealt with
- if surplus campaign funds were \$500 or more, the total amount paid to the candidate's jurisdiction to be held in trust

Expenses

The *Local Elections Campaign Financing Act* (LECFA) requires all expenditures to be disclosed.

Only the financial agent, the candidate or an individual authorized in writing by the financial agent may pay for election expenses. Payments for election expenses must be made or reimbursed from the campaign account.

Election expenses

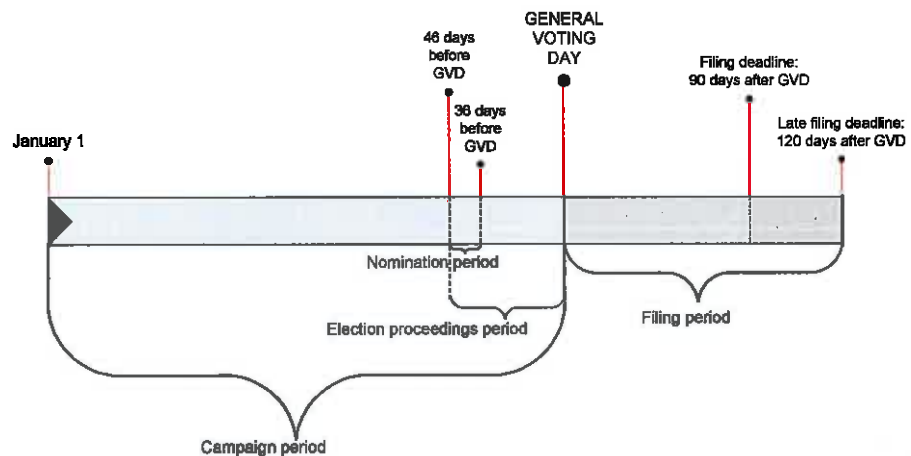
An **election expense** is the value of property or services used in an election campaign during the campaign period for the election.

An **election proceedings period expense** is an election expense used in the election proceedings period which is a part of the campaign period. Financial agents must report election proceedings period expenses and other election expenses, so it is important to keep track of when things are used.

The definitions of election expenses and election proceedings period expenses mean that it is **when something is used** that determines which type of expense it is. A candidate may have purchased election signs in the December before a general local election, but if the candidate used those signs in the election proceedings period, they must record and disclose the expense as an election expense and an election proceedings period expense.

The election proceedings period starts on the 46th day before General Voting Day and ends at the close of general voting.

General Local Elections Campaign Financing Periods



Election expenses include, but are not limited to, the following:

- campaign advertising or other communications (such as signs)
- operating a campaign office
- holding or attending conventions and similar meetings or other campaign-related functions or events
- research and opinion polling (such as operating a phone bank)
- campaign-related transportation

The following are **not** election expenses:

- services provided by volunteers
- non-monetary property of volunteers used in relation to the volunteer services
- goods produced by volunteers from their own property
- property or services provided by an election official or by the B.C. Chief Electoral Officer in an official capacity
- publishing, without charge, news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary in a bona fide periodical publication or a radio or television program
- broadcasting time provided, without charge, as part of a bona fide public affairs program
- producing, promoting or distributing a publication for no less than its market value if the publication was planned to be sold whether or not there was to be an election
- the nomination deposit of a candidate
- services provided by a candidate in relation to their own election campaign
- goods produced by a candidate from their own property

Volunteers are discussed in detail under [Market value](#) on page 20.

The market value of a property or service is the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time. Market value includes all applicable taxes.

Determining market value of expenses

The value of an election expense is the market value of the property or services used in an election campaign during the campaign period. If only a portion of donated property or services is used in an election, only the market value of the portion used in the election campaign is disclosed as an election expense.

EXAMPLE 1

A candidate has 500 election advertising signs from a previous election. The 500 signs cost \$2,250 to produce during the last election.

What is the value of the election advertising?

Since the signs were purchased during the previous election, the sponsor must determine the current market value of 500 signs of the same quality. In this example, assume that the candidate calls a local print shop and learns that the lowest replacement cost for 500 signs of the same quality is now \$2,500.

The value of the election advertising is \$2,500.

EXAMPLE 2

An elector organization creates a website to promote their candidates and platform. The website took a staff member 25 hours to create. This staff member is paid \$20 an hour. Hosting fees for the website are \$10 per month, and the website is public for eight months during the campaign period.

What is the value of the election expense?

The value is calculated by multiplying the number of hours it took to create the website by the wage rate of the employee and adding the hosting fees:

$$\$500 (\$20 \times 25 \text{ hours}) + \$80 (\$10/\text{month} \times 8 \text{ months}) = \$580$$

The value of the election advertising is \$580.

EXAMPLE 3

After the election, a candidate sent 15 thank you cards to volunteers who assisted with the campaign. Each card cost \$3, and it cost \$1 to send a card by mail. The candidate hand delivered five cards and mailed the rest.

What is the value of this expense?

The value is determined by multiplying the number of cards by their cost and then adding the postage expense:

$$\$45 (\$3 \times 15 \text{ cards}) + \$10 (\$1 \text{ postage} \times 10 \text{ cards}) = \$55$$

The value of the expense is \$55.

Is this expense an election expense?

No, it is not an election expense because the cards were used after General Voting Day. However, the payment of the expense must still be included in the candidate's campaign disclosure statement.

Shared election expenses

A shared election expense results when two or more candidates agree to contribute to an election expense during an election.

The financial agents of each participating candidate must give their consent and must record and disclose the portion of their candidate's election expense. One financial agent can pay for such shared expenses and then be reimbursed by the other financial agents.

Exclusions from election proceedings period expenses

The following expenses are not election proceedings period expenses. They are election expenses and must still be recorded and disclosed.

Communication expenses:

- the cost of any communication an elector organization transmits exclusively to its members

Campaign-related expenses:

- legal and accounting services used to comply with the *Local Elections Campaign Financing Act*
- salary paid to a financial agent

Campaign administration expenses:

- property and services used exclusively for the day-to-day administration of an elector organization office that operates on a continuous basis outside of the election proceedings periods for elections, including salaries and wages paid by the elector organization to permanent staff (including financial agents) of the elector organization

Interest-related expenses:

- interest on a loan to a candidate or elector organization for election expenses

Candidate personal expenses:

- travel to, within or from the jurisdiction in which the candidate is running for office
- lodging, meals and other incidentals related to travelling
- child or family care if the candidate is usually responsible for the care
- expenses related to a disability of the candidate, including the costs related to anyone required to assist the candidate perform functions necessary for the election

All personal expenses must be reasonable. Clothing, haircuts or photographs are not personal expenses.

Separate disclosure is required for expenses for property and services that are:

- used before or after the campaign period, or
- intended to be used during the campaign period but were not used at all (referred to as **intended election expenses** in the *Local Elections Campaign Financing Act*)

Incurring and paying for expenses

Before they are incurred, expenses must be approved by the financial agent. Expenses may be incurred by a candidate, financial agent or an individual authorized in writing by the financial agent. All election expenses must be paid from the campaign account.

Financial agents can authorize campaign workers to pay for election expenses but must reimburse the workers from the campaign account. Receipts are required for reimbursement.

Recording and disclosure requirements for expenses

To meet the disclosure obligations under the *Local Elections Campaign Financing Act*, financial agents must record and disclose the following information:

- total value of election expenses by class
- total value of election proceedings period expenses by class
- total value of each applicable exclusion from election proceedings period expenses
- if applicable, a description of expenses classed as “other”

Although election proceedings period expenses are election expenses, they are recorded and disclosed separately.

For disclosure purposes, election expenses are broken down into the following classes:

- brochures, pamphlets and flyers
- communications transmitted to members of an elector organization
- convention and similar meeting expenses
- courier and postage
- furniture and equipment
- interest
- Internet
- newspaper, magazine and journal advertising
- office supplies
- other advertising
- other campaign administration expenses
- other campaign-related functions
- professional services
- property or services used for the day-to-day administration of a permanent elector organization office
- radio
- rent, insurance and utilities
- research and polling
- salaries and wages
- signs and billboards
- television
- interest expense for loans to candidate for election expenses
- interest expense for loans to elector organization for election expenses
- legal and accounting services
- personal expenses
- services provided by a financial agent in that capacity

Disclosing shared election expenses

Financial agents for candidates who paid the full amount of the shared election expense must record and disclose:

- the total value of the shared expense
- the value of their candidate's portion
- the names of the other participating candidates
- the amount reimbursed by each participating candidate

Election advertising

The definition of election advertising is broad and applies to advertising conducted by candidates, elector organizations and third party sponsors.

Election advertising is any transmission of a communication to the public during an election proceedings period that directly or indirectly promotes or opposes:

- the election of a candidate
- an elector organization

Advertising that takes a position on an issue with which a candidate or an elector organization is associated is also election advertising.

Important note: Election messages that are transmitted over the Internet that do not or would not normally have a placement cost are **not** election advertising. A placement cost is the cost of purchasing advertising space on the Internet, such as placing ads or paying for promoted posts on social media. Communications transmitted for free on the Internet, such as Facebook, Twitter, YouTube, emails and websites, are not election advertising.

Although free election messages over the Internet are not election advertising, any costs incurred to design and produce such messages are election expenses, and must be reported in the candidate's or elector organization's disclosure statement.

What is and is not election advertising

The following table outlines what is and is not election advertising.

IS election advertising	Is NOT election advertising
Television, radio, newspaper or magazine advertisements	Personal or private communication between individuals

IS election advertising	Is NOT election advertising
Signs, billboards, posters, mailing inserts, bumper stickers, branded clothing, branded objects, displays, exhibitions and public address announcements	The publication without charge of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary in a bona fide periodical publication or a radio or television program, including publication without charge in a bona fide Internet publication or program (e.g., candidate debate on a local news channel)
Newsletters, brochures or other advertising media which are sent to the public	The distribution of a publication, or the promotion of the sale of a publication, for no less than its market value if the publication was planned to be sold regardless of whether there was to be an election or assent voting (this exception extends to e-books, documentaries, movies, plays and other similar works or performances)
Ads placed on the Internet with a placement cost (such as pay-per-click ads, Facebook ads, promoted posts, banner ads, pop-up ads, etc.)	Any communication on the Internet that does not or would not normally have a placement cost (such as Facebook, Twitter, Instagram, Snapchat, YouTube, etc.)
Telephone calls, text messages and voice mail messages sent on a commercial basis or sent using an automated system (e.g., robocalls)	A communication by an individual, on a non-commercial basis, on the Internet, by telephone, text messaging, or email messaging of their personal views
	Websites or blogs
	The transmission of a document or other communication directly by a person or a group to their members, employees or shareholders (e.g., a union sends out a flyer to its members)

Determining market value of election advertising

The value of election advertising is an election expense. For candidates and elector organizations, the value of election advertising is one of the following:

- the price paid for preparing and transmitting the advertising
- the market value of preparing and transmitting the advertising if no price is paid or if the price paid is lower than the market value

The value of election advertising includes all property and services used in preparing and transmitting the advertising (e.g., materials, transmission fees, design services). Therefore, the value of election advertising conducted by a candidate or an elector organization for their election campaign is the value of property and services used in preparing the communication and transmitting it to the public.

Free transmission of election advertising offered equally to all candidates has nil value.

The following examples explain how the value of election advertising is determined.

EXAMPLE 1

An elector organization pays an agency \$500 to produce a radio ad and pays a radio station \$150 per play to broadcast the ad. The commercial is played 20 times during the election proceedings period.

What is the value of this election advertising?

The value is calculated as the production cost + the cost per play times the number of times played. $\$500 + \$3,000 (\$150 \times 20 \text{ plays}) = \$3,500$.

EXAMPLE 2

A candidate prepares an advertising brochure on their own computer and makes 500 copies at a local print shop for \$0.25 per copy. The brochures are mailed to 500 different homes at the standard postage rate of \$1 per brochure.

What is the value of this election advertising?

The value is calculated as follows: 500 brochures x \$1.25 (\$0.25 printing + \$1 postage per brochure) = \$625.

The value of using the computer is not included in the value of the election advertising because it was the candidate's own computer.

EXAMPLE 3

A candidate has 500 election signs from the last election which cost \$2,250 to produce. The candidate uses those signs for this election and has stickers made with their sponsorship information. The 500 stickers cost \$100.

What is the value of the current election advertising?

Since the signs were purchased during the last election, the current market value of those 500 signs of the same quality must be determined. In this example, assume that the candidate calls a local print shop and learns that the lowest replacement cost for 500 signs of the same quality is now \$2,500. The candidate also must add the cost of the stickers (\$100).

Therefore, the value of the current election advertising is \$2,600 (\$2,500 + \$100).

It is an offence to not register as a third party sponsor before advertising.

Election advertising as a third party sponsor

Candidates and elector organizations can be third party sponsors but only for election advertising that is **not** related to their own campaign. Generally, this means that candidates and elector organizations can only be third party sponsors for advertising related to elections or assent voting **outside** their own jurisdiction.

Candidates and elector organizations who want to undertake third party advertising must register with Elections BC as third party sponsors.

EXAMPLE

A candidate in Vancouver could register as a third party sponsor and do third party advertising in Whistler as long as the advertising is not related to their own campaign.

For more information about third party advertising and requirements for third party sponsors, refer to the Third Party Sponsor Guide to Local Elections in B.C. available at elections.bc.ca/lecfa.

Requirement for sponsorship information on election advertising

Sponsorship information is required on most election advertising and must include:

- the name of the financial agent
- the words "authorized by" in front of the financial agent's name
- a B.C. phone number or mailing address or email address at which the financial agent can be contacted

The sponsorship information must be in English or be understandable to readers of English. If the advertising is in another language, the sponsorship information must also be in that language or be understandable to readers of that language.

EXAMPLE 1***Candidate sponsor***

Authorized by John Smith, financial agent, 604-123-4567

EXAMPLE 2***Elector organization sponsor***

Authorized by Susan Wong, financial agent, abc@electororg.ca

EXAMPLE 3***Another language***

जॉन स्मिथ, वित्तीय एजेंट द्वारा अधिकृत 604-123-4567

Authorized by John Smith, financial agent, 604-123-4567

Election advertising exempt from sponsorship information requirement

Certain types of election advertising do not need to include the sponsorship information. Other types of election advertising may fulfill the identification requirement in a modified way.

The following examples do not require sponsorship information:

- clothing (e.g., shirts, sweaters, vests, jackets, hats)
- novelty items, including wearable novelty items (e.g., buttons, badges, pins, stickers, wristbands, necklaces)
- small items of nominal value that are intended for personal use (e.g., pens, mugs, magnets, key chains, notepads)

Sponsorship information for advertising on the Internet

For Internet advertising that has or would normally have a placement cost, the sponsorship information does not need to be on the ad if there is a link that takes the viewer to a website, landing page or profile page containing the sponsorship information.

For posts on social media, the sponsorship information is not required unless there is a placement cost.

Authority to remove unauthorized and restricted election advertising

For election advertising that does not include the required information about the sponsor, or is conducted by an unregistered sponsor, Elections BC may require that the advertising be:

- corrected
- discontinued
- covered
- obscured
- removed
- destroyed

Assent voting advertising

Assent voting is voting on a bylaw or other matter for which a local government is required or authorized to obtain the assent of the electors. Assent voting may also be referred to as a referendum, but not all referenda are assent voting. A local government may hold assent voting at the same time as an election, or assent voting may be held outside of an election.

Assent voting advertising is a communication transmitted during an assent voting period that directly or indirectly promotes or opposes a particular result in the assent voting. If assent voting is held at the same time that a local government is holding an election, any assent voting advertising is election advertising and is subject to all of the

election advertising rules. Generally, when a local government holds assent voting outside of an election, assent voting advertising is called **non-election assent voting advertising**.

Non-election assent voting advertising is generally subject to the same rules as election advertising. This means that an individual or organization that wants to sponsor non-election assent voting advertising must register with Elections BC before sponsoring the advertising. Sponsors of non-election assent voting advertising also need to record information about contributions received to conduct the advertising and the value of the advertising sponsored. Individuals or organizations that sponsor non-election assent voting advertising are also required to file a disclosure statement.

A guide for non-election assent voting advertising sponsors will be available in the future.

For more information on non-election assent voting advertising, [contact Elections BC](#).

Where and when election signs may be placed

Elections BC does not regulate where and when signs may be placed. However, local governments have the authority to regulate the size, placement, maintenance and removal of signs and other forms of public advertising. The rules may be quite different between local governments.

The Ministry of Transportation and Infrastructure regulates sign placement along provincial highways, medians, bridges and major roadways. Contact the local government or local Ministry of Transportation and Infrastructure office before placing election campaign signs on medians or bridges or along major roads.

Election advertising restrictions on General Voting Day

An individual or organization must not sponsor (or agree to sponsor) or transmit election advertising to the public on General Voting Day (GVD). Exceptions to this rule include:

- advertising on the Internet as long as the advertising was transmitted to the public before GVD and was not changed on GVD
- advertising by means of signs, posters or banners
- distributing pamphlets

Election advertising is not permitted under any circumstances within 100 metres of a voting place on GVD.

The following table provides some examples of what is and what is not permitted for campaigning on GVD.

Permitted	Not permitted
Using free social media	Automated voice calls (robocalls) and automated text messages
Person-to-person interactions, such as phone calls, emails, text messages, etc.	Placing signs or distributing brochures within 100 metres of a voting place
Placing signs or distributing brochures outside of 100 metres of a voting place	Placing new paid ads or paid social media posts on the Internet on GVD
Election advertising on the Internet as long as the advertising was not changed on GVD	Television, radio or newspaper ads
Campaign meetings or rallies outside of 100 metres of a voting place	

Court order for relief, campaign financing offences and penalties

Elections BC will work closely with participants to help them comply with the local election campaign financing rules and regulations.

Court order for relief from filing obligations

Individuals or organizations can apply to the Supreme Court for a court order for relief from disclosure requirements under the *Local Elections Campaign Financing Act* (LECFA, the Act). Applications for a court order for relief must be made before or on the late filing deadline for the disclosure statement or supplementary report.

An application for relief from the disclosure requirements can be made by the following:

- **Candidate:** by the candidate or their financial agent.
- **Elector organization:** by the elector organization, its financial agent or a responsible principal official for the elector organization.

Candidates or elector organizations who are considering applying for court relief may want to consult independent legal counsel about the court process.

Depending on the timing and details of an application for relief, the Supreme Court may:

- grant relief from filing the disclosure statement or from specific obligations relating to the disclosure statement
- grant relief from the late filing fee
- provide an extension of time to file the disclosure statement, with or without payment of the late filing fee
- make any order the court considers reasonable to secure compliance
- refuse to grant relief

For more detailed information related to filing for a court order for relief, refer to the Act, sections 66-72.

The Third Party Sponsor Guide for Local Elections in B.C. explains third party sponsor offences and penalties in detail.

Campaign financing offences and penalties

There are significant penalties for failing to comply with the campaign financing and election advertising rules in the *Local Elections Campaign Financing Act* (LECFA, the Act).

Penalties include late filing fees, loss of office for elected candidates, disqualification from running as a candidate and disqualification from endorsing candidates. These penalties apply for failing to file a disclosure statement or supplementary report. The loss of office and disqualification penalties also apply if a candidate or elector organization is convicted by a court for providing false or misleading information.

There are also offences for failing to comply with the financing rules for which individuals and organizations, if convicted, may be subject to fines and/or imprisonment. An individual or organization is not guilty of an offence if they exercised due diligence to prevent the commission of the offence.

An organization is responsible for the actions of its officers and employees if those actions are within the individual's authority to act on behalf of the organization. If one of those officers or employees commits an offence while acting on behalf of the organization, the organization may be liable.

If an organization commits an offence, specified individuals (e.g., officers, directors, employees, principal officials) who authorize, permit, passively agree or comply with committing that offence are considered to have also committed that offence.

There are **higher** and **lower** penalty offences in LECFA. An individual who commits a **lower** penalty offence is liable to a fine of up to \$5,000 or imprisonment for up to one year, or both. If an organization commits a lower penalty offence, it is liable to a fine of up to \$10,000.

Higher penalty offences carry fines of up to \$10,000 for an individual and \$20,000 for an organization. An individual who commits a higher penalty offence may also be subject to a prison term for up to two years.

Failing to file a disclosure statement or supplementary report, providing false or misleading information or making a false or misleading statement are all higher penalty offences.

Disqualification penalties

Disqualification penalties apply to candidates, elector organizations, third party sponsors and assent voting advertising sponsors if they are convicted of a higher penalty offence. However, candidates, elector organizations, third party sponsors or assent voting advertising sponsors who fail to file a disclosure statement will be **automatically disqualified** as summarized in the following table.

Candidate	Elector organization	Third party sponsor or assent voting advertising sponsor
Elected candidates must cease holding elected seat in jurisdiction	Disqualified from endorsing a candidate until after the next general local election	Prohibited from sponsoring third party advertising or non-election assent voting advertising until after the next general local election
Prohibited from being nominated for, elected to or holding office until after the next general local election	Prohibited from accepting campaign contributions or incurring election expenses until after the next general local election	Prohibited from accepting sponsorship contributions until after the next general local election

A list of disqualified candidates, elector organizations, third party sponsors and assent voting advertising sponsors will be published and maintained on Elections BC's website.

For more information about deadlines for disclosure statements and supplementary reports, go to [Filing deadline on page 10](#).

Resources

Election legislation

Printed versions of local government election legislation — including the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Local Elections Statutes Amendment Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* — are available at public libraries in communities throughout B.C. Printed versions of the Acts are also available from Crown Publications, Queen's Printer for British Columbia, at:

Mailing Address:

563 Superior Street
Victoria, BC V8V 1T7

Phone: 250-387-6409

Toll Free: 1-800-663-6105

Fax: 250-387-1120

Email: crownpub@gov.bc.ca

Website: crownpub.bc.ca

BC Laws

BC Laws provides free public online access to the current laws of British Columbia. This unofficial current consolidation of B.C. Statutes and Regulations is updated continually as new and amended laws come into force. Electronic versions of the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Local Elections Statutes Amendment Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* are available online at bclaws.ca.

Other reference materials

Ministry of Community, Sport and Cultural Development:

- Voter's Guide to Local Elections in B.C.
- Candidate's Guide to Local Government Elections in B.C.
- Elector Organization Guide to Local Government Elections in B.C.
- Guide to Supporting a Candidate for Local Government Elections in B.C.
- Local Elections in British Columbia: What Every Candidate Needs to Know

Available at cscd.gov.bc.ca/lgd/elections_home.htm

Ministry of Education:

- School Trustee Election Procedures in British Columbia

Available at bc.ed.gov.bc.ca/legislation/trustee_election/school_trustee_election_procedures.pdf

Glossary

The following key terms have been used throughout this guide. Most of the terms are defined in the *Local Elections Campaign Financing Act* (LECFA).

Term	Definition
Address for service	A mailing address or email address provided by an individual or organization at which notices and other communications are accepted as served on or otherwise delivered to the individual or organization.
Assent voting	Voting on a bylaw or other matter for which a local government is required or authorized to obtain the assent of the electors. Assent voting may also be referred to as a "referendum." LECFA, s. 2
Authorized principal official	An individual who makes legally binding statements and declarations on behalf of an elector organization, third party sponsor or assent voting advertising sponsor that is an organization. Responsibilities may include having the authority to appoint a financial agent, endorse a candidate and retain records related to campaign financing, sponsorship contributions and sponsored advertising. LECFA, s. 21, s. 40
B.C. Chief Electoral Officer	An independent Officer of the Legislature appointed by the Lieutenant Governor on the recommendation of the Legislative Assembly. The B.C. Chief Electoral Officer is responsible for the administration of the provincial electoral process and for the compliance and enforcement of campaign financing and third party advertising provisions of LECFA.
Campaign account	An account in a savings institution opened by a financial agent to be used exclusively for the purposes of the election campaign. LECFA, s. 18, s. 20

Term	Definition
Campaign contribution	<p>The amount of any money or the value of any non-monetary property or services provided without compensation to a candidate or elector organization for campaign use, including membership fees paid to an elector organization.</p> <p>LECFA, s. 13, s. 22, s. 29</p>
Campaign financing records	<p>The records maintained by a financial agent to complete disclosure statements for their candidate or elector organization. These records must be kept in B.C. for five years after General Voting Day for the related election.</p> <p>LECFA, s. 22</p>
Campaign period	<p>The period that begins January 1 of the year in which the general local election is held and ends at the close of voting on General Voting Day.</p> <p>For a by-election, the period that begins on the day of the vacancy and ends at the close of voting on General Voting Day.</p> <p>LECFA, s. 10</p>
Candidate	<p>In relation to candidate obligations applicable under LECFA, includes an individual who:</p> <ul style="list-style-type: none"> (a) intends on becoming a candidate in an election, (b) is seeking or intends to seek endorsement by an elector organization for an election, or (c) was a candidate

Term	Definition
Disclosure statement	<p>A campaign financing statement that reports contributions, expenses, transfers, surplus funds and other information. Financial agents for candidates and elector organizations, and third party sponsors and non-election assent voting sponsors, must file disclosure statements with Elections BC.</p> <p>LECFA, s. 46(1)</p>
Election expense	<p>The value of property or services used in an election campaign by or on behalf of a candidate or elector organization during the campaign period for an election.</p> <p>LECFA, s. 14</p>
Election proceedings period	<p>The period that begins on the 46th day before General Voting Day and ends at the close of voting on General Voting Day.</p> <p>LECFA, s. 10(2), s. 15</p>
Elector organization	<p>An organization that intends to endorse a candidate or that did endorse a candidate in an election. An elector organization must have a membership of 50 or more eligible electors when the endorsement is made.</p> <p>LECFA, s. 19-23, s. 25</p>
Financial agent	<p>A representative that a candidate and elector organization is legally required to appoint during an election campaign. A candidate may act as their own the financial agent or appoint another individual to this position. A candidate or elector organization may not have more than one financial agent at the same time.</p> <p>LECFA, s. 17, s.19</p>
Fundraising function	<p>Includes a social function held by, or on behalf of, a candidate or elector organization for the purpose of obtaining funds for the candidate or elector organization.</p>

Term	Definition
General Voting Day	The final voting day in a general local election, by-election or assent voting.
Incurring an election expense	Using property or services in such a manner that the value of the property or services is an election expense.
Jurisdiction	The applicable jurisdiction in which a general local election, by-election or assent voting is held. LECFA, s. 1
Late filing deadline	The last day (120 days after General Voting Day) on which a disclosure statement may be filed by a candidate, elector organization, third party sponsor or assent voting advertising sponsor. Disclosure statements filed after 90 days and before 120 days must be accompanied by a \$500 late filing fee. LECFA, s. 47(2)
Local election officer	An individual appointed by council or the regional district board to conduct a general local election or by-election. Local election officers have broad authority to do all things necessary for the conduct of an election in accordance with the legislation and the local government election bylaw. Local election officers are also referred to as chief election officers.
Market value	The lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time. Market value includes all applicable taxes.
Money	Includes cash, a negotiable instrument (cheque, money order or traveller's cheque), a payment by credit card and any form of electronic payment or funds transfer.

Term	Definition
Principal official	In relation to an organization, a director of a corporation or a director, principal officer or principal member of an organization that is not a corporation.
Responsible principal official	An individual appointed by an elector organization, third party sponsor or assent voting advertising sponsor who may represent the organization as needed. Each elector organization or third party sponsor that is an organization must have at least two individuals who have consented to be the responsible principal officials. LECFA, s. 21, s. 40
Shared election expense	An election expense shared by two or more candidates working in combination. The total value of the election expense is apportioned to each participating candidate.
Significant contributor	In relation to campaign or sponsorship contributions, an individual or organization who: <ul style="list-style-type: none"> (a) made a campaign or sponsorship contribution having a value of \$100 or more, or (b) made multiple campaign or sponsorship contributions to the same candidate, elector organization, third party sponsor or assent voting advertising sponsor such that the total value of the campaign or sponsorship contributions to that candidate, elector organization, third party sponsor or assent voting advertising sponsor is \$100 or more.
Supplementary report	A report that updates Elections BC of changed, added or corrected information to a disclosure statement. It includes a description of the circumstances leading to the submission of the supplementary report. LECFA, s. 54(3)

Term	Definition
Third party sponsor	<p>An individual or organization who conducts election advertising independently from the election campaign of any candidate or elector organization.</p> <p>LECFA, s. 37-41</p>
Transfer	<p>Movements of money between a candidate's or elector organization's own campaign accounts and between a candidate and the endorsing elector organization.</p>
Volunteer	<p>An individual who provides services for no remuneration or material benefit. The term does not include:</p> <ul style="list-style-type: none"> <li data-bbox="540 888 1024 940">(a) an individual whose employer pays them to perform the services <li data-bbox="540 940 1024 1024">(b) an individual who is self-employed if they usually sell or otherwise charge for the services provided.

Contact

Phone toll-free: 1-855-952-0280 / TTY: 1-888-456-5448

Mailing Address:

PO Box 9275 Stn Prov Govt
Victoria, BC V8W 9J6

Phone: 250-387-5305

Fax: 250-387-3578

Toll-free Fax: 1-866-466-0665

Email: electoral.finance@elections.bc.ca

Website: elections.bc.ca/lecfa

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THIRD PARTY SPONSOR

GUIDE TO LOCAL ELECTIONS IN B.C.

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Elections BC

A non-partisan, independent Office of the Legislature, Elections BC is responsible for administering the provincial electoral process, including provincial general elections and by-elections, provincial referenda, recall and initiative petitions and initiative votes.

Elections BC is also responsible for administering the campaign financing and election advertising requirements in the *Local Elections Campaign Financing Act* (LECFA, the Act). The responsibility includes managing campaign financing disclosure requirements, conducting investigations and enforcing campaign financing and third party advertising provisions set out in the Act. The responsibility extends to by-elections and assent voting (referenda) held by local election authorities outside of the general local elections cycle.

Elections BC's responsibilities under LECFA include:

- accepting, reviewing and publishing filed disclosure statements and supplementary reports
- assisting participants to comply with LECFA
- registering third party sponsors during elections
- registering non-election assent voting advertising sponsors
- undertaking investigations and audits
- applying for injunctions if needed
- referring matters to the Criminal Justice Branch of the Ministry of Justice for prosecution of offences under LECFA

Elections BC: Local elections campaign financing guides

The Third Party Sponsor Guide to Local Elections in B.C. is intended to explain how the third party sponsor financing rules in LECFA are applied.

The Guide to Local Elections Campaign Financing in B.C. is intended to explain how the LECFA campaign financing rules apply to candidates, elector organizations and their financial agents.

The guides are available online at elections.bc.ca/lecfa.

Disclaimer: How LECFA applies to any particular case will depend on the individual circumstances and may change in light of new legislation and judicial developments. Where there is inconsistency between this guide and LECFA, the Act will prevail.

The *Local Elections Campaign Financing Act* is available for viewing on the Elections BC website (elections.bc.ca/lecfa). The Act can also be viewed at BC Laws (bclaws.ca) or purchased from Crown Publications (crownpub.bc.ca).

Local Elections Campaign Financing Act

The *Local Elections Campaign Financing Act* (LECFA) addresses campaign financing rules and advertising requirements in local elections. LECFA separates the rules that regulate election advertising and campaign financing from the more procedural rules that apply generally to local election administration.

Local elections, shared roles and responsibilities

General local elections are held every four years for mayors, councillors, electoral area directors, board of education trustees, park board members and commissioners, advisory council members, regional trustees and Islands Trust local trustees in British Columbia.

Local governments hold by-elections to fill council and regional district board vacancies that occur between general local elections. Local governments also conduct assent voting to obtain elector assent in order to carry out certain council and board decisions (e.g., borrowing to construct a new library or recreation centre).

The Ministry of Community, Sport and Cultural Development, the Local Government Management Association, the Union of British Columbia Municipalities, the Ministry of Education, the Ministry of Justice, the BC School Trustees Association and Elections BC have educational materials related to local elections.

Local election officers appointed by local governments are responsible for local government elections administration, including receiving nomination documents, declaring candidates, administering voting opportunities, counting votes and declaring election results.

Local election officers work with Elections BC to monitor compliance with election advertising regulations and may assist Elections BC to address incidents of non-compliance with the Act.

Local authorities also provide Elections BC with information required by the Act. This information enables Elections BC to connect with local election participants to prepare them for their responsibilities under LECFA. Elections BC has education materials to aid with compliance and the enforcement of election advertising, campaign financing and third party sponsor rules and regulations within the Act.

A local election officer is the chief election officer for a jurisdiction or the designated local authority officer.

Key local elections contacts

<p>Ministry of Community, Sport and Cultural Development</p> <p>For information about local government elections in British Columbia.</p>	<p>Internet: cscd.gov.bc.ca/lgd/elections_home.htm</p> <p>Phone: Governance and Structure Branch, Advisory Services 250-387-4020</p> <p>Address: PO Box 9839 Strn Prov Govt Victoria, BC V8W 9T1</p>
<p>Ministry of Education</p> <p>For information about school trustee elections and the <i>School Act</i>.</p>	<p>Internet: bced.gov.bc.ca/legislation/trustee_election</p> <p>Phone: Knowledge Management and Accountability Division, Governance and Legislation 250-356-1404</p> <p>Email: EDUC.Governance.Legislation@gov.bc.ca</p>
<p>Enquiry BC</p> <p>For information about provincial government programs and services.</p>	<p>Internet: extranet.gov.bc.ca/forms/gov/contact/index.html</p> <p>Phone: Victoria: 250-387-6121 Vancouver: 604-660-2421 Elsewhere in B.C.: 1-800-663-7867 Outside B.C.: 604-660-2421</p> <p>Email: EnquiryBC@gov.bc.ca</p>
<p>CivicInfoBC</p> <p>For local government election statistics and results, and for local government mailing addresses, telephone numbers, email addresses and websites.</p>	<p>Internet: civicinfo.bc.ca/11.asp</p> <p>Phone: 250-383-4898</p> <p>Email: info@civicinfo.bc.ca</p>

Campaign financing

Campaign financing in the *Local Elections Campaign Financing Act* (LECFA) includes:

- rules that candidates, elector organizations, third party sponsors and non-election assent voting advertising sponsors must follow
- disclosure requirements for disclosing campaign finances and election advertising

Third party advertising and campaign financing rules enhance accountability and transparency by requiring the recording and disclosing of detailed information about financial transactions associated with a local election.

The rules ensure access to information about the individuals and organizations that contributed to local election campaigns and to third party sponsors.

LECFA contains very specific campaign financing offences and penalties. Knowing the rules and fulfilling the requirements for disclosure will aid in compliance with the Act.

Election proceedings period

The election proceedings period for a local election or a by-election runs from the 46th day before General Voting Day (GVD) until the close of voting on GVD. The requirements for third party sponsors to register with Elections BC before conducting third party advertising and to include sponsorship information on third party advertising (and election advertising) apply during this period.

The disclosure statement filing deadline is 90 days after GVD, and the late filing deadline is 120 days after GVD.

Election advertising

Election advertising is any transmission of a communication to the public during an election proceedings period that directly or indirectly promotes or opposes the election of a candidate or an elector organization. Election advertising includes a communication that takes a position on an issue with which a candidate or an elector organization is associated.

Election advertising does not include the following:

- the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary
- the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be an election or assent voting
- the transmission of a communication directly by an individual or an organization to the employees, members or shareholders of the individual or organization
- the transmission of an expression by an individual, on a non-commercial basis on the Internet, by telephone or by text messaging, of his or her personal views

The definition of election advertising is broad and also applies to third party advertising, which is a subset of election advertising. For more information on how the definition of election advertising is applied, refer to the [Review process and evaluation criteria](#) section on page 10 of this guide.

Important note: Election messages that are transmitted over the Internet that do not or would not normally have a placement cost are **not** third party advertising. A placement cost is the cost of purchasing advertising space on the Internet, such as placing ads or paying for promoted posts on social media. Communications transmitted for free on the Internet, such as Facebook, Twitter, YouTube, emails and websites, are not third party advertising.

Third party advertising

Third party advertising is election advertising other than election advertising conducted by a candidate or an elector organization as part of their election campaign. Individuals and organizations that conduct third party advertising are called third party sponsors.

Types of third party advertising

There are two types of third party advertising: **directed advertising** and **issue advertising**.

Directed advertising is third party advertising that is specifically related to a candidate or elector organization. If the advertising names the candidate, includes a photo or likeness of the candidate or identifies the candidate by voice or physical description, it is directed advertising. Directed advertising also includes communication that names the elector organization or includes a logo or likeness of a logo used by the elector organization.

EXAMPLE

A third party sponsor sends out a brochure with the message

“For change, VOTE Joe Smith for Mayor”

Issue advertising is third party advertising about an issue of public policy and must not specifically relate to a candidate or elector organization.

EXAMPLE

A third party sponsor pays for an advertisement in a local newspaper that says

“Vote for the new rink to be built”

Third party election advertising is only regulated during the election proceedings period for a local election. Third party election advertising undertaken outside of this period is not subject to third party advertising rules.

Assent voting advertising

Assent voting is voting on a bylaw or other matter for which a local government is required to obtain the assent of the electors. Assent voting may also be referred to as a "referendum," but not all referenda are assent voting.

Assent voting can take place at the same time as a general election (**assent voting**) or outside of the election proceedings period (**non-election assent voting**).

Assent voting advertising relevant to an election is advertising during the election proceedings period that directly or indirectly promotes or opposes a particular result in the assent voting.

Assent voting advertising is relevant to an election if the assent voting is being held at the same time as the election and for the same jurisdiction as that election or for a voting area that is all or part of the same jurisdiction.

Non-election assent voting advertising occurs when the assent voting is held at a different time than an election.

For more information on non-election assent voting advertising, [contact Elections BC](#).

What is and what is not third party advertising

The table below provides examples of what is, and what is not, third party advertising.

IS third party advertising	Is NOT third party advertising
Television, radio, newspaper or magazine advertisements	Personal or private communication between individuals

THIRD PARTY SPONSOR GUIDE TO LOCAL ELECTIONS IN B.C.

IS third party advertising	Is NOT third party advertising
Signs, billboards, posters, mailing inserts, bumper stickers, branded clothing, branded objects, displays, exhibitions and public address announcements	The publication without charge of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary in a bona fide periodical publication or a radio or television program, including publication without charge in a bona fide Internet publication or program (e.g., candidate debate on a local news channel)
Newsletters, brochures or other advertising media which are sent to the public	The distribution of a publication, or the promotion of the sale of a publication, for no less than its market value if the publication was planned to be sold regardless of whether there was to be an election or assent voting (this exception extends to e-books, documentaries, movies, plays and other similar works or performances)
Ads placed on the Internet with a placement cost (such as pay-per-click ads, Facebook ads, promoted posts, banner ads, pop-up ads, etc.)	Any communication on the Internet that does not or would not normally have a placement cost (such as Facebook, Twitter, Instagram, Snapchat, YouTube, etc.)
Telephone calls, text messages and voice mail messages sent on a commercial basis or sent using an automated system (e.g., robocalls)	A communication by an individual, on a non-commercial basis, on the Internet, by telephone, text messaging, or email messaging of their personal views
	Websites or blogs
	The transmission of a document or other communication directly by a person or a group to their members, employees or shareholders (e.g., a union sends out a flyer to its members)

Review process and evaluation criteria

Elections BC reviews and responds to questions about third party advertising and potential third party advertising on a case-by-case basis when those cases are brought to the attention of Elections BC.

The following questions are asked when determining if something is third party advertising:

- Was the message transmitted to the public?
- If it was transmitted to the public, was it during the election proceedings period?
- If the message was transmitted to the public during the election proceedings period, was it advertising that:
 - directly or indirectly promoted or opposed a candidate or an elector organization, or
 - took a position on an issue associated with a candidate or an elector organization, or
 - directly or indirectly promoted or opposed a particular result in assent voting relevant to an election?
- If the message was transmitted over the Internet, was there, or would there normally be, a placement cost?

If the answer is “yes” for all of the above questions, the message is either directed or issue third party advertising.

Indicators that advertising and activities may be third party advertising include:

- advertising that identifies particular candidates or elector organizations that support or oppose an organization’s aims
- advertising that evaluates the performance of a particular candidate or an elector organization
- advertising that sets out or compares the positions of candidates or elector organizations on a policy issue the third party sponsor is promoting or opposing
- the promotion of, or opposition to, policy issues associated with a candidate or an elector organization
- advertising which references the election, voting and/or the date of General Voting Day
- advertising which uses language like “Your choice,” “Make your voice heard”

- advertising specifically planned to coincide with the election proceedings period
- formatting or branding a communication in a similar manner to a candidate's or elector organization's own election material
- a substantial increase in the normal volume of advertising
- a substantial increase in the number and size of public events
- advertising that promotes or opposes a particular result in assent voting during a local election

Indicators that advertising and activities **may not** be third party advertising include:

- advertising that does not name a candidate or elector organization or take a position on an issue supported or opposed by a candidate or an elector organization
- advertising that has occurred historically during that particular time of year
- advertising that is consistent with previous advertising conducted by the third party sponsor
- factual information on how to contact or locate the third party sponsor

Requesting an opinion

On request, Elections BC will review a message and provide an opinion on whether it could be third party advertising. To request an opinion, contact Elections BC toll-free by phone (1-855-952-0280) or by email (electoral.finance@elections.bc.ca).

Obtaining an opinion from Elections BC is not the same as obtaining a legal opinion. For greater certainty, obtain independent legal advice.

Registering as a third party sponsor

An individual or organization that sponsors third party advertising before registering commits an offence.

An individual or organization that wants to sponsor third party advertising must register with Elections BC **before** conducting the advertising.

Who can register as a third party sponsor

Any individual or organization can apply to register as a third party sponsor.

Registered third party sponsors must be independent from the election campaigns of a candidate or elector organization. This means a third party sponsor must not sponsor third party advertising on behalf of, or together with, a candidate or elector organization as part of the candidate's or elector organization's campaign. A third party sponsor and a candidate or elector organization cannot coordinate their advertising campaigns.

Candidates and elector organizations can be third party sponsors, but they can only conduct third party advertising that is **not related** to their own election campaign.

EXAMPLE

A candidate running for office in Victoria may sponsor third party advertising in Prince George.

When and how to register

An individual or organization may apply to register as a third party sponsor at any time and must be registered **before** sponsoring third party advertising.

Registration as a third party sponsor is only valid for one election. Third party sponsors will need to re-register with Elections BC if they wish to sponsor third party advertising in a future election.

To register, an application must be completed and submitted to Elections BC. The application form can be obtained by [contacting Elections BC](#) or can be downloaded from elections.bc.ca/lecfa.

An application must be fully completed and include the following:

Individual	Organization
Name and contact information	Names and contact information of the organization and its responsible principal officials (one of whom must be an authorized principal official) as well as signed consents of at least two responsible principal officials to act as such for the organization
A solemn declaration that the third party sponsor understands and intends to comply with LECFA, that the information provided is complete and accurate and that the individual is not prohibited from sponsoring third party advertising	A solemn declaration by the authorized principal official that the organization understands and intends to comply with LECFA, that the information provided is complete and accurate and that the organization is not prohibited from sponsoring third party advertising

Solemn declarations must be authorized:

- by a Commissioner for Taking Affidavits for British Columbia, or
- free of charge by:
 - Elections BC staff in Victoria
 - local election officers
 - Service BC Centre staff (servicebc.gov.bc.ca/locations)

Steps to apply to register as a third party sponsor:

1. Complete the applicable application form (available at elections.bc.ca/lecfa)
 - 4209 - Registration Application - Individual
 - 4210 - Registration Application - Organization
2. Submit the form to Elections BC by email, mail or fax. Use the contact information found on the [last page](#) of this guide.

3. If the application is approved, Elections BC will send a letter confirming registration.
4. If the application is not approved, or if more information is required, Elections BC will contact the applicant, explain the reasons for refusal and provide an opportunity to supply the additional information for a reconsideration of the decision.

Requirement to file registration information updates

The full name of the sponsor, the sponsorship information and the name of the authorized principal official will be posted on the Elections BC website (elections.bc.ca/ecfa).

Registered third party sponsors must keep their registration information current to ensure Elections BC has up-to-date information. A third party sponsor must advise Elections BC if any of the information required for registration changes (for example, if there is a change in contact information or who is acting as an authorized principal official for a third party sponsor that is an organization).

Steps to update third party sponsor registration information:

1. Complete the applicable update form (available at elections.bc.ca/ecfa)
4211 - Registration Update - Individual
4212 - Registration Update - Organization
2. Submit the form to Elections BC by email, mail or fax. Use the contact information found on the [last page](#) of this guide.
3. If the update form is complete, Elections BC will update the information. No contact will be made.
4. If more information is required about the registration update, Elections BC will make contact and explain what is required.

Sponsoring third party advertising

A third party sponsor is an individual or organization that conducts third party advertising independently from the election campaign of any candidate or elector organization. Third party sponsors are subject to the registration and financing disclosure requirements under the *Local Elections Campaign Financing Act* (LECFA).

How to determine who the sponsor is

Generally, the sponsor of third party advertising is the individual or organization that pays for the advertising or that is liable to pay for the advertising. However, other circumstances may apply as follows:

- if the advertising is provided without charge, the third party sponsor is the individual or organization that receives the free advertising
- if an individual or organization is acting on behalf of another individual or organization, the third party sponsor is the other individual or organization
- in any other case, the third party sponsor is the individual or organization that transmits the advertising

How to determine the value of third party advertising

Third party sponsors need to value the third party advertising they conduct. The value of third party advertising is the value of property and services used in preparing the advertising and transmitting it to the public.

The value of property and services used in third party advertising is:

- the price paid for property and services used in preparing and transmitting the advertising, or
- the market value of the property and services used in preparing and transmitting the advertising if no price is paid or if the price paid is lower than the market value

Property and services used in preparing and transmitting the third party advertising include the materials used, transmission fees, outside design services and Internet hosting.

EXAMPLE 1

An individual has used cardboard and wood in the garden shed and creates a sign that promotes a candidate. The used material must be valued at current market value.

EXAMPLE 2

A registered third party sponsor pays an agency \$500 to produce a radio advertisement and pays a radio station \$150 per play to broadcast the advertisement. The commercial is played 20 times during the election proceedings period.

What is the value of this election advertising?

$\$500 \text{ production cost} + (\$150 \times 20 \text{ plays}) = \$3,500.$

EXAMPLE 3

A registered third party sponsor who is an individual prepares an advertising brochure on their own computer and makes 500 copies at a local print shop for \$0.25 per copy. The brochures are mailed to 500 different homes within the sponsor's community at the standard postage rate of \$1 per brochure.

What is the value of the election advertising?

500 brochures x (\$0.25 printing + \$1 postage per brochure) = \$625. The value of using the computer is not included in the value of the election advertising.

EXAMPLE 4

A registered third party sponsor has 500 election advertising signs from a previous election. The 500 signs cost \$2,250 to produce during the last election.

What is the value of the election advertising?

Since the signs were purchased during the previous election, the sponsor must determine the current market value of 500 signs of the same quality.

In this example, assume that the sponsor calls a local print shop and learns that the lowest replacement cost for 500 signs of the same quality is now \$2,500.

The value of the election advertising is \$2,500.

Signs reused from a previous election have to be valued at current market value.

Valuing staff, volunteer and outside services

If an individual third party sponsor prepares and transmits third party advertising, their services have a nil (or zero) value and do not need to be included in the cost of the advertising.

In addition, services that are performed by a **volunteer** also have a nil (or zero) value and do not need to be included in the cost of the advertising.

However, the value of services used to prepare and transmit third party advertising **must be included** in the value of third party advertising **if**:

- the services are purchased or received from an outside vendor, or
- the services are performed by employees of an organization that is a third party sponsor

EXAMPLE

A registered third party sponsor has a paid staff member that regularly prepares messages intended for the general public on issues related to public policy. The paid staff member prepares and transmits an advertising message intended to promote the aims of the organization. The message meets the definition of election advertising.

Does the sponsor include the value of the staff member's services in the value of the third party advertising?

Yes. The staff member's services are included in the value of election advertising. Since the staff member is paid to perform these services, the cost related to the services (wages, benefits, overtime) are included in the value of election advertising.

Prorating and apportioning third party advertising

The value of third party advertising can be prorated or apportioned according to the following principles:

1. The full production cost of the advertising **must be included** in the value. This applies to all third party advertising even if the advertising is used for other purposes **before** the election or will continue to be used **after** the election.
2. For transmission costs, include only the portion related to transmission during the election proceedings period.

3. For third party advertising which is co-sponsored by two or more registered third party sponsors, each sponsor must report the full value of the third party advertising.

EXAMPLE

Two registered third party sponsors jointly rent a billboard for one year at a rate of \$1,000 per month (\$12,000 per year). The cost of producing the billboard advertisement is \$2,000. The billboard meets the definition of election advertising, and it remains on display through the election proceedings period.

What is the value of third party advertising?

Since the election proceedings period is 46 days, including General Voting Day, 46 days' worth of transmission costs must be included along with the full production value of the billboard advertisement. The total value of the third party advertising must be fully reported by both sponsors.

Total value of third party advertising:

$\$2,000 + [\$12,000 \div 365 \text{ days} \times (46 \text{ days})] = \$3,512.33$ each.

Requirement for sponsorship information on third party advertising

Generally, third party advertising must include the following sponsorship information:

- the sponsor's name
- a B.C. phone number or B.C. mailing address or email address where the sponsor can be contacted
- that the advertising is authorized by the sponsor
- that the sponsor is registered under LECFA

The sponsorship information must be in English or be understandable to readers of English. If the advertising is in another language, the sponsorship information must also be in that language or be

understandable to readers of that language.

If the third party advertising is co-sponsored by two or more third party sponsors, the sponsorship information for each sponsor must be included on the advertising.

EXAMPLE 1

Individual

Authorized by John Smith, registered sponsor under LECFA, 604-123-4567

EXAMPLE 2

Organization

Authorized by ABC Company, registered sponsor under LECFA, abc@company.ca

EXAMPLE 3

Individual – different language

जॉन स्मिथ LECFA तहत पंजीकृत प्रायोजक द्वारा अधिकृत 604-123-4567

Authorized by John Smith, registered sponsor under LECFA, 604-123-4567

EXAMPLE 4

Multiple sponsors

Authorized by ABC Company, registered sponsor under LECFA, 604-123-4567 and ABC Trade Union, registered sponsor under LECFA, 604-123-8910

Certain types of third party advertising do not need to include the sponsorship information. Other types of third party advertising may fulfil the identification requirement in a modified way. For more information, refer to the next two sections of this guide.

Third party advertising exempt from sponsorship information requirement

Sponsorship information is not required for third party advertising on the following items:

- clothing (e.g., shirts, sweaters, vests, jackets, hats)
- novelty items, including wearable novelty items (e.g., buttons, badges, pins, stickers, wristbands, necklaces)
- small items of nominal value that are intended for personal use (e.g., pens, mugs, magnets, key chains, notepads)

Sponsorship information for advertising on the Internet

For Internet advertising that has or would normally have a placement cost, the sponsorship information does not need to be on the ad if there is a link that takes the viewer to a website, landing page or profile page containing the sponsorship information.

For posts on social media, the sponsorship information is not required unless there is a placement cost.

Authority to remove unauthorized and restricted third party advertising

For third party advertising that does not include the required information about the sponsor, or is conducted by an unregistered sponsor, Elections BC may require that the advertising be:

- corrected
- discontinued
- covered
- obscured
- removed
- destroyed

Where and when election signs may be placed

Elections BC does not regulate where and when signs may be placed. However, local governments have the authority to regulate the size, placement, maintenance and removal of signs and other forms of public advertising. The rules may be quite different between local governments.

The Ministry of Transportation and Infrastructure regulates sign placement along provincial highways, medians, bridges and major roadways. Contact the local government or local Ministry of Transportation and Infrastructure office before placing election campaign signs on medians or bridges or along major roads.

Election advertising restrictions on General Voting Day

It is an election offence to transmit election advertising on General Voting Day.

An individual or organization must not transmit election advertising to the public on General Voting Day (GVD). Exceptions to this rule include:

- advertising on the Internet, as long as the advertising was transmitted to the public before GVD and was not changed before being transmitted on GVD
- advertising by means of signs, posters or banners
- distributing pamphlets

Election advertising is **not** permitted under any circumstances within 100 metres of a voting place on GVD.¹

The following table provides some examples of what is and what is not permitted for campaigning on GVD.

Permitted	Not permitted
Using free social media	Automated voice calls (robocalls) and automated text messages
Person-to-person interactions, such as phone calls, emails, text messages, etc.	Placing signs or distributing brochures within 100 metres of a voting place
Placing signs or distributing brochures outside of 100 metres of a voting place	Placing new paid ads or paid social media posts on the Internet on GVD
Third party advertising on the Internet as long as the advertising was not changed on GVD	Television, radio or newspaper ads
Campaign meetings or rallies outside of 100 metres of a voting place	

Sponsorship contributions

Money includes cash, a negotiable instrument (cheque, money order or traveller's cheque) and a payment by means of a credit card.

A sponsorship contribution is the amount of any money, or the value of any non-monetary property or services, provided without compensation to an individual or organization to be used to sponsor third party advertising.

Valuing sponsorship contributions

If property or services are given to a third party sponsor for less than market value, the difference between the market value of the property or services and the amount charged is a sponsorship contribution.

EXAMPLE

A third party sponsor purchases 5,000 printed copies of a brochure to distribute to the public. The third party sponsor pays \$400, but the printer would normally charge \$750.

Is this an acceptable sponsorship contribution?

Yes.

How much?

The printer has made a sponsorship contribution of \$350 (\$750 – \$400) by providing the service at less than market value.

In relation to property or services, market value is the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time. Market value includes all applicable taxes.

If a third party sponsor sells property or services for more than market value, the difference between market value and the price paid is a sponsorship contribution from the purchaser of the property or services.

EXAMPLE

Joe has an extra concert ticket that costs \$125. He gives it to ABC Third Party Sponsor for them to sell to earn some money for election advertising. ABC Third Party Sponsor sells the ticket to Adam for \$200.

Is Joe making a sponsorship contribution?

Yes, with a value of \$125.

Is Adam making a sponsorship contribution?

Yes, with a value of \$75 (\$200 - \$125).

If a third party sponsor owes money for third party advertising and the debt is not fully paid within six months of being due, the unpaid amount becomes a sponsorship contribution **unless** the creditor has started legal proceedings to recover the debt.

Rules for accepting sponsorship contributions

The following rules for making and accepting contributions apply to all contributions:

- when accepting sponsorship contributions, the third party sponsor must record all information as required by LECFA
- contributors must provide required information to third party sponsors so that the sponsor can meet legal recording and disclosure requirements
- donated sponsorship contributions of property or services must be assigned a market value and recorded and disclosed in the same way as contributions of money
- anonymous contributions to third party sponsors are limited to \$50 per contributor per third party sponsor
- anonymous contributions over \$50 must not be made or accepted

If an organization has no directors or principal officials, the full names of two principal members must be disclosed.

Recording and disclosure requirements for sponsorship contributions

The following information must be kept for every sponsorship contribution:

- the value of the contribution
- the date of the contribution
- the full name and mailing address of the contributor (unless it is an anonymous contribution)
- the contributor class (see next section)
- and, **if the contributor is an organization**, the full names and mailing addresses of at least two directors or principal officials

Classes of contributors

Contributors can be individuals or organizations and, for the purposes of disclosing, are categorized into classes:

- Class 1:** Individuals
- Class 2:** Corporations
- Class 3:** Unincorporated Business/Commercial Organizations
- Class 4:** Trade Unions
- Class 5:** Non-profit Organizations
- Class 6:** Other Identifiable Contributors
- Class 7:** Anonymous

Significant contributors

Significant contributors are individuals or organizations that make a contribution of \$100 or more to the same entity. The total contribution could either be a single donation of \$100 or more **or** multiple donations of less than \$100 each that total \$100 or more.

Information about significant contributors must be disclosed in the third party sponsor's disclosure statement filed after the election. This information includes:

- the name of the contributor
- the value of the contribution
- the date the contribution was made
- the class of the contributor
- and, **if the contributor is an organization:**
 - the mailing address of the organization, and
 - the full names of at least two directors or principal officials

Mailing addresses for individuals are recorded at the time a contribution is made; however, they are not disclosed in the disclosure statement.

Anonymous contributions

An anonymous contribution is a contribution made by an individual or organization whose identity is unknown to the sponsor. An individual cannot request that a contribution be accepted and disclosed as an anonymous contribution if they are known to the sponsor.

Truly anonymous contributions of **\$50 or less** may be accepted by the third party sponsor. The sponsor must record and disclose the value and date of the contribution and the circumstances in which it was received.

An anonymous contribution of **more than \$50** received by a third party sponsor is **prohibited** and must be remitted **in total** to Elections BC – the date and value must also be recorded and disclosed.

EXAMPLE

If a third party sponsor receives an anonymous contribution of \$75, **all of the \$75** must be remitted to Elections BC. The third party sponsor **cannot keep \$50 and give Elections BC \$25**. Elections BC will forward the amount to the government's Consolidated Revenue Fund.

Indirect contributions

Indirect sponsorship contributions are not allowed. This means that someone cannot give money or other property or services to a person for that person to make a sponsorship contribution.

Making a sponsorship contribution with someone else's money, property or services is also prohibited.

Dealing with prohibited sponsorship contributions

Third party sponsors who become aware that a sponsorship contribution was made or accepted in contravention of the *Local Elections Campaign Financing Act* (LECFA) must return the contribution, or an amount equal to its value, to the contributor within 30 days after becoming aware that the contribution is prohibited.

A third party sponsor who cannot return the contribution (e.g., it was an anonymous contribution over \$50) must pay its value to Elections BC for remittance to the Consolidated Revenue Fund.

Even if a prohibited contribution has been identified and dealt with, a third party sponsor must still **record** and **disclose** the following information:

- the circumstances in which the contribution was received
- as much as possible of the required information for sponsorship contributions (e.g., value and date the contribution was made)
- when and how the contribution was dealt with

Third party sponsor disclosure statements

Third party sponsors must file disclosure statements with Elections BC.

A disclosure statement includes information on sponsorship contributions and the value of third party advertising that was sponsored. All disclosure statements must be prepared according to the rules in the *Local Elections Campaign Financing Act* (LECFA) and related regulations. Elections BC provides the forms required to complete the disclosure statement package.

Who must file

Every individual or organization that sponsored third party advertising for an election, or registered as a third party sponsor with Elections BC for an election, must file a disclosure statement with Elections BC.

A third party sponsor must ensure the disclosure statement is filed. If the third party sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.

Disclosure statements can be filed by:

- email
- mail
- courier
- fax
- hand to a Service BC Centre (servicebc.gov.bc.ca/locations)
- hand to the Elections BC office in Victoria

Filing deadline

The filing deadline for disclosure statements is 4:30 p.m. (Pacific time), 90 days after General Voting Day (GVD).

Disclosure statements filed before or on the filing deadline are considered filed on time if the disclosure statement meets all of the requirements. If the statement requires additional information, Elections BC will contact the third party sponsor to give them an

opportunity to correct the disclosure statement. If a sponsor is unable to file an acceptable disclosure statement before the 90 day filing deadline, they may file the statement late under the late filing provisions discussed below.

The B.C. Chief Electoral Officer may grant extensions to the filing deadline if there are documented extenuating circumstances. Requests for extensions must be made in writing to the B.C. Chief Electoral Officer before the 90 day filing deadline.

Extensions to the filing deadline cannot be beyond 120 days after GVD.

Late filing deadline

The late filing deadline is 4:30 p.m. (Pacific time), 120 days after GVD. Disclosure statements submitted between 91 to 120 days after GVD are late and must include a **\$500 late filing fee**.

It is an offence to not file a disclosure statement by the late filing deadline. There are significant penalties for committing offences.

Required contents

If the total value of third party advertising sponsored by an individual or organization was **less than \$500**, only the cover page of the third party sponsor disclosure statement must be filed. No additional forms are required.

If the total value of third party advertising sponsored by an individual or organization was **\$500 or more**, the disclosure statement must include the following:

- the total value of sponsored third party advertising by class
- the total value of sponsored directed third party advertising by class in each jurisdiction
- the total value of the third party sponsor's own funds used to pay for third party advertising

A postmark is not acceptable as proof of delivery by the deadline. The disclosure statement must be received and accepted by Elections BC by the filing deadline.

For more information about offences and penalties, go to [Court order for relief, election advertising offences and penalties on page 34.](#)

A significant contributor is an individual or organization that makes a sponsorship contribution having a value of \$100 or more *or* makes multiple sponsorship contributions to the same individual or organization such that the total value of the sponsorship contributions to that individual or organization is \$100 or more.

- information about sponsorship contributions received, including the name of **significant contributors** (individuals and organizations that provided contributions of \$100 or more)
- information in relation to prohibited contributions

Classes of third party advertising:

- a. Brochures, pamphlets, flyers and similar forms of advertising
- b. Newspaper, magazine, journal and similar forms of advertising
- c. Radio
- d. Signs such as lawn signs, billboards and similar forms of advertising
- e. Television
- f. Internet advertising
- g. Other

In addition, if third party advertising was sponsored in combination with one or more third party sponsors, the following information must be disclosed:

- total value of the third party advertising
- the names of other third party sponsors as they appear in the required sponsorship information

Supplementary reports

A supplementary report must be filed with Elections BC if the information disclosed in the disclosure statement has changed or did not completely and accurately disclose the information required. Such a report must be filed within 30 days of the sponsor becoming aware of the change.

Additionally, if Elections BC advises a third party sponsor that a supplementary report is required because of missing or irreconcilable information in the disclosure statement, the supplementary report must be submitted within 30 days of notice being given.

A supplementary report must:

- provide details about the addition, change or correction to the original disclosure statement

Fines and/or penalties for filing a false or misleading third party disclosure statement could still apply even if a supplementary report was filed.

- include a description of the circumstances that led to filing the supplementary report
- be in a form approved by Elections BC

Requirement to retain records

All third party sponsors must keep their records in British Columbia until five years after General Voting Day. These records may include:

- copies of disclosure statements
- records of contributions and contributor information
- deposit slips
- expense receipts
- cheque registers
- transaction slips
- any other information necessary to validate the contents of a disclosure statement

Public information

The following information about a third party sponsor is posted on the Elections BC website:

- the full name of the sponsor
- the mailing address, telephone number or email address used on the advertising itself
- the full name of the authorized principal official if the sponsor is an organization

All third party sponsor disclosure statements are also posted on the Elections BC website and available for public inspection at Elections BC's office in Victoria.

PRIVACY NOTICE

Information collected by Elections BC in the campaign financing disclosure statements and supplementary reports is to administer the *Local Elections Campaign Financing Act*.

For more information, contact the **Privacy Officer** at Elections BC:

1-800-661-8683 or PO Box 9275 Stn Prov Govt, Victoria, BC V8W 9J6

Court order for relief, election advertising offences and penalties

Elections BC will work closely with participants to help them comply with the local elections third party advertising rules and regulations.

Court order for relief from filing obligations

Third party sponsors can apply to the Supreme Court for a court order for relief from disclosure requirements under LECFA. Applications for a court order for relief must be made before or on the late filing deadline for the disclosure statement or supplementary report.

Depending on the timing and details of an application for relief, the Supreme Court may:

- grant relief from filing the disclosure statement or from specific obligations relating to the disclosure statement
- grant relief from the late filing fee
- provide an extension of time to file the disclosure statement with, or without, payment of the late filing fee
- make any order the court considers reasonable to secure compliance
- refuse to grant relief

For more detailed information related to filing for a court order for relief, see sections 66-72 of the *Local Elections Campaign Financing Act*.

Third party sponsors who are considering applying for court relief may want to consult independent legal counsel about the court process.

Third party sponsor offences and penalties

There are significant penalties for failing to comply with the election advertising rules in the *Local Elections Campaign Financing Act*.

Penalties include late filing fees and disqualification from sponsoring third party advertising and accepting sponsorship contributions until after the next general local election. These penalties apply for failing to file a disclosure statement or supplementary report. They also apply if a third party sponsor is convicted by a court for providing false or misleading information.

There are also offences for failing to comply with the election advertising rules and for which individuals and organizations, if convicted, may be subject to fines and/or imprisonment. An individual or organization is not guilty of an offence if they exercised due diligence to prevent the commission of the offence.

An organization is responsible for the actions of its officers and employees if those actions are within the individual's authority to act on behalf of the organization. If one of those officers or employees commits an offence while acting on behalf of the organization, the organization may be liable.

If an organization commits an offence, specified individuals (e.g., officers, directors, employees, principal officials) who authorize, permit, passively agree or comply with committing that offence are considered to have also committed that offence.

There are **higher** and **lower** penalty offences in LECFA. An individual who commits a lower penalty offence is liable to a fine of up to \$5,000 or imprisonment for up to one year, or both. If an organization commits a lower penalty offence, it is liable to a fine of up to \$10,000.

Higher penalty offences carry fines of up to \$10,000 for an individual and \$20,000 for an organization. An individual who commits a higher penalty offence may also be subject to a prison term for up to two years.

Failing to file a disclosure statement or supplementary report, providing false or misleading information or making a false or misleading statement are all higher penalty offences.

A \$500 late filing fee must be included with a disclosure statement filed beyond 90 days after General Voting Day.

For more information about deadlines for disclosure statements and supplementary reports, go to [Filing deadline on page 30](#).

Disqualification penalties

Disqualification penalties apply to third party sponsors if they are convicted of a higher penalty offence. However, third party sponsors who fail to file a disclosure statement will be automatically disqualified and prohibited from:

- sponsoring third party advertising or non-election assent voting advertising until after the next general local election
- accepting sponsorship contributions until after the next general local election

A list of disqualified third party sponsors will be published and maintained on Elections BC's website.

Resources

Election legislation

Printed versions of local government election legislation — including the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Local Elections Statutes Amendment Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* — are available at public libraries in communities throughout B.C. Printed versions of the Acts are also available from Crown Publications, Queen's Printer for British Columbia, at:

Mailing Address:

563 Superior Street
Victoria, BC V8V 1T7

Phone: 250-387-6409

Toll Free: 1-800-663-6105

Fax: 250-387-1120

Email: crownpub@gov.bc.ca

Website: crownpub.bc.ca

BC Laws

BC Laws provides free public online access to the current laws of British Columbia. This unofficial current consolidation of B.C. Statutes and Regulations is updated continually as new and amended laws come into force. Electronic versions of the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Local Elections Statutes Amendment Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* are available online at bclaws.ca.

Other reference materials

Ministry of Community, Sport and Cultural Development:

- Voter's Guide to Local Elections in B.C.
- Candidate's Guide to Local Government Elections in B.C.
- Elector Organization Guide to Local Government Elections in B.C.
- Guide to Supporting a Candidate for Local Government Elections

in B.C.

- Local Elections in British Columbia: What Every Candidate Needs to Know

Available at cscd.gov.bc.ca/lqd/elections_home.htm.

Ministry of Education:

- School Trustee Election Procedures in British Columbia

Available at bc.ed.gov.bc.ca/legislation/trustee_election/school_trustee_election_procedures.pdf.

Glossary

The following key terms have been used throughout this guide. Most of the terms are defined in the *Local Elections Campaign Financing Act* (LECFA).

Term	Definition
Assent voting	Voting on a bylaw or other matter for which a local government is required or authorized to obtain the assent of the electors. Assent voting may also be referred to as a "referendum." LECFA, s. 2
Assent voting advertising sponsor	An individual or organization that sponsors non-election assent voting advertising or that registered as a non-election assent voting advertiser.
Authorized principal official	An individual who makes legally binding statements and declarations on behalf of an elector organization, third party sponsor or assent voting advertising sponsor that is an organization. Responsibilities may include having the authority to appoint a financial agent, endorse a candidate and retain records related to campaign financing, sponsorship contributions and sponsored advertising. LECFA, s. 21, s. 40
B.C. Chief Electoral Officer	An independent Officer of the Legislature appointed by the Lieutenant Governor on the recommendation of the Legislative Assembly. The B.C. Chief Electoral Officer is responsible for the administration of the provincial electoral process and for the compliance and enforcement of campaign financing and third party advertising provisions of LECFA.
Candidate	In relation to candidate obligations applicable under LECFA, includes an individual who: (a) intends on becoming a candidate in an election, (b) is seeking or intends to seek endorsement by an elector organization for an election, or (c) was a candidate

Term	Definition
Directed advertising	<p>Advertising specifically related to a candidate or elector organization by naming the candidate or elector organization or identifying the candidate by an image, likeness, voice or physical description or identifying an elector organization by their logo.</p> <p>LECFA, s. 12(2)</p>
Disclosure statement	<p>A campaign financing statement that reports contributions, expenses, transfers, surplus funds and other information. Financial agents for candidates and elector organizations, and third party sponsors and non-election assent voting sponsors, must file disclosure statements with Elections BC.</p> <p>LECFA, s. 46(1)</p>
Election proceedings period	<p>The period that begins on the 46th day before General Voting Day and ends at the close of voting on General Voting Day.</p> <p>LECFA, s. 10(2), s. 15</p>
Elector organization	<p>An organization that intends to endorse a candidate or that did endorse a candidate in an election. An elector organization must have a membership of 50 or more eligible electors when the endorsement is made.</p> <p>LECFA, s. 19-23, s. 25</p>
General Voting Day	<p>The final voting day in a general local election, by-election or assent voting.</p>
Issue advertising	<p>A form of third party advertising that is:</p> <ul style="list-style-type: none"> (a) a communication respecting an issue of public policy including an assent voting issue, and (b) not specifically related to any candidate or elector organization <p>LECFA, s. 12(1)</p>

Term	Definition
Jurisdiction	The applicable jurisdiction in which a general local election, by-election or assent voting is held.
Late filing deadline	The last day (120 days after General Voting Day) on which a disclosure statement may be filed by a candidate, elector organization or third party sponsor. Disclosure statements filed after 90 days and before 120 days must be accompanied by a \$500 late filing fee. LECFA, s. 47(2)
Local election officer	An individual appointed by council or the regional district board to conduct a general local election or by-election. Local election officers have broad authority to do all things necessary for the conduct of an election in accordance with the legislation and the local government election bylaw. Local election officers are also referred to as chief election officers.
Market value	The lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time. Market value includes all applicable taxes.
Money	Includes cash, a negotiable instrument (cheque, money order or traveller's cheque), a payment by credit card and any form of electronic payment or funds transfer.
Principal official	In relation to an organization, means a director of a corporation or a director, principal officer or principal member of an organization that is not a corporation.
Responsible principal official	An individual appointed by an elector organization or a third party sponsor who may represent the organization as needed. Each elector organization or third party sponsor that is an organization must have at least two individuals who have consented to be the responsible principal officials. LECFA, s. 21, s. 40

Term	Definition
Significant contributor	<p>In relation to campaign or sponsorship contributions, an individual or organization who:</p> <ul style="list-style-type: none"> (a) made a campaign or sponsorship contribution having a value of \$100 or more, or (b) made multiple campaign or sponsorship contributions to the same candidate, elector organization or third party sponsor such that the total value of the campaign or sponsorship contributions to that candidate, elector organization or third party sponsor is \$100 or more.
Sponsorship contribution	<p>The amount of money, or the value of any non-monetary property or services, provided without compensation to a third party sponsor for sponsoring election advertising.</p>
Supplementary report	<p>A report that updates Elections BC of changed, added or corrected information to the disclosure statement. It includes a description of the circumstances leading to the submission of the supplementary report.</p> <p>LECFA, s. 54(3)</p>
Third party advertising	<p>Election advertising that is not sponsored by a candidate or an elector organization as part of their election campaign and promotes or opposes a candidate, elector organization or issue during a local government election or assent voting.</p> <p>LECFA, s. 11</p>
Third party sponsor	<p>An individual or organization who conducts election advertising independently from the election campaign of any candidate or elector organization.</p> <p>LECFA, s. 37-41</p>

Contact

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Victoria, BC V8W 9J6

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Fax: 250-387-3578

Toll-free Fax: 1-866-466-0665

Email: electoral.finance@elections.bc.ca

Website: elections.bc.ca/lecfa

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LOCAL ELECTIONS CAMPAIGN FINANCING ACT

Published by Quickscribe Services Ltd.

Updated To:

[includes 2016 Bill 17, c. 9 amendments (effective May 19, 2016)]

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LOCAL ELECTIONS CAMPAIGN FINANCING ACT
CHAPTER 18 [SBC 2014]

[includes 2016 Bill 17, c. 9 amendments (effective May 19, 2016)]

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PART 1 – General

Part 1: Division 1 Application and Interpretation

Elections to which this Act applies

1. (1) This Act applies to the following elections:
- (a) an election under the *Local Government Act* for a mayor;
 - (b) an election under the *Local Government Act* for a councillor;
 - (c) an election under the *Local Government Act* for an electoral area director on a regional district board;
 - (d) an election under the *Vancouver Charter* for the mayor;
 - (e) an election under the *Vancouver Charter* for a councillor;
 - (f) an election under the *Vancouver Charter* for a Park Board member;
 - (g) an election under the *Islands Trust Act* for a local trust area trustee;
 - (h) an election under the *School Act* for a trustee on a board of education;
 - (i) other elections prescribed by regulation.
- (2) In relation to the paragraph of subsection (1) referred to in column 1 of the following table, for an election for the class of office referred to in column 2 of the table, the jurisdiction in relation to the election is that referred to in column 3 of the table and the local authority in relation to the election is that referred to in column 4 of the table:

Column 1 Paragraph	Column 2 Office	Column 3 Jurisdiction	Column 4 Local Authority
(a)	Mayor	The municipality	The council
(b)	Councillor	The municipality	The council
(c)	Electoral area director	The regional district	The board
(d)	Mayor	The City of Vancouver	City Council
(e)	Councillor	The City of Vancouver	City Council
(f)	Vancouver Park Board member	The City of Vancouver	The Park Board
(g)	Islands Trust local trust area trustee	The trust council	The trust council
(h)	Board of education trustee	The board of education	The board of education

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(i)	Office for prescribed election	As prescribed	As prescribed
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2014-18-1.

Assent voting to which this Act applies

2. (1) This Act also applies to the following:
 - (a) voting under Part 4 [*Assent Voting*] of the *Local Government Act* or Part II [*Assent Voting*] of the *Vancouver Charter*;
 - (b) voting to which provisions of either of those Parts apply.
- (2) The local authority in relation to assent voting is the local authority of the jurisdiction for which the assent voting is being held.

2014-18-2.

Definitions and other Interpretation rules

3. The Schedule to this Act establishes definitions for terms used in this Act and rules of interpretation that apply in relation to this Act.

2014-18-3.

Part 1: Division 2 Key Concepts

What is the election campaign of a candidate

4. (1) An election campaign of a candidate is a campaign, undertaken by or on behalf of the candidate in relation to an election in which the individual is or intends to be a candidate, for any of the following purposes:
 - (a) to promote, directly or indirectly, the election of the candidate;
 - (b) to oppose, directly or indirectly, the election of any other candidate in the same election;
 - (c) to promote, directly or indirectly, the selection of the candidate for endorsement by an elector organization;
 - (d) to promote, directly or indirectly, the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement;
 - (e) to oppose, directly or indirectly, an elector organization that is endorsing any other candidate in the same election;
 - (f) to oppose, directly or indirectly, the selection of another individual for endorsement, in relation to the same election, by the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement.
- (2) If an individual is a candidate in relation to multiple elections that are being held at the same time, election campaigning of the candidate in relation to each of those elections is considered for purposes of this Act to be a separate election campaign.

2014-18-4.

What is the election campaign of an elector organization

5. (1) An election campaign of an elector organization is a campaign, undertaken by or on behalf of the elector organization in relation to one or more elections, being held at the same time for the same jurisdiction, in which the elector organization is endorsing or

LOCAL ELECTIONS CAMPAIGN FINANCING ACT

intends to endorse a candidate, for any of the following purposes:

- (a) to promote, directly or indirectly, the elector organization;
- (b) to promote, directly or indirectly, the election of a candidate endorsed or intended to be endorsed by the elector organization;
- (c) to oppose, directly or indirectly, the election of a candidate in the same election who is not endorsed by the elector organization;
- (d) to oppose, directly or indirectly, another elector organization in relation to the same election or another election for the same jurisdiction that is being held at the same time;
- (e) to oppose, directly or indirectly, the selection of an individual to be endorsed by another elector organization in relation to an election referred to in paragraph (d).

(AM)
May
19/16

- (2) If an elector organization is endorsing candidates or intends to endorse candidates in elections for more than one election area that are being held at the same time, election campaigning of the elector organization in relation to each of the election areas is considered for purposes of this Act to be a separate election campaign.

2014-18-5; 2016-9-1.

When elections, or elections and assent voting, are considered to be held at the same time

6. (1) Elections are considered to be held at the same time if
- (a) the elections are part of a general local election, or
 - (b) in the case of other elections, the general voting day established for the elections is the same day.
- (2) An election is considered to be held at the same time as assent voting if the general voting day established for the election is the same as the general voting day established for the assent voting.

2014-18-6.

What is election advertising

(AM)
May
19/16

7. (1) Subject to subsection (2), election advertising is the transmission to the public by any means, during the campaign period for an election, of any of the following:
- (a) a communication that promotes or opposes, directly or indirectly,
 - (i) the election of a candidate, or
 - (ii) an elector organization that is endorsing a candidate or is an established elector organization,including a communication that takes a position on an issue with which the candidate or elector organization is associated;
 - (b) assent voting advertising that is election advertising under section 8 (3) [*assent voting advertising that is election advertising*];
 - (c) any other communications prescribed by regulation.
- (2) Subject to any applicable regulations, election advertising does not include the following:
- (a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;
 - (b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be an election or assent voting;
 - (c) the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization;

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- (d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging, of his or her personal views;
- (e) any other transmissions prescribed by regulation.
2014-18-7; 2016-9-2.

What is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising

(AM)
May
19/16

8. (1) Subject to subsection (5), assent voting advertising is the transmission to the public by any means, during the following applicable period, of a communication that promotes or opposes, directly or indirectly, a particular result in the assent voting:
- (a) in the case of assent voting that is relevant to an election, the campaign period for that election;
 - (b) in the case of other assent voting, the assent voting proceedings period.
- (2) Assent voting is relevant to an election if the assent voting is being held
- (a) at the same time as the election, and
 - (b) for the same jurisdiction as that election or for a voting area that is all or part of the same jurisdiction.
- (3) Assent voting advertising that is relevant to an election is election advertising.
- (4) Assent voting advertising that is not relevant to an election is non-election assent voting advertising.
- (5) Subject to any applicable regulations, assent voting advertising does not include the following:
- (a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;
 - (b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be assent voting;
 - (c) the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization;
 - (d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging, of his or her personal views;
 - (e) any other transmissions prescribed by regulation.
2014-18-8; 2016-9-2.

Who is the sponsor of election advertising or non-election assent voting advertising

9. (1) Subject to subsection (2) and any applicable regulations, the sponsor of election advertising or non-election assent voting advertising is whichever of the following is applicable:
- (a) if the service of transmitting the communication to the public is provided without charge
 - (i) as a campaign contribution, or any other form of contribution, to a candidate or elector organization, or
 - (ii) as a sponsorship contribution, or any other form of contribution, to a third party sponsor in relation to election advertising or to an assent voting advertising sponsor in relation to non-election assent voting advertising, the individual or organization to which the service is provided;
 - (b) if the service of transmitting the communication to the public is provided with charge, the individual or organization that pays or is liable to pay for the communication to be transmitted;
 - (c)

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if neither (a) nor (b) applies, the individual or organization that transmits the communication to the public.

- (2) If the individual or organization that would otherwise be the sponsor within the meaning of subsection (1) is acting on behalf of another individual or organization, that other individual or organization is the sponsor.

2014-18-9.

(SUB)Election, campaign and assent voting proceedings period

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- 10.** (1) The election period in relation to an election is the period that
- (a) begins, as applicable,
 - (i) in the case of an election that is part of a general local election, at the start of the calendar year in which the election is held,
 - (ii) in the case of a by-election, on the day the local authority office that is to be filled by the by-election becomes vacant, or
 - (iii) in the case of any other election, on the date specified by or determined under the regulations, and
 - (b) ends at the beginning of the campaign period for the election.
- (2) The campaign period in relation to an election is the period that
- (a) begins on the 28th day before general voting day for the election, and
 - (b) ends, as applicable,
 - (i) in the case of an election by voting, at the close of general voting for the election, or
 - (ii) in the case of an election by acclamation, at the end of general voting day.
- (3) The assent voting proceedings period in relation to non-election assent voting is the period that
- (a) begins on the 28th day before general voting day for the assent voting, and
 - (b) ends at the close of general voting for the assent voting.

2016-9-3.

What is third party advertising

- 11.** Third party advertising is election advertising, other than election advertising sponsored
- (a) by a candidate as part of the candidate's election campaign, or
 - (b) by an elector organization as part of the elector organization's election campaign.

2014-18-11.

Types of third party advertising – Issue advertising and directed advertising

- 12.** (1) Subject to any applicable regulations, third party advertising is issue advertising if
- (a) it is a communication respecting an issue of public policy, including, for certainty, an assent voting issue, and
 - (b) it is not specifically related to any candidate or elector organization.
- (2) Directed advertising is third party advertising that is not issue advertising.
- (3) Third party advertising is specifically related to a candidate if
- (a)

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the communication names the candidate, includes an image or likeness of the candidate or identifies the candidate by voice or physical description, or

- (b) any other circumstances prescribed by regulation apply.
- (4) Third party advertising is specifically related to an elector organization if
- (a) the communication names the elector organization or includes a logo or likeness of a logo used by the elector organization, or
 - (b) any other circumstances prescribed by regulation apply.

2014-18-12.

PART 2 – Candidate and Elector Organization Campaign Financing

Part 2: Division 1 General Concepts: Campaign Contributions and Election Expenses

Campaign contributions to candidate or elector organization

13. (1) Subject to this section and any applicable regulations, the following are campaign contributions:
- (a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to a candidate or elector organization for campaign use;
 - (b) if property or services are provided at less than market value to a candidate or elector organization for campaign use, the difference between the market value of the property or services at the time provided and the amount charged;
 - (c) if
 - (i) a candidate or elector organization offers property or services for the purpose of obtaining funds for campaign use, and
 - (ii) the property or services are acquired from the candidate or elector organization at greater than market value, the difference between the market value of the property or services at the time acquired and the amount charged;
 - (d) the amount of any money, but not the value of any non-monetary property or services, provided by a candidate for use in the candidate's own campaign;
 - (e) the amount of any money, but not the value of any non-monetary property or services, provided by an elector organization as permitted under section 26 (2) *[restrictions on elector organization campaign contributions]* for use in its own campaign;
 - (f) the amount of any money provided to an elector organization by an individual who is seeking endorsement by that elector organization, other than money provided by way of transfer under section 23 (4) (b) *[candidate transfers before endorsement]*;
 - (g) membership fees for an established elector organization;
 - (h) an unpaid amount in relation to an election expense, if
 - (i) the candidate or elector organization is liable for payment in relation to the election expense,
 - (ii) any part of that debt remains unpaid for 6 months after the debt has become due, and
 - (iii) no legal proceedings to recover the debt have been commenced by the creditor;
 - (i) any other provision of property or services prescribed by regulation.
- (2) For certainty, this section applies to the provision of property or services to a candidate or elector organization whether the provision was before or after the start of a campaign period.

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- (3) For certainty, nothing in subsection (1) (h) affects the rights of a creditor in relation to a debt that becomes a campaign contribution under that subsection.
- (4) For purposes of this Act, property or services are considered to be provided for campaign use if they are provided
 - (a) to a candidate for use in the election campaign of the candidate or towards the election expenses of such a campaign, or
 - (b) to an elector organization for use in an election campaign of the elector organization or towards the election expenses of such a campaign.
- (5) Subject to any applicable regulations, the value of the following is not a campaign contribution:
 - (a) services provided by a volunteer;
 - (b) non-monetary property of a volunteer that is provided or used in relation to services of the individual;
 - (c) property or services provided by an election official, or by the BC chief electoral officer, in the official capacity of the election official or BC chief electoral officer;
 - (d) publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program;
 - (e) broadcasting time provided, without charge, as part of a bona fide public affairs program;
 - (f) producing, promoting or distributing a publication for no less than its market value, if the publication was planned to be sold whether or not there was to be an election;
 - (g) any other property or services prescribed by regulation.
- (6) Subject to any applicable regulations, the value of the following is not a campaign contribution, but must be disclosed in accordance with the requirements under Division 2 [Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors] of Part 5 [Transparency Requirements for Local Elections and Assent Voting]:
 - (a) in relation to transfers of property or provision of services between a candidate and an elector organization,
 - (i) transfers from campaign accounts under section 23 [campaign transfers between candidates and elector organizations],
 - (ii) the provision of non-monetary property or services by a candidate to the elector organization that is endorsing the candidate, and
 - (iii) the provision of non-monetary property or services by an elector organization to a candidate who is endorsed by the elector organization;
 - (b) in relation to the provision of property or services by the jurisdiction for which an election is being held,
 - (i) payment under section 24 (5) (a) [candidate surplus carried over to next election] to a candidate in the election, or
 - (ii) the provision to a candidate in the election of free election advertising transmission, if the transmission is made available on an equitable basis to all other candidates in the election;
 - (c) any other provision of property or services prescribed by regulation.

2014-18-13.

Election expenses of candidates and elector organizations

- (SUB) **14.** (1) Subject to this section and any applicable regulations, an election expense in relation to
May an election is the value of property or services used in an election campaign.
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- (2) As applicable,
(a)

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- the value of property or services used as referred to in subsection (1) in the election campaign of a candidate is an election expense of the candidate, and
- (b) the value of property or services used as referred to in subsection (1) in the election campaign of an elector organization is an election expense of the elector organization.
- (3) For purposes of this Act, if a candidate sponsors assent voting advertising that is relevant to the election in which the individual is a candidate, the assent voting advertising is considered to be election advertising sponsored by the candidate as part of the candidate's election campaign and its value is an election expense of the candidate.
- (4) For purposes of this Act, if an elector organization sponsors assent voting advertising that is relevant to an election in which the organization is endorsing a candidate, the assent voting advertising is considered to be election advertising sponsored by the elector organization as part of the elector organization's election campaign and its value is an election expense of the elector organization.
- (5) Subject to any applicable regulations, the value of the use of the following is not an election expense:
- (a) property or services that are excluded from being campaign contributions under section 13 (5) [*exclusions from campaign contributions*];
 - (b) if applicable, the nomination deposit of a candidate;
 - (c) services provided by a candidate in relation to that individual's election campaign;
 - (d) goods produced by a candidate from property of the candidate;
 - (e) goods produced by an individual as a volunteer from property of the individual;
 - (f) any other property or services prescribed by regulation.
- (6) Subject to any applicable regulations, the value of each of the following is not an election expense, but must be disclosed in accordance with Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 [*Transparency Requirements for Local Elections and Assent Voting*];
- (a) personal election expenses within the meaning of subsection (7) in relation to a candidate;
 - (b) legal or accounting services provided to comply with this Act and the regulations under this Act;
 - (c) services provided by a financial agent in that capacity;
 - (d) the cost of any communication that an elector organization transmits exclusively to its members;
 - (e) property and services used exclusively for the day-to-day administration of an elector organization office that operates on a continuing basis outside of campaign periods or election periods, including salaries and wages paid by the elector organization to its permanent staff;
 - (f) interest on a loan to a candidate or elector organization for election period expenses or campaign period expenses;
 - (g) any other expenses prescribed by regulation.
- (7) The following expenses, if they are reasonable, are personal election expenses in relation to a candidate:
- (a) payments for care of a child or other family member for whom the candidate is normally directly responsible;
 - (b) the cost of the candidate travelling to, within or from the election area;
 - (c) the cost of lodging, meals and incidental charges in relation to the candidate while travelling as referred to in paragraph (b);
 - (d)

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(ADD)
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- expenses in relation to any disability of the candidate, including the costs in relation to any individual the candidate requires to assist the candidate in performing the functions necessary for seeking election;
- (e) any other expenses prescribed by regulation in relation to candidates.
2014-18-14; 2016-9-4.

(SUB)What are election period and campaign period expenses

May
19/16

- 15.** Subject to any applicable regulations,
- (a) an election period expense in relation to an election is an election expense that is incurred during the election period, and
- (b) a campaign period expense in relation to an election is an election expense that is incurred during the campaign period.
2016-9-5.

Valuation rules for campaign contributions and election expenses

(SUB)
May
19/16

- 16.** (1) Subject to any applicable regulations, the rules in this section apply for the purpose of determining the value of a campaign contribution or of an election expense unless otherwise expressly provided under this Act.
- (2) The value of any property or services is
- (a) the price paid for the property or services, or
- (b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.
- (3) In the case of property that is a capital asset, the value of the property is the market value of using the property.
- (4) Subject to subsection (5), the value of election advertising sponsored by
- (a) a candidate as part of the candidate's election campaign, or
- (b) an elector organization as part of the elector organization's election campaign is the value of the property and services used in preparing the communication and transmitting it to the public.
- (5) The value of the transmission of the following election advertising sponsored by a candidate is deemed to be nil:
- (a) election advertising referred to in section 13 (6) (b) (ii) [*free equitable advertising by jurisdiction*];
- (b) election advertising transmitted without charge if such transmission without charge is also made available on an equitable basis to all other candidates in the election;
- (c) other election advertising prescribed by regulation.
- (6) The value of shared election expenses must be attributed to the participating candidates in accordance with the regulations.
2014-18-16; 2016-9-6.

Part 2: Division 2 Campaign Accounting

Each candidate must have a financial agent

- 17.** (1) A candidate must have a financial agent.

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- (2) A candidate may appoint an individual as financial agent in accordance with this section, but, if no financial agent is appointed, the candidate is his or her own financial agent.
- (3) A candidate may not have more than one financial agent at the same time.
- (4) The appointment of a financial agent for a candidate must
 - (a) be made in writing,
 - (b) include
 - (i) the full name of the individual appointed,
 - (ii) the effective date of the appointment, and
 - (iii) the required contact information for the individual,
 - (c) be signed by the candidate, and
 - (d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.
- (5) If the nomination documents for a candidate identify an appointed financial agent for a candidate, the candidate must deliver the following to the local election officer before the end of the nomination period:
 - (a) a copy of the financial agent's appointment;
 - (b) a copy of the financial agent's consent to act;
 - (c) any other information or material required by regulation.
- (6) A candidate or the candidate's financial agent must, as soon as practicable, provide updated information and material in accordance with the applicable requirements under subsections (4) and (5) if there is any change in who is the financial agent for the candidate or in other information or material that is required to be provided under this section.
- (7) Updated information or material required under subsection (6) must be provided as follows:
 - (a) to the local election officer, if the change occurs before the declaration of the results of the election;
 - (b) to the BC chief electoral officer, if the change occurs after the declaration of those results.
- (8) For certainty,
 - (a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and
 - (b) the financial agent for a candidate may also be the official agent for the candidate.
- (9) A financial agent appointed for a candidate is not personally liable for any liability of the candidate in relation to the election campaign of the candidate unless the liability is personally guaranteed by the financial agent.
- (10) A candidate who contravenes this section commits an offence.

2014-18-17.

Requirement for candidate campaign account

18. (1) A candidate must have at least one campaign account for the candidate's election campaign, established in accordance with this section, if any of the circumstances described in subsection (2) apply.

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- (2) The financial agent for the candidate must open one or more campaign accounts at a savings institution by the earliest of the following:
 - (a) as soon as practicable after the financial agent receives a campaign contribution of money;
 - (b) before receiving a transfer of money under section 23 [*campaign transfers between candidates and elector organizations*];
 - (c) before receiving payment of money under section 24 (5) (a) [*candidate surplus carried over to next election*];
 - (d) before becoming liable for payment in relation to an election expense or intended election expense of the candidate.
- (3) A campaign account under this section
 - (a) must be in the name of the election campaign of the candidate,
 - (b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and
 - (c) must not receive deposits other than those required or permitted under this section.
- (4) The financial agent must ensure that
 - (a) all campaign contributions, transfers and payments received as referred to in subsection (2) (a) to (c) are deposited into a campaign account of the candidate,
 - (b) the only amounts deposited into a campaign account of the candidate are amounts permitted to be deposited under this section,
 - (c) all payments referred to in subsection (2) (d) are paid, directly or by reimbursement, from a campaign account of the candidate, and
 - (d) a campaign account of the candidate is not used for any purpose other than one permitted under this section.
- (5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:
 - (a) if applicable, payment of the candidate's nomination deposit;
 - (b) if the candidate has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;
 - (c) if the candidate has separate campaigns for different jurisdictions as referred to in section 4 (2) [*candidate running in multiple elections*], making a transfer from a campaign account for one of those campaigns to a campaign account for another of those campaigns;
 - (d) making a transfer of money under section 23 [*campaign transfers between candidates and elector organizations*];
 - (e) making payments referred to in or authorized under section 24 [*what happens if a candidate has surplus campaign funds*];
 - (f) making payments required under section 28 [*dealing with prohibited campaign contributions*];
 - (g) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the candidate's campaign;
 - (h) any other purpose permitted by regulation.
- (6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the candidate:
 - (a) interest on amounts on deposit in the campaign account;
 - (b) any other deposits permitted by regulation.
- (7) A candidate or financial agent who contravenes this section commits an offence.

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2014-18-18.

Each elector organization must have a financial agent

- 19.** (1) An elector organization must have an individual appointed as financial agent for the organization in accordance with this section by the earliest of the following:
 - (a) before accepting a campaign contribution;
 - (b) before incurring an election expense;
 - (c) before becoming liable for payment in relation to an election expense or intended election expense;
 - (d) before accepting a transfer from a candidate under section 23 [*campaign transfers between candidates and elector organizations*].
- (2) An elector organization may not have more than one financial agent at the same time.
- (3) The appointment of a financial agent for an elector organization must
 - (a) be made in writing,
 - (b) include
 - (i) the full name of the individual appointed,
 - (ii) the effective date of the appointment, and
 - (iii) the required contact information for the individual,
 - (c) be signed by the authorized principal official of the elector organization, and
 - (d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.
- (4) An elector organization that is proposing to endorse a candidate must deliver the following to the local election officer before the end of the applicable nomination period:
 - (a) a copy of the financial agent's appointment;
 - (b) a copy of the financial agent's consent to act;
 - (c) any other information or material required by regulation.
- (5) If the individual appointed as financial agent resigns, dies or no longer has the capacity to act as financial agent, the elector organization must appoint a new financial agent as soon as possible.
- (6) An elector organization or the elector organization's financial agent must, as soon as practicable, provide updated information and material in accordance with the applicable requirements under subsections (3) and (4) if there is any change in who is the financial agent for the elector organization or in other information or material that is required to be provided under this section.
- (7) Updated information or material required under subsection (6) must be provided as follows:
 - (a) to the local election officer, if the change occurs before the end of general voting day for the applicable election or elections;
 - (b) to the BC chief electoral officer, if the change occurs after that general voting day.
- (8) For certainty,

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- (a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and
 - (b) a responsible principal official of an elector organization may be the financial agent for the organization.
- (9) A financial agent for an elector organization is not personally liable for any liability of the elector organization in relation to the election campaign of the elector organization unless the liability is personally guaranteed by the financial agent.
- (10) For certainty, the individual most recently appointed as financial agent for an elector organization has the responsibilities of that position under this Act.
- (11) An elector organization that contravenes this section commits an offence.

2014-18-19.

Requirement for elector organization campaign account

- 20.** (1) An elector organization must have at least one campaign account for each election campaign of the elector organization, established in accordance with this section, if any of the circumstances described in subsection (2) apply.
- (2) The financial agent for the elector organization must open one or more campaign accounts at a savings institution by the earliest of the following:
- (a) as soon as practicable after the financial agent receives a campaign contribution of money;
 - (b) before receiving a transfer of money to the elector organization under section 23 [*campaign transfers between candidates and elector organizations*];
 - (c) before becoming liable for payment in relation to an election expense or intended election expense of the elector organization.
- (3) A campaign account under this section
- (a) must be in the name of the election campaign of the elector organization,
 - (b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and
 - (c) must not receive deposits other than those required or permitted under this section.
- (4) The financial agent must ensure that
- (a) all campaign contributions and transfers received as referred to in subsection (2) (a) or (b) are deposited into a campaign account of the elector organization,
 - (b) the only amounts deposited into a campaign account of the elector organization are amounts permitted to be deposited under this section,
 - (c) all payments referred to in subsection (2) (c) are paid, directly or by reimbursement, from a campaign account of the elector organization, and
 - (d) a campaign account of the elector organization is not used for any purpose other than one permitted under this section.
- (5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:
- (a) if the elector organization has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;
 - (b) if the elector organization has separate campaigns for different jurisdictions as referred to in section 5 (2) [*elector organization endorsing candidates in more than one jurisdiction*], making a transfer from a campaign account for one of those campaigns to a campaign account for another of those campaigns;
 - (c) making a transfer or payment under section 23 [*campaign transfers between candidates and elector organizations*];

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- (d) making payments and transfers referred to in and payments under section 25 [*what happens if an elector organization has surplus campaign funds*];
 - (e) making payments required under section 28 [*dealing with prohibited campaign contributions*];
 - (f) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the elector organization's campaign;
 - (g) any other purpose permitted by regulation.
- (6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the elector organization:
- (a) interest on amounts on deposit in the campaign account;
 - (b) any other deposits permitted by regulation.
- (7) An elector organization or financial agent who contravenes this section commits an offence.

2014-18-20.

Responsible principal officials of elector organization

21. (1) From the earlier of the appointment of a financial agent and the time of filing endorsement documents for a candidate until all obligations applicable under this Act to the elector organization have been fulfilled, an elector organization
- (a) must have at least 2 principal officials of the elector organization who have consented to be responsible principal officials of the organization, and
 - (b) must have one of those responsible principal officials designated as the authorized principal official who is to
 - (i) make declarations required under this Act or other local elections legislation in relation to the elector organization, and
 - (ii) retain records as required under section 22.
- (2) For the endorsement documents of an elector organization to be accepted for filing, the elector organization must provide the following to the local election officer before the end of the nomination period:
- (a) the name, required contact information and address for service of the authorized principal official of the elector organization;
 - (b) the name, mailing address and address for service of each of the other responsible principal officials of the elector organization;
 - (c) signed consents of the responsible principal officials to act as responsible principal officials and, as applicable, as the authorized principal official of the elector organization.
- (3) The updating obligations under section 19 (6) and (7) [*updating obligations in relation to financial agent*] apply in relation to any change in who are the responsible principal officials of an elector organization, in who is the authorized principal official of an elector organization or in other information or material that is required to be provided under subsection (2).
- (4) For certainty, the individual identified as the authorized principal official of an elector organization in the most recent information and material provided under subsection (2) or (3), as applicable, has the responsibilities of that position under this Act.
- (5) An elector organization that contravenes this section commits an offence.

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Recording requirements, including records of campaign contributions, election expenses and transfers

- 22.** (1) The financial agent for a candidate or elector organization must record and maintain records sufficient to allow compliance with the disclosure requirements under this Act.
- (2) Without limiting subsection (1), the financial agent must record the following:
- (a) for each campaign contribution received by the candidate or elector organization, the information required under section 29 [*campaign contribution information that must be recorded*];
 - (b) for each transfer between accounts of the candidate or elector organization under section 18 (5) (b) [*transfer between candidate accounts*] or 20 (5) (a) [*transfer between elector organization accounts*], the accounts involved in the transfer and the amount and date of the transfer;
 - (c) for each transfer from the candidate or elector organization under section 23 [*campaign transfers between candidates and elector organizations*], the amount, date and recipient of the transfer;
 - (d) for each transfer received by the candidate or elector organization under section 23 [*campaign transfers between candidates and elector organizations*], the amount, date and source of the transfer;
 - (e) for each provision of property or services under section 13 (6) (a) (ii) [*candidate provision to elector organization*], received by an elector organization, the candidate providing the property or services, the description of the property or services and the date the property or services are provided;
 - (f) for each provision of property or services under section 13 (6) (a) (iii) [*elector organization provision to candidate*], received by a candidate, the elector organization providing the property or services, a description of the property or services and the date the property or services are provided;
 - (g) any other information required by regulation.
- (3) The recording, maintenance and retention of records under this section and related receipts must be done in accordance with any requirements established by regulation.
- (4) The records and material required under this section must be retained as follows:
- (a) records and material for a candidate must be retained in British Columbia
 - (i) by the financial agent until all disclosure requirements under this Act in relation to the candidate have been fulfilled, and
 - (ii) after those disclosure requirements have been fulfilled, by the candidate until 5 years after general voting day for the election to which the records and material relate;
 - (b) records and material for an elector organization must be retained in British Columbia
 - (i) by the financial agent until all elector organization disclosure requirements under this Act in relation to the applicable elections have been fulfilled, and
 - (ii) after those disclosure requirements have been fulfilled, by the authorized principal official of the elector organization until 5 years after general voting day for the election or elections to which the records and material relate.
- (5) A financial agent, candidate or authorized principal official that contravenes this section commits an offence.

2014-18-22.

Campaign transfers between candidates and elector organizations

- 23.** (1) A candidate who is endorsed by an elector organization may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a

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- campaign account of the elector organization.
- (2) An elector organization that endorses a candidate may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate.
 - (3) For certainty, a transfer between a candidate and an endorsing elector organization under subsection (1) or (2) may be made after the end of the campaign period for the election.
 - (4) If a candidate is seeking endorsement by an elector organization,
 - (a) the elector organization may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate, and
 - (b) the candidate may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.
 - (5) If an amount is transferred under subsection (4) (b) and the candidate is not endorsed by the elector organization, an amount equal to the amount transferred may be returned to the candidate from the campaign account of the elector organization.
 - (6) If subsection (5) applies, but
 - (a) the amount referred to in that subsection is not returned to the candidate, and
 - (b) the candidate is never declared to be a candidate,the candidate must, in accordance with the regulations, provide to the elector organization information respecting the campaign contributions received by the candidate and records of those campaign contributions as required to be maintained under section 29 [*campaign contribution information that must be recorded*].
 - (7) A candidate who contravenes subsection (6) commits an offence.
2014-18-23; 2016-9-7.

What happens if a candidate has surplus campaign funds

24. (1) This section applies if, after an election, there is a balance remaining in a campaign account of a candidate after
 - (a) payment of liabilities in relation to the candidate's election expenses and any other reasonable expenses incidental to the candidate's election campaign, and
 - (b) any transfers under section 23 [*campaign transfers between candidates and elector organizations*].
- (2) If the candidate made one or more campaign contributions of money to his or her election campaign, to the extent that the total balance remaining in the campaign accounts of the candidate after payments or transfers referred to in subsection (1) permits this, the financial agent may pay an amount equal to those campaign contributions to the candidate.
- (3) If, after any payment under subsection (2), the total balance remaining in the campaign accounts of the candidate is less than \$500, the financial agent must pay the balance to the candidate or in accordance with the directions of the candidate.
- (4) If, after any payment under subsection (2), the total balance remaining in the campaign accounts of the candidate is \$500 or more, the financial agent must pay the balance as soon as practicable to the jurisdiction in relation to which the election was held.
- (5) Funds received by a jurisdiction under subsection (4), including accumulated interest, must be held in trust by the jurisdiction to be dealt with as follows:
 - (a) if the candidate referred to in that subsection is declared a candidate in an election for that jurisdiction in the next general local election, or in a by-election for the jurisdiction called before that time, the jurisdiction must pay the funds to the financial agent for the candidate for use in the election;

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- (b) if the funds are not paid out under paragraph (a), the funds cease to be trust funds and become funds of that jurisdiction for use in the discretion of the local authority.
- (6) A financial agent who contravenes this section commits an offence.

2014-18-24.

What happens if an elector organization has surplus campaign funds

- 25.** If there is a balance remaining in a campaign account of an elector organization after an election and after
- (a) the payment of the elector organization's election expenses and any other reasonable expenses incidental to the elector organization's election campaign, and
 - (b) any transfers under section 23 (2) [*campaign transfers from elector organization to endorsed candidates*],
- the financial agent may pay the balance to the elector organization or in accordance with the directions of the elector organization.

2014-18-25.

Part 2: Division 3 Rules in Relation to Campaign Contributions and Election Expenses

Restrictions on making campaign contributions

- 26.** (1) An individual or organization must not do any of the following:
- (a) make a campaign contribution to a candidate or elector organization other than by making it to the financial agent or an individual authorized in writing by the financial agent to receive such contributions;
 - (b) make an anonymous campaign contribution that has a value of more than \$50;
 - (c) make a number of anonymous campaign contributions to the same candidate in relation to one or more election campaigns of the candidate for elections that are being held at the same time if, in total, the campaign contributions would be equal in value to more than \$50;
 - (d) make a number of anonymous campaign contributions to the same elector organization in relation to one or more election campaigns of the elector organization for elections that are being held at the same time if, in total, the campaign contributions would be equal in value to more than \$50;
 - (e) make a campaign contribution, other than an anonymous campaign contribution that is permitted under this Act, without disclosing to the individual receiving the campaign contribution the information required to be recorded under section 29 [*campaign contribution information that must be recorded*];
 - (f) make a campaign contribution with money, non-monetary property or services of another individual or organization;
 - (g) make a campaign contribution indirectly by giving money, non-monetary property or services to an individual or organization
 - (i) for the individual or organization to make as a campaign contribution, or
 - (ii) as consideration for that individual or organization making a campaign contribution.

(2)

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Except as permitted by regulation, an elector organization must not make a campaign contribution of money to its own campaign or to the campaign of a candidate who is or is intended to be endorsed by the elector organization.

- (3) An individual or organization that contravenes this section commits an offence.

2014-18-26.

Restrictions in relation to accepting campaign contributions

27. (1) A candidate or elector organization must not accept campaign contributions except through
- (a) the financial agent for the candidate or elector organization, or
 - (b) an individual authorized in writing by that financial agent.
- (2) A financial agent or individual authorized as referred to in subsection (1) must not accept
- (a) a campaign contribution for which the information required to be recorded under section 29 [*campaign contribution information that must be recorded*] has not been provided, or
 - (b) any other campaign contribution that the individual or organization has reason to believe is made in contravention of this Act or the regulations under this Act.
- (3) If an individual authorized as referred to in subsection (1) becomes aware that a campaign contribution may have been made in contravention of this Act or the regulations under this Act, the individual must inform the financial agent as soon as practicable.
- (4) An individual or organization that contravenes this section commits an offence.

2014-18-27.

Dealing with prohibited campaign contributions

28. (1) If a financial agent becomes aware that a campaign contribution was made or accepted in contravention of this Act or the regulations under this Act, the financial agent must, within 30 days after the financial agent becomes aware of the contravention,
- (a) return the campaign contribution to the contributor, or
 - (b) pay to the contributor an amount equal to the value of the campaign contribution.
- (2) If a financial agent is not able to comply with subsection (1), the financial agent must, as soon as practicable, deal with the campaign contribution as follows:
- (a) in the case of a contribution of money, pay to the BC chief electoral officer an amount equal to the value of the contribution;
 - (b) in any other case, either
 - (i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or
 - (ii) deal with the contribution in accordance with the directions of that officer.
- (3) An amount to be paid under this section must be paid from a campaign account of the applicable candidate or elector organization.
- (4) A financial agent who contravenes this section commits an offence.

2014-18-28.

Campaign contribution information that must be recorded

29. (1)

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Subject to subsection (2) and any applicable regulations, the financial agent for a candidate or elector organization must record the following for each campaign contribution made to the candidate or elector organization:

- (a) the value of the campaign contribution;
 - (b) the date on which the campaign contribution was made;
 - (c) the full name and mailing address of the contributor, unless it is an anonymous campaign contribution;
 - (d) the contributor class of the contributor;
 - (e) if the contributor is an organization, the full names and mailing addresses of
 - (i) at least 2 individuals who are directors of the organization, or
 - (ii) if there are no directors, at least 2 individuals who are principal officials of the organization;
 - (f) any other information required by regulation.
- (2) If section 28 [*dealing with prohibited campaign contributions*] applies in relation to a campaign contribution, the financial agent must maintain records of the following for each such contribution:
- (a) the circumstances in which the contribution was received;
 - (b) to the extent possible, the information required under subsection (1) (a) to (e) of this section;
 - (c) when and how the contribution was dealt with in accordance with section 28;
 - (d) any other information required by regulation.
- (3) A financial agent who contravenes this section commits an offence.

2014-18-29.

How payment in relation to election expenses may be made

- 30.** (1) Subject to any applicable regulations, an individual or organization must not make a payment in relation to an election expense or intended election expense of a candidate or elector organization except as permitted under subsection (2) or (3).
- (2) An individual may make a payment referred to in subsection (1) in relation to the election campaign of a candidate if
- (a) the payment is either
 - (i) made out of a campaign account of the candidate, or
 - (ii) reimbursed from a campaign account of the candidate on the production of receipts, and
 - (b) the individual making the payment is
 - (i) the candidate,
 - (ii) the financial agent for the candidate, or
 - (iii) an individual authorized in writing by that financial agent.
- (3) An individual may make a payment referred to in subsection (1) in relation to the election campaign of an elector organization if
- (a) the payment is either
 - (i) made out of a campaign account of the elector organization, or

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- (ii) reimbursed from a campaign account of the elector organization on the production of receipts, and
- (b) the individual making the payment is
 - (i) the financial agent for the elector organization, or
 - (ii) an individual authorized in writing by that financial agent.
- (4) An individual or organization that contravenes subsection (1) commits an offence.

2014-18-30.

PART 3 Third Party Advertising

Part 3: Division 1 General

Independence requirements for third party sponsors

- 31.** (1) Subject to this section, an individual or organization must not sponsor third party advertising on behalf of or together with a candidate or elector organization in relation to the election campaign of the candidate or elector organization.
- (2) A candidate may, as a third party sponsor, sponsor election advertising that is not an election expense of the candidate.
- (3) An elector organization may, as a third party sponsor, sponsor election advertising that is not an election expense of the elector organization.
- (4) An individual or organization that contravenes this section commits an offence.

2014-18-31.

What are sponsorship contributions

- 32.** (1) Subject to this section and any applicable regulations, the following are sponsorship contributions:
- (a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to an individual or organization for sponsorship use;
- (b) if property or services are provided at less than market value to an individual or organization for sponsorship use, the difference between the market value of the property or services at the time provided and the amount charged;
- (c) if
- (i) a third party sponsor offers property or services for the purpose of obtaining funds for sponsorship use, and
- (ii) the property or services are acquired from the third party sponsor at greater than market value,
- the difference between the market value of the property or services at the time acquired and the amount charged;
- (d) an unpaid amount in relation to the preparation or transmission of third party advertising sponsored by a third party sponsor, if
- (i) the third party sponsor is liable for payment in relation to that preparation or transmission,
- (ii) any part of that debt remains unpaid for 6 months after the debt has become due, and
- (iii) no legal proceedings to recover the debt have been commenced by the creditor;
- (e) the provision to a third party sponsor of property or services prescribed by regulation.
- (2) For certainty, nothing in subsection (1) (d) affects the rights of a creditor in relation to a debt that becomes a sponsorship contribution under that subsection.
- (3) Subject to any applicable regulations, the value of the following is not a sponsorship contribution:

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- (a) property and services that are deemed to have a nil value under section 33 (5) *[advertising expenses deemed to have nil value]*;
- (b) any other property or services prescribed by regulation.

2014-18-32.

Valuation rules for third party advertising and sponsorship contributions

- 33.** (1) Unless otherwise expressly provided under this Act, the rules in this section apply for the purpose of determining the value of third party advertising or a sponsorship contribution.
- (2) The value of any property or services is
- (a) the price paid for the property or services, or
 - (b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.
- (3) In the case of property that is a capital asset, the value of the property is the market value of using the property.
- (4) Subject to subsection (5), the value of third party advertising is the value of property and services used in preparing the communication and transmitting it to the public.
- (5) The value of the following property and services used as referred to in subsection (4) is deemed to be nil:
- (a) services provided by an individual, as the third party sponsor or as a volunteer;
 - (b) any other property or services prescribed by regulation.
- (6) The value of shared third party advertising must be attributed to the participating individuals and organizations in accordance with the regulations.

(ADD)
May
19/16

2014-18-33; 2016-9-9.

Part 3: Division 2 – Rules in Relation to Sponsorship Contributions and Sponsored Advertising

Restrictions on making sponsorship contributions

- 34.** (1) An individual or organization must not do any of the following:
- (a) make an anonymous sponsorship contribution that has a value of more than \$50;
 - (b) make a number of anonymous sponsorship contributions to the same third party sponsor in relation to one or more elections that are being held at the same time if, in total, the sponsorship contributions would be equal in value to more than \$50;
 - (c) make a sponsorship contribution, other than an anonymous sponsorship contribution that is permitted under this Act, without disclosing to the third party sponsor receiving the sponsorship contribution the information required to be recorded under section 36 *[records of sponsorship contributions and sponsored advertising]*;
 - (d) make a sponsorship contribution with money, non-monetary property or services of another individual or organization;
 - (e) make a sponsorship contribution indirectly by giving money, non-monetary property or services to an individual or organization
 - (i) for that individual or organization to make as a sponsorship contribution, or
 - (ii) as consideration for that individual or organization making a sponsorship contribution.

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- (2) An individual or organization that contravenes this section commits an offence.

2014-18-34.

Dealing with prohibited sponsorship contributions

- 35.** (1) A third party sponsor must not accept
- (a) a sponsorship contribution for which the information required to be recorded under section 36 is not provided, or
 - (b) any other sponsorship contribution that the sponsor has reason to believe is made in contravention of this Act or the regulations under this Act.
- (2) If a third party sponsor becomes aware that a sponsorship contribution was made or accepted in contravention of this Act or the regulations under this Act, the third party sponsor must, within 30 days after becoming aware of the contravention,
- (a) return the sponsorship contribution to the contributor, or
 - (b) pay to the contributor an amount equal to the value of the sponsorship contribution.
- (3) If a third party sponsor is not able to comply with subsection (2), the third party sponsor must, as soon as practicable, deal with the sponsorship contribution as follows:
- (a) in the case of a sponsorship contribution of money, pay to the BC chief electoral officer an amount equal to the value of the sponsorship contribution;
 - (b) in any other case, either
 - (i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or
 - (ii) deal with the contribution in accordance with the directions of that officer.
- (4) An individual or organization that contravenes this section commits an offence.

2014-18-35.

Records of sponsorship contributions and sponsored advertising

- 36.** (1) Subject to subsection (2) and any applicable regulations, for each sponsorship contribution received by a third party sponsor, the individual or organization must maintain records of the following information:
- (a) the value of the sponsorship contribution;
 - (b) the date on which the sponsorship contribution was made;
 - (c) the full name and mailing address of the contributor, unless it is an anonymous sponsorship contribution;
 - (d) the contributor class of the contributor;
 - (e) if the contributor is an organization, the full names and mailing addresses of
 - (i) at least 2 individuals who are directors of the organization, or
 - (ii) if there are no directors, at least 2 individuals who are principal officials of the organization;
 - (f) any other information required by regulation.
- (2) If section 35 [dealing with prohibited sponsorship contributions] applies in relation to a sponsorship contribution, the sponsor must maintain records of the following for each such sponsorship contribution:
- (a) the circumstances in which the sponsorship contribution was received;

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- (b) to the extent possible, the information required under subsection (1) (a) to (e) of this section;
 - (c) when and how the sponsorship contribution was dealt with in accordance with section 35;
 - (d) any other information required by regulation.
- (3) A third party sponsor must maintain records and material respecting the sponsored third party advertising that are sufficient to meet the reporting requirements under this Act.
- (4) The records and material required under this section must be retained in British Columbia
- (a) by the sponsor, in the case of a third party sponsor who is an individual, and
 - (b) by the authorized principal official, in the case of a third party sponsor that is an organization,
- until 5 years after general voting day for the election to which the records and material relate.
- (5) The recording, maintenance and retention of records and material under this section and related receipts must be done in accordance with any requirements established by regulation.
- (6) An individual or organization that contravenes this section commits an offence.

2014-18-36.

Part 3: Division 3 Registration of Third Party Sponsors

Prohibition against sponsoring third party advertising if not registered

37. (1) An individual or organization that is not registered under this Division must not sponsor third party advertising.
- (2) An individual or organization that contravenes subsection (1) commits an offence.

2014-18-37.

Application for registration – Individual as third party sponsor

38. (1) An individual who wishes to register as a third party sponsor must submit to the BC chief electoral officer an application for registration that complies with the requirements under this Division.
- (2) The application for registration must include the following information:
- (a) the full name of the applicant and, if this is different, the usual name of the individual;
 - (b) the name of the sponsor and the mailing address, telephone number or email address that are to be used by the sponsor for the purpose of compliance with section 44 *[advertising must include sponsorship information]*;
 - (c) the required contact information for the individual;
 - (d) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the individual;
 - (e) any other information required by regulation.

(3)

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An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

- (4) In order to be accepted, an application for registration must be accompanied by a solemn declaration of the applicant that, to the best of the knowledge and belief of the applicant, the following are true:
 - (a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 31 [*independence requirements for third party sponsors*];
 - (b) the applicant is not prohibited under this Act from sponsoring third party advertising;
 - (c) the information provided in the application is complete and accurate;
 - (d) the applicant
 - (i) understands the requirements and restrictions that apply to the applicant under this Act, and
 - (ii) intends to fully comply with all of those requirements and restrictions;
 - (e) any other matter prescribed by regulation.
- (5) The third party sponsor must, as soon as practicable, provide updated information and material to the BC chief electoral officer in accordance with the requirements under subsections (2) and (3) if there is any change in the information or material that is required to be provided to the BC chief electoral officer under this section.
- (6) A third party sponsor that contravenes subsection (5) commits an offence.

2014-18-38.

Application for registration – organization as third party sponsor

39. (1) An organization that wishes to register as a third party sponsor must submit to the BC chief electoral officer an application for registration that complies with the requirements under this Division.
- (2) The application for registration must include the following information:
 - (a) the full name of the organization and any abbreviations, acronyms and other names used by the organization;
 - (b) the name of the sponsor and the mailing address, telephone number or email address that are to be used by the sponsor for the purpose of compliance with section 44 [*advertising must include sponsorship information*];
 - (c) a mailing address and telephone number at which the organization can be contacted;
 - (d) an email address at which the organization can be contacted, unless the organization does not have such an address;
 - (e) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the organization;
 - (f) the name, required contact information and address for service of the authorized principal official of the organization;
 - (g) the name, mailing address and address for service of each of the other responsible principal officials of the organization;
 - (h) any other information required by regulation.
- (3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

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- (4) In order for an application for registration to be accepted, the organization must provide the following to the BC chief electoral officer:
 - (a) signed consents of the responsible principal officials to act as responsible principal officials of the organization;
 - (b) a solemn declaration in accordance with subsection (5) of the authorized principal official of the organization.
- (5) For purposes of subsection (4) (b), the authorized principal official of the applicant organization must make a solemn declaration that, to the best of the knowledge and belief of that official, the following are true:
 - (a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 31 [*independence requirements for third party sponsors*];
 - (b) the applicant is not prohibited under this Act from sponsoring third party advertising;
 - (c) the information provided in the application is complete and accurate;
 - (d) the individual making the declaration is the authorized principal official of the applicant;
 - (e) the applicant
 - (i) understands the requirements and restrictions that apply to the applicant under this Act, and
 - (ii) intends to fully comply with all of those requirements and restrictions;
 - (f) any other matter prescribed by regulation.
- (6) The third party sponsor must, as soon as practicable, provide updated information and material to the BC chief electoral officer in accordance with the requirements under subsections (2), (3) and (4) (a) if there is any change in who is the authorized principal official of the organization, in who are the responsible principal officials of the organization or in any other information or material that is required to be provided to the BC chief electoral officer under this section.
- (7) A third party sponsor that contravenes subsection (6) commits an offence.

2014-18-39.

Responsible principal officials of third party sponsor that is an organization

40. (1) From the time of applying for registration until all obligations applicable under this Act to the organization have been fulfilled, a third party sponsor that is an organization
 - (a) must have at least 2 principal officials of the organization who have consented to be responsible principal officials of the organization, and
 - (b) must have one of those responsible principal officials designated as the authorized principal official who is to
 - (i) make declarations required under this Act or other local elections legislation in relation to the organization, and
 - (ii) retain records and material as required under section 36 [*records of sponsorship contributions and sponsored advertising*].
- (2) An organization that contravenes subsection (1) commits an offence.

2014-18-40.

Registration by BC chief electoral officer

41. (1) Subject to this section, as soon as practicable after receiving an application in accordance with this Division, the BC chief electoral officer must register the applicant as a third party

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- sponsor and notify the applicant of this registration.
- (2) Subsection (1) does not apply if the BC chief electoral officer has reason to believe that any of the following apply:
- (a) the applicant is prohibited under this Act from sponsoring third party advertising;
 - (b) the application for registration does not meet the requirements under this Division;
 - (c) information in the required solemn declaration is false;
 - (d) any other circumstances prescribed by regulation apply.
- (3) The BC chief electoral officer may refuse to register an applicant under a name that, in the opinion of that officer,
- (a) is likely to be confused with a name, abbreviation or acronym of a candidate, elector organization or registered third party sponsor, or
 - (b) in the case of an application by an organization, is likely to be confused with a name, abbreviation or acronym used by another organization.
- (4) If the BC chief electoral officer refuses to register an applicant, that officer must provide the applicant with reasons for the refusal and an opportunity to provide further information for a reconsideration of the decision.
- (5) Registration under this Division is effective only for the election or elections in relation to which the application for registration was made.

2014-18-41.

Part 3: Division 4 Third Party Advertising Limits

(ADD)Third party advertising limits – general local election

May
19/16

- 41.1** Subject to any applicable regulations, in respect of an election to which this Act applies that is held as part of a general local election,
- (a) the third party advertising limit for a third party sponsor during the campaign period for third party advertising that is directed advertising,
 - (i) in relation to an election area that has a population of less than 15 000, is a prescribed amount, and
 - (ii) in relation to an election area that has a population of 15 000 or more
 - (A) for a mayor or councillor,
 - (B) for an electoral area director,
 - (C) for a Vancouver Park Board member,
 - (D) for a local trust area trustee,
 - (E) for a trustee on a board of education,
 - (F) for a regional trustee of a francophone education authority, and
 - (G) prescribed under section 1 (1) (i) [*other elections to which this Act applies*],
 - (b) is determined in accordance with the regulations, and
 - (b) the cumulative third party advertising limit for a third party sponsor during the campaign period for third party advertising that is directed advertising or issue advertising is a prescribed amount.

2016-9-10.

Limits and adjustments to reflect changes in consumer price index

LOCAL ELECTIONS CAMPAIGN FINANCING ACT

(ADD)
May
19/16

- 41.2 (1)** In respect of each general local election that is called after January 1, 2019,
- (a) the minister responsible for the administration of the enactment under which the election is being held must establish the third party advertising limit under section 41.1 (a) (i) by
 - (i) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the election will be held, and
 - (ii) applying the ratio determined under subparagraph (i) of this paragraph to adjust the amount under section 41.1 (a) (i), and
 - (b) the minister responsible for the administration of the *Local Government Act* must establish the cumulative third party advertising limit by
 - (i) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the election will be held, and
 - (ii) applying the ratio determined under subparagraph (i) of this paragraph to adjust the amount under section 41.1 (b).
- (2) For the purpose of making an adjustment under this section, the minister responsible has the discretion to determine
- (a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and
 - (b) which consumer price index is applicable for a particular time.

2016-9-10.

(ADD) Specific third party advertising limits to be made publicly available in advance of general local election

May
19/16

- 41.3 (1)** By April 30 of the year in which a general local election will be held,
- (a) the minister responsible must provide to Elections BC the third party advertising limits established under section 41.1 (a) in relation to each election area for which elections under that minister's responsibility are to be held as part of a general local election, and
 - (b) the minister responsible for the administration of the *Local Government Act* must provide to Elections BC the cumulative third party advertising limit prescribed under section 41.1 (b).
- (2) By May 31 of the year in which a general local election will be held, Elections BC must make the third party advertising limits provided under subsection (1) publicly available on an Elections BC authorized internet site.

2016-9-10.

(ADD) Third party advertising limits – by-election

May
19/16

- 41.4** Subject to any applicable regulations, the third party advertising limits made publicly available under section 41.3 in respect of the most recent general local election in relation to an election area are the third party advertising limits in respect of a by-election for that election area.

2016-9-10.

(ADD) Prohibition against third party advertising exceeding third party advertising limits

May
19/16

- 41.5** (1) Subject to subsection (2), in respect of an election,
- (a) a third party sponsor must not sponsor directed advertising such that the total value of the directed advertising sponsored by the third party sponsor for any election is greater than the third party advertising limit established under section 41.1 (a) [*directed advertising limits*] in relation to the election area for which the election is held,
 - (b) in the case of 2 or more third party sponsors jointly sponsoring advertising, the third party sponsors must not sponsor directed advertising such that the total value of the shared directed advertising sponsored by those third party sponsors for any election is greater than the third party advertising limit established under section 41.1 (a) in relation to the election area for which the election is held,
 - (c) a third party sponsor must not sponsor third party advertising that is directed advertising or issue advertising such that the total value of the third party advertising sponsored by the third party sponsor is greater than the cumulative third party advertising limit, or
 - (d) in the case of 2 or more third party sponsors jointly sponsoring advertising, the third party sponsors must not sponsor third party advertising that is directed advertising or issue advertising such that the total value of the shared third party advertising sponsored by those third party sponsors is greater than the cumulative third party advertising limit.
- (2) The value of any prescribed class of third party advertising prescribed by regulation as being excluded is not to be included in determining whether a third party sponsor has exceeded the applicable third party advertising limit.
- (3) An individual or organization that contravenes this section commits an offence.
2016-9-10.

(ADD) Prohibition against attempting to circumvent third party advertising limits

May
19/16

- 41.6** (1) A third party sponsor must not circumvent or attempt to circumvent, in any manner, the third party advertising limit for the third party sponsor.
- (2) An individual or organization that contravenes this section commits an offence.
2016-9-10.

(ADD) Attribution of value of directed advertising

May
19/16

- 41.7** (1) If directed advertising is specifically related to one or more candidates, one or more elector organizations or one or more of both candidates or elector organizations, in 2 or more election areas, the third party sponsor must, in accordance with the regulations, attribute the value of the directed advertising to the third party advertising limit established under section 41.1 (a) [*directed advertising limits*] in relation to each election area for which the election is held.
- (2) An individual or organization that contravenes this section commits an offence.
2016-9-10.

PART 4 Non-Election Assent Voting Advertising and Other Assent Voting Advertising Rules

Application of third party election advertising rules to non-election assent voting advertising

(SUB)
May
19/16

42. (1) Subject to any exceptions provided by this Act and any applicable regulations,

- (a) Divisions 1 to 3 of Part 3 [*Third Party Advertising*], and
- (b) any other provisions of this Act or the regulations that apply in relation to those Divisions

apply to non-election assent voting advertising during an assent voting proceedings period as if the assent voting advertising were third party advertising during a campaign period.

- (2) For certainty, Part 7 [*Enforcement*] applies in relation to provisions that are made applicable under this Part in relation to non-election assent voting advertising.

2014-18-42; 2016-9-11.

Assent voting advertising by local government

43. Part 3 [*Third Party Election Advertising*] and Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 do not apply to assent voting advertising sponsored by the local government of the jurisdiction for which the assent voting is being held.

2014-18-43.

PART 5 – Transparency Requirements for Local Elections and Assent Voting

Part 5: Division 1 Sponsorship of Election Advertising and Assent Voting Advertising

Advertising must include sponsorship information

- 44.** (1) Subject to any applicable regulations, an individual or organization must not sponsor election advertising or assent voting advertising, or transmit such advertising to the public, unless the advertising
- (a) identifies,
 - (i) in the case of advertising sponsored by a candidate or elector organization as part of the candidate's or elector organization's campaign, the name of the financial agent, or
 - (ii) in any other case, the name of the sponsor,
 - (b) indicates that it was authorized by the identified financial agent or sponsor,
 - (c) gives a telephone number, email address or mailing address at which the financial agent or sponsor may be contacted regarding the advertising,
 - (d) if applicable, indicates that the sponsor is a registered third party sponsor or assent voting advertising sponsor under this Act, and
 - (e) meets any other requirements established by regulation.
- (2) If information is required to be provided under subsection (1),
- (a) any telephone number given must have a British Columbia area code,
 - (b) any mailing address given must be within British Columbia, and
 - (c) the sponsor must make available an individual to be responsible for answering questions from individuals who are directed to the telephone number, email address or mailing address.
- (3) The information required under subsection (1) must be provided
- (a) in English or in a manner that is understandable to readers of English, and
 - (b) if all or part of the election advertising is in a language other than English, in the other language or in a manner that is understandable to readers of that other language.
- (4) For certainty, in the case of advertising that is sponsored in combination by multiple sponsors, the requirements of this section apply in relation to each sponsor.
- (5) An individual or organization that contravenes this section commits an offence.

2014-18-44.

Restrictions on general voting day advertising

- 45.** (1) An individual or organization must not sponsor or agree to sponsor election advertising or non-election assent voting advertising that is or is to be transmitted to the public on general voting day, whether the transmission is within British Columbia or outside

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- (2) An individual or organization must not transmit election advertising or non-election assent voting advertising to the public on general voting day.
- (3) Subject to section 163 (4) [*prohibition on certain activities within 100 metres of voting proceedings on general voting day*] of the *Local Government Act* and section 125 (4) of the *Vancouver Charter*, subsections (1) and (2) of this section do not apply in respect of any of the following election advertising or non-election assent voting advertising:
 - (a) communication on the internet, if the communication was transmitted to the public on the internet before general voting day and was not changed before the close of general voting;
 - (b) communication by means of signs, posters or banners;
 - (c) communication by the distribution of pamphlets;
 - (c.1) communication that is transmitted to the public on the internet for the sole purpose of encouraging voters to vote in the election;
 - (d) any other election advertising or non-election assent voting advertising prescribed by regulation.
- (4) An individual or organization that contravenes this section commits an offence.
2014-18-45; RS2015-1-RevSch (B.C. Reg. 257/2015); 2016-9-12.

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Part 5: Division 2 Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors

Disclosure statements required for candidates, elector organizations and advertising sponsors

46. (1) A disclosure statement in accordance with this Division must be filed with the BC chief electoral officer as follows:
- (a) for each individual who was declared to be a candidate in an election, a candidate disclosure statement respecting the election is required;
 - (b) for each elector organization that endorsed one or more candidates in relation to one or more elections for a jurisdiction that were held at the same time, an elector organization disclosure statement respecting those elections is required;
 - (c) for each individual or organization that sponsored third party advertising or registered under Division 3 [*Registration of Third Party Sponsors*] of Part 3, a third party disclosure statement respecting the activities of the sponsor in relation to the applicable elections is required;
 - (d) for each individual or organization that sponsored non-election assent voting advertising or registered under Division 3 of Part 3 as it applies in relation to that advertising, an assent voting advertising disclosure statement respecting the activities of the sponsor in relation to the applicable assent voting is required.
- (2) For certainty, the following apply in relation to the obligations under subsection (1):
- (a) a candidate disclosure statement is required even if the individual has no election expenses, receives no campaign contributions, is acclaimed, withdraws from the election or is declared by a court to no longer be a candidate;
 - (b) an elector organization disclosure statement is required even if the elector organization has no election expenses, receives no campaign contributions, withdraws its endorsement of a candidate or is declared by a court to not be qualified to endorse a candidate;
 - (c) a third party disclosure statement is required

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- (i) even if the individual or organization registered but did not in fact sponsor any third party advertising, and
- (ii) if the individual or organization did sponsor third party advertising, even if the individual or organization did not apply to register or did apply but was refused registration;
- (d) an assent voting advertising disclosure statement is required
 - (i) even if the individual or organization registered but did not in fact sponsor any non-election assent voting advertising, and
 - (ii) if the individual or organization did sponsor non-election assent voting advertising, even if the individual or organization did not apply to register or did apply but was refused registration.
- (3) The following apply in relation to what is to be disclosed in a single disclosure statement:
 - (a) in relation to a candidate referred to in section 4 (2) [*candidate running in multiple elections*], a separate candidate disclosure statement must be filed in relation to each election in which the individual was a candidate;
 - (b) in relation to an elector organization referred to in section 5 (2) [*endorsing in multiple jurisdictions*], a separate elector organization disclosure statement must be filed in relation to each jurisdiction in which the organization endorsed a candidate;
 - (c) in relation to an individual or organization that sponsored third party advertising in relation to multiple elections being held at the same time, a single disclosure statement must be filed in relation to all those elections;
 - (d) in relation to an individual or organization that sponsored non-election assent voting advertising in relation to multiple assent voting events being held at the same time, a separate disclosure statement must be filed in relation to each jurisdiction for which the assent voting was held.

2014-18-46.

Time limits for filing disclosure statements – filing on time, late filing on payment of penalty fee, compliance deadline

47. (1) A disclosure statement must be filed
- (a) within 90 days after general voting day for the election or assent voting to which it relates, or
 - (b) if applicable, within the period established under section 90 [*late filing extensions in extraordinary circumstances*],
in order to avoid a late filing penalty fee.
- (2) If a disclosure statement is not filed within the applicable time period under subsection (1), it may be filed within 120 days after general voting day for the election or assent voting on payment to the BC chief electoral officer of a late filing penalty fee of \$500.
- (3) For certainty, if separate disclosure statements are required under section 46 (3) [*disclosure statement coverage*], a late filing penalty fee applies in relation to each disclosure statement.
- (4) The compliance deadline for filing a disclosure statement is the later of
- (a) the late filing deadline for the disclosure statement, and
 - (b) if applicable, the last date for filing the disclosure statement as established by a court order for relief under section 68 [*court relief powers respecting disclosure requirements*].

2014-18-47.

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Notice of failure to file within no-penalty fee period

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48. (1) If a disclosure statement is not filed before the end of the time period under section 47 (1) [*time limit for filing without penalty fee*], the BC chief electoral officer must, as soon as practicable, give notice as follows:
- (a) in relation to a candidate disclosure statement, to the candidate and the financial agent;
 - (b) in relation to an elector organization disclosure statement, to the following:
 - (i) the elector organization;
 - (ii) the financial agent for the elector organization;
 - (iii) the responsible principal officials of the elector organization;
 - (iv) the candidates endorsed by the elector organization;
 - (c) in relation to a third party sponsor or assent voting advertising disclosure statement, to the sponsor and, if the sponsor is an organization, to the responsible principal officials of the organization.
- (2) The notice under subsection (1) must include the following information:
- (a) that the disclosure statement was not filed within the time for filing without payment of a late filing penalty fee;
 - (b) the date of the late filing deadline and the late filing penalty fee that must be paid;
 - (c) the penalties that may apply under this Act for failure to file the disclosure statement;
 - (d) that an application may be made to the Supreme Court for relief under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6;
 - (e) any other information prescribed by regulation.

2014-18-48; 2016-9-13.

Candidate disclosure statement – information and other requirements

- (SUB)
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- (SUB)
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- (ADD)
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- (SUB)
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49. (1) The financial agent for the candidate must file the candidate disclosure statement, and the candidate must ensure that the financial agent files the disclosure statement as required.
- (2) Subject to any applicable regulations, a candidate disclosure statement must include information respecting the following, provided in accordance with the regulations:
- (a) the individuals who were at any time financial agents of the candidate, the campaign accounts of the candidate, and other matters respecting compliance with Part 2 [*Candidate and Elector Organization Campaign Financing*];
 - (b) the election period expenses of the candidate;
 - (c) the campaign period expenses of the candidate;
 - (c.1) expenses of the candidate that are not election expenses but must be disclosed under section 14 (6) [*expenses that must be disclosed*];
 - (d) campaign contributions received by the candidate, including information respecting identification of significant contributors other than the mailing address of an individual;
 - (e) amounts, other than campaign contributions, election period expenses and campaign period expenses, deposited into or paid from a campaign account of the candidate or transferred between campaign accounts of the candidate;
 - (f)

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- property and services to which section 13 (6) (b) or (c) [*exclusions from campaign contributions that must be disclosed*] applies;
- (g) if section 24 [*what happens if a candidate has surplus campaign funds*] applies, the amount of the balance remaining in the campaign accounts of the candidate and how the surplus has been dealt with;
 - (h) if applicable, that the candidate was a third party sponsor during the campaign period for the election;
 - (i) if applicable, other matters for which information is required by regulation.
- (3) In addition to the requirements under subsection (2), a disclosure statement must include the following, provided in accordance with the regulations:
- (a) for a candidate who was endorsed by an elector organization,
 - (i) a copy of the campaign financing arrangement between the candidate and the elector organization, and of any amendments to the campaign financing arrangement, regardless of whether the campaign financing arrangement was terminated by the candidate or the elector organization,
 - (ii) if the campaign financing arrangement was terminated, a copy of the documentation evidencing the termination, and
 - (iii) information respecting the following:
 - (A) transfers of property and provision of services as referred to in section 13 (6) (a) [*campaign transfers between candidates and elector organizations*];
 - (B) any other matters for which information is required by regulation;
 - (b) for a candidate who sought endorsement from an elector organization but was not endorsed, information respecting the following:
 - (i) transfers of property and provision of services as referred to in section 13 (6) (a);
 - (ii) any other matters for which information is required by regulation.
- 2014-18-49; 2016-9-14.

Elector organization disclosure statement – information and other requirements

(SUB)
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50. (1) The financial agent for the elector organization must file the elector organization disclosure statement, and the responsible principal officials of the elector organization must ensure that the financial agent files the disclosure statement as required.
- (2) Subject to any applicable regulations, an elector organization disclosure statement must include information respecting the following, provided in accordance with the regulations:
- (a) the candidates endorsed by the elector organization;
 - (b) the individuals who were at any time financial agents of the elector organization, the campaign accounts of the elector organization, and other matters respecting compliance with Part 2 [*Candidate and Elector Organization Campaign Financing*];
 - (c) the election period expenses of the elector organization;
 - (d) the campaign period expenses of the elector organization;
 - (d.1) expenses of the elector organization that are not election expenses but must be disclosed under section 14 (6) [*expenses that must be disclosed*];
 - (d.2) for each candidate endorsed by the elector organization, the campaign period expenses of the elector organization that are attributable to the candidate's expense limit;

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- (e) campaign contributions received by the elector organization, including information respecting identification of significant contributors other than the mailing address of an individual;
- (f) if section 23 (6) [*campaign transfers from individual who was never declared as a candidate*] applies, campaign contributions received by the candidate, including information respecting identification of significant contributors other than the mailing address of an individual;
- (g) amounts, other than campaign contributions, election period expenses and campaign period expenses, deposited into or paid from a campaign account of the elector organization or transferred between campaign accounts of the elector organization;
- (h) transfers of property and provision of services as referred to in section 13 (6) (a) [*campaign transfers between candidates and elector organizations*];
- (i) property and services to which section 13 (6) (c) [*other exclusions from campaign contributions that must be disclosed*] applies;
- (j) the amount of any balance remaining in the campaign accounts of the elector organization before any surplus was dealt with;
- (k) if applicable, that the elector organization was a third party sponsor during the campaign period for the election or elections to which the elector organization disclosure statement relates;
- (l) any other matters for which information is required by regulation.

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2014-18-50; 2016-9-15.

Third party disclosure statement – information and other requirements

51. (1) The third party sponsor must file the third party disclosure statement and, if the sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.
- (2) Subject to subsection (3) and any applicable regulations, the disclosure statement for the sponsor must include information respecting the following, provided in accordance with the regulations:
- (a) the sponsored third party advertising;
 - (b) the sponsor's own funds used in relation to sponsoring that advertising;
 - (c) the sponsorship contributions received by the sponsor, including information respecting identification of significant contributors other than the mailing address of an individual;
 - (d) any other matters for which information is required by regulation.
- (3) If the total value of third party advertising sponsored by an individual or organization in relation to elections being held at the same time is less than \$500, the disclosure statement for the sponsor must include information respecting the advertising as required by regulation.
- (4) If an individual or organization sponsored directed third party advertising in relation to elections for multiple election areas being held at the same time, the statement must separately disclose that advertising in relation to each election area to which the directed advertising was specifically related.
- (5) *Repealed.* [2016-9-16]

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2014-18-51; 2016-9-16.

Non-election assent voting advertising sponsor disclosure statement – information and other requirements

52. (1)

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The assent voting advertising sponsor must file the assent voting advertising disclosure statement and, if the sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.

- (2) Subject to subsection (3) and any applicable regulations, the disclosure statement for the sponsor must include information respecting the following, provided in accordance with the regulations:
- (a) the sponsored non-election assent voting advertising;
 - (b) the sponsor's own funds used in relation to sponsoring that advertising;
 - (c) the sponsorship contributions received by the sponsor, including information respecting identification of significant contributors other than the mailing address of an individual;
 - (d) any other matters for which information is required by regulation.
- (3) If, in relation to all assent voting covered by the disclosure statement, the total value of non-election assent voting advertising sponsored by an individual or organization is less than \$500, the disclosure statement for the sponsor must include information respecting that advertising as required by regulation.
- (4) *Repealed.* [2016-9-17]

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2014-18-52; 2016-9-17.

Other requirements in relation to disclosure statements

53. In addition to all other requirements established by this Division, a disclosure statement must be in a form approved by the BC chief electoral officer and, as applicable, must
- (a) be filed in accordance with the regulations,
 - (b) comply with any other requirements established by regulation, and
 - (c) be accompanied by any other information or material required by regulation.

2014-18-53.

Requirement for supplementary report

54. (1) A supplementary report in accordance with this Division must be filed with the BC chief electoral officer as follows:
- (a) if advice referred to in paragraph (b) has not been given, 30 days after an individual who is responsible for filing a disclosure statement, or for ensuring that a disclosure statement is filed, becomes aware
 - (i) that any of the required information disclosed in the disclosure statement, or in a previous supplementary report in relation to that disclosure statement, has changed, or
 - (ii) that the disclosure statement or a previous supplementary report did not completely and accurately disclose the information required to be included;
 - (b) if the BC chief electoral officer advises an individual referred to in paragraph (a) of concerns that circumstances referred to in that paragraph may apply and subsequently gives written notice to the individual or organization that a supplementary report is required, 30 days after that written notice is given.
- (2) Notice of the requirement for a supplementary report must be given as follows:
- (a) in the case of a requirement under subsection (1) (a), the individual who becomes aware of that requirement must notify the other individuals to whom that subsection applies;

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- (b) if written notice is given under subsection (1) (b), the BC chief electoral officer must also notify
 - (i) the other individuals to whom that subsection applies,
 - (ii) in the case of a supplementary report in relation to a candidate, the designated local authority officer, and
 - (iii) in the case of a supplementary report in relation to an elector organization, the designated local authority officer and the candidates endorsed by the elector organization.
- (3) A supplementary report must include the following:
 - (a) a report of the changed, added or corrected information, as applicable;
 - (b) a statement of the circumstances that have led to the filing of the supplementary report;
 - (c) any other information or material required by regulation.
- (4) A supplementary report must be in a form approved by the BC chief elector officer and, as applicable, must
 - (a) be filed in accordance with the regulations,
 - (b) comply with any other requirements established by regulation, and
 - (c) be accompanied by any other information or material required by regulation.
- (5) Responsibilities in relation to filing a supplementary report under this section are the same as for the applicable disclosure statement and, for these purposes, the following apply:
 - (a) section 49 (1) [*candidate disclosure responsibilities*];
 - (b) section 50 (1) [*elector organization disclosure responsibilities*];
 - (c) section 51 (1) [*third party disclosure responsibilities*];
 - (d) section 52 (1) [*non-election assent voting advertising sponsor disclosure responsibilities*].
- (6) The compliance deadline for filing a supplementary report is the later of
 - (a) the end of the applicable 30-day period established under subsection (1) (a) or (b), and
 - (b) if applicable, the last date for filing the supplementary report as established by a court order for relief under section 68 [*court relief powers respecting disclosure requirements*].
- (7) For certainty, the acceptance of a campaign contribution or sponsorship contribution by an elector organization, third party sponsor or assent voting advertising sponsor, as applicable, that is subject to a prohibition under any of the following sections:
 - (a) section 64 (3) (b);
 - (b) section 64 (4) (b);
 - (c) section 65 (1) (c) (ii);
 - (d) section 65 (1) (d) (ii);
 - (e) section 68.01 (5) (b);
 - (f) section 68.03 (3) (b);
 - (g) section 68.09 (3) (b)for the sole purpose of paying debts as described in those sections is a change in required information for the purposes of subsection (1) of this section.

2014-18-54; 2016-9-18.

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Required declarations

- 55. (1) Subject to subsection (3), a disclosure statement or supplementary report must include a signed declaration of each of the individuals referred to in subsection (2), that, to the best of the knowledge and belief of the individual making the declaration, the statement or report,

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- as applicable, completely and accurately discloses the information required under this Act.
- (2) As applicable, declarations of the following individuals are required for the purposes of subsection (1):
- (a) in the case of a disclosure statement or supplementary report in relation to a candidate, declarations of the candidate and the financial agent for the candidate are required;
 - (b) in the case of a disclosure statement or supplementary report in relation to an elector organization, declarations of the financial agent and the authorized principal official for the elector organization are required;
 - (c) in the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor who is an individual, a declaration of the individual is required;
 - (d) in the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor that is an organization, a declaration of the authorized principal official for the organization is required.
- (3) If an application has been commenced under section 66 [*application for relief in relation to disclosure requirements*], in relation to the disclosure statement or supplementary report, a declaration under subsection (1) may be modified to indicate the deficiencies in the report for which relief is being sought in the application.

2014-18-55.

Disclosure requirements are subject to court orders for relief

56. The disclosure requirements in relation to a disclosure statement or supplementary report are subject to any applicable court order for relief under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6.

2014-18-56.

Offence for failure to file by compliance deadline

57. (1) This section applies if a required disclosure statement or supplementary report in accordance with this Division is not filed by the compliance deadline.
- (2) In the case of a disclosure statement or supplementary report in relation to a candidate, the candidate commits an offence and the financial agent for the candidate commits an offence.
- (3) In the case of a disclosure statement or supplementary report in relation to an elector organization, the elector organization commits an offence and the financial agent for the elector organization commits an offence.
- (4) In the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor, the sponsor commits an offence.

2014-18-57.

Part 5: Division 3 Public Access to Information

Public access to disclosure information – Elections BC responsibilities

58. (1) Subject to this Part and any applicable regulations, until at least 5 years after general voting day for the election or assent voting to which a disclosure statement or supplementary report relates, the BC chief electoral officer must
- (a)

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- make the information in the statement or report publicly available on an Elections BC authorized internet site, and
- (b) have a copy of the statement or report available for public inspection at the Elections BC office during its regular office hours.
- (2) Information must be made available under subsection (1) as follows:
- (a) in the case of information in a disclosure statement that is filed before the end of the period for filing without payment of a late filing penalty fee, as soon as practicable after the end of that period;
 - (b) in any other case, as soon as practicable after the BC chief electoral officer receives the disclosure statement or supplementary report.
- (3) If a disclosure statement or supplementary report includes personal information of an individual that is not required under this Act to be included, the BC chief electoral officer
- (a) is authorized to collect that information,
 - (b) may make, but is not required to make, the information available under subsection (1), and
 - (c) for purposes of subsection (1) (b), may obscure or delete the information or provide for inspection a copy of the statement or report that does not include that information.
- (4) Subject to section 63 [*restrictions on use of personal information*], on request and on payment of the reasonable costs of preparation or reproduction, a member of the public may obtain from the BC chief electoral officer
- (a) a record of the information made available under subsection (1) (a), or
 - (b) a copy of a record available for inspection under subsection (1) (b).
- (5) If an individual wishes to access, inspect or obtain a copy or other record under this section, the BC chief electoral officer may, before providing this service, require the individual to
- (a) satisfy the officer that any purpose for which personal information is to be used is permitted by section 63, and
 - (b) provide a signed statement that
 - (i) the individual, and
 - (ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record will not use personal information included in the copy or other record except for a purpose permitted under this Act.

2014-18-58.

Public access to disclosure information – local authority responsibilities

59. (1) Subject to this Part, the local authority for a jurisdiction must make at least one of the following available to the public without charge at the local authority offices during its regular office hours:
- (a) internet access to information that is related to the jurisdiction and is required to be publicly available under section 58 (1) (a) [*public access to disclosure information – Elections BC responsibilities*];
 - (b) a copy of that information available for public inspection.
- (2) Subject to subsection (3), the local authority for a jurisdiction must, on request, provide a copy or other record of information referred to in subsection (1).
- (3) A local authority may, by bylaw, impose a fee for providing a copy or other record under subsection (2).

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- (4) If a bylaw under subsection (3) applies, the local authority must make available to the public, on request, a report respecting how the fee was determined.
- (5) If an individual wishes to access, inspect or obtain a copy or other record of information under this section, a local authority official of the jurisdiction may, before providing this service, require the individual to
 - (a) satisfy the official that any purpose for which personal information is to be used is permitted by section 63 [*restrictions on use of personal information*], and
 - (b) provide a signed statement that
 - (i) the individual, and
 - (ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record will not use personal information included in the copy or other record except for a purpose permitted under this Act.

2014-18-59.

Disqualification lists to be maintained

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- 60.** (1) The BC chief electoral officer must make the following disqualification lists publicly available on an Elections BC authorized internet site:
- (a) in relation to candidate disqualification, the list must include
 - (i) the individuals who are subject to disqualification penalties under the following sections:
 - (A) section 64 (2) (b) [*candidate penalties for failure to disclose*];
 - (B) section 65 (1) (b) [*candidate conviction for false or misleading disclosure*];
 - (C) section 65.1 [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*];
 - (D) section 68.03 (1) [*unpaid monetary penalties – candidate*], and
 - (ii) the jurisdiction to which the disqualification relates;
 - (b) in relation to elector organization disqualification, the list must include
 - (i) the organizations that are subject to disqualification penalties under the following sections:
 - (A) section 64 (3) [*elector organization failure to disclose*];
 - (B) section 65 (1) (c) [*elector organization conviction for false or misleading disclosure*];
 - (C) section 68.01 (5) [*elector organization penalties for exceeding expense limits and amount available*];
 - (D) section 68.03 (3) [*unpaid monetary penalties – elector organization*], and
 - (ii) the jurisdiction to which the disqualification relates;
 - (c) in relation to third party sponsor or assent voting advertising sponsor disqualification, the list must include the individuals and organizations that are subject to disqualification penalties under the following sections:
 - (i) section 64 (4) [*third party sponsor or assent voting advertising sponsor failure to disclose*];
 - (ii) section 65 (1) (d) [*third party sponsor or assent voting advertising sponsor conviction for false or misleading disclosure*];
 - (iii) section 68.09 (3) [*third party sponsor penalties for exceeding third party advertising limit*].

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The disqualification lists under subsection (1) must be available for public inspection at the Elections BC office during its regular office hours.

2014-18-60; 2016-9-19.

Reports to local authority respecting non-compliance

61. (1) The BC chief electoral officer must, as soon as practicable, notify the designated local authority officer of a jurisdiction respecting the following in relation to an election or assent voting for the jurisdiction:
- (a) any notices given under section 48 [*notice of failure to file within no-penalty fee period*] in relation to a disclosure statement for a candidate or elector organization;
 - (b) any individuals or organizations that become subject to disqualification penalties referred to in section 60 (1) (a) or (b) [*disqualification lists – candidate or elector organization disqualification*].
- (2) As soon as practicable after being notified under subsection (1), the designated local authority officer must prepare a report respecting the notice, and the report must be presented at an open meeting of the local authority.

2014-18-61.

Other information to be publicly available

62. (1) The BC chief electoral officer must, as soon as practicable, make the following publicly available:
- (a) in relation to a candidate, the name and mailing address of the financial agent for the candidate as provided in the nomination documents or, if applicable, in updated information under section 17 (6) [*change in financial agent*];
 - (b) in relation to an elector organization
 - (i) the name and mailing address of the financial agent for the elector organization as provided under section 19 [*each elector organization must have a financial agent*], and
 - (ii) the name of the authorized principal official of the elector organization as provided under section 21 [*responsible principal officials of elector organization*];
 - (c) in relation to a registered third party sponsor or assent voting advertising sponsor,
 - (i) the full name of the sponsor,
 - (ii) the information that is to be included under section 38 (2) (b) [*sponsor information to be provided in advertising by individual*] or 39 (2) (b) [*sponsor information to be provided in advertising by organization*], as applicable, and
 - (iii) in the case of a sponsor that is an organization, the name of the authorized principal official of the organization as provided under section 40 [*responsible principal officials of sponsor that is an organization*].
- (2) The BC chief electoral officer must keep information referred to in subsection (1) publicly available through the campaign period or assent voting proceedings period, as applicable, for the election or assent voting to which the information relates and may then continue to make the information publicly available for the period that officer considers appropriate.
- (3) For purposes of this section, the BC chief electoral officer
- (a) must have the information referred to in subsection (1) available for public inspection at the Elections BC office during its regular office hours, and
 - (b)

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may make the information otherwise publicly available, including by making it available on an Elections BC authorized internet site.

2014-18-62; 2016-9-20.

Restrictions on use of personal information

- 63.** (1) Where this Act requires or authorizes the disclosure, public inspection or other use of or access to records containing personal information, the personal information may be used only as follows:
- (a) for purposes of this Act or other local elections legislation;
 - (b) for purposes of
 - (i) Division 6 [*Conflict of Interest*] or 7 [*Challenge of Council Member Qualification for Office*] of Part 4 of the *Community Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than municipal councils,
 - (ii) sections 142.1 to 142.3 and 145.2 to 145.92 of the *Vancouver Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than the Council of the City of Vancouver,
 - (iii) Part 5 [*Conflict of Interest*] of the *School Act*, or
 - (iv) a conflict of interest provision of another enactment as prescribed by regulation;
 - (c) for purposes authorized by the *Freedom of Information and Protection of Privacy Act*.
- (2) An individual or organization that uses personal information from records referred to in subsection (1), other than as permitted under that subsection, commits an offence.
- (3) To the extent of any inconsistency or conflict with the *Freedom of Information and Protection of Privacy Act*, this Act applies despite that Act.

2014-18-63.

PART 5.1 – Expense Limits

Part 5.1: Division 1 – Establishment of Expense Limits for Elections

(ADD)Expense limits – general local election

May
19/16

- 63.01 (1)** Subject to any applicable regulations, in respect of an election for mayor to which this Act applies that is held as part of a general local election, the expense limit for a candidate during the campaign period,
- (a) for an election area that has a population of less than 10 000, is a prescribed amount, and
 - (b) for an election area that has a population of 10 000 or more, is an amount determined in accordance with the regulations using an incremental adjustment based on the population of the election area for which the election is being held.
- (2) Subject to any applicable regulations, in respect of an election to which this Act applies that is described in subsection (3) and is held as part of a general local election, the expense limit for a candidate during the campaign period,
- (a) for an election area that has a population of less than 10 000, is a prescribed amount, and
 - (b) or an election area that has a population of 10 000 or more, is an amount determined in accordance with the regulations using an incremental adjustment based on the population of the election area for which the election is being held.
- (3) For the purposes of subsection (2), the elections are as follows:
- (a) an election for a councillor;
 - (b) an election for an electoral area director;
 - (c) an election for a Vancouver Park Board member;
 - (d) an election for a local trust area trustee;
 - (e) an election for a trustee on a board of education;
 - (f) an election prescribed under section 1 (1) (i) [*other elections to which this Act applies*].
- (4) Subject to any applicable regulations, in respect of an election for a regional trustee of a francophone education authority to which this Act applies that is held as part of a general local election, the expense limit for a candidate during the campaign period is a prescribed amount.

2016-9-21.

(ADD)Limits and adjustments to reflect changes in consumer price index

May
19/16

- 63.02 (1)** In respect of each general local election that is called after January 1, 2019, the minister responsible in respect of elections under that minister's responsibility must establish the applicable expense limits for the election by
- (a) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the general

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- local election will be held, and
- (b) applying the ratio determined under paragraph (a) of this subsection to adjust the amounts under section 63.01.
- (2) For the purpose of making an adjustment under this section, the minister responsible has the discretion to determine
- (a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and
 - (b) which consumer price index is applicable for a particular time.

2016-9-21.

(ADD) Specific expense limits to be made publicly available in advance of general local election

May
19/16

- 63.03** (1) By April 30 of the year in which a general local election will be held, the minister responsible must provide to Elections BC the expense limits established under section 63.01 in relation to each election area for which elections under that minister's responsibility are to be held as part of the general local election.
- (2) By May 31 of the year in which a general local election will be held, Elections BC must make the information provided under subsection (1) publicly available on an Elections BC authorized internet site.

2016-9-21.

(ADD) Expense limits – by-election

May
19/16

- 63.04** Subject to any applicable regulations, the expense limits made publicly available under section 63.03 in respect of the most recent general local election in relation to an election area are the expense limits in respect of a by-election for that election area.

2016-9-21.

Part 5.1: Division 2 General Restrictions in Relation to Expense Limits

(ADD) Prohibition against exceeding expense limits

May
19/16

- 63.05** (1) The campaign period expenses of an unendorsed candidate must not exceed the expense limit for the candidate.
- (2) In relation to a candidate endorsed by an elector organization, the total of the following must not exceed the expense limit for the candidate:
- (a) the campaign period expenses of the candidate;
 - (b) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate.
- (3) An unendorsed candidate for whom the campaign period expenses exceed the expense limit as referred to in subsection (1) commits an offence.
- (4) A candidate endorsed by an elector organization commits an offence
- (a) if the total of the expenses in subsection (2) (a) and (b) exceeds the expense limit for the candidate, and

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- (b) if the campaign period expenses exceed the amount available to the candidate under the final campaign financing arrangement with the elector organization.
- (5) An elector organization commits an offence
 - (a) if the total of the expenses in subsection (2) (a) and (b) exceeds the expense limit for the candidate endorsed by the elector organization, and
 - (b) if the campaign period expenses exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

2016-9-21.

(ADD) Prohibition against incurring campaign period expenses if expense limits will be exceeded

May
19/16

- 63.06**(1) This section applies to the following individuals permitted under section 30 [*how payment in relation to election expenses may be made*] to incur liability for payment in relation to campaign period expenses of a candidate or an elector organization, as applicable:
- (a) subject to subsection (2) of this section, the financial agent for the candidate;
 - (b) an individual authorized in writing by the financial agent for the candidate or by the candidate if the candidate is his or her own financial agent;
 - (c) the financial agent for the electoral organization;
 - (d) an individual authorized in writing by the financial agent for the elector organization.
- (2) Subsection (1) (a) does not include a candidate who is his or her own financial agent.
 - (3) An individual referred to in subsection (1) must not incur liability in relation to the campaign period expenses of the candidate or elector organization, as applicable, if this would result in the campaign period expenses exceeding the expense limit for the candidate.
 - (4) An individual who contravenes this section commits an offence.

2016-9-21.

Part 5.1: Division 3 – Campaign Financing Arrangements between Candidates and Elector Organizations

(ADD) Written campaign financing arrangement required

May
19/16

- 63.07**(1) An elector organization and a candidate who is to be endorsed by the elector organization must enter into a written campaign financing arrangement that apportions the expense limit for the candidate by establishing
- (a) the amount that is available for use by the candidate during the campaign period in the election campaign of the candidate, and
 - (b) the amount that is available for use by the elector organization during the campaign period in the election campaign of the endorsing elector organization.
- (2) For certainty, a campaign financing arrangement may apportion the entire expense limit for a candidate to the election campaign of the candidate or to the election campaign of the elector organization.
 - (3) A campaign financing arrangement must

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- (a) include an acknowledgement that the candidate is aware of the disclosure requirements set out in section 49 (3) [*required information in candidate disclosure statement*],
 - (b) include an acknowledgement that the candidate is aware of the penalties under section 65.1 [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*],
 - (c) include a requirement that the elector organization notify the candidate as soon as practicable when the elector organization becomes aware that it has exceeded or will exceed the amount available under the campaign financing arrangement,
 - (d) include a requirement that the candidate notify the elector organization as soon as practicable when the candidate becomes aware that the candidate has exceeded or will exceed the amount available under the campaign financing arrangement, and
 - (e) address any other matters prescribed by regulation.
- (4) The campaign financing arrangement must be dated and be signed
- (a) by the candidate,
 - (b) if the candidate has a financial agent, by the financial agent for the candidate, and
 - (c) by the financial agent for the elector organization.
- (5) A candidate and an elector organization must not enter into a campaign financing arrangement after the campaign period begins.
- (6) An elector organization must not, at any one time, be a party to more campaign financing arrangements in an election for a particular class of office than there are positions to be filled for that class of office.
- (7) A candidate or an elector organization that contravenes this section commits an offence.

2016-9-21.

(ADD)Attribution of elector organization expenses to candidate expense limits

May
19/16

- 63.08**(1) If an elector organization endorses only one candidate, the campaign period expenses of the elector organization must be
- (a) attributed to the expense limit for that candidate, and
 - (b) applied against the amount available to the elector organization under the campaign financing arrangement with the candidate.
- (2) If an elector organization endorses more than one candidate, the campaign period expenses of the elector organization must be
- (a) attributed to those candidates in accordance with the regulations, and
 - (b) applied against the applicable amounts available to the elector organization under the campaign financing arrangements with the candidates.
- (3) For certainty, this section applies regardless of the campaign financing arrangement between an elector organization and a candidate.

2016-9-21.

(ADD)Prohibition against incurring campaign period expenses unless campaign financing arrangement is in place

May
19/16

- 63.09** An elector organization must not incur a campaign period expense unless the elector organization has entered into, with each candidate that the elector organization

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endorses or intends to endorse, a campaign financing arrangement that provides an amount available for use during the campaign period in the election campaign of the elector organization.

2016-9-21.

(ADD)Amendment to and termination of campaign financing arrangement

May
19/16

- 63.10**(1) Subject to this section and any applicable regulations, a campaign financing arrangement, including the apportionment referred to in section 63.07 [*written campaign financing arrangement required*], may be changed by written amendment.
- (2) An amendment to a campaign financing arrangement is not effective unless the amendment is dated and is signed
- (a) by the candidate,
 - (b) if the candidate has a financial agent, by the financial agent for the candidate, and
 - (c) by the financial agent for the elector organization.
- (3) In the case of an amendment respecting the apportionment referred to in section 63.07, the amendment
- (a) may be made no later than 3 days before general voting day, and
 - (b) may cover campaign period expenses that were incurred before the amendment became effective.
- (4) A campaign financing arrangement may be terminated in accordance with the regulations, by the candidate or the elector organization, before, but not after, the start of the campaign period for the election.

2016-9-21.

(ADD)Effect of endorsement relationship ending

May
19/16

- 63.11**(1) This section applies in relation to a candidate and an elector organization if any of the following circumstances apply:
- (a) the candidate withdraws from the election under section 101 (2) [*withdrawal, death or incapacity of candidate*] of the *Local Government Act* or section 52 (2) [*withdrawal, death or incapacity of candidate*] of the *Vancouver Charter*;
 - (b) the local election officer notifies the minister responsible under section 101 (4) of the *Local Government Act* or section 52 (4) of the *Vancouver Charter* that the candidate is incapacitated to an extent that will prevent the candidate from holding office;
 - (c) the candidate dies before the close of general voting;
 - (d) any other circumstances prescribed by regulation.
- (2) The effect of the circumstances described in subsection (1) in relation to the campaign period expenses of the candidate and the campaign period expenses of the elector organization, and the application of this Act to those expenses, are those prescribed by regulation.

2016-9-21.

PART 6 Penalties and Court Orders for Relief

Part 6: Division 1 Penalties for Failure to Comply with Disclosure Requirements

Disqualification penalties for failure to disclose

64. (1) Subject to a court order for relief under section 68 (1) (c) [*relief from obligation to file*], the penalties under this section apply to a candidate, elector organization, third party sponsor or assent voting advertising sponsor for which a disclosure statement or supplementary report in accordance with Part 5 [*Transparency Requirements for Local Elections and Assent Voting*] has not been filed by the compliance deadline.
- (2) The following penalties apply in relation to the failure to file a candidate disclosure statement or supplementary report:
- (a) in the case of a candidate who was declared elected, the candidate ceases to hold office on the local authority and the seat of the member becomes vacant;
 - (b) in all cases, the candidate is disqualified until after the next general local election from being nominated for, elected to or holding office on a local authority.
- (3) The following penalties apply in relation to the failure to file an elector organization disclosure statement or supplementary report:
- (a) the elector organization is disqualified from endorsing a candidate until after the next general local election;
 - (b) subject to subsection (4.1), the elector organization is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.
- (4) The following penalties apply in relation to the failure to file a third party disclosure statement or supplementary report, or an assent voting advertising disclosure statement or supplementary report:
- (a) the sponsor is disqualified from sponsoring third party advertising or non-election assent voting advertising until after the next general local election;
 - (b) subject to subsection (4.1) the sponsor is prohibited from accepting sponsorship contributions until after the next general local election.
- (4.1) An elector organization, a third party sponsor or an assent voting advertising sponsor is not prohibited from accepting campaign contributions or sponsorship contributions, as applicable, for the sole purpose of paying debts incurred in respect of the election for which there was a failure to file a disclosure statement or supplementary report.
- (5) Subject to any applicable regulations, a candidate, elector organization, third party sponsor or assent voting advertising sponsor becomes subject to the penalties under this section as follows:
- (a) if no application for relief under section 66 [*application for relief in relation to disclosure requirements*] in relation to the disclosure statement or supplementary report is made in accordance with that section, on the day after the compliance deadline for the disclosure statement or supplementary report;
 - (b) if an application referred to in paragraph (a) has been commenced, on the later of
 - (i) 42 days after the compliance deadline, and
 - (ii) if applicable, the date set by court order under section 69 [*extension of time before disqualification penalties apply*].

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- (6) An individual or organization that contravenes a prohibition that applies under this section commits an offence.
- (7) For certainty,
 - (a) the obligation to file a disclosure statement or supplementary report continues even after the candidate, elector organization, third party sponsor or assent voting advertising sponsor becomes subject to the penalties under this section, and
 - (b) the penalties under this section apply whether or not a prosecution for an offence under section 57 [*offence for failure to file by compliance deadline*] has been commenced.

2014-18-64; 2016-9-24.

Disqualification penalties for false or misleading disclosure

(SUB)
May
19/16

- 65.** (1) If a candidate, an elector organization, a third party sponsor or an assent voting advertising sponsor is convicted of an offence under section 84 [*general offence in relation to false or misleading information*] in relation to a disclosure statement or supplementary report, the following penalties apply at the time of conviction:
- (a) in the case of a candidate who was declared elected, the candidate ceases to hold office as a member of the local authority, the seat of the member becomes vacant and the candidate is disqualified until after the next general local election from being nominated for, being elected to or holding office as a member of a local authority;
 - (b) in the case of a candidate who was not declared elected, the candidate is disqualified until after the next general local election from being nominated for, being elected to or holding office as a member of a local authority;
 - (c) in relation to an elector organization, the elector organization
 - (i) is disqualified from endorsing a candidate until after the next general local election, and
 - (ii) subject to subsection (1.1), is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election;
 - (d) in relation to a third party sponsor or an assent voting advertising sponsor, the sponsor
 - (i) is disqualified from sponsoring third party advertising or non-election assent voting advertising until after the next general local election, and
 - (ii) subject to subsection (1.1), is prohibited from accepting sponsorship contributions until after the next general local election.

(ADD)
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- (1.1) An elector organization, a third party sponsor or an assent voting advertising sponsor is not prohibited from accepting campaign contributions or sponsorship contributions, as applicable, for the sole purpose of paying debts incurred in respect of the election for which there was false or misleading disclosure.
- (2) An individual or organization that contravenes a prohibition that applies under subsection (1) commits an offence.
- (3) If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.
- (4) In the case of a candidate who is subject to penalties under subsection (1), section 72 (2) and (3) [*candidate disqualification ends*] applies if the conviction is overturned on the final determination of an appeal.

2014-18-65; 2016-9-25.

(ADD) **Endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information**

19/16

- 65.1** (1) If an elector organization becomes subject to penalties under section 64 (3) or 65 (1) (c), the penalties set out in section 64 (2) or 65 (1) (a) and (b), as applicable, apply in relation to a candidate who was endorsed by the elector organization and in respect of whom the elector organization failed to meet disclosure requirements or disclosed false or misleading information.
- (2) A candidate becomes subject to the penalties under subsection (1) at the same time as the elector organization becomes subject to the penalties under section 64 (3) or 65 (1) (c), as applicable.
- (3) If a candidate becomes subject to penalties under this section, section 72 [appeals and final determinations] applies to the candidate if the conviction of the elector organization is overturned on the final determination of an appeal.

2016-9-26.

Part 6: Division 2 Court Orders for Relief in Relation to Disclosure Requirements

Application for relief in relation to disclosure requirements

- 66.** (1) An application to the Supreme Court for relief from disclosure requirements under this Act may be made in accordance with this Division.
- (2) An application under this section may be made as follows:
- (a) for relief in relation to a candidate disclosure statement or supplementary report, the application may be made by the candidate or the financial agent for the candidate;
- (b) for relief in relation to an elector organization disclosure statement or supplementary report, the application may be made by the elector organization, the financial agent for the elector organization or a responsible principal official of the organization;
- (c) for relief in relation to a third party disclosure statement or supplementary report, or an assent voting advertising disclosure statement or supplementary report, the application may be made,
- (i) in the case of a sponsor who is an individual, by the individual, and
- (ii) in the case of a sponsor who is an organization, by the organization or a responsible principal official of the organization.
- (3) The time limit for filing the petition for an application under this section is the compliance deadline for the disclosure statement or supplementary report to which the application relates.
- (4) The petition for an application must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:
- (a) in all cases, on the BC chief electoral officer;
- (b) in the case of an application in relation to a candidate,
- (i) on the individuals referred to in subsection (2) (a), and
- (ii) if the candidate was declared elected, on the jurisdiction in relation to which the election was held;
- (c) in the case of an application in relation to an elector organization,
- (i) on the organization and individuals referred to in subsection (2) (b), and
- (ii) on the candidates endorsed by the elector organization;

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- (d) in the case of an application in relation to a third party sponsor or assent voting advertising sponsor, on the organization and individuals referred to in subsection (2) (c).

2014-18-66; 2016-9-27.

Special rules respecting applications for relief that are related to candidate disclosure requirements

- 67. (1) In the case of an application for relief in relation to a candidate disclosure statement or supplementary report, no later than 14 days after the petition is filed, the applicant must set down the matter for hearing by the Supreme Court.
- (2) The following apply in relation to an application referred to in subsection (1):
 - (a) the applicant must take all reasonable steps to have the application heard as soon as practicable;
 - (b) the applicant must provide notice of the date the application is set down for hearing and any adjournments to
 - (i) the jurisdiction in relation to which the election was held, and
 - (ii) the BC chief electoral officer;
 - (c) when deciding whether to grant relief under section 68, the court must consider whether the applicant acted diligently to have the application heard as soon as practicable.

2014-18-67.

Court relief powers respecting disclosure requirements

- 68. (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:
 - (a) changing the compliance deadline by extending the time period for filing the disclosure statement or supplementary report;
 - (b) ordering that the disclosure statement or supplementary report need not comply with specified disclosure requirements;
 - (c) ordering that the disclosure statement or supplementary report need not be filed.
- (2) The authority to provide relief under subsection (1) includes authority to do the following:
 - (a) in relation to an order under subsection (1) (a) respecting a disclosure statement, order
 - (i) that the extension of time for filing the disclosure statement is subject to payment of the late filing penalty fee, or
 - (ii) that the disclosure statement may be filed without paying the late filing penalty fee;
 - (b) in relation to an order under subsection (1) respecting a candidate disclosure statement, provide relief in relation to forfeiture of any applicable nomination deposit;
 - (b.1) in relation to an order under subsection (1) respecting an elector organization disclosure statement, provide relief in relation to a candidate endorsed by the elector organization who is subject to a penalty under section 65.1 [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*];
 - (c) in any case, make any additional order the court considers appropriate to secure compliance with Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 to the extent the court considers reasonable in the circumstances.

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- (3) In relation to candidate disclosure requirements, the court may provide relief under this section only if satisfied that the candidate exercised due diligence to ensure that the applicable disclosure requirements were met.
- (4) In relation to elector organization disclosure requirements, the court may provide relief under this section only if satisfied that the following individuals exercised due diligence to ensure that the applicable disclosure requirements were met:
 - (a) in relation to a disclosure statement for the elector organization, the individuals who were responsible principal officials of the organization at any time during the period
 - (i) beginning on the day on which the organization filed endorsement documents, and
 - (ii) ending on the day after the compliance deadline for filing the disclosure statement;
 - (b) in relation to a supplementary report for the elector organization, the individuals who were responsible principal officials of the organization at any time during the period
 - (i) beginning on the day on which the organization filed endorsement documents, and
 - (ii) ending on the day after the compliance deadline for filing the supplementary report.
- (5) In relation to disclosure requirements for a third party sponsor or assent voting advertising sponsor who is an individual, the court may provide relief under this section only if satisfied that the sponsor exercised due diligence to ensure that the applicable disclosure requirements were met.
- (6) In relation to disclosure requirements for a third party sponsor or assent voting advertising sponsor that is an organization, the court may provide relief under this section only if satisfied that the individuals who were responsible principal officials of the organization at any time during the period
 - (a) beginning on the day on which the organization became subject to the requirement to register under Part 3 [*Third Party Election Advertising*], and
 - (b) ending on the day after the compliance deadline for filing the disclosure statement or supplementary reportexercised due diligence to ensure that the applicable disclosure requirements were met.
2014-18-68; 2016-9-28.

Part 6: Division 3 – Expense Limit Penalties

(ADD) Penalties for exceeding expense limits or amount available

May
19/16

- 68.01 (1) Subject to a court order for relief under section 68.06 (1) [*court relief powers*], the penalties under this section apply to a candidate or an elector organization in relation to exceeding an expense limit or the amount available under a final campaign financing arrangement.
- (2) The penalty set out in subsection (3) applies to
 - (a) an unendorsed candidate if the campaign period expenses of the candidate exceeded the expense limit for the candidate, and
 - (b) a candidate endorsed by an elector organization if the total of the following exceeded the expense limit for the candidate:

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- (i) the campaign period expenses of the candidate;
 - (ii) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate.
- (3) In the case of a candidate who was declared elected, the candidate ceases to hold office as a member of the local authority and the seat of the member becomes vacant.
- (4) The penalties set out in subsection (5) apply to an elector organization if both of the following apply:
 - (a) the total of the following exceeded the expense limit for a candidate endorsed by the elector organization:
 - (i) the campaign period expenses of the candidate;
 - (ii) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate;
 - (b) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate exceeded the amount available to the elector organization under the final campaign financing arrangement with the candidate.
- (5) The elector organization
 - (a) is disqualified from endorsing a candidate until after the next general local election, and
 - (b) subject to subsection (6), is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.
- (6) An elector organization is not prohibited from accepting campaign contributions for the sole purpose of paying debts incurred in respect of the election in which expense limits or amounts available were exceeded.
- (7) Subject to any applicable regulations, if the fact that an expense limit or the amount available was exceeded is disclosed in the disclosure statement or supplementary report of a candidate or an elector organization, as applicable, the candidate or elector organization becomes subject to the penalties under this section as follows:
 - (a) if no application for relief under section 68.04 [*application for relief in relation to exceeding expense limits or amount available*] is made in accordance with that section,
 - (i) in the case of an unendorsed candidate, on the day after the compliance deadline for the statement or report, and
 - (ii) in the case of a candidate endorsed by an elector organization or of an elector organization, on the day after the later of the following:
 - (A) the candidate's compliance deadline;
 - (B) the elector organization's compliance deadline;
 - (b) if an application referred to in paragraph (a) has been made, on the later of the following:
 - (i) 42 days after the time limit for making an application under the section;
 - (ii) if applicable, the date set by court order under section 69 [*extension of time before penalties apply*].
- (8) An individual or organization that contravenes a prohibition that applies under this section commits an offence.
- (9) For certainty, the penalties under this section apply whether or not a prosecution for an offence under section 63.05 (3), (4) or (5) [*prohibition against exceeding expense limits*] has been commenced.

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(ADD) Monetary penalties for exceeding expense limits or amount available
May

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- 68.02**(1) Subject to a court order for relief under section 68.07 (1), *[court relief powers – monetary penalties]*, the monetary penalties under this section apply to a candidate or an elector organization in relation to exceeding an expense limit or the amount available under a final campaign financing arrangement.
- (2) The monetary penalties set out in subsection (3) apply to
- (a) an unendorsed candidate if the campaign period expenses of the candidate exceeded the expense limit for the candidate, and
- (b) a candidate endorsed by an elector organization if the campaign period expenses of the candidate exceeded the amount available to the candidate under the final campaign financing arrangement with the elector organization that endorsed the candidate.
- (3) A candidate must pay to the BC chief electoral officer,
- (a) in the case of an unendorsed candidate, a monetary penalty equal to 2 times the amount by which the expense limit was exceeded, and
- (b) in the case of a candidate endorsed by an elector organization, a monetary penalty equal to 2 times the amount by which the amount available to the candidate was exceeded.
- (4) The monetary penalty set out in subsection (5) applies to an elector organization if the endorsing elector organization's campaign period expenses that are attributable to the expense limit for the candidate exceeded the amount available to the elector organization under the final campaign financing arrangement with the candidate.
- (5) The elector organization must pay to the BC chief electoral officer a monetary penalty equal to 5 times the amount by which the amount available to the elector organization was exceeded.
- (6) Subject to any relief provided under section 68.08 *[individual relief from monetary penalty liability of responsible principal officials]*, if an elector organization is subject to a monetary penalty under subsection (5) of this section, the individuals who were responsible principal officials of the organization at any time during the campaign period for the election to which the penalty relates are jointly and severally liable with the elector organization to pay the monetary penalty.
- (7) Subject to any applicable regulations, if the fact that an expense limit or the amount available was exceeded is disclosed in the disclosure statement or supplementary report of a candidate or an elector organization, as applicable, the candidate or elector organization becomes subject to the monetary penalties under this section as follows:
- (a) if no application for relief under section 68.04 is made in accordance with that section, on the day after the compliance deadline for the statement or report;
- (b) if an application referred to in paragraph (a) has been made, on the later of the following:
- (i) 42 days after the time limit for making an application under the section;
- (ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.

2016-9-29.

(ADD) Disqualification if monetary penalties unpaid

May
19/16

- 68.03**(1) If a candidate is subject to a monetary penalty under section 68.02 and does not pay the monetary penalty within 30 days of the date the candidate is subject to the penalty, the candidate is disqualified, subject to subsection (2) of this section, from being nominated for, being elected to or holding office as a member of a local authority

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- until after the next general local election.
- (2) On payment by the candidate of the monetary penalty described in subsection (1), the candidate ceases to be disqualified under that subsection.
 - (3) If an elector organization is subject to a monetary penalty under section 68.02 and does not pay the monetary penalty within 30 days of the date the elector organization is subject to the penalty, the elector organization, if the elector organization is not disqualified and prohibited under section 68.01 (5),
 - (a) is disqualified from endorsing a candidate until after the next general local election, and
 - (b) subject to subsection (4), is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.
 - (4) An elector organization is not prohibited from accepting campaign contributions for the sole purpose of paying debts incurred in respect of the election for which there was a failure to pay a monetary penalty.
 - (5) An individual or organization that contravenes a prohibition that applies under this section commits an offence.

2016-9-29.

Part 6: Division 4 – Court Orders for Relief in Relation to Exceeding Expense Limits or Amount Available

(ADD)Application for relief in relation to exceeding expense limits or amount available

May
19/16

- 68.04**(1) An application to the Supreme Court for relief in relation to exceeding an expense limit or the amount available may be made in accordance with this Division.
- (2) An application for relief under this section may be made as follows:
 - (a) in relation to an unendorsed candidate described in section 68.01 (2) (a) [*penalties for unendorsed candidate*] or 68.02 (2) (a) [*monetary penalties for unendorsed candidate*], by the candidate or the financial agent for the candidate;
 - (b) in relation to a candidate endorsed by an elector organization described in section 68.01 (2) (b) or 68.02 (2) (b), by the candidate or the financial agent for the candidate;
 - (c) in relation to an elector organization described in section 68.01 (4) or 68.02 (4), by the elector organization, the financial agent for the elector organization or a responsible principal official of the elector organization.
 - (3) An application under this section may be made only if the fact that an expense limit or the amount available was exceeded is disclosed, or anticipated by the applicant to be disclosed, in the disclosure statement or supplementary report of the candidate or elector organization, as applicable, on or before the compliance deadline for the statement or report.
 - (4) A petition for an application under this section must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:
 - (a) in all cases, on the BC chief electoral officer;
 - (b) in the case of an application in relation to a candidate, on the candidate or the financial agent for the candidate and, if the candidate is endorsed by an elector organization, on the elector organization;

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- (c) in the case of an application in relation to an elector organization, on the financial agent for the elector organization or a responsible principal official of the elector organization, on the candidate endorsed by the elector organization and on the financial agent for the candidate, if the candidate has a financial agent;
- (d) in the case of a candidate who was declared elected, on the jurisdiction in relation to which the election was held.

2016-9-29.

(ADD)Special rules respecting applications for relief in relation to candidates exceeding May expense limits

19/16

- 68.05** (1) In the case of an application for relief in relation to a candidate exceeding the expense limit for the candidate, the applicant, no later than 14 days after a petition for the application is filed, must set the matter down for hearing by the Supreme Court.
- (2) The following apply in relation to an application under this section:
- (a) the applicant must take all reasonable steps to have the application heard as soon as practicable;
 - (b) the applicant must provide to the jurisdiction in relation to which the election was held and to the BC chief electoral officer notice of the date the application is set down for hearing and of any adjournments;
 - (c) when deciding whether to grant relief under this section, the court must consider whether the applicant acted diligently to have the application heard as soon as practicable.

2016-9-29.

(ADD)Court relief powers respecting exceeding expense limits or amount available

May
19/16

- 68.06** (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:
- (a) ordering that the penalty under section 68.01 (3) [*candidate penalties for exceeding expense limits or amount available*] does not apply to a candidate;
 - (b) ordering that the penalty under section 68.01 (5) [*elector organization penalties for exceeding expense limits or amount available*] does not apply to an elector organization.
- (2) The authority to provide relief under subsection (1) includes the authority to make any additional order the court considers appropriate to secure compliance with Part 5.1 [*Expense Limits*] to the extent the court considers reasonable in the circumstances.
- (3) In relation to an unendorsed candidate who is subject to a penalty under section 68.01 (3), the court may provide relief only if satisfied that
- (a) exceeding the expense limit did not materially affect the result of the election, and
 - (b) the candidate exercised due diligence to ensure that the candidate's campaign period expenses did not exceed the expense limit.
- (4) In relation to a candidate endorsed by an elector organization who is subject to a penalty under section 68.01 (3), the court may provide relief only if satisfied that
- (a) exceeding the expense limit did not materially affect the result of the election,
 - (b) the candidate exercised due diligence to ensure that the candidate's campaign period expenses did not exceed the amount available to the candidate under the final campaign financing arrangement with the endorsing elector organization,

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- and
- (c) the candidate acted in good faith in relation to the elector organization's campaign period expenses exceeding the amount available to the elector organization under the final campaign financing arrangement.
- (5) In relation to an elector organization that is subject to a penalty under section 68.01 (5), the court may provide relief only if satisfied that
- (a) exceeding the expense limit for the candidate endorsed by the elector organization did not materially affect the result of the election, and
 - (b) the individuals who are or may be liable under section 68.02 (6) exercised due diligence to ensure that the elector organization's campaign period expenses did not exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

2016-9-29.

(ADD) Court relief powers respecting exceeding expense limits or amount available – monetary penalties
May
19/16

- 68.07** (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:
- (a) ordering that all or part of the applicable monetary penalty under section 68.02 (3) [*monetary penalties for exceeding expense limits or amount available*] does not apply to a candidate;
 - (b) ordering that all or part of the monetary penalty under section 68.02 (5) does not apply to an elector organization.
- (2) The authority to provide relief under subsection (1) includes the authority to make any additional order the court considers appropriate to secure compliance with Part 5.1 [*Expense Limits*] to the extent the court considers reasonable in the circumstances.
- (3) In relation to a candidate who is subject to a monetary penalty under section 68.02 (3), the court may provide relief only if satisfied that the candidate exercised due diligence to ensure that,
- (a) in the case of an unendorsed candidate, the candidate's campaign period expenses did not exceed the expense limit for the candidate, and
 - (b) in the case of a candidate endorsed by an elector organization, the candidate's campaign period expenses did not exceed the amount available to the candidate under the final campaign financing arrangement.
- (4) In relation to an elector organization that is subject to a monetary penalty under section 68.02 (5), the court may provide relief only if satisfied that the individuals who are or may be liable under section 68.02 (6) exercised due diligence to ensure that the elector organization's campaign period expenses did not exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

2016-9-29.

(ADD) Individual relief from monetary penalty liability of responsible principal officials
May
19/16

- 68.08** (1) An individual who is or may be liable under section 68.02 (6) [*monetary penalties – principal officials*] may apply to the Supreme Court in accordance with this section for relief from the individual's liability.
- (2)

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A petition for an application under this section must be served on the following no later than 7 days after the petition is filed in the court registry:

- (a) the BC chief electoral officer;
 - (b) the elector organization;
 - (c) any individual, other than the applicant, who is or may be liable as referred to in subsection (1).
- (3) Subject to subsection (4), on the hearing of an application under this section, the court may provide relief from all or part of the applicant's liability to pay the elector organization's monetary penalty.
 - (4) The court may provide relief only if satisfied that the applicant exercised due diligence to ensure that the elector organization's campaign period expenses that are attributable to the expense limit for the candidate did not exceed the amount available to the elector organization under the final campaign financing arrangement with that candidate.

2016-9-29.

Part 6: Division 5 – Third Party Advertising Limits – Penalties and Court Orders for Relief

(ADD) Penalties for exceeding third party advertising limits

May
19/16

- 68.09** (1) Subject to a court order for relief provided under section 68.11 (1), the penalties under this section apply to a third party sponsor in relation to exceeding a third party advertising limit.
- (2) The penalties set out in subsection (3) and the applicable monetary penalty set out in subsection (5) apply to a third party sponsor if the value of the third party advertising sponsored during the campaign period exceeded a third party advertising limit for the third party sponsor.
 - (3) The third party sponsor
 - (a) is disqualified from sponsoring third party advertising until after the next general local election, and
 - (b) subject to subsection (4), is prohibited from accepting sponsorship contributions until after the next general local election.
 - (4) A third party sponsor is not prohibited from accepting sponsorship contributions for the sole purpose of paying debts incurred in respect of the election in which third party advertising limits were exceeded.
 - (5) The third party sponsor must pay to the BC chief electoral officer,
 - (a) in the case of a third party sponsor that is an individual, a monetary penalty equal to 2 times the amount by which the third party advertising limit was exceeded, and
 - (b) in the case of a third party sponsor that is an organization, a monetary penalty equal to 5 times the amount by which the third party advertising limit was exceeded.
 - (6) Subject to any applicable regulations, if the fact that a third party advertising limit was exceeded is disclosed in the disclosure statement or supplementary report of a third party sponsor, as applicable, the third party sponsor becomes subject to the penalties under this section as follows:

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- (a) if no application for relief under section 68.10 is made in accordance with that section, on the day after the compliance deadline for the statement or report;
 - (b) if an application referred to in paragraph (a) has been made, on the later of the following:
 - (i) 42 days after the time limit for making an application under the section;
 - (ii) if applicable, the date set by court order under section 69 [*extension of time before penalties apply*].
- (7) Subject to any relief provided under section 68.12 [*individual relief from liability of responsible principal officials*], if a third party sponsor that is an organization is subject to a monetary penalty under this section, the individuals who were responsible principal officials of the organization at any time during the campaign period for the election or elections to which the third party advertising relates are jointly and severally liable with the organization to pay the monetary penalty under this section in relation to the organization.
- (8) An individual or organization that contravenes a prohibition that applies under this section commits an offence.
- (9) For certainty, the penalties under this section apply whether or not a prosecution for an offence under section 41.5 (3) [*offence for exceeding third party advertising limits*] has been commenced.

2016-9-29.

(ADD)Application for relief in relation to exceeding third party advertising limits

May
19/16

- 68.10** (1) An application to the Supreme Court for relief in relation to a third party sponsor exceeding a third party advertising limit may be made in accordance with this section.
- (2) An application for relief under this section may be made by the following:
- (a) the third party sponsor;
 - (b) if the third party sponsor is an organization, an individual who is or may be liable under section 68.09 (7).
- (3) An application under this section may be made only if the fact that a third party advertising limit was exceeded is disclosed, or anticipated by the applicant to be disclosed, in the disclosure statement or the supplementary report of the third party sponsor.
- (4) A petition for an application under this section must be filed on or before the compliance deadline for the disclosure statement or supplementary report of the third party sponsor.
- (5) A petition for an application under this section must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:
- (a) the BC chief electoral officer;
 - (b) if the third party sponsor is an organization, the individuals who are or may be liable under section 68.09 (7).

2016-9-29.

(ADD)Court relief powers respecting exceeding third party advertising limits

May
19/16

- 68.11** (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:
- (a) ordering that the penalty under section 68.09 (3) does not apply to a third party sponsor;

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- (b) ordering that all or part of the applicable monetary penalty under section 68.09 (5) does not apply to a third party sponsor.
- (2) The authority to provide relief under subsection (1) includes the authority to make any additional order the court considers appropriate to secure compliance with Division 4 [Third Party Advertising Limits] of Part 3 [Third Party Advertising] to the extent the court considers reasonable in the circumstances.
- (3) In relation to a third party sponsor who is an individual, the court may provide relief only if satisfied that the third party sponsor exercised due diligence to ensure that the value of the third party advertising of that third party sponsor did not exceed the third party advertising limit for that third party sponsor.
- (4) In relation to a third party sponsor that is an organization, the court may provide relief only if satisfied that the individuals who are or may be liable under section 68.09 (7) exercised due diligence to ensure that the value of the third party advertising of the third party sponsor did not exceed the third party advertising limit for that third party sponsor.

2016-9-29.

(ADD) Individual relief from liability of responsible principal officials

May
19/16

- 68.12** (1) An individual who is or may be liable under section 68.09 (7) [penalties – principal officials] may apply to the Supreme Court in accordance with this section for relief from the individual's liability.
- (2) A petition for an application under this section must be served on the following no later than 7 days after the petition is filed in the court registry:
- (a) the BC chief electoral officer;
- (b) the organization that is the third party sponsor;
- (c) any individual, other than the applicant, who is or may be liable as referred to in subsection (1).
- (3) Subject to subsection (4), on the hearing of an application under this section, the court may provide relief from all or part of the applicant's liability to pay the third party sponsor's monetary penalty.
- (4) The court may provide relief only if satisfied that the applicant exercised due diligence to ensure that the value of the third party advertising of the third party sponsor did not exceed the third party advertising limit for that third party sponsor.

2016-9-29.

Part 6: Division 6 – General Provisions in Relation to Court Orders for Relief

Extension of time before disqualification penalties apply

(SUB)
May
19/16

- 69.** (1) Subject to subsection (2), the Supreme Court may extend the date when a penalty would otherwise apply under any of the following sections:
- (a) section 64 (5) (b) (i) [penalties apply 42 days after compliance deadline];
- (b) section 68.01 (7) (b) (i) [penalties apply 42 days after compliance deadline];
- (c) section 68.02 (7) (b) (i) [monetary penalties apply 42 days after compliance deadline];
- (d) section 68.09 (6) (b) (i) [penalties apply 42 days after compliance deadline].
- (2) The court may not make an order extending the time unless
- (a)

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- the candidate, elector organization, third party sponsor or assent voting advertising sponsor has not yet become subject to the penalty or penalties for which an extension is requested,
- (b) an application for relief under this Division has been filed, served and set down for hearing as required under this Division but has not yet been decided, and
 - (c) the court is satisfied that the applicant has acted diligently to have the application heard as soon as practicable.
- (3) A decision by the court under this section is final and may not be appealed.
2014-18-69; 2016-9-31.

Address for service on other parties

70. If requested by an individual or organization that intends to apply for relief under this Division, the BC chief electoral officer must provide to the individual or organization the address for service of the individuals and organizations that are required to be served with the petition for the application.
2014-18-70.

BC chief electoral officer authority in relation to applications and appeals

71. (1) The BC chief electoral officer may set down an application under this Division for hearing by filing a request with the court registry and serving the request on the applicant and any other parties to the application as follows:
- (a) in the case of an application that may affect the qualification of a candidate who was declared elected to hold office, at any time for the purpose of ensuring that the entitlement of that candidate to continue to hold office as a member of the local authority is decided expeditiously;
 - (b) in any case, if the BC chief electoral officer considers that the applicant is not having the application heard as soon as practicable.
- (2) Subsection (1) applies whether or not the BC chief electoral officer is a party to the application and whether or not the applicant has set down the application for hearing.
- (3) The BC chief electoral officer may appeal an order of the court under this Division, whether or not that officer was a party to the application.
2014-18-71.

Appeals and final determinations

72. (1) Penalties under this Act may not be stayed pending determination of an appeal of an order under this Division.
- (2) For certainty, if
- (a) a candidate, elector organization, third party sponsor or assent voting advertising sponsor has become subject to disqualification penalties under section 64 [*disqualification penalties for failure to disclose*], and
 - (b) on the final determination of an application under section 66 [*application for relief in relation to disclosure requirements*], the court provides relief from the disclosure requirements and, as applicable, there is compliance with the court order,
- the candidate, elector organization, third party sponsor or assent voting advertising sponsor ceases to be disqualified under section 64.

- (2.1) For certainty, if

- (a)

(ADD)
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19/16

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a candidate endorsed by an elector organization is subject to disqualification penalties under section 65.1 [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*], and

- (b) on the final determination of an application under section 66 [*application for relief in relation to disclosure requirements*] by the elector organization, the court provides relief for the elector organization, the candidate ceases to be disqualified.

(ADD)
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19/16

- (2.2) For certainty, if

- (a) a candidate ceases to hold office as a member of the local authority under section 68.01 (3) [*candidate penalties for exceeding expense limits or amount available*], and
- (b) on the final determination of an application under section 68.04, the court provides relief from exceeding the expense limit or amount available and there is compliance with the court order,

subsection (3) of this section applies.

(SUB)
May
19/16

- (3) If a candidate to whom subsection (2), (2.1) or (2.2) applies was declared elected before ceasing to hold office and if the term of office for which the candidate was elected has not ended,

- (a) that candidate is entitled to take office for any unexpired part of the term if that candidate is not otherwise disqualified, and
- (b) if that candidate exercises this right, the individual currently holding the office ceases to hold office.

(ADD)
May
19/16

- (4) For the purposes of subsection (3) (b), if more than one individual currently holds the same office because more than one candidate who was declared elected ceased to hold an office and became disqualified under section 64, 65.1 or 68.01, and it is not known which of those individuals currently hold the offices vacated by the candidates, the decision in respect of which individuals cease to hold office is to be made in accordance with the regulations.

(ADD)
May
19/16

- (5) For certainty, an elector organization that is subject to penalties under section 68.01 (5) ceases to be disqualified or prohibited under that section if, on the final determination of an application under section 68.04,

- (a) the court provides relief, and
- (b) there is compliance with the court order.

(ADD)
May
19/16

- (6) For certainty, a third party sponsor that is subject to penalties under section 68.09 (3) [*penalties for exceeding third party advertising limits*] ceases to be disqualified or prohibited under that section if, on the final determination of an application under section 68.10 [*application for relief in relation to exceeding third party advertising limits*],

- (a) the court provides relief, and
- (b) there is compliance with the court order.

2014-18-72; 2016-9-32.

PART 7 – Enforcement

Part 7: Division 1 Elections BC Responsibilities and Powers

(SUB)Report to local authority respecting disqualification of elected candidate

May
19/16

73. If an elected member of a local authority becomes subject to a penalty under any of the following sections, the BC chief electoral officer must report to the local authority, as applicable, that the seat of the member has become vacant or that the member has become disqualified to hold office:
- (a) section 64 (2) [*candidate penalties for failure to disclose*], or
 - (b) section 64 (2) (b) [*candidate disqualification penalty for failure to disclose*];
 - (c) section 65 (1) (a) [*candidate penalties for false or misleading disclosure*];
 - (d) section 65 (1) (b) [*candidate conviction for false or misleading disclosure*];
 - (e) section 65.1 [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*];
 - (f) section 68.01 (3) [*candidate penalties for exceeding expense limits or amount available*];
 - (g) section 68.03 (1) [*unpaid monetary penalties – candidate*].

2016-9-33.

Reviews, investigations and audits by BC chief electoral officer

74. (1) The BC chief electoral officer must conduct periodic reviews of the financial affairs and accounts of candidates, elector organizations, third party sponsors and assent voting advertising sponsors in relation to general compliance with this Act and the regulations under this Act.
- (2) In addition to general reviews under subsection (1), the BC chief electoral officer may do any of the following:
- (a) conduct an investigation of the financial affairs of a candidate, elector organization, third party sponsor or assent voting advertising sponsor in relation to compliance with this Act and the regulations under this Act;
 - (b) conduct an audit of the accounts of an individual or organization referred to in paragraph (a);
 - (c) conduct an investigation of any matter that the BC chief electoral officer considers might constitute an offence under this Act or might be a contravention of a provision of Parts 2 to 7 of this Act or of a regulation under this Act;
 - (d) conduct an investigation of a complaint received by the BC chief electoral officer regarding non-compliance by an individual or organization referred to in paragraph (a) or the financial agent for such an individual or organization.
- (3) For purposes of this section, the BC chief electoral officer or a representative of the BC chief electoral officer may inspect and make copies of the records of an individual or organization referred to in subsection (1).
- (4) Section 276 (3) to (6) [*investigations and audits by chief electoral officer*] of the *Election Act* applies in relation to the authority under subsection (3).

2014-18-74.

Complaints regarding contraventions of this Act

75. (1) If the BC chief electoral officer receives a complaint alleging that a provision of this Act or a regulation under this Act has been contravened, the BC chief electoral officer must consider whether to investigate the matter.
- (2) The BC chief electoral officer must refuse to investigate if, in the view of the BC chief electoral officer, the complaint appears to be frivolous, vexatious or obviously unfounded.
- (3) If a complaint is made in writing and the BC chief electoral officer decides not to conduct an investigation, the BC chief electoral officer must notify the complainant in writing of the reasons for this decision.

2014-18-75.

Additional specific powers to require information

76. (1) For the purposes of administering compliance with this Act and the regulations under this Act, the BC chief electoral officer has the following powers in addition to all others provided under this Act:
- (a) to require the following to provide a supplementary report:
- (i) a candidate or the financial agent for a candidate;
 - (ii) an elector organization or the financial agent for an elector organization;
 - (iii) a third party sponsor;
 - (iv) an assent voting advertising sponsor;
- (b) to require an individual or organization referred to in paragraph (a) to provide further information respecting compliance with this Act and the regulations under this Act;
- (c) to require a local authority to provide to the BC chief electoral officer the originals or copies, as requested by the BC chief electoral officer, of records received or obtained by a local authority under this Act or other local elections legislation, or created by a local authority official in relation to this Act or other local elections legislation, including records that include personal information.

2014-18-76.

Solemn declaration regarding sponsorship may be required

77. (1) For the purposes of administering compliance with the requirements under this Act in relation to
- (a) Part 3 [*Third Party Election Advertising*],
 - (b) section 42 [*application of third party election advertising rules to non-election assent voting advertising*], or
 - (c) Division 1 [*Sponsorship of Election Advertising and Assent Voting Advertising*] of Part 5 [*Transparency Requirements for Local Elections and Assent Voting*],
- the BC chief electoral officer may require an individual to provide a solemn declaration in accordance with this section.
- (2) A solemn declaration under this section may be required in relation to one or more of the following, as requested by the BC chief electoral officer:
- (a) whether the individual identified under section 44 (1) (a) [*advertising must include sponsorship information*] is or is not the sponsor of the election advertising or non-election assent voting advertising, or is or is not the financial agent for the

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- sponsor;
- (b) the individual's compliance with the requirements referred to in subsection (1);
 - (c) if the individual is a financial agent for an elector organization, compliance by the elector organization with the requirements referred to in subsection (1);
 - (d) if the individual is a responsible principal official of an elector organization or an organization that is a registered sponsor, compliance by the elector organization or sponsor with the requirements referred to in subsection (1);
 - (e) any other matter the BC chief electoral officer considers will assist in determining whether there has been compliance with the requirements referred to in subsection (1).
- (3) An individual who does not provide a solemn declaration in accordance with this section when required to do so commits an offence.

2014-18-77.

Powers in relation to non-compliant advertising

- 78.** (1) An individual authorized by the BC chief electoral officer may, subject to any restrictions or conditions specified by that officer, do one or more of the following in relation to election advertising or non-election assent voting advertising that is transmitted or sponsored in contravention of this Act or a regulation under this Act:
- (a) order an individual or organization to correct, discontinue, remove or destroy the election advertising or non-election assent voting advertising;
 - (b) cover the election advertising or non-election assent voting advertising, or otherwise obscure it from view;
 - (c) remove, or remove and destroy, the election advertising or non-election assent voting advertising.
- (2) Subject to this section, the authority under subsection (1) includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.
- (3) The authority under subsection (2) may be used to enter into a place that is occupied as a private dwelling only if the occupier consents or the entry is made under the authority of a warrant under this or another Act.
- (4) On being satisfied on oath or affirmation that access to property is necessary for purposes of this section, a justice may issue a warrant authorizing an individual named in the warrant to enter on or into property and take action as authorized by the warrant.
- (5) An individual or organization that does not comply with an order under subsection (1) (a) commits an offence.

2014-18-78.

(ADD)Enforcement of monetary penalties

May
19/16

- 78.1** (1) In relation to a monetary penalty under section 68.02 (3) or (5) or 68.09 (5), the BC chief electoral officer may issue and file with the Supreme Court a certificate specifying the name of the candidate, elector organization or third party sponsor, as applicable, and the amount owed under those sections by the candidate, elector organization or third party sponsor.
- (2) A certificate filed under subsection (1) has the same effect and is enforceable in the same manner as a judgment of the Supreme Court in favour of the government for the recovery of a debt in the amount specified in the certificate.

2016-9-34.

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Court injunctions on application of BC chief electoral officer

- 79.** (1) On application of the BC chief electoral officer, the Supreme Court may grant an injunction
- (a) requiring an individual or organization to comply with this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has not complied or is likely not to comply with the Act or regulation, or
 - (b) restraining an individual or organization from contravening this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has contravened or is likely to contravene the Act or regulation.
- (2) An order granting an injunction under subsection (1) may be made without notice to others if it is necessary to do so in order to protect the public interest.
- (3) A contravention of this Act or a regulation under this Act may be restrained under subsection (1) whether or not a penalty or other remedy has been provided under this Act.
- 2014-18-79.

Part 7: Division 2 Offences

General rules and defence of due diligence

- 80.** (1) Section 5 [*offence to contravene an enactment*] of the *Offence Act* does not apply to this Act or the regulations under this Act.
- (2) Any penalty under this Part is in addition to and not in place of any other penalty to which an individual or organization may be liable under this Act in respect of the same matter.
- (3) An individual or organization is not guilty of an offence under this Act if the individual or organization exercised due diligence to prevent the commission of the offence.
- 2014-18-80.

BC chief electoral officer authority in relation to prosecutions

- 81.** (1) A prosecution for an offence under this Act may not be commenced without the approval of the BC chief electoral officer.
- (2) If the BC chief electoral officer is satisfied that there are reasonable grounds to believe that an individual or organization has contravened this Act or a regulation under this Act, the BC chief electoral officer may refer the matter to the Criminal Justice Branch of the Ministry of Justice for a determination of whether to approve prosecution.
- 2014-18-81.

Time limit for starting prosecution

- 82.** (1) The time limit for laying an information to commence a prosecution respecting an offence under this Act is one year after the facts on which the information is based first came to the knowledge of the BC chief electoral officer.
- (2) A document purporting to have been issued by the BC chief electoral officer, certifying the day on which the BC chief electoral officer became aware of the facts on which an information is based, is admissible without proof of the signature or official character of the individual appearing to have signed the document and, in the absence of evidence to the

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contrary, is proof of the matter certified.
2014-18-82.

Prosecution of organizations and their directors and agents

83. (1) An act or thing done or omitted by an officer, director, principal official, employee or agent of an organization within the scope of the individual's authority to act on behalf of the organization is deemed to be an act or thing done or omitted by the organization.
- (2) If an organization commits an offence under this Act, an officer, director, principal official, employee or agent of the organization who authorizes, permits or acquiesces in the offence commits the same offence, whether or not the organization is convicted of the offence.
- (3) A prosecution for an offence under this Act may be brought against an unincorporated organization in the name of the organization and, for these purposes, an unincorporated organization is deemed to be a person.

2014-18-83.

General offence in relation to false or misleading information

84. (1) An individual or organization that does any of the following commits an offence:
- (a) provides false or misleading information when required or authorized under this Act to provide information;
- (b) makes a false or misleading statement or declaration when required under this Act to make a statement or declaration.
- (2) In the case of false or misleading information in a disclosure statement or supplementary report, the candidate, elector organization, third party sponsor or assent voting advertising sponsor for which the disclosure statement or supplementary report is filed commits an offence.

2014-18-84.

Higher penalty offences

85. (1) This section applies to the offences under the following provisions:
- (a) section 57 [*failure to file disclosure statement or supplementary report by compliance deadline*];
- (b) section 84 [*general offence in relation to false or misleading information*];
- (c) any provision of the regulations prescribed for purposes of this section.
- (2) An individual who commits an offence to which this section applies is liable to a fine of not more than \$10 000 or imprisonment for a term not longer than 2 years, or both.
- (3) An organization that commits an offence to which this section applies is liable to a fine of not more than \$20 000.

2014-18-85.

Lower penalty offences

86. (1) This section applies to offences under this Act other than offences to which section 85 applies.
- (2) An individual who commits an offence to which this section applies is liable to a fine of not more than \$5 000 or imprisonment for a term not longer than one year, or both.
- (3) An organization that commits an offence to which this section applies is liable to a fine of not more than \$10 000.

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2014-18-86.

PART 8 – Administration and Other Matters

Part 8: Division 1 Responsibilities and Authorities

Role of the BC chief electoral officer

87. (1) The BC chief electoral officer is responsible for administering compliance with this Act and the regulations under this Act in relation to candidates, elector organizations, financial agents, third party sponsors, assent voting advertising sponsors and other individuals and organizations regulated under this Act.
- (2) In relation to the responsibilities under subsection (1), the BC chief electoral officer must
- (a) conduct general reviews of election and assent voting financing matters that are dealt with under this Act and of their administration under this Act, and
 - (b) after each general local election, prepare a report respecting that officer's role in administering compliance with this Act and the regulations under this Act in relation to that general local election and any other elections or assent voting held since the last report under this section.
- (3) The BC chief electoral officer must make a report under this section publicly available on an Elections BC authorized internet site.

2014-18-87.

Administrative matters

88. (1) Section 10 [general staff of the chief electoral officer] of the *Election Act* applies to the BC chief electoral officer in relation to that officer's duties of office under this Act.
- (2) The BC chief electoral officer may delegate in writing to an individual appointed under section 10 (1) [*Elections BC employees*] of the *Election Act* the authority to exercise any power and perform any duty assigned to the BC chief electoral officer under this Act, subject to any limits or conditions imposed by the BC chief electoral officer.
- (3) All necessary expenses required for the BC chief electoral officer to perform that officer's duties of office under this Act must be paid out of the general fund of the consolidated revenue fund.
- (4) The BC chief electoral officer must approve all amounts to be paid under the authority of this section, with this approval authority subject to any applicable regulations.
- (5) Amounts that are to be paid to the BC chief electoral officer under this Act and are received by that officer must be paid into the consolidated revenue fund.

2014-18-88.

Minor corrections to disclosure statements and supplementary reports

89. (1) Subject to this section and any applicable regulations, if, in reviewing a disclosure statement or supplementary report, the BC chief electoral officer becomes aware of an error or omission that the BC chief electoral officer considers does not materially affect the substance of the statement or report, that officer may correct the error or omission.
- (2) A correction under this section may be made only with
- (a)

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- the consent of the candidate, elector organization, third party sponsor or assent voting advertising sponsor in relation to which the disclosure statement or supplementary report was filed, or
- (b) in the case of a disclosure statement or supplementary report for a candidate or elector organization, with the consent of the financial agent.

2014-18-89.

Late filing extensions in extraordinary circumstances

- (REP)
May
19/16
90. (1) Subject to this section and any applicable regulations, the BC chief electoral officer may, on request, make an order extending the time period for filing a disclosure statement without payment of a late filing penalty fee that would otherwise apply.
- (2) *Repealed.* [2016-9-35]
- (3) The BC chief electoral officer may make an order under this section only if satisfied, having regard to the purposes of this Act,
- (a) that it is appropriate to provide the extension, and
- (b) that the disclosure statement cannot be filed within the time period that would otherwise apply by reason of an emergency or other extraordinary circumstance.

2014-18-90; 2016-9-35.

Retention of disclosure records

- (SUB)
May
10/16
91. (1) The BC chief electoral officer must retain the disclosure statements and supplementary reports under this Act until at least 5 years after general voting day for the election or assent voting to which they relate.
- (2) The minister responsible for the administration of the *Information Management Act* may require that, after the end of the retention period, the records referred to in subsection (1) be archived
- (a) in the digital archives established by the *Information Management Act*, or
- (b) in the museum archives of government established by the *Museum Act*.
- (3) For purposes of subsection (2), the BC chief electoral officer must give notice to the minister before the end of each retention period.

2014-18-91; 2015-27-46 (B.C. Reg. 109/2016).

Provision of information between Elections BC and local authorities

- (AM)
Jan
01/16
92. (1) As soon as practicable after an individual is declared to be a candidate, the local election officer must provide the following to the BC chief electoral officer:
- (a) the full name of the candidate;
- (b) if applicable, the usual name of the candidate proposed to be used on the ballot;
- (c) the jurisdiction in relation to which and the office for which the individual is a candidate;
- (d) the mailing address for the candidate as provided in the nomination documents;
- (e) a copy of the information and material provided under section 90 (1) [other information to be provided by candidate] of the *Local Government Act* or section 45.1 (1) of the *Vancouver Charter*, as applicable, or the information provided in that material;
- (f) if applicable, the name of the elector organization that is endorsing the candidate;
- (g) other information as required by regulation.
- (2) As soon as practicable after receiving the endorsement documents for an elector organization, the local election officer must provide the following to the BC chief electoral officer:
- (a)

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(AM)
Jan
01/16

(AM)
Jan
01/16

- a copy of the statement provided under section 93 (1) (a) [endorsement documents] of the *Local Government Act* or section 45.4 (1) (a) of the *Vancouver Charter*, as applicable, or the information provided in that statement;
- (b) a copy of the information and material provided under section 94 [additional elector organization information] of the *Local Government Act* or section 45.5 of the *Vancouver Charter*, as applicable, or the information provided in that material;
- (c) other information as required by regulation.
- (3) If the local election officer receives updated information respecting any of the information or material to be provided to the BC chief electoral officer under this section, that local election officer must ensure that the updated information is provided to the BC chief electoral officer as soon as practicable.
- (4) The local election officer must provide the following to the BC chief electoral officer as soon as practicable:
- (a) the names of the candidate or candidates declared elected in an election for the jurisdiction;
- (b) other information or material as required by regulation.
- (5) If applicable, the BC chief electoral officer must provide to the applicable designated local authority officer information or material as required by regulation.
- 2014-18-92; RS2015-1-RevSch (B.C. Reg. 257/2015).

Part 8: Division 2 Technical Advisory Committee

Technical Advisory Committee

93. (1) The Technical Advisory Committee is established consisting of the individuals appointed under subsection (2).
- (2) Subject to subsection (4), the following individuals may be appointed as members of the advisory committee:
- (a) a representative appointed by the Union of British Columbia Municipalities;
- (b) a representative appointed by the Local Government Management Association;
- (c) a representative appointed by the British Columbia School Trustees Association;
- (d) a staff member of Elections BC appointed by the BC chief electoral officer;
- (e) a staff member of the ministry of the minister responsible for the administration of this Act, appointed by the Inspector of Municipalities;
- (f) a staff member of the ministry of the minister responsible for the administration of the *Election Act*, appointed by the Deputy Attorney General;
- (g) a staff member of the ministry of the minister responsible for the administration of the *School Act*, appointed by the deputy minister of that ministry;
- (h) any other representative appointed as provided by regulation.
- (3) Subject to subsection (4), a member of the advisory committee may designate another individual to attend a committee meeting in the member's place and that individual may act in the member's place at that meeting.
- (4) The following are not eligible to be appointed under subsection (2) or designated under subsection (3):
- (a) an individual elected or appointed as a member of a local authority;

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- (b) an individual elected as a member of the Legislative Assembly;
 - (c) an individual appointed as a member of the Executive Council.
- (5) An individual may be reappointed to the advisory committee.
- (6) The members of the advisory committee must elect a chair and vice chair from among the committee's members.

2014-18-93.

Role of advisory committee

- 94.** (1) The role of the advisory committee is to be a forum for discussing matters of common interest to the represented authorities respecting the administration and application of this Act and the regulations under this Act.
- (2) Without limiting subsection (1), the advisory committee is to be a forum for discussing the following:
- (a) the development and provision of public information and education respecting this Act and the regulations under this Act;
 - (b) the development and provision of information and training for local authority officials respecting the administration of this Act and the regulations under this Act;
 - (c) the provision of specific advice to participants in the election or assent voting process respecting the application of this Act and the regulations under this Act;
 - (d) the forms for disclosure statements and supplementary reports to be considered for approval by the BC chief electoral officer.

2014-18-94.

Advisory committee meetings

- 95.** (1) Subject to this Division, the advisory committee may make rules governing its practices and procedures.
- (2) Meetings of the advisory committee may be called at any time by the chair of the committee.
- (3) If requested in writing by 2 or more members of the advisory committee, the chair of the committee must call a meeting of the committee as soon as practicable.
- (4) A meeting of the advisory committee may be conducted using electronic or other communications facilities, and a member participating in a meeting using such facilities is deemed to be present at the meeting.
- (5) The cost of a committee member attending a meeting, other than the cost of the representative of the BC chief electoral officer, is not part of the administrative costs incurred by that officer under this Act.
- (6) The advisory committee must make available to the public, on request, a summary of the proceedings of a meeting of the committee.

2014-18-95.

Part 8: Division 3 Miscellaneous

Address for service requirements and delivery of notices

- 96.** (1) In relation to a requirement under this Act or other local elections legislation for an individual or organization to provide an address for service at which notices and other

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communications will be accepted as served on or otherwise delivered to the individual or organization, the individual or organization satisfies this requirement by providing a mailing address or email address as the address for service.

- (2) In addition to the required address under subsection (1), the individual or organization may provide one or more of the following as an additional address for service:
 - (a) an email address in addition to the mailing address;
 - (b) a mailing address in addition to the email address;
 - (c) a fax number;
 - (d) any other form of address prescribed by regulation.
- (3) In relation to a requirement or authority under this Act or other local elections legislation to
 - (a) serve a notice or other communication on an individual or organization that has provided an address for service, or
 - (b) give a notice or other communication to such an individual or organization,that service or notice may be made by sending the record to the most recent address for service provided by the individual or organization.
- (4) If a notice or other communication is sent in accordance with subsection (3), the communication is deemed to have been received by the individual or organization to which it was sent as follows:
 - (a) if the communication is sent by ordinary or registered mail to the mailing address provided as an address for service, on the 5th day after it is mailed;
 - (b) if the communication is sent by email to the email address provided as an address for service, on the 3rd day after it is sent;
 - (c) if the communication is sent by fax to the fax number provided as an address for service, on the 3rd day after it is faxed;
 - (d) if the communication is sent to a form of address prescribed by regulation, as provided by the regulations.
- (5) Where this Act requires or permits service of a notice or other communication on a jurisdiction, the service is effected if the communication is served on the designated local authority officer for the jurisdiction.
- (6) For certainty, this section provides additional means of service and does not affect other means of service authorized by law.

2014-18-96.

Solemn declarations

97. (1) If a solemn declaration is required to be provided under this Act, the declaration must be
 - (a) made on oath or by solemn affirmation,
 - (b) made before an individual authorized to take the oath or solemn affirmation, and
 - (c) signed by the individual making the oath or solemn affirmation and by the individual taking it.
- (2) The following individuals are authorized to take a solemn declaration required under this Act:
 - (a) a commissioner for taking affidavits for British Columbia;
 - (b) the BC chief electoral officer or a delegate authorized under section 88 (2) [*delegation to Elections BC staff*];
 - (c)

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a local election officer or a delegate authorized by such an officer under other local elections legislation.

- (3) If applicable, the solemn declaration must be made in a form prescribed by regulation.

2014-18-97.

Information updating obligations

- 98.** (1) The obligations under this Act to provide updated information and material to the BC chief electoral officer end when all disclosure and record retention obligations under this Act in relation to the candidate, elector organization, third party sponsor or assent voting advertising sponsor, as applicable, have been fulfilled.

2014-18-98.

(ADD)Population

May
19/16

- 98.1** (1) Subject to subsection (2), for the purposes of this Act, the population of an election area is to be taken from the most recent population estimates issued annually by the director under the *Statistics Act* (British Columbia) based on the Census of Canada.
- (2) The minister responsible may determine the population of an election area
- (a) if the population of an election area has not been established by a Census of Canada, or
- (b) in other prescribed special circumstances.

2016-9-36.

Part 8: Division 4 Orders and Regulations

Ministerial orders in special circumstances

- 99.** (1) If the minister responsible in relation to an election or assent voting considers it necessary because of special circumstances respecting
- (a) the election or assent voting, or
- (b) a candidate, elector organization, third party sponsor or assent voting advertising sponsor,
- that minister may make any order the minister considers appropriate to achieve the purposes of this Act.
- (2) Without limiting subsection (1), but subject to subsection (3), an order under this section may provide an exception to or modification of this Act or a regulation under this Act, including extending a time period or establishing a new date in place of a date set under this Act and giving any other directions the minister considers appropriate in relation to this.
- (3) An order under this section may not provide relief
- (a) that could be provided under section 90 [*late filing extensions in extraordinary circumstances*], or
- (b) that could be provided by a court order for relief, or that could have been provided by such a court order if an application had been made within the applicable time limit under this Act.
- (4) For certainty, the authority under this section may be exercised in relation to circumstances described in section 101 [*withdrawal, death or incapacity of candidate*]

(AM)
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of the *Local Government Act* or section 52 of the *Vancouver Charter*, but is additional to the authority under those sections, section 167 [*minister orders in special circumstances*] of the *Local Government Act* or section 127 of the *Vancouver Charter*.
2014-18-99; RS2015-1-RevSch (B.C. Reg. 257/2015).

Power to make regulations

- (AM)
May
19/16
- (SUB)
May
19/16
- (ADD)
May
19/16
100. (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations as follows:
- (a) respecting any matter for which regulations are contemplated by this Act;
 - (b) defining any word or expression used but not defined in this Act, including, for certainty, defining a word or expression to which section 2 (1) [*other definitions that apply to this Act*] of the Schedule to this Act applies;
 - (c) in relation to elections prescribed under section 1 (1) (i) [*other elections to which this Act applies*], prescribing the office, jurisdiction, local authority, election area and applicable legislation in relation to a prescribed election;
 - (d) in relation to section 42 [*application of third party advertising rules to non-election assent voting advertising*], in addition to the authority under subsection (4) of this section, making any other regulations the Lieutenant Governor in Council considers necessary or advisable in relation to the application of the following to non-election assent voting:
 - (i) Divisions 1 to 3 of Part 3 [*Third Party Advertising*];
 - (ii) any other provisions of this Act or the regulations that apply in relation to those Divisions;
 - (e) in relation to the application of this Act and regulations under this Act to by-elections or elections by acclamation, making any regulations the Lieutenant Governor in Council considers necessary or advisable in relation to the application of this Act or the regulations under this Act to such elections, including regulations as referred to in subsection (4);
 - (e.1) for the purposes of section 72 (4) [*how to decide which individual ceases to hold office*], establishing the procedure and process to determine which individual ceases to hold office;
 - (f) in relation to section 93 (2) (h) [*other members of the advisory committee*], providing for additional members of the advisory committee and establishing who is to appoint an additional member.
- (3) A regulation under this Act may confer a discretion on the BC chief electoral officer.
- (4) Where this Act contemplates that a provision of the Act may be subject to regulations, the authority to make the contemplated regulations includes authority to do any or all of the following:
- (a) provide exceptions to the provision;
 - (b) establish limits on the application of the provision;
 - (c) modify the rules, or the effect of the rules, that would otherwise apply under the provision;
 - (d) establish rules that operate in place of or as an alternative to the provision;
 - (e) establish conditions in relation to the operation of an exception, limit, modification or rule established under this subsection.
- (5) A regulation under this Act may
- (a) establish different classes of jurisdictions, election areas, elected offices, elections, assent voting, candidates, organizations, sponsors, circumstances, things or other matters, and

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- (b) make different provisions, including exceptions, for those classes.
2014-18-100; 2016-9-37.

(ADD)Power to make regulations – third party advertising limits

May
19/16

- 100.1 (1)** Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting third party advertising limits, including, without limitation, but subject to subsection (2), as follows:
- (a) for the purposes of section 41.1 (a) (ii) [*direct third party advertising limits*], establishing an amount based on a prescribed percentage of the expense limit for a prescribed class of candidates;
 - (b) for the purposes of section 41.7 [*attribution of value of directed advertising*], respecting the basis on which third party advertising must be attributed, including prescribing factors or principles to be considered when attributing third party advertising.
- (2) A regulation under section 41.1 (a) may be made only on the recommendation of the minister responsible.

2016-9-38.

(ADD)Power to make regulations – expense limits

May
19/16

- 100.2 (1)** Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting expense limits, including, without limitation, but subject to subsection (3), as follows:
- (a) for the purposes of section 63.01 (1) (b) and (2) (b) [*expense limits – election areas with population of 10 000 or more*], determining the amount of the expense limit, including establishing formulas to determine the amount;
 - (b) respecting the expense limit for a candidate referred to in section 4 (2) [*candidate running in multiple elections*];
 - (c) prescribing a form for a campaign financing arrangement for candidates and elector organizations;
 - (d) for the purposes of section 63.08 (2) [*attribution of elector organization expenses to candidate expense limits*], respecting the basis on which the campaign period expenses must be attributed, including prescribing factors or principles to be considered when attributing campaign period expenses;
 - (e) for the purposes of section 63.10 [*amendment to and termination of campaign financing arrangement*], prescribing the form and manner of the termination of the campaign financing arrangement and the information that must be included in the termination, establishing the process for termination, including the notice requirements, and respecting the restrictions on or obligations of a candidate and an elector organization following the termination;
 - (f) for the purposes of section 63.11 [*effect of endorsement relationship ending*], respecting the effect of the ending of an endorsement relationship, including prescribing notice requirements and effects on parties other than the elector organization and the candidate endorsed by the elector organization, and respecting the restrictions on or obligations of a candidate and an elector organization following the ending of an endorsement relationship.
- (2) The authority to make a regulation under subsection (1) (b) of this section includes the authorities set out in section 100 (4) (a) to (e).

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- (3) A regulation under section 63.01 may be made only on the recommendation of the minister responsible.

2016-9-38.

Commencement and application

- 101. (1)** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 34 and 35	In relation to anonymous sponsorship contributions, March 27, 2014, being the day after the date of First Reading

- (2) This Act does not apply in relation to elections referred to in section 1 [*elections to which this Act applies*], or voting referred to in section 2 [*assent voting to which this Act applies*], held before the 2014 general local election.

SCHEDULE Definitions and Interpretation

Definitions

(AM)
May
19/16

1. In this Act:

"address for service" in relation to an individual or organization, means an address provided in accordance with section 96 [*address for service requirements and delivery of notices*] as an address at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization;

"advisory committee" means the Technical Advisory Committee under section 93 [*Technical Advisory Committee*];

(ADD)
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"amount available", in relation to an expense limit for a candidate who is or was endorsed by an elector organization, means the amount apportioned under section 63.07 [*written campaign financing arrangement required*] or the amended amount under section 63.10 [*amendment to and termination of campaign financing arrangement*] as available for use in the election campaign of the candidate or elector organization, as applicable;

"assent voting" means voting to which this Act applies under section 2 [*assent voting to which this Act applies*];

"assent voting advertising" means assent voting advertising within the meaning of section 8 [*what is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising*];

"assent voting advertising disclosure statement" means a disclosure statement required under section 46 (1) (d) [*disclosure statements for assent voting advertising sponsors*];

"assent voting advertising sponsor" means

- (a) an individual or organization that sponsors non-election assent voting advertising,
- (b) an individual or organization that registers under Division 3 [*Registration of Third Party Sponsors*] of Part 3 [*Third Party Election Advertising*] as it applies to non-election assent voting advertising, and
- (c) in relation to obligations applicable under this Act to an individual or organization as an assent voting advertising sponsor, an individual or organization that was an assent voting advertising sponsor;

"assent voting proceedings period" means the period applicable in relation to non-election assent voting under section 10 (3) [*what is the assent voting proceedings period*];

"authorized principal official" means,

- (a) in relation to an elector organization, the responsible principal official designated as required under section 21 (1) (b) [*principal official authorized to make declarations for elector organization*], or
- (b) in relation to a third party sponsor or assent voting advertising sponsor that is an organization, the responsible principal official designated as required under section 40 (1) (b) [*principal official authorized to make declarations for organization*];

"BC chief electoral officer" has the same meaning as "chief electoral officer" in the *Election Act*;

"campaign account" means an account established under section 18 [*requirement for candidate campaign account*] or 20 [*requirement for elector organization campaign account*];

"campaign contribution" means a campaign contribution within the meaning of section 13 [*campaign contributions to candidate or elector organization*];

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(ADD)
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"campaign financing arrangement" means the arrangement between a candidate and an elector organization as required under section 63.07 [*written campaign financing arrangement required*], or as amended under section 63.10 [*amendment to and termination of campaign financing arrangement*], as applicable;

(AM)
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19/16

"campaign period" means the period applicable in relation to an election under section 10 (2) [*what is a campaign period*];

(ADD)
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"campaign period expense" means a campaign period expense within the meaning of section 15 [*what are campaign period expenses*];

"candidate" includes

- (a) an individual who intends to become a candidate in an election,
- (b) an individual who is seeking or intends to seek endorsement by an elector organization in relation to an election, and
- (c) in relation to obligations applicable under this Act to an individual as a candidate, an individual who was a candidate;

"candidate disclosure statement" means a disclosure statement required under section 46 (1) (a) [*candidate disclosure statement*];

"compliance deadline" means the applicable compliance deadline under section 47 (4) [*compliance deadline for filing disclosure statements*] or 54 (6) [*compliance deadline for filing supplementary report*];

"contributor class" in relation to a campaign contribution provided to a candidate or elector organization or in relation to a sponsorship contribution provided to a third party sponsor or assent voting advertising sponsor, means the class of contributor as described in the following classes:

- (a) individuals;
- (b) corporations;
- (c) unincorporated organizations engaged in business or commercial activity;
- (d) trade unions;
- (e) non-profit organizations;
- (f) other identifiable contributors;
- (g) any other contributor class established by regulation;

(SUB)
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19/16

"court order for relief" means a court order under the following Divisions of Part 6 [*Penalties and Court Orders for Relief*], as applicable:

- (a) Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*];
- (b) Division 4 [*Court Orders for Relief in Relation to Exceeding Expense Limits or Amount Available*];
- (c) Division 5 [*Third Party Advertising Limits – Penalties and Court Orders for Relief*];

(ADD)
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19/16

"cumulative third party advertising limit" means the overall amount prescribed under section 41.1 (b) [*cumulative third party advertising limit*] for directed advertising and issue advertising;

(AM)
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01/16

"declared", in relation to a candidate, means declared as a candidate under section 97 [*declaration of candidates*] of the *Local Government Act* or section 46 of the *Vancouver Charter*;

"designated local authority officer", in relation to a matter, means

- (a) the local authority official assigned responsibility for the matter by the local authority, or
- (b) if no such assignment has been made, whichever of the following is applicable:
 - (i) in relation to a municipality other than the City of Vancouver, the municipal corporate officer;
 - (ii)

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in relation to the City of Vancouver or the Vancouver Park Board, the City Clerk;

- (iii) in relation to a regional district, the regional district corporate officer;
- (iv) in relation to the Islands Trust, the secretary;
- (v) in relation to a board of education, the secretary treasurer;
- (vi) in relation to any other jurisdiction, the official designated by regulation;

"directed advertising" means directed advertising within the meaning of section 12 [*types of third party advertising – issue advertising and directed advertising*];

"disclosure requirements" means the applicable requirements and obligations under Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 in relation to a disclosure statement or supplementary report;

"disclosure statement" means a disclosure statement required under section 46 [*disclosure statements required for candidates, elector organizations and advertising sponsors*];

"election" means an election to which this Act applies under section 1 [*elections to which this Act applies*];

"election advertising" means election advertising within the meaning of section 7 [*what is election advertising*];

"election area",

- (a) in relation to an election under the *Local Government Act*, has the same meaning as in the *Local Government Act*,
- (b) in relation to an election under the *School Act*, has the same meaning as in the *School Act*,
- (c) in relation to an election under the *Vancouver Charter*, has the same meaning as in the *Vancouver Charter*, and
- (d) in relation to an election prescribed under section 1 of this Act, has the prescribed meaning;

"election campaign" means, as applicable,

- (a) an election campaign of a candidate within the meaning of section 4 [*what is the election campaign of a candidate*], or
- (b) an election campaign of an elector organization within the meaning of section 5 [*what is the election campaign of an elector organization*];

"election expense" means an election expense within the meaning of section 14 [*election expenses of candidates and elector organizations*];

"election period" means an election period within the meaning of section 10 (1) [*what is an election period*];

"election period expense" means an election period expense within the meaning of section 15 [*what are election period expenses*];

"Elections BC" means the office administered by the BC chief electoral officer under the *Election Act*;

"Elections BC authorized internet site" means an internet site

- (a) maintained by Elections BC, or
- (b) authorized by the BC chief electoral officer to be used for purposes of this Act;

"elector organization" includes

- (a) an organization that intends to endorse a candidate in an election, and
- (b) in relation to obligations applicable under this Act to an organization as an elector organization, an organization that was an elector organization;

"elector organization disclosure statement" means a disclosure statement required under section 46 (1) (b) [*disclosure statements for elector organizations*];

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"endorsed" , in relation to a candidate or an elector organization, includes the candidate having entered into a campaign financing arrangement with the elector organization before endorsement documents are filed with the local election officer;

"established elector organization" means an elector organization that has a continuing purpose related to the election of candidates endorsed by the organization;

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"expense limit" means the applicable limit for a candidate established under section 63.01 [*expense limits – general local election*] or 63.04 [*expense limits – by-election*];

"final campaign financing arrangement" means a campaign financing arrangement as it reads on general voting day;

"financial agent" means,

- (a) in relation to a candidate, the financial agent under section 17 [*each candidate must have a financial agent*],
- (b) in relation to an elector organization, the financial agent under section 19 [*each elector organization must have a financial agent*], and
- (c) in relation to obligations applicable under this Act to an individual as financial agent, an individual who was a financial agent;

"general local election" includes the elections that are held at the same time as a general local election under the *Local Government Act*;

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"incurring a campaign period expense" means using property or services in such a manner that the value of the property or services is a campaign period expense;

"incurring an election expense" means using property or services in such a manner that the value of the property or services is an election expense;

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"incurring an election period expense" means using property or services in such a manner that the value of the property or services is an election period expense;

"issue advertising" means issue advertising within the meaning of section 12 [*types of third party advertising – issue advertising and directed advertising*];

"jurisdiction" means,

- (a) in relation to an election, the applicable jurisdiction referred to in section 1 [*elections to which this Act applies*] for which the election is being held, and
- (b) in relation to assent voting, the jurisdiction for which the assent voting is being held;

"late filing deadline" means the late filing deadline as established under section 47 (2) [*filing up to 120 days after general voting day on payment of penalty fee*];

"late filing penalty fee" means the applicable penalty fee under section 47 (2);

"local authority" means the local authority of a jurisdiction to which this Act applies under section 1 [*elections to which this Act applies*] or 2 [*assent voting to which this Act applies*];

"local authority offices" means,

- (a) in relation to a local government, the local government offices, and
- (b) in relation to another form of local authority, the location of the regular office of the designated local authority officer;

"local election officer" , in relation to a jurisdiction, means

- (a) the chief election officer for the jurisdiction, or
- (b) if at the applicable time no individual is appointed as that official, the designated local authority officer;

"local elections legislation" means

- (a) this Act and the regulations under this Act,
- (b) the enactments referred to in sections 1 [*elections to which this Act applies*] and 2 [*assent voting to which this Act applies*] and the regulations under those enactments, as they apply in relation to elections or assent voting to which this Act applies, and

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- (c) any other prescribed enactment as it applies in relation to elections or assent voting to which this Act applies;

"local government" includes the council of the City of Vancouver;

"market value", in relation to property or services, means the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time;

"minister responsible" means,

- (a) in relation to an election, the minister responsible for the enactment under which the applicable local authority is established or continued, and
(b) in relation to assent voting, the minister responsible for the enactment under which the assent voting is required or authorized to be held;

"money" includes cash, a negotiable instrument, payment by means of credit card and any form of electronic payment or transfer of funds;

"non-election assent voting advertising" means non-election assent voting advertising within the meaning of section 8 (4) [*non-election assent voting advertising*];

"organization" means a corporation or an unincorporated organization;

"personal election expenses" means the personal election expenses in relation to a candidate within the meaning of section 14 (7) [*exclusions from election expenses*];

"personal information of an individual" means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*;

"principal official", in relation to an organization, means,

- (a) in the case of an organization that is a corporation, a director of the corporation, and
(b) in the case of an organization that is not a corporation, a director or a principal officer of the organization or, if there are no directors or principal officers, a principal member of the organization;

"property" means property or the use of property, as applicable;

"provided without compensation" means provided without compensation by way of donation, advance, deposit, discount or otherwise;

"registered", in relation to a third party sponsor or non-election assent voting advertising sponsor, means registered under Division 3 [*Registration of Third Party Sponsors*] of Part 3 [*Third Party Election Advertising*];

"required contact information", in relation to an individual, means all of the following:

- (a) a mailing address for the individual;
(b) a telephone number at which the individual can be contacted;
(c) an email address at which the individual can be contacted, unless the individual does not have such an address;

"responsible principal official" means,

- (a) in relation to an elector organization, an individual identified under section 21 [*responsible principal officials of elector organization*] as a responsible principal official of the organization, and
(b) in relation to a third party sponsor or assent voting advertising sponsor that is an organization, an individual identified under section 40 [*responsible principal officials of sponsor that is an organization*] as a responsible principal official of the organization;

"shared election expense" means

- (a) election advertising sponsored jointly by 2 or more candidates, such that a portion of the total value of the election advertising attributed under section 16 (6) [*valuation of election expenses*] to each candidate is an election expense of each of the candidates participating in the sponsorship, or

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- (b) property or services, other than election advertising, used jointly by 2 or more candidates, such that a portion of the total value of the property or services attributed under section 16 (6) to each candidate is an election expense of each of the candidates participating in that use;

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"shared third party advertising" means third party advertising sponsored jointly by 2 or more third party sponsors, such that a portion of the total value of the third party advertising attributed to each third party advertising sponsor under section 33 (6) [*valuation rules for third party advertising*] is third party advertising of each of the third party sponsors participating in the third party advertising;

"significant contributor" means,

- (a) in relation to campaign contributions, an individual or organization that
 - (i) makes a campaign contribution having a value of \$100 or more, or
 - (ii) makes multiple campaign contributions to the same candidate or elector organization such that the total value of the campaign contributions to that candidate or elector organization is \$100 or more, and
- (b) in relation to sponsorship contributions, an individual or organization that
 - (i) makes a sponsorship contribution having a value of \$100 or more, or
 - (ii) makes multiple sponsorship contributions to the same individual or organization such that the total value of the sponsorship contributions to that individual or organization is \$100 or more;

"solemn declaration" means a declaration on oath or by solemn affirmation in accordance with section 97 [*solemn declarations*];

"specifically related", in relation to election advertising, means specifically related within the meaning of section 12 [*types of third party advertising – issue advertising and directed advertising*];

"sponsor", in relation to election advertising or non-election assent voting advertising, means the individual or organization that is the sponsor within the meaning of section 9 [*who is the sponsor of election advertising or non-election assent voting advertising*];

"sponsorship contribution" means a sponsorship contribution within the meaning of section 32 [*what are sponsorship contributions*] to a third party sponsor or assent voting advertising sponsor;

"sponsorship use" means

- (a) in relation to a contribution to an individual or organization that is or becomes a third party sponsor, use in relation to sponsorship of third party advertising by the individual or organization, and
- (b) in relation to a contribution to an individual or organization that is or becomes an assent voting advertising sponsor, use in relation to sponsorship of non-election assent voting advertising by the individual or organization;

"supplementary report" means a supplementary report required under section 54 [*requirement for supplementary report*];

"third party advertising" means election advertising that is third party advertising within the meaning of section 11 [*what is third party advertising*];

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"third party advertising limit" means the applicable limit for a third party sponsor established under section 41.1 [*third party advertising limit – general local election*] or 41.4 [*third party advertising limits – by-election*];

"third party disclosure statement" means a disclosure statement required under section 46 (1) (c) [*disclosure statements for third party sponsors*];

"third party sponsor" means

- (a) an individual or organization that sponsors or intends to sponsor third party advertising,
- (b)

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- an individual or organization that registers as a third party sponsor under Division 3 [*Registration of Third Party Sponsors*] of Part 3, and
- (c) in relation to obligations applicable under this Act to the individual or organization as a third party sponsor, an individual or organization that was a third party sponsor;

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"unendorsed candidate" means a candidate who is not endorsed by an elector organization;

"volunteer" means an individual who provides services for no remuneration or material benefit, but does not include

- (a) an individual who is employed by an employer, if the employer makes the services available at the employer's expense, or
- (b) an individual who is self-employed, if the services provided by the individual are normally sold or otherwise charged for by the individual.

2014-18-Sch.; RS2015-1-RevSch (B.C. Reg. 257/2015); 2016-9-39.

How this Act applies in relation to other legislation

2. (1) Subject to the definitions under this Act,
- (a) the definitions in the *Community Charter* and the *Local Government Act* apply to this Act in relation to elections to which Part 3 [*Electors and Elections*] of the *Local Government Act* applies and in relation to assent voting to which Part 4 [*Assent Voting*] of that Act applies, and
- (b) the definitions in the *Vancouver Charter* apply to this Act in relation to elections to which Part I [*Electors and Elections*] of the *Vancouver Charter* applies and in relation to assent voting to which Part II [*Assent Voting*] of that Act applies.
- (2) So far as the terms defined can be applied, the definitions under this Act extend to all enactments in relation to election and assent voting matters that are dealt with by this Act.

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References to other Acts

3. Where this Act or a regulation under this Act refers to the *Community Charter*, *Local Government Act* or *Vancouver Charter*, or a provision of one of those Acts, the reference extends to an election, assent voting or other matter under another enactment to which the referenced Act or provision applies.

2014-18-Sch



TOWN OF VIEW ROYAL

BYLAW NO. 480

As Amended by Bylaw No. 719, 2008

A BYLAW TO PROVIDE FOR AUTOMATED VOTING AND CONDUCT OF LOCAL GOVERNMENT ELECTIONS

CONSOLIDATED FOR CONVENIENCE ONLY

WHEREAS under the *Local Government Act*, Council of the Town of View Royal may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election.

AND WHEREAS Council Town of View Royal wishes to establish various voting procedures and requirements under that authority;

NOW THEREFORE, the Council of the Town of View Royal, in open meeting assembled, enacts as follows:

1. DEFINITIONS

1.1 In this Bylaw all definitions shall be in accordance with the *Local Government Act*, except for the following:

Acceptable mark means a completed oval which the **vote tabulating unit** is able to identify, which has been made by an elector in the space provided on the **ballot** opposite the name of any candidate or opposite either 'yes' or 'no' on any other voting question.

Automated vote counting system means a system that counts and records votes and processes and stores election results which comprises:

- (a) a number of **ballot scan vote tabulating units**, each of which rests on a **ballot box**; and
- (b) a number of **portable ballot boxes** into which voted **ballots** are deposited where a **vote tabulating unit** is not functioning or being used which will therefore be counted after the close of voting on general voting day.

Ballot means a single automated ballot card designed for use in an **automated vote counting system**, which shows:

- (a) the names of all of the candidates for each of the offices of Mayor, Councillor, and School Trustee; and
- (b) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

Ballot return override procedure means the use, by an election official, of a device on a **vote tabulating unit**, which causes the unit to accept a **returned ballot**.

Election headquarters means the Town Hall of View Royal, 45 View Royal Avenue, Victoria, BC.

Memory card means the storage device which stores all the permanent results for the **vote tabulating unit**.

Portable ballot box means a ballot box which is used as a voting place where a **vote tabulating unit** is not being used or is not functioning.

Register tape means the printed record generated from a **vote tabulating unit** at the close of voting on general voting day which shows the number of votes for each candidate for each of the office of Mayor, Councillor and School Trustee and the number of votes for and against each bylaw or other matter on which the assent of the electors is sought.

Returned ballot means a voted **ballot** which was inserted into the **vote tabulating unit** by the elector but which was not accepted and which was returned to the elector with an explanation of the **ballot** marking error which caused the **ballot** not to be accepted.

Secrecy sleeve means an open-ended folder or envelope used to cover **ballots** to conceal the choices made by each elector.

Vote tabulating unit means the device into which voted **ballots** are inserted and which scans each **ballot** and records the number of votes for each candidate and for and against each other voting question.

2. VOTING DAY ONLY REGISTRATION

- 2.1 For the purposes of all elections and other voting under Part 3 and 4 of the *Local Government Act*, a person may register as an elector only at the time of voting.
- 2.2 Registration as an elector under Section 2 of this bylaw is effective only for the voting and other matters on which the opinion of the electors is being sought at the time of voting.

3. USE OF VOTING MACHINES

- 3.1 Council hereby authorizes the conducting of general local elections and other voting in the Town of View Royal using an **automated vote counting system**.

4. AUTOMATED VOTING PROCEDURES

- 4.1 The presiding election official for each voting place and at each advance voting opportunity shall, as soon as the elector enters the voting place and before a **ballot** is issued, offer and if requested, direct an election official to provide a demonstration to an elector of how to vote using an **automated vote counting system**.
- 4.2 Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the election official responsible for issuing **ballots**, who:
 - (a) shall ensure that the elector:
 - (i) is qualified to vote in the election by viewing at least two documents that identify the elector as the person requesting a vote; and
 - (ii) completes the voting book as required by the *Local Government Act*; and
 - (b) upon fulfillment of the requirements of subsection (a), shall provide a **ballot** to the elector, a **secrecy sleeve** if requested by the elector, and any further instructions the elector requests.

- 4.3 Upon receiving a **ballot**, and **secrecy sleeve** if so requested, the elector shall immediately proceed to a voting compartment to vote.
- 4.4 The elector may vote only by making an **acceptable mark** on the **ballot**:
- (a) beside the name of each candidate of choice up to the maximum number of candidates to be elected for each of the offices of Mayor, Councillor and School Trustee; and
 - (b) beside either 'yes' or 'no' in the case of each bylaw or other matter on which the assent or opinion of the electors is sought.
- 4.5 Once the elector has finished marking the **ballot**, the elector must place the **ballot** into the **secrecy sleeve**, if applicable, proceed to the **vote tabulating unit** and under the supervision of the election official in attendance, insert the **ballot** directly from the **secrecy sleeve**, if applicable, into the **vote tabulating unit** without the **acceptable marks** on the **ballot** being exposed.
- 4.6 If, before inserting the **ballot** into the **vote tabulating unit**, an elector determines that he has made a mistake when marking a **ballot** or if the **ballot** is returned by the **vote tabulating unit**, the elector may request a replacement **ballot** by advising the election official in attendance.
- 4.7 Upon being advised of the replacement **ballot** request, the presiding election official shall issue a replacement **ballot** to the elector and mark the **returned ballot** "spoiled" and shall retain all such spoiled **ballots** separately from all other **ballots** and they shall not be counted in the election.
- 4.8 If the elector declines the opportunity to obtain a replacement **ballot** and has not damaged the **ballot** to the extent that it cannot be reinserted into the **vote tabulating unit**, the election official shall, using the **ballot return override procedure**, reinsert the **returned ballot** into the **vote tabulating unit** to count any **acceptable marks** which have been made correctly.
- 4.9 Any **ballot** counted by the **vote tabulating unit** is valid and any acceptable marks contained on such **ballots** will be counted in the election subject to any determination that may be made under a judicial recount.
- 4.10 Once the **ballot** has been inserted into the **vote tabulating unit** and the unit indicates that the **ballot** has been accepted, the elector must immediately leave the voting place.
- 4.11 During any period that a **vote tabulating unit** is not functioning, the election official supervising the unit shall insert all **ballots** delivered by the electors during this time, into a **portable ballot box**, provided that if the **vote tabulating unit**:
- (a) becomes operational, or
 - (b) is replaced with another **vote tabulating unit**,
- the **ballots** in the **portable ballot box** shall, as soon as reasonably possible, be removed by an election official and under the supervision of the presiding election official be inserted into the **vote tabulating unit** to be counted.
- 4.12 Any **ballots** which were temporarily stored in a **portable ballot box** which are returned by the **vote tabulating unit** when being counted shall, through the use of the **ballot return override procedure** and under the supervision of the presiding election official, be reinserted into the **vote tabulating unit** to ensure that any **acceptable marks** are counted.

- 4.13 A sample **ballot** that may be used in an **automated vote counting system** is attached as Schedule "A" to this Bylaw.

5. ADVANCE VOTING OPPORTUNITIES

- 5.1 There will be two advance voting opportunities at all elections and other voting, to be held at the Town of View Royal Hall, 45 View Royal Avenue, Victoria, B.C., or an alternate location designated by the Chief Election Officer, on:

- a) the tenth day before general voting day; and
- b) the third day before general voting day except where that day coincides with a statutory holiday, in which case the advance voting opportunity with a statutory holiday, in which case the advance voting opportunity shall be four days before general voting day.

(Amendment Bylaw No. 719, 2008)

- 5.2 As authorized under Section 98 of the *Local Government Act*, the Council of the Town of View Royal authorizes the Chief Election Officer to establish additional advance voting opportunities for each election to be held in advance of general voting day and to designate the voting places, and to establish the date and voting hours for these voting opportunities.

(Amendment Bylaw No. 719, 2008)

6. ADVANCE VOTING OPPORTUNITY PROCEDURES

- 6.1 **Vote tabulating units** shall be used to conduct the vote at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow as closely as possible those described in Section 4 of this Bylaw.

- 6.2 At the close of voting at each advance voting opportunity the presiding election official in each case shall ensure that:

- (a) no additional **ballots** are inserted in the **vote tabulating unit**;
- (b) the **portable ballot box** is sealed to prevent insertion of any **ballots**;
- (c) the **register tapes** in the **vote tabulating unit** are not generated; and
- (d) the **memory card** of the **vote tabulating unit** is secured.

- 6.3 At the close of voting at the final advance voting opportunity the presiding election official shall:

- (a) ensure that any remaining **ballots** in the **portable ballot box** are inserted into the **vote tabulating unit**;
- (b) secure the **vote tabulating unit** so that no more **ballots** can be inserted; and
- (c) deliver the **vote tabulating unit** together with the **memory card** and all other materials used in the election to the chief election officer at **election headquarters**.

7. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

- 7.1 After the close of voting on general voting day at voting opportunities where a **vote tabulating unit** was used in the election, but excluding advance and special voting opportunities,

- (a) each presiding election official shall:

- (i) ensure that any remaining **ballots** in the **portable ballot box** are inserted into the **vote tabulating unit**;
 - (ii) secure the **vote tabulating unit** so that no more **ballots** can be inserted;
 - (iii) generate three copies of the **register tape** from the **vote tabulating unit**; and
 - (iv) deliver one copy of the **register tape** along with the **vote tabulating unit** to the chief election officer at **election headquarters**; and
- (b) each alternate presiding election official shall:
- (i) account for the unused, spoiled and voted **ballots** and place them, packaged and sealed separately, into the election materials transfer box along with one copy of the **register tape**;
 - (ii) complete the ballot account and place the duplicate copy in the election materials transfer box;
 - (iii) seal the election materials transfer box;
 - (iv) place the voting books, the original copy of the ballot account, one copy of the **register tape**, completed registration cards (if applicable), keys and all completed administrative forms into the chief election officer portfolio; and
 - (v) transport all equipment and materials to **election headquarters**.

7.2 At the close of voting on general voting day the chief election officer shall direct the presiding election official for the advance voting opportunity and any special voting opportunities where **vote tabulating units** were used, to proceed in accordance with Section 7.1 of this Bylaw.

7.3 At the close of voting on general voting day all **portable ballot boxes** used in the election will be opened under the direction of the chief election officer and all **ballots** shall be removed and inserted into a **vote tabulating unit** to be counted, after which the provisions of Sections 7.1, so far as applicable, shall apply.

8. RECOUNT PROCEDURE

8.1 If a recount is required it shall be conducted under the direction of the chief election officer using the **automated vote counting system** and generally in accordance with the following procedure:

- (a) the **memory cards** of all **vote tabulating units** will be cleared;
- (b) **vote tabulating units** will be designated for each voting place;
- (c) all **ballots** will be removed from the sealed ballot boxes; and
- (d) all **ballots**, except spoiled **ballots**, will be reinserted in the appropriate **vote tabulating units** under the supervision of the chief election officer.

8.2 If at the completion of a judicial recount the results of the election cannot be declared because there is an equality of valid votes for two or more candidates, the results will be determined by lot in accordance with Section 141 of the *Local Government Act*.

(Amendment Bylaw No. 719, 2008)

9. GENERAL

- 9.1 The "Automated Vote Counting System Authorization and Procedure Bylaw No. 360, 1999" is hereby repealed.
- 9.2 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- 9.3 If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

10. CITATION

- 10.1 This Bylaw may be cited for all purposes as "Automated Vote Counting System Authorization and Procedure Bylaw No. 480, 2002."

READ A FIRST TIME THIS 04 DAY OF JUNE, 2002

READ A SECOND TIME THIS 04 DAY OF JUNE, 2002

READ A THIRD TIME THIS 04 DAY OF JUNE, 2002

ADOPTED BY COUNCIL, SIGNED BY THE MAYOR AND THE CLERK AND SEALED WITH THE SEAL
OF THE TOWN OF VIEW ROYAL THIS 8th DAY OF JUNE, 2002.

MAYOR

CLERK & CAO

DIVISION 2 SIGNS

48. (1) Definitions

"Advertising Sign" means a canopy, fascia, free standing, soffit, pole or projecting sign advertising a certain product or thing for sale or on display on the property on which the sign is erected or advertising that a certain business or event is carried on upon the property on which the sign is erected.

"Back-lit Sign" means any sign designed to give forth artificial light from a source either within or behind the sign structure, but does not include an Internal Illumination Sign.

"Billboard" includes every bulletin-board, hoarding, or other sign of a permanent or semi-permanent kind, used or intended to be used for the display thereon or therefrom of advertising material that is pasted, glued, fastened, or otherwise affixed thereto by means permitting its ready removal or replacement.

"Canopy" includes every canopy, marquee, awning, or other structure or contrivance projecting from the face of a building and used or intended to be used for the purpose of affording protection or shelter from the weather.

"Canopy Sign" includes every sign forming part of, or suspended from, a canopy.

"Community Activity Sign" means a sign giving notice of an activity within the community sponsored by Government or a nonprofit organization.

"Construction Sign" means a sign on a property that advertises that a building project is being, or about to be undertaken.

"Directional Sign" means a sign indicating the name and direction of an establishment or an area.

"Directory Sign" means a sign listing religious, community and service club activities.

"Display Surface" means each surface face of a sign that is used, or intended to be used for the display of the message, or messages thereof.

"External Illumination Sign" means a sign exposed to artificial lighting directed from an external source located above, below or in front of the sign face in such a manner as to ensure that no direct illumination from the source is visible elsewhere than on the sign, and specifically excludes lighting from within or behind a sign.

"Fascia Sign" means a sign displayed on the fascia of a building above a soffit or in a plane parallel to a fascia or wall and not more than 0.3 metres (0.98 ft.) from the building below 2.7 metres from grade.

"Fence Sign" shall mean and include any sign painted, pasted, or otherwise affixed to or inscribed directly upon any fence.

"Flashing Sign" includes every artificially-illuminated sign in which any part so illuminated is illuminated either intermittently or in any other manner that enables noticeable changes in light intensity to be exhibited.

"Free-Standing Sign" includes every sign that is supported independently of a building or other separate structure.

"Ground" shall be deemed to include the thickness of any and all sidewalks, paths, plazas, patios, roads, roadways, and similar improved surfaces used or intended to be used for the passage and re-passage of persons or vehicles.

"Home Identification Sign" means a fascia or free-standing sign which identifies by lettering and/or numbering, the name of the occupants and/or the street address of the building on which lot the sign is located.

"Home Occupation Sign" means a Fascia Sign or Free-standing Sign which is used to advertise Home Occupation use for which a Business License has been issued by the Municipality.

(Amendment Bylaw, No. 497, 2002)

"Internal Illumination Sign" means a sign using a light source which is within the sign and which lights or silhouettes only the lettering, numerals, designs or other sign copy within the message area, leaving the background and borders of the display surface and message area opaque.

"Logo Sign" means a sign which contains no advertising except the logo or name of the company occupying the building and is affixed to a building or structure.

"Logo Banner" a sign bearing a distinctive commercial design or style or type used to represent a company or trademark and which is attached to a building, structure or free-standing sign.

"Message" means the thought, idea or concept that is communicated or intended to be communicated by a sign.

"Message Area" means in the case of a sign having only one face, the area contained by the shortest continuous perimeter that may be drawn to circumscribe the whole of the message or messages displayed on that face of the sign and in the case of a sign having more than one face, shall mean the aggregate of the several areas contained by each such perimeter.

"Moving Sign" means a sign the whole or any part of which moves or is intended to move.

"Non-accessory Sign" means a sign that does not relate exclusively to a business, trade, occupation or calling carried on, in or from the premises on or from which it is displayed.

"Political Sign" means a sign erected to promote the voting at an election in favour of a particular candidate or in support of a particular cause.

"Portable Sign" means a sign that can be readily carried or transported manually, is not permanently affixed to a building or base and stands on the ground without any additional support.

"Prohibition Sign" means a sign prohibiting an activity.

"Projecting Sign" means a sign which projects more than 0.3 metres (0.98 feet) from the building or structure to which it is attached, but does not include a Canopy Sign.

"Public Building Sign" means a sign identifying a public building including a church, library, school or governmental activity.

"Real Estate Sign" means a sign on a lot that advertises that the said lot or lot and buildings are for sale, rent or open for viewing.

"Roof Sign" shall mean any sign erected over or above a roof or parapet of a building.

"Sandwich Board Sign" means a free standing portable sign consisting of two boards hinged on their upper edges, or a single board on a base, with one or two advertising faces and situated on the ground.

"Sign" - means a visual representation of a symbol, letter, numeral, figure, word, picture, illustration, announcement, direction, logo, or other attention-drawing device which advertises, identifies or communicates information or attracts the attention of the public for any purpose, displayed out of doors or on the exterior of a building in such a manner as to be visible from a highway, and which advertises or identifies a business, profession or event conducted upon the lot on which the said sign is located, or which advertises or identifies goods, products or other things produced, displayed, offered for sale or otherwise obtainable on the premises.

"Sign Area" means the display surface, and shall include:

- (i) the area of a rectangle that encloses the face of the sign;
- (ii) the area of the canopy face that portrays a sign;
- (iii) the area of each side of a sandwich board sign;
- (iv) the total area of both sides of a free-standing sign; or
- (v) the total area of an illuminated sign.

"Temporary Sign" - means any sign that is displayed or intended to be displayed for a limited period of time.

"Warning Sign" means a sign warning of a danger to persons or property.

"Window Sign" means a sign that is applied or attached to the exterior or interior side of a window, or located in such a manner within a building that it can be seen from outside the building through a window.

(2) Sign Zones

The Town of View Royal is hereby divided, for the purposes of this Division, into five zones as follows:

- (a) **Sign Zone "1"** which shall comprise the Rural (A-1), Rural Residential (A-3), One-Family Residential (R-1, R-1A, R-1B), Comprehensive Development Mixed Residential – Small Lot (CD-5A) and Island Highway Comprehensive

Development (CD-13) zones designated by Schedule 1 - Zoning Map of this Bylaw;

(Amendment Bylaw 2009, No. 739)

- (b) **Sign Zone "2"** which shall comprise the Attached Residential (R-2, RM-1), Apartment Residential (RM-2), Multiple Housing Use Comprehensive Development (CD-4), Mixed Use Comprehensive Development (CD-5), Thetis Cove Waterfront Comprehensive Development (CD-8B & C), Comprehensive Development (Lakeside Village Mixed Commercial and Residential) (CD-9B & C), Burnside Corner Comprehensive Development (CD-10A), Erskine Lane Comprehensive Development (CD-12), Thetis Cove Waterfront Comprehensive Development (CD-8A, D & E), Camden/Conard Comprehensive Development (CD-15) zones designated by Schedule 1 of this Bylaw and Mill Hill Residential Comprehensive Development (CD-16); Comprehensive Development – 18 (Townhouse): CD-18; Comprehensive Development – 20 (Eagle Creek Village): CD-20 Attached Residential: RT-1; Mixed Residential: RM-3.

(Amendment Bylaw 2010, No. 765)

(Amendment Bylaw No. 739, 2009)

(Amendment Bylaw No. 837, 2012)

(Amendment Bylaw No. 844, 2012)

(Amendment Bylaw No. 790, 2011)

(Amendment Bylaw No. 849, 2012)

- (c) **Sign Zone "3"** which shall comprise the Rural Agricultural Commercial (A-2), Village Commercial (C-1), Village Service Commercial (C-1A), Apartment Commercial (C-2), Neighbourhood Commercial (C-4) and Local Commercial: (C-8), Brew Pub (C-9), Mixed Use Comprehensive Development (CD-3), Thetis Cove Waterfront Comprehensive Development (CD-8A, D & E), Burnside Corner Comprehensive Development (CD-10 B & C and Comprehensive Development (Lakeside Village Mixed Commercial and Residential) (CD-9A) zones designated by Schedule 1 of this Bylaw; Comprehensive Development – 19 (Mixed Residential): CD-19; Regional Park Use: P-7; Public Safety Facility: P-10.

(Amendment Bylaw 2009, No. 739)

(Amendment Bylaw 2011, No. 793)

(Amendment Bylaw 2011, No. 796)

(Amendment Bylaw 2013, No. 857)

(Amendment Bylaw, 2013, No. 860)

- (d) **Sign Zone "4"** which shall comprise the Service Commercial (C-3), Tourist Commercial (C-5, C-6), Business Park Commercial (C-7), Comprehensive Development (CD-1), Comprehensive Development (Casino) (CD-6); Comprehensive Development (Business Park) (CD-7), Comprehensive Development (CD-6A) Light Industrial (M-1) and Hallowell Comprehensive Development (CD-14) zones designated by Schedule 1 of this Bylaw; and

(Amendment Bylaw 2009, No. 739)

(Amendment Bylaw 2009, No. 750)

- (e) **Sign Zone "5"** which shall comprise the Community Institutional (P-1), Private Institutional (P-2), Park and Recreational (P-3), Public Use: P-4, Public Transportation: P-6, Regional Institutional (P-5) and Local Institutional: P-9 zones designated by Schedule 1 of this Bylaw.

(Amendment Bylaw 2009, No. 739)

(Amendment Bylaw No. 816, 2011)

ADMINISTRATION AND ENFORCEMENT

48. (3) Permits and Approvals

- (a) Every Person shall, before erecting, placing, rebuilding, reconstructing, altering or moving any sign, make application for and obtain all necessary permits and approvals as required by the Town of View Royal.
- (b) Every application shall be accompanied by:
 - (i) Plan or plans of the sign drawn to scale.
 - (ii) The dimensions, maker's name and weight of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.
 - (iii) The height of the sign, if of a free standing type.
 - (iv) The proposed location of the sign in relation to the face of the building, in front of which or above which it is to be erected.
 - (v) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.
 - (vi) If the sign is to be illuminated, the colours to be used and illumination intensity along with a description of the technical means by which this is to be accomplished.
 - (vii) Where the sign is to be attached to an existing building.
- (c) A comprehensive sign plan may be provided for the business premises which occupy the entire frontage in one or more block fronts or for the whole of a commercial/retail development. Such a plan shall include the location, size, height, colour, lighting and orientation of all signs.
- (d) The Sign Permit application shall be in the form attached to this Bylaw as Schedule 13.
- (e) The fee for a Sign Permit Application shall be \$30.00 plus 5% of the cost of the sign.

(4) Enforcement

- (a) No person shall erect, place, rebuild, reconstruct, alter or move any sign or do any act contrary to or in a manner contrary to any direction, instruction, specification or provision contained in or adopted by this Division or any notice lawfully given or posted pursuant to the provisions of this Bylaw.
- (b) Where any sign or part thereof contravenes this Division or where any sign is in such a condition as to be in danger of falling or is a menace to the safety of persons or property, the Building Official shall give to the owner, or occupier of the lot on which the sign is located, or person in charge of the sign written notice

specifying the danger or the violation, ordering the cessation thereof and requiring either the removal of the sign or the carrying out of remedial work in the time and in the manner that the notice shall specify.

(5) Construction and Maintenance

- (a) Every sign with the supports and fastenings therefore shall be maintained at all times in a satisfactory condition and so as to render the same safe and secure.
- (b) Every sign shall be designed, erected, constructed and maintained to withstand the pressure of a wind having a velocity of one hundred and sixty (160) kilometres per hour (100 miles per hour).
- (c) Cables and turnbuckles used or required for the support of a sign shall be of corrosion-resistant material.
- (d) No sign shall be affixed to any fire escape or erected, constructed or maintained in such manner that the same may impede, obstruct or impair the free and uninterrupted use and enjoyment of any fire escape, fire exit window, fire exit door or other device or passage used or intended to be used in the event of accidental fire or the free and uninterrupted use and enjoyment of any window, vent or other aperture for admitting light or air.
- (e) Every sign shall be plainly marked with the name of the maker thereof.

(6) General Regulations

- (a) This Bylaw shall not apply:
 - (i) To any sign which immediately prior to the coming into force of this Bylaw, was in all respects a lawful sign PROVIDED that neither the position, message nor structure thereof shall hereafter be altered or replaced except in conformity with the relevant provisions of this Division.
 - (ii) To any real estate sign displayed in Sign Zones "1" and "2" and pertaining only to the sale of the premises on or from which it is displayed PROVIDED that the area of the display surface thereof shall not exceed 0.6 square metres (6.4 square feet) and no part thereof is nearer than 1.5 metres (4.9 feet) from any street boundary.
 - (iii) To any real estate sign displayed in Sign Zones "3", "4" or "5" and pertaining only to the sale or rental of the premises on or from which it is displayed PROVIDED that the area of the display surface thereof shall not exceed 1.5 square metres (16.1 square feet) and no part thereof is nearer than 1.5 metres (4.9 feet) to any street boundary.
 - (iv) To any sign bearing only the words "Visitor Parking" PROVIDED that the area of the display surface thereof shall not exceed 0.2 square metres (2.1 square feet) and the message area thereof shall not exceed 0.14 square metres (1.5 square feet).
 - (v) To any sign displayed pursuant to the *Highways Act*, the *Motor Vehicle Act*, the *Local Government Act*, or to any other statute of the Legislative Assembly or pursuant to any regulation, order, or bylaw made thereunder.

- (vi) To any sign displayed for the purposes only of preventing trespass to private lands PROVIDED that the area of display surface thereof shall not exceed 0.2 square metres (2.1 square feet).
 - (vii) To any sign displayed for a purpose having to do only with a Federal, Provincial, or Municipal election PROVIDED that such sign is not erected sooner than 30 days before the election date and shall be removed within forty-eight (48) hours of the day of the election to which it relates.
 - (viii) To any sign displayed on or from a dwelling house and bearing only the street number and name or names of the person or persons residing in the dwelling house PROVIDED that the area of the display surface thereof shall not exceed 0.2 square metres (2.1 square feet).
- (b) No person shall erect, construct, paint or post on a building or structure, or otherwise exhibit a sign within the municipality except:
- (i) a sign permitted by this Division; or
 - (ii) a sign that complies with the regulations of this Division and that relates to or identifies a use on the parcel on which the sign is located;

unless the sign is within a building structure and not visible from outside of the building; or
 - (iii) a sign that complies with the regulations of this Division, and is authorized by a Development Permit that describes the sign according to the specifications in Section 48(3)(b)
- (Added by Amendment Bylaw, 2009, No. 729)***
- (c) No person shall erect a sign that interferes with the ability of drivers of motor vehicles to see:
- (i) on coming traffic proceeding on the highway adjoining the sign or on intersecting highways; or
 - (ii) a traffic control device.
- (d) No person shall erect a sign above a roof line of any building.
- (e) No sign, nor any guy, stay, or attachment thereto shall be erected, placed or maintained by any person on rocks, fences or trees, except in the case of temporary signs complying with this Division that are painted upon or affixed to a temporary construction fence or hoarding erected on a construction site only, for a time period not exceeding the period of construction. No sign, guy, stay, or attachment thereto shall interfere with any electric light, power, telephone or telegraph wires, or the supports thereof.
- (f) Every sign shall be of such a design that all framework and other rigid devices required for the lateral support of the sign shall be contained within the sign's body or within the structure or building to which it is attached, in such a manner as not to be visible to any person.

g not omitted in error.

All persons making use of this consolidation are reminded that it has no legislative sanction

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- (h) No sign shall be located within or over public property, except as otherwise provided for in this Bylaw.
- (i) Any sign lawfully in existence at the time of adoption of this Bylaw shall not be rebuilt, reconstructed, altered or moved unless in conformity with the provisions of this Division.
- (k) When a sign cannot be clearly defined as any of the sign types specified in this Division, the Building Official shall determine the sign type and the applicable controls governing such sign type.
- (l) Any sign lawfully in existence at the time of adoption of this Bylaw, but not conforming with the provisions of this Bylaw, may, provided it is maintained in a safe condition, continue to be used.
- (m) Any sign which:
- (i) is not lawfully in existence at the time of adoption of this bylaw and does not conform to the provisions of this Bylaw; or
 - (ii) no longer correctly directs or attempts to induce any person; nor advertises a bona fide business, lessor, owner, product or activity conducted or made available on the premises where such a sign is displayed; or
 - (iii) is a portable sign capable of being wheeled, rolled, lifted, or otherwise manually moved from one location to another, except as otherwise provided for in this Division,
- shall be removed or made to conform by the owner within 48 hours from the date of receipt of notice of such required removal from the Building Official.
- (n) The owner of any sign which was not lawfully existing at the time of adoption of this Bylaw, but is in conformance with the provisions of this Division, shall forthwith obtain a Permit in accordance with Sections 7 and 48(3) of this Bylaw.
- (o) When a three-dimensional sign has no easily measurable faces, the sign area of said sign shall be one-half the sum of the area of the vertical faces within the smallest right-angled rectangle encompassing the sign.
- (p) No sign permitted by this Bylaw shall, by reason of its location, colour or illumination intensity, create a nuisance or hazard to the safe and efficient movement of vehicular or pedestrian traffic.
- (q) The maximum vertical dimension of any letter, numeral, figure, logo or symbol forming part of a sign is 0.4 metre (16 inches).
- (r) Only the lettering, numerals or symbols contained in the message area may be lit or silhouetted in internal illumination signs. Display surface backgrounds and borders must be completely opaque to such internal illumination.
- (s) Notwithstanding Clause 48 (6) (r) herein, signs incorporating neon tubing as an integral part of the sign copy and/or design shall be permitted provided that the diameter of such tubing does not exceed 2.0 centimetres (0.8 inch).
- (t) The level of intensity for internal or external illumination of signs shall not exceed 400 watts to minimize the potential for lighting glare.

- (u) Notwithstanding other provisions of this Division, the total allowable sign area for all types of signs on or immediately adjacent to a building within Sign Zones "3" and "4", excluding free-standing signs, shall be 11 square metres (118.4 sq. ft.). This maximum allowable sign area may be achieved through the combination of any two of the following sign types in addition to a principal fascia sign which shall then cover no more than 80% of the overall allowable sign area:
 - (i) Window sign(s), including an "Open" sign, business hours and/or product identification sign(s), covering a maximum of 10% of the allowable sign area; or
 - (ii) A projecting sign, covering a maximum of 10% of the allowable sign area.

(7) Special Regulations

- (a) **Free-standing signs** shall be subject to the following regulations:
 - (i) No free-standing sign shall be displayed on any premises in Sign Zones "1" and "2", except for real estate signs in accordance with Section 48 (6) (a) (ii) or home identification signs.
 - (ii) No free-standing sign shall be displayed on a parcel of land on which there is a school, library, church, museum or similar institution unless the message thereof is confined to the name and address of the institution, a description of the activities carried on or to be carried on in the institution or is community-oriented.
 - (iii) No free-standing sign shall be permitted unless the buildings on the site are located 7.5 m or more from the front and flanking lot lines;
 - (iv) Notwithstanding Section 50 (2) of this Division, free standing signs of no more than 1.0 metre in height shall not be required to have a minimum clearance between the natural grade and the sign area.
 - (v) Where a free-standing sign is no more than 1.0 metre in height, and where the message is located not less than 0.5 metre above natural grade, the lower 0.5 metre of such sign may be considered as an element within the landscaping and may be excluded from the sign area calculation, provided the message area does not exceed forty percent (40%) of the display surface.
 - (vi) Where any sign projects over a vehicular traffic area such as parking lot manoeuvring aisles or driveways, a minimum clearance of 4 metres shall be maintained.
 - (vii) The maximum size and height for free-standing signs within each Sign Zone shall be in accordance with Section 50 (2).
- (b) **Fascia signs** shall be subject to the following regulations:
 - (i) A fascia sign shall not project beyond 25 cm from the building face and shall not extend above the sill of any window or above guard rails or balustrades immediately above such sign.

- (ii) Lamps and fixtures used to illuminate a fascia sign shall not project more than 0.6 metre (1.97 ft.) beyond building faces and shall have a maximum clearance of 2.5 metres.
- (iii) The message area of a fascia sign shall not exceed 50% of the area of the display surface of the sign.
- (iv) No part of a fascia sign shall extend beyond the width or height of the wall to which it is attached and for the purposes of this regulation the width and height of a wall shall be measured in a straight line drawn horizontally or vertically, as the case may be, through any point on the wall immediately behind the sign.
- (v) No point on a fascia sign displayed on or from a building having more than one (1) storey shall be at an elevation in excess of 0.76 metres (2.5 feet) above the elevation of any point on the floor of the second storey of the building or at an elevation that is higher than that of any point on the window sill of any window in the second storey of the building whichever is the lower.
- (vi) The permitted size of each fascia sign shall be based on an allowable percentage of the wall area, which is to be computed by the length times the height of the wall. The permitted sign area shall be calculated as follows:

<u>Wall Area</u>	<u>Allowable Sign Area</u>
Less than 46.5 sq. m.	12% of wall area
46.5 sq. m. to 93 sq. m.	11% of wall area
More than 93 sq. m.	10% of wall area

- (vii) Notwithstanding Section 48 (7) (b) (vi), the maximum allowable size of a fascia sign shall not exceed 11 square metres (118.5 sq. ft.).
- (c) **Canopy signs** shall be subject to the following regulations:
- (i) For a semi-circular canopy, the lower half of the perimeter shall be considered as the signable area or face of the canopy.
 - (ii) No canopy sign shall be displayed on or from any premises in Sign Zones "1" or "2".
 - (iii) The maximum vertical dimension of the message area on a canopy shall be 0.4 metre (1.3 ft.).
 - (iv) The message area of a canopy sign shall be no more than 35% of the face of the canopy on which it is displayed, not to exceed a maximum area of 6.5 m² (70 sq. ft.).
 - (v) No part of any canopy sign that is suspended from a canopy shall be less than 2.4 metres (7.9 feet) vertically distant above the ground immediately thereunder; and no part of any sign attached to a canopy shall be nearer than 1.5 metres (4.9 feet) from any part of the vehicular travel portion of any street, nor nearer than 0.6 metres (1.97 feet) from a maneuvering aisle or parking area.

- (vi) Signs on a canopy fringe shall not be considered as contributing to the permitted sign area; providing the lettering is not more than 150 mm (6 inches) in height and the canopy fringe is not more than 300 mm (12 inches) in height.
- (d) **Temporary signs** shall be subject to the following regulations:
 - (i) Notwithstanding the provisions of this Division, Council may, by resolution, permit the placing of temporary signs of a type, and in a location, specified in the resolution for the period of time fixed thereby.
 - (ii) Temporary sign permits may be renewed by the Approving Officer, upon application for same by the applicant, for successive periods of up to six (6) months duration after the expiration of the initial temporary sign permit approved by Council resolution. Each request for a temporary sign permit renewal shall be accompanied by a fee specified within Fees and Charges Bylaw No. 958.
(Amendment Bylaw No. 958, 2016)
 - (iii) No Temporary Sign shall be displayed on any premises in any Sign Zone, except as provided for in Section 48 (7) (d) (i) and (ii) of this Division.
- (e) **Logo Banners** shall be subject to the following regulations:
 - (i) No Logo banners shall be displayed on or from any premises in Sign Zones "1", "2" or "5".
 - (ii) Not more than two (2) Logo banners shall be displayed on any premises in Sign Zones "3" or "4".
 - (iii) No Logo banners shall project into or over a street.
 - (iv) Logo banners shall not exceed 0.7 square metres (7.5 square feet) in area and no outside dimension shall be greater than 1.2 metres (3.9 feet).
- (f) **Projecting signs** shall be subject to the following regulations:
 - (i) No Projecting sign shall be displayed on or from any premises in Sign Zones "1" or "2".
 - (ii) Projecting signs shall not exceed 1 square metre (10.75 square feet) in area with the width of any sign being no greater than one (1) metre (3.28 feet).
 - (iii) The Projecting sign shall have two (2) faces in a parallel plane to each other and the distance not further than 25 centimetres from one another, and shall only have graphics on parallel faces.
 - (iv) No Projecting sign shall be closer than 1.5 metres (4.9 ft.) from any front lot line.
 - (v) The maximum height of a Projecting sign shall be no higher than 3.7 metres (12 ft.) nor lower than 2.4 metres (7.9 ft.) vertically distant above the surface of the ground immediately thereunder.
- (g) **Home Occupation Signs** shall be subject to the following regulations:

- (i) Home Occupation Signs shall be permitted on a property within Sign Zones "1", "2" and "3" where a Home Occupation use is specifically permitted in the applicable zoning category that applies to that property.
- (ii) Home Occupation Signs shall take the form of a Fascia Sign or Free-Standing Sign only.
- (iii) No more than one Home Occupation Sign (either a Fascia Sign or Free-Standing Sign) may be displayed for a Home Occupation use for which a Business License has been issued by the Municipality, and no more than one Home Occupation Sign may be displayed for each residential unit, regardless of the number of Home Occupation uses that may be being undertaken within a residential unit.
- (iv) A Fascia Sign used as a Home Occupation Sign shall:
 - a) not exceed 0.3 square metres (3.23 square feet) in area;
 - b) be limited to one face on which information is displayed;
 - c) be located such that it is flush with the building face to which it is attached and is no greater than 0.15 metres (0.5 feet) in thickness;
 - d) not be illuminated in any manner; and,
 - e) be attached to the face of a building that projects towards the Front Yard.
- (v) A Free-Standing Sign used as a Home Occupation Sign shall:
 - a) not exceed 0.3 square metres (3.23 square feet) in area per face;
 - b) be limited to two faces (sides displaying information);
 - c) be located such that it is no less than 1.5 metres (4.92 feet) from any property line;
 - d) including the structure to which it is attached, not be more than 2.0 metres (6.5 feet) in height above natural grade;
 - e) not be illuminated in any manner; and,
 - f) be located within the Front Yard or Side Flanking Yard of the residential unit in which the Home Occupation is being undertaken.
- (vii) No Home Occupation Sign shall be approved unless the owner of the property on which the sign is to be situated registers a restrictive covenant against the title of the property, pursuant to Section 219 of the Land Title Act, for the purpose of requiring maintenance of the Home Occupation Sign. Said covenant must state that no building on the property on which the sign is to be posted, shall be used for a Home Occupation use where a Home Occupation Sign has been erected unless the Home Occupation Sign is properly maintained in good condition. Failure to maintain the approved Home Occupation Sign in good condition or failure to remove a sign in poor condition at the direction of the Municipality will result in suspension or cancellation of the Business License issued to the proprietor of the Home Occupation (owner or occupier of the property) for which the subject Home Occupation Sign relates, in accordance with Section 660(2) of the Local Government Act. For the purposes of this section, "good condition" shall mean the condition the Home Occupation Sign was in at the time of its installation as approved by permit by the Municipality.

(Amendment Bylaw, No. 497, 2002)

49. TYPES

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- (1) The following types of signs are permitted in all Sign Zones and shall comply with the regulations prescribed in the Sign Schedule, Section 50(1), and in this Division:
- (a) Real Estate.
 - (b) Community Activity.
 - (c) Warning.
 - (d) Political.
 - (e) Public Building.
 - (f) Prohibition.
 - (g) Home Identification.
 - (h) Directory.
 - (i) Directional.
- (2) The following types of signs are not permitted in any Sign Zone:
- (a) Back-lit signs.
 - (b) Balcony signs and signs mounted or supported on a balcony.
 - (c) Billboard signs.
 - (d) Any sign that obstructs any part of a doorway or fire escape.
 - (e) Flashing signs.
 - (f) Roof signs.
 - (g) Moving signs.
 - (h) Non-accessory signs.
 - (i) Fence signs.
 - (j) Portable signs, including all signs capable of being wheeled, rolled, lifted, or otherwise moved from one location to another, except temporary signs permitted under Section 48 (7) (d).
- (3) Advertising signs are not permitted in Sign Zones "1", "2" and "5".
- (4) The types of signs permitted in Sign Zones "3", "4" and "5" are prescribed in Section 50 (2) of this Bylaw.

50. (1) **REGULATIONS FOR SIGNS PERMITTED IN ALL ZONES**

TYPE OF SIGN	MAXIMUM SIZE	FORM	APPEARANCE	LOCATION	NUMBER
Real Estate	1 m ² in area, 1.5 m in height	Fascia or free-standing	unilluminated fixed	ground	one facing each highway
Community Activity	2 m ² in area, 2.4 m in height	any	unilluminated	below eaves or on ground	"
Warning	1 m ² in area, 2.4 m in height	surface or free standing	"	"	any number
Political	3 m ² in area, 2.4 m in height	surface or free standing	unilluminated fixed	"	one facing each highway
Public Building	1 m ² in area, 2.4 m in height	surface or free standing	"	"	"
Prohibition	1 m ² in area, 2.4 m in height	surface or free standing	"	"	"
Home Identification	1 m ² in area, 1 m in height	surface or free standing	"	front yard or front wall of residence	one
Directory	2 m ² in area, 2.4 m in height	surface or free standing	"	front yard or entrance	one for each entrance
Directional	1 m ² in area, 2.4 m in height	surface or free standing	"	below eaves or on ground	as many as required

50. (2) **REGULATIONS FOR PERMITTED SIGNS IN SPECIFIC ZONES**

SIGN ZONES	FORM	MAXIMUM SIZE	APPEARANCE	LOCATION	NUMBER
3, 4, 5	Fascia	Based on percentage of wall area, subject to Section 48 (7) (b) (vi) and (vii)	(1)(2)(3), subject to Section 48 (6) (s)	Wall surface	one per building face or one per wall associated with each business
3, 4, 5	Logo	2 m ²	(2)(3), subject to Section 48 (6) (s)	Wall surface	one per building face or one per wall associated with each business
3, 4	Canopy	35% of canopy face, not to exceed a maximum of 6.5 m ²	(2)	Canopy; Minimum clearance 2.4 m	as many as required
3	Free Standing	4 m ² per sign face; 5 m maximum height	(2)(3), subject to Section 48 (6) (s)	Front yard or flanking side yard; Minimum clearance 2.4 m	one per lot
4	Free Standing	6 m ² per sign face; Maximum 6.0 m height	(2)(3), subject to Section 48 (6) (s)	Front yard or flanking side yard; Minimum clearance 2.4 m	one per lot
3, 4	Advertising	3 m ² per sign face, 2.4 m height	(2)(3), subject to Section 48 (6) (s)	Wall surface, Front yard	one per building face

Appearance Criteria: (1) = raised individual letters
(2) = unilluminated
(3) = illuminated

50. (3) **SIGNAGE DESIGN STANDARDS**

All persons making use of this consolidation are reminded that it has no legislative sanction

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- (a) The size, location, lighting and materials of all permanent or temporary signs as well as outdoor advertising structures or features shall not detract from the design of buildings and structures or the general atmosphere of streetscaping.
 - (b) Signs must evidence a high degree of professional design quality and shall be sympathetic to the style, composition, colours, materials and details of adjacent buildings as well as other signs in the vicinity.
 - (c) Aesthetic review shall be required prior to the issuance of a sign permit for any building or property. Any sign installation that would, in the opinion of the Approving Officer, be inferior to the general standard or appearance prevailing or intended to prevail in the area in which the sign is proposed shall be refused, subject to an appeal to the Municipal Council.
 - (d) Illumination of signs shall not detract from the use and enjoyment of surrounding properties. Any external lighting used for signage, shall be distributed or modified to control glare and prevent spillage of light outside the property boundaries without relying upon reflectors or an upward lighting component.
 - (e) Signs located on buildings within the same block face shall be placed at the same height so as to create a consistent sign band.
 - (f) Signs shall be designed and sited so as to minimize "clutter" and the proliferation of different sign types.
 - (g) The use of individual raised lettering on wood material is preferred for signs within Sign Zones "1", "2", "3" and "5". Wood and painted metal are the preferred materials for signs within Sign Zone "4". Wood signs shall consist only of high-quality exterior grade wood with suitable finishes such as painting or staining.
 - (h) Where possible, signs shall be mounted in such a manner as to hide the method of installation.
 - (i) Where possible, the selection and location of signs should be co-ordinated with lighting installations, street furniture and landscaping elements in the same vicinity."

SIGNS, NOTICES AND POSTERS

Political signs are not required to have a permit and can be placed within any sign zone under the Town of View Royal Land Use Bylaw No. 35, 1990, the bylaw that regulates signage. However, there are other requirements for political signage – such as maximum size, form, appearance, location, and number – that are detailed in the attached excerpt from the subject bylaw. Please familiarize with these bylaw requirements and note that non-compliant signs may be removed.

Political signs may be placed on municipal rights-of-way but cannot obstruct traffic or traffic control devices and traffic sightlines in any manner. No form of advertising may be placed on municipal property such as the Town Hall, Fire Hall or any parks and open spaces.

Signs cannot be placed sooner than thirty (30) days before the election date and shall be removed within forty-eight (48) hours after the close of the general election.

The Town has been requested by both B.C. Hydro and Telus to advise all candidates that placing notices or posters of any kind on hydro or telephone poles is illegal and that both companies are prepared to prosecute offenders. The nails, staples and notices cause an extremely dangerous hazard when workers have to climb the poles to make repairs.

Your co-operation in making sure that all campaign workers adhere to the legislation and requirements regarding the placing of signs, notices and posters is extremely appreciated.

ELECTION BROADCAST BLACKOUT

Candidates, elector organizations and third party sponsors must not sponsor or transmit election advertising on general voting day by publishing it in newspapers or magazines, or on radio or television. This prohibition is in effect whether or not the publication is within or outside of British Columbia.

100-METRE "NO CANVASSING ZONE"

Review section 163 of the *Local Government Act* carefully as it lists all other election offences. It is important to note that section 163(4) sets out the one hundred (100) metre distance in which a candidate is not allowed to canvass or solicit votes on voting day (includes general and advance voting opportunities). This means the removal of all signs, buttons, flags, etc., within the 100 metres. If you are unsure about where the 100-metre line is, a good rule of thumb is if any sign can be seen from the voting place, the sign will likely be removed by election officials. In addition, election officials will monitor whether electors and others entering the voting place are wearing campaign buttons or have campaign bumper stickers on their vehicles which are parked within 100 metres of the voting place. All buttons or bumper stickers will be required to be removed.

SCRUTINEER DOS AND DON'TS

Scrutineers can:

1. Record the names of voters as they obtain a ballot.
2. Give their candidate's official agent their recordings of voters.
3. Challenge a voter by following the procedure of requesting the election official not to issue a ballot until the scrutineer has the opportunity to put his\her case to the Presiding Officer who will discuss the matter with the voter and decide whether or not the voter is eligible (under certain circumstances a "challenge of voter" may be filled out and the ballot may be then issued and placed in an unmarked envelope which is then placed in an envelope with the voter's name on it; the envelope to be held until the eligibility of the voter is determined).
4. Sit behind the election officials recording the voter's name and handing out the ballot.
5. Be substituted by another person throughout the day, providing that person has been designated by a candidate to be a scrutineer.

Scutineers CANNOT:

- Have in their possession or operate a cellular phone in the voting place.
- Interfere with the lawful duties of an election official.
- Carry on conversations in the voting place with voters, candidates, campaign agents, election officials or other scrutineers.
- Make critical comments while in the voting place that may be heard by voters or officials.
- Refuse to leave the voting place if requested to do so by the Presiding Officer.