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**Thinking About  
Running for  
Local Office?**

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This brochure was created to help potential candidates with answers to questions they may have before making the final decision to run for local office.

The information in this brochure is intended to help you think about the role you will play and the impact you will have on your community as an elected official. This brochure provides general information about, the:

- principles of effective locally elected officials;
- characteristics of effective locally elected officials;
- responsible conduct of locally elected officials;
- roles and responsibilities of locally elected officials; and,
- decisions local governments (municipalities and regional districts) make.

## **QUESTIONS TO CONSIDER BEFORE RUNNING FOR OFFICE:**

- **Why do I want to be a locally elected official?**
- **How will I contribute to my community as a locally elected official?**
- **What are my objectives for holding office and do they reflect the needs of my community?**
- **How will I work with my colleagues even if we have different points of view?**



## **Why consider running for office?**

As a locally elected official, you will be entrusted with making decisions that directly affect the daily lives of residents, families, local business owners and many others in the community. It is important to think about how you can best serve your community if you are elected and the expectations of being a locally elected official.



An effective local government requires dedicated, ethical and informed leaders who are committed to their communities. Perhaps you want to become an elected official so you can:

- be actively involved in the local democratic process;
- contribute your experience and knowledge to your community;
- address various issues in your community; and/or,
- lead change in your community.

## **What are some of the principles locally elected officials need to uphold?**

Effective local government leaders generally conduct themselves according to principles such as:

**INTEGRITY** - being honest and demonstrating strong ethical principles;

**ACCOUNTABILITY** - an obligation and willingness to accept responsibility or to account for one's actions;

**RESPECT** - having due regard for others' perspectives, wishes, and rights; displaying respect for the office of local government, and the role of local government in community decision-making; and,

**LEADERSHIP AND COLLABORATION** - an ability to lead, listen to and positively influence others; coming together to pursue a common goal through collective efforts.

Refer to the *Foundational Principles of Responsible Conduct* brochure and the *Forging the Path to Responsible Conduct* guide for more information about the key values and principles that guide locally elected officials' conduct.

## What are some of the characteristics of an effective locally elected official?

The most effective locally elected officials are:

**DILIGENT** - are prepared for meetings, ask questions and participate respectfully in discussions to contribute to a positive environment so that effective decisions can be made;

**RESPONSIBLE** - understand the role of a locally elected official and municipal council (council) and regional district board protocols and the legislative requirements that apply to locally elected officials, councils and regional district boards, and the local government system as a whole;

**PROACTIVE** - address community and council and regional district board issues proactively by working to find collective solutions and being able to make informed decisions;

**COMMITTED** - have the time, energy and motivation required to be effective and responsive to the community's needs;

**PATIENT/TOLERANT** - have patience and tolerance for others' points of view, and for the council or regional district board's processes and procedures;

**INFLUENTIAL** - build relationships; provide facts; explain points of view; listen to concerns and provide real examples of the impact of not taking action; and,

**SELF-AWARE** - assess their strengths and weaknesses; know their biases and the types of behaviours and comments that can cause upset; are aware of their impact on others.

**How do you demonstrate these characteristics? Are they traits that come naturally to you or will you need to work to build and maintain them? What are your strengths and how will they help shape the way your local government moves forward if you are elected?**

## What is responsible conduct of locally elected officials?

Responsible conduct is how locally elected officials conduct themselves in their relationships with elected colleagues, local government staff and the public – and is directly connected to how a community is governed. An elected official's relationships with their colleagues, local government staff and the public plays a significant role in helping carry out their responsibilities.

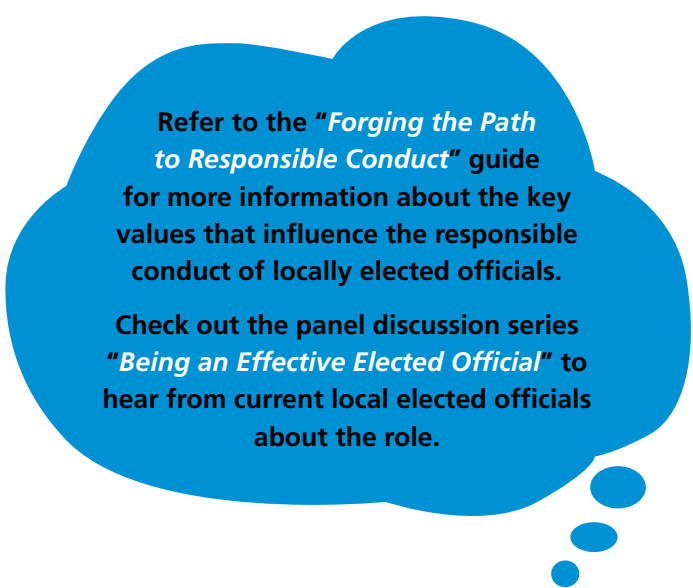
### FOR REFLECTION:

- What does responsible conduct mean to you?
- How do you express your disagreement with others?
- How do you work through disagreement with others?
- Are you able to disagree while still maintaining a professional attitude and an open mind?
- How will you demonstrate the personal characteristics necessary to be effective, even in challenging situations?

Responsible conduct is not optional – it is essential to good governance. Examples of good governance for you to consider include:

- providing for the stewardship of a community's public assets;
- providing services, laws and programs for the public's benefit; and,
- acting in a way that is accountable, transparent, ethical, respectful of the rules of law, collaborative, effective and efficient.

Many local governments across British Columbia utilize various tools to support responsible conduct including code of conduct bylaws, procedure bylaws and WorkSafeBC harassment and bullying policies.



**Refer to the “*Forging the Path to Responsible Conduct*” guide for more information about the key values that influence the responsible conduct of locally elected officials.**

**Check out the panel discussion series “*Being an Effective Elected Official*” to hear from current local elected officials about the role.**

## **What are the responsibilities of a locally elected official?**

Mayors, councillors and regional district board members are expected to contribute to the betterment of their local government, to provide leadership, and to serve and act on behalf of all citizens of the community.

An elected official must:

- consider the well-being and interests of the entire community;
- contribute to the development and evaluation of policies and programs with respect to local government services;
- participate in council/regional district board and committee meetings and contribute to decision-making;
- carry out other duties as assigned (such as heading committees); and,
- follow the rules set out by local government legislation (e.g., regularly attending meetings and declaring conflict of interest), bylaws (e.g., meeting procedures and code of conduct) and policies that govern how council and regional district board members exercise their authority.

## What is the role of a council/regional district board?

Councils and regional district boards act as a political forum through which citizens, families and business owners within the local community express their collective vision. Councils and regional district boards also provide services and programs to the community.

The role of a council/regional district board is to:

- set strategic direction;
- adopt the local government's financial plan;
- broadly allocate resources to services, capital projects, programs and other priorities;
- represent citizens;
- engage with the community; and,
- make policies and adopt bylaws.

**Refer to the *What is Local Government* video for detailed information about local government governing bodies and their representatives.**

## What is the role of the mayor/regional district board chair?

The mayor and regional district board chair have all the responsibilities of a municipal councillor or regional district board member plus several additional responsibilities. The mayor and regional district board chair:

- are the spokesperson, reflecting the collective decisions of the council/regional district board;
- lead deliberations and collective decision-making, and recommend bylaws and resolutions;
- chair meetings, maintain the order and conduct of debate, ensure meeting rules are followed, and encourage the expression of differing viewpoints;
- create standing committees, appoint people to these committees and decide the committees' mandates; and,

- communicate with local government staff, primarily the Chief Administrative Officer (CAO) and/or City Manager and, on behalf of the council or the regional district board, provide general direction to staff about how to implement policies, programs and other decisions.

## **What is the role of local government staff?**

A locally elected official's interactions with staff are important to achieving the council/regional district board's goals. Locally elected officials provide direction, while staff manage and implement the council/regional district board's decisions and direction. The roles and responsibilities of elected officials and local government staff are distinct and interdependent.

All local governments must have at least two officer positions: one responsible for the local government's corporate administration and the other responsible for its financial administration. Local governments may establish any officer position in addition to the required positions.

Local governments in British Columbia often establish a CAO/City Manager position – although this position is not required by legislation. The CAO/City Manager is typically the only member of staff directly hired by the council or regional district board. The CAO/City Manager is then responsible and accountable for hiring and supervising all other staff.

## **LOCAL GOVERNMENT STAFF:**

- **implement the direction, decisions and policies of the council/regional district board and manage the local government's resources;**
- **provide the council/regional district board with information and professional advice to ensure informed decision-making; and,**
- **communicate local government policy and decisions to the public and other orders of government.**

The relationship between the CAO/City Manager and the mayor/regional district board chair provides a critical link between the council/regional district board and staff.

## How do councils and regional district boards make decisions?

Council and regional district board decisions may be influenced or informed by:

- community needs;
- the local government's legal authority as outlined in legislation (e.g., *Community Charter* and *Local Government Act*);
- the local government's long-term plans and policies;
- the local government's finances and strategic direction;
- staff recommendations;
- conflict of interest and ethical conduct rules; and,
- the local government's code of conduct bylaw or respectful workplace policies.

**Within six months of a general local election, every municipal council and regional district board must consider whether to establish a new code of conduct bylaw or revise an existing one. If a local government decides not to do so, it will need to provide its reasons to the public. The council and regional district board will also have to reconsider their decision before January 1 of the year of the next general local elections.**

## Why is collaboration important in effective decision-making?

Being collaborative and working through conflict are critical components of being an effective elected official. Council and regional district board members' ability to work together and resolve conflict respectfully are keys to council and regional district board effectiveness and good governance. Collaboration is a key part of leadership – and is a foundational principle of responsible conduct.

Democracy is about having a diversity of views. You will be one voice at a table focused on making collective decisions. Often you may find early agreement at the table, and it is important to be prepared to manage situations that may not align with what you think is the correct course of action.

### QUESTIONS TO CONSIDER:

- How do you appropriately express your disagreement and work through it with others?
- Are you able to disagree while still maintaining a professional attitude and an open mind?
- How will you demonstrate the personal characteristics necessary to be effective, even in challenging situations?



## What are some of the demands locally elected officials face?

Being in elected office can be a very rewarding experience – making a difference in your community is both important and fulfilling. It can also be quite demanding.

Some of the demands of being in elected office include:

- a high volume of reading and learning in order to know your local government's policies, procedures and local government legislation;



- a substantial time commitment even when it may be considered only a “part-time” job;
- attending numerous meetings on a regular basis; and,
- public and potential media scrutiny.

## What are some of the ways potential candidates can prepare for elected office?

Some ways you can prepare include:

- reading your local government’s key planning documents, reports, procedure bylaw and code of conduct bylaw (if available);
- attending council or regional district board meetings to learn about priority issues and projects in your community and observe what being on a council/regional district board may be like;
- reviewing your local government’s website to understand its key priorities and initiatives;
- attending neighbourhood association meetings or getting to know key groups in your community, such as the Chamber of Commerce, service groups, social agencies or environmental stewardship groups, to better understand the diversity of interests in your area;
- reading the *Local Government Act*, *Community Charter* and the *Local Elections Campaign Financing Act* to gain an understanding of the legislative requirements that local governments must follow; and,
- researching the Internet for information about local governments and basic facts about the local government system in British Columbia.

**Refer to the “*You’ve decided to run for local office*” webpage for information potential candidates may have before making the decision to run for local office.**

## Further information:

Local government mailing addresses, telephone numbers, email addresses and websites are available online from CivicInfoBC at: [www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)

- Ministry of Municipal Affairs  
**[www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)**
- Union of BC Municipalities -  
**[www.ubcm.ca](http://www.ubcm.ca)**
- Local Government Leadership Academy -  
**[www.lgla.ca](http://www.lgla.ca)**
- Local Government Management Association of BC -  
**[www.lgma.ca](http://www.lgma.ca)**



Refer to the "***What Every Candidate Needs to Know***" brochure for information about the legislated rules for general local elections in British Columbia.

Refer to the "***General Local Elections 101***" brochure for detailed information about general local elections in British Columbia.

### Disclaimer

In the event that there is inconsistency between this brochure and the *Local Government Act*, the *Local Elections Campaign Financing Act*, or any other Act, the legislation shall prevail.

## 2022 Municipal Election

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### TIME COMMITMENT

#### What is the Time Commitment for Members of Council?

The time commitment for Council members is significant. In addition to Regular Council meetings held on Monday evenings and Committee of the Whole Meetings held on Tuesday mornings, there are various committee meetings you can expect to attend as Council's representative. In addition, the City of Campbell River has five Directors (and two Alternates) on the Strathcona Regional District (SRD) Board (these are all members of Council). The full Board meets monthly. SRD Board members also participate in the Comox Strathcona Waste Management (CSWM) meetings and Comox Strathcona Regional Hospital District (CSRHD) meetings held monthly. There are also Council/Public Hearing meetings scheduled as required either prior to a Regular Council meeting or, if it is anticipated to be a large hearing, they are scheduled on a separate evening. It is not unusual to have additional Special Council or Committee of the Whole meetings to discuss urgent matters or various issues such as Financial Planning. You can also expect to spend time reading agenda material for meetings. A Council Agenda is generally a minimum of 100 pages.

In addition, as a Council Member you will be invited to a number of civic functions/celebrations which will be up to you whether to attend or not. Council members also receive a significant amount of e-mail and phone calls, both from the public and City Staff.

#### When Can I Begin Campaigning?

The campaign period begins September 17<sup>th</sup> and ends October 15<sup>th</sup> at the close of general voting day. Make sure you record all your election contributions and expenses for the disclosure statement you must file with Elections BC within 90 days after general voting day. Deadline to file is January 13, 2023 without a penalty. Go to [www.electionsbc.ca](http://www.electionsbc.ca) for more information.

Before spending any money on an election campaign, you are required to appoint a Financial Agent (you may be your own Financial Agent or appoint a trusted advisor). AND you must have a separate campaign bank account through which you deposit any campaign contributions and make all campaign expenditures. Information on spending limits and the duties of a Financial Agent and the use of a campaign bank account are available from Elections BC.

## 2022 LOCAL GOVERNMENT ELECTION CALENDAR

<b>August 30, 2022</b>	<ul style="list-style-type: none"> <li>Nomination Period Begins (9:00 am)</li> </ul>
<b>September 9, 2022</b>	<ul style="list-style-type: none"> <li>Nomination Period Ends (4:00 pm)</li> <li>Declaration of Candidates</li> </ul>
<b>September 13, 2022</b>	<ul style="list-style-type: none"> <li>Deadline for Challenge of Candidate Nomination</li> </ul>
<b>To be determined</b>	<ul style="list-style-type: none"> <li>Candidate Election Orientation Meeting (7:00 pm – 9:00 pm)</li> </ul>
<b>September 16, 2022</b>	<ul style="list-style-type: none"> <li>Deadline for Decision on Challenge of Candidate Nomination</li> <li>Deadline for Withdrawal of Candidate</li> <li>Deadline for Withdrawal of Candidate Endorsement</li> <li>Deadline for Receipt of Originals of Faxed Nomination Papers</li> </ul>
<b>September 17, 2022</b>	<ul style="list-style-type: none"> <li>Campaign period begins on the 28<sup>th</sup> day before General Voting Day and ends at the close of voting on General Voting Day</li> </ul>
<b>September 19, 2022</b>	<ul style="list-style-type: none"> <li>Declaration of Election by Voting (or Acclamation) (4:00 pm)</li> </ul>
<b>October 5, 2022</b>	<ul style="list-style-type: none"> <li>Advance Voting Day (8:00 a.m. to 8:00 p.m.) at the Campbell River Community Centre</li> </ul>
<b>October 12, 2022</b>	<ul style="list-style-type: none"> <li>Advance Voting Day (8:00 a.m. to 8:00 p.m.) at the Campbell River Community Centre</li> </ul>
<b>October 15, 2022</b>	<ul style="list-style-type: none"> <li><b>GENERAL VOTING DAY</b></li> </ul>
<b>October 19, 2022</b>	<ul style="list-style-type: none"> <li>Deadline for Declaration of Official Results</li> </ul>
<b>October 24, 2022</b>	<ul style="list-style-type: none"> <li>Last Day for Application for Judicial Recount</li> </ul>
<b>October 28, 2022</b>	<ul style="list-style-type: none"> <li>Deadline for Completing Judicial Recount</li> </ul>
<b>December 15, 2022</b>	<ul style="list-style-type: none"> <li>Start period to destroy election materials</li> </ul>
<b>January 13, 2023</b>	<ul style="list-style-type: none"> <li>Last Day to Submit Campaign Financing Disclosure Statements</li> </ul>
<b>February 13, 2023</b>	<ul style="list-style-type: none"> <li><b>Last Day</b> to Submit Late Filing of Disclosure Statement - \$500.00 fine.</li> </ul>



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# NEW RULES FOR LOCAL ELECTIONS

The *Local Elections Statutes Amendment Act, 2021* (Bill 9) establishes new campaign financing and advertising rules for local elections in B.C. Some of these rules are in effect now, while others will come into force for municipal elections in October 2022. The changes include registration and financial reporting requirements for electoral organizations (municipal political parties), the introduction of a pre-campaign period for municipal elections, annual limits for contributions to third party advertisers and new administrative penalties to help enforce the rules. These changes follow recommendations made by the Chief Electoral Officer after B.C.'s last General Local Election in 2018.

## New rules for elector organizations

Elector organizations will soon need to register with Elections BC and file annual financial reports. Previously elector organizations were not required to register with Elections BC and only filed reports after an election.

We are working on implementing these changes. A registry of elector organizations will be added to our website in the future. The first round of annual financial reports for elector organizations will be due on March 31, 2022.

## **Pre-campaign period and election advertising**

Under the new rules the pre-campaign period encompasses the 60 days before the campaign period for a General Local Election. This change will come into effect for the 2022 municipal elections, which will take place in October 2022.

During this period advertisers must be registered with Elections BC and include an authorization statement in their advertising. These rules are in place to improve transparency and inform voters as to who is sponsoring election advertising and how much they are spending. Advertising spending limits will still only apply during the campaign period, which starts 29 days before election day.

The new rules also establish that canvassing voters on a commercial basis is considered to be election advertising and subject to the requirements.

## **Sponsorship contribution limits**

The new rules also limit the amount of sponsorship contributions third party election advertisers can raise from eligible individuals. Starting January 1, 2021, the annual sponsorship contribution limit is \$1,239.18, equal to the annual campaign contribution limit.

## **New administrative penalties to help enforce the rules**

The changes also include new administrative penalties to help Elections BC enforce the rules. Elections BC will be able to levy fines for:

- making/accepting prohibited campaign or sponsorship contributions,
- making/accepting prohibited loans,
- failure to return prohibited contributions,
- not including authorization statements on election advertising,
- failure to file information requested by Elections BC,
- third party sponsors failing to register,
- third party sponsors conducting advertising together with a candidate or elector organization, and
- elector organizations failing to register.

## **What's next**

We are working on updating our systems, website, and [local guides](#) to reflect the changes above and many other technical changes included in the *Local Elections Statutes Amendment Act, 2021*.

In the meantime, local political participants are welcome to contact our Electoral Finance team with questions about the new rules at [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca) or 1-800-661-8683 (Mon-Fri, 8:30 a.m. to 4:30 p.m. PST).

Toll-Free: 1-  
800-661-  
8683

TTY: 1-888-  
456-5448

[electionsbc@elections.bc.ca](mailto:electionsbc@elections.bc.ca)

Toll-Free Fax: 1-866-466-  
0665



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## 2022 LOCAL ELECTION – NOTICE OF NOMINATION

A Local Election will be held on SATURDAY, OCTOBER 15, 2022 to elect one Mayor and six Councillors for a four-year term.

**Interested in running for City Council? File nomination papers between August 30 and September 9, 2022.**

**NOMINATION DOCUMENTS** and information on running for City Council are online at [campbellriver.ca](http://campbellriver.ca).

**NOMINATIONS** for qualified candidates will be received by the Chief or Deputy Chief Election Officer at City Hall (301 St. Ann's Road, Campbell River):

**Aug. 30 to Sept. 2, 2022 (Tuesday to Friday), 8:30 a.m. to 4:30 p.m.**

**Sept. 6 to 8, 2022 (Tuesday to Thursday), 8:30 a.m. to 4:30 p.m.**

**Sept. 9, 2022 (Friday), 8:30 a.m. to 4:00 p.m.**

### QUALIFICATIONS

People qualified to be nominated, elected and to hold office as a member of Council meet the following criteria:

- Canadian citizen
- 18 years of age or older on general voting day [Oct. 15]
- Resident of British Columbia for at least six months immediately before the day nomination papers are filed
- Not disqualified by the Local Government Act or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to, or holding office.

### NOMINATIONS WILL NOT BE ACCEPTED AFTER 4 P.M., FRIDAY, SEPT. 9, 2022

Anyone unable to deliver nominations in person may mail them or have them delivered to City Hall or emailed to [elections@campbellriver.ca](mailto:elections@campbellriver.ca) (attention of the Chief Election Officer) by the Sept. 9, 2022 deadline.

**For more information on the nomination process**, please contact:

- Elle Brovold, Chief Election Officer at [elle.brovold@campbellriver.ca](mailto:elle.brovold@campbellriver.ca) or phone: 250-286-5709
- Lynsey Daur, Deputy Chief Election Officer at [lynsey.daur@campbellriver.ca](mailto:lynsey.daur@campbellriver.ca) or 250-286-5720

### CAMPAIGN and ADVERTISING EXPENSE LIMITS

For the local 2022 election, the Local Elections Campaign Financing Act stipulates:

- an expense limit of \$28,957.57 to run for Mayor and \$14,586.90 to run for Councillor during the campaign period, Sept. 17 to Oct. 15, 2022
- directed third-party advertising expense limits to run for Mayor or Councillor are \$1,447.88
- cumulative third-party advertising expense limit is \$161,967.47

For more information, please see [www.elections.bc.ca](http://www.elections.bc.ca) or contact Elections BC by email to [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca) or call 1-800-661-8683.

**LIST OF REGISTERED ELECTORS** beginning Tuesday, Aug. 30, 2022, until the close of general voting for the Election, a copy of the list of registered electors will, upon signature, be available for public inspection at Campbell River City Hall between 8:30 a.m. and 4:30 p.m., Monday to Friday (excluding statutory holidays). An elector may request that their address or other information about them be omitted from or obscured on the list of electors.

**OBJECTION TO REGISTRATION OF AN ELECTOR:** An objection to the registration of a person whose name appears on the list of registered electors may be made in accordance with the Local Government Act until 4 p.m. Sept. 9, 2022. An objection must be in writing and may only be made by a person entitled to be registered as an elector in the City of Campbell River and can only be made on the basis that the person whose name appears has died or is not qualified to be registered as an elector of the City of Campbell River.

Elle Brovold, Chief Election Officer





# What Every Candidate **Needs** to Know



General local elections will be held on **Saturday, October 15, 2022.**

## WHAT'S NEW FOR 2022

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**There have been some important changes since the 2018 general local elections.**

- Electors are no longer required to be resident of a municipality or electoral area for 30 days before the day of registration.
- Candidates and canvassers must have reasonable access to distribute candidate information at cooperative, strata and rental properties from 9:00 a.m. to 9:00 p.m. local time during the campaign period.
- Mail ballot voting (if available) is open to **all** eligible electors.
- A pre-campaign period extends the time during which election advertising is regulated under the *Local Elections Campaign Financing Act*.
- Elector organizations must first register with Elections BC before endorsing candidates, receiving campaign contributions or incurring elections expenses.
- Council must consider whether to establish a code of conduct or update an existing code of conduct at the first regular council meeting after general local elections.





- Monetary penalties have been established for failing to comply with the campaign financing and advertising rules under the *Local Elections Campaign Financing Act*.

## What should the public expect from people who run for elected office?

People who demonstrate *integrity, accountability, respect, leadership* and *collaboration* with other locally elected officials and local government staff are essential to the effectiveness and success of a local government.

## What is responsible conduct of locally elected officials?

Responsible conduct is how locally elected officials conduct themselves in their relationships with elected colleagues, local government staff and the public – and is directly connected to how a community is governed.

An elected official's relationships with their colleagues, local government staff and the public can play a significant role in helping councils and regional district boards carry out their collective responsibilities as decision-makers for their communities.

Refer to the *Foundational Principles of Responsible Conduct* brochure and the *Forging the Path to Responsible Conduct* guide for information about the key values that guide locally elected officials' conduct.

## GENERAL LOCAL ELECTIONS

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### What are general local elections?

Through general local elections, residents and non-resident property electors determine the individuals who will collectively make decisions and govern on their behalf following general voting day. Electors do this by voting – casting their ballots in favour of a candidate(s).



## How often are general local elections held?

General local elections for: mayors; councillors; electoral area directors; school trustees; specified parks board commissioners; local community commissioners; and, Islands Trust local trustees are held every four years on the third Saturday of October.

## ELECTION ADMINISTRATION

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### Who oversees local elections?

Local governments (municipalities and regional districts) and Elections BC share responsibility for local elections. Local governments (municipalities and regional districts) administer elections and: set voting opportunity dates, times and places; accept nomination documents and nomination deposits; count ballots; announce election results; and, break tied elections. Each local government is responsible for running its own general local election.

The Chief Election Officer is an individual appointed by a municipal council or regional district board to conduct a general local election or by-election. The Chief Election Officer is responsible for overseeing all local election administration activities, including: receiving nomination documents; declaring candidates; administering voting opportunities; counting ballots; and, declaring election results.

Elections BC administers, investigates and enforces the campaign financing disclosure requirements including elector organization registration, expense limits, campaign contribution limits and the election advertising rules under the *Local Elections Campaign Financing Act*.

**Elections BC** is the non-partisan and independent Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing and advertising rules for local elections and non-election assent voting events under the *Local Elections Campaign Financing Act*.

## HOW TO GET STARTED

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### Am I eligible to run for office?

To be eligible to run for office you 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 immediately before filing nomination documents; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in an election in B.C. or from being nominated for, being elected to or holding the office, or be otherwise disqualified by law.

Refer to the *Local Government Act, s.67* for the rules for determining B.C. residency.

### How do I get nominated?

You must be nominated by at least two eligible electors – some local governments may require each candidate to have as many as 10 or 25 nominators.

Nominators must be qualified under the *Local Government Act* or the *Vancouver Charter* to nominate a candidate for office.



You may also be required to pay a refundable nomination deposit (up to a \$100 maximum) as part of the nomination process. You can confirm specific nomination requirements with your Chief Election Officer.

### **Where can I find nomination forms?**

Candidate nomination documents are available from your local government. Local government mailing addresses, telephone numbers, email addresses and websites are available online from CivicInfoBC at: [www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)

### **What are some key nomination requirements?**

Local governments generally use standard nomination forms and you are required to provide detailed contact information for you and those people who work for you during your election campaign (e.g., financial agent, official agent). Information provided on the nomination forms also includes the office you are running for, your nominators, and the statement of financial disclosure required under the *Financial Disclosure Act*.

You are also required to make a solemn declaration stating that you are aware of, understand, and will comply with the requirements of the *Local Elections Campaign Financing Act*.

### **Where do I file my nomination papers?**

You must file your nomination documents with the Chief Election Officer where you intend to run for office. The nomination deadline is 4:00 p.m. local time on **Friday, September 9, 2022**.

## Who can help me run my election campaign?

You may appoint a financial agent, an official agent, scrutineers and volunteers to help with your election campaign and to take on campaign activities.

Some candidates may also be endorsed by an elector organization.

### *Financial Agents*

A financial agent is a representative that a candidate is legally required to have during an election campaign.

**You are your own financial agent unless you appoint another individual to the position.**

Financial agents are responsible for administering campaign finances in accordance with the *Local Elections Campaign Financing Act*. This includes

opening and depositing contributions to, and paying election-related expenses from, a candidate's campaign account; maintaining records for campaign contributions, election expenses and all other campaign transactions; and filing the candidate's required disclosure statement with Elections BC within 90 days following general voting day.

You must appoint your financial agent in writing and have their written consent to be your financial agent. The written appointment must be submitted to the Chief Election Officer as part of your nomination documents and the Chief Election Officer will send your candidate declaration and appointment of financial agent forms to Elections BC.

Elections BC will send the financial agent the *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* shortly after receiving the candidate declaration and appointment of financial agent forms from the Chief Election Officer.

The required disclosure statement forms will be sent after general voting day. This information will assist you or your financial agent when it is time to disclose your campaign finances.



## *Official Agents*

Candidates may appoint an official agent to represent them during the election process. The official agent may act as your campaign manager or spokesperson or be the point of contact for the people helping on your election campaign. You must appoint your official agent in writing and deliver the appointment (including the name and address of the person) to the Chief Election Officer as soon as practicable after you have made the appointment.

## *Scrutineers*

Candidates or their official agent may appoint scrutineers to observe voting procedures and the ballot-counting process. You or your official agent may appoint one scrutineer for each ballot box used at a voting place during general local elections. In some cases, the local government may allow you to have more than one scrutineer for each ballot box used at a voting place.

Further information about scrutineers is available in the *Scrutineers Guide to General Local Elections*.

You must appoint your scrutineers in writing and deliver the appointment (including the name and address of the person) to the Chief Election Officer as soon as practicable after you have made the appointment.



## Volunteers

Candidates may retain volunteers to take on election campaign-related activities (such as preparing and distributing flyers, canvassing, calling eligible voters and/or handling logistics). A volunteer who works on your election campaign must not receive any payment or remuneration for their services.

## Elector Organizations

An elector organization is an organization that endorses or intends to endorse a candidate(s) in general local elections and that files endorsement documents with the Chief Election Officer and Elections BC. Elector organizations may also be known as “civic political parties.”

Elector organizations may endorse you on the ballot by allowing its name, abbreviation or acronym to appear on the ballot beside your name.

Elector organizations and candidates may each direct their own separate election campaign or run complementary campaigns; however, you may decide to rely solely on the elector organization to run campaign activities on your behalf. An elector organization may also promote your viewpoint and/or the elector organization’s viewpoint during an election campaign.

## What is a third party sponsor?

Third party sponsors are individuals or organizations that sponsor election advertising independently from candidates and elector organizations.

Third party sponsors must register with Elections BC before conducting advertising during the pre-campaign and campaign periods.

Third party advertising includes advertising for or against a candidate and/or an elector organization. In the campaign period, it also includes advertising on an issue with which a candidate or elector organization is associated.

Third party sponsors must be independent from candidates and/or elector organizations and must not coordinate, or sponsor advertising together with, or on behalf of a candidate and/or elector organization.

## ELECTION CAMPAIGN FINANCING

### Are there new campaign financing rules?

**Yes.** The pre-campaign period set out in the *Local Elections Campaign Financing Act* has been established to lengthen the time election advertising is regulated from 29 to 89 days. This means that during the pre-campaign period beginning on **July 18, 2022** and ending **September 16, 2022** election advertising, such as billboards or commercials, must include sponsorship information.

Election advertising rules apply to advertising that promotes or opposes the election of a candidate or an elector organization that is endorsing a candidate (e.g., directed advertising) during the pre-campaign period.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* for detailed information regarding the new campaign financing rules.

Elector organizations are required to register with Elections BC before accepting a campaign contribution, incurring an election expense or endorsing a candidate.

Elections BC has additional investigative and enforcement tools to ensure compliance with the campaign financing and advertising rules in the *Local Elections Campaign Financing Act*. Elections BC can issue monetary penalties for a wide-range of contraventions, including exceeding campaign contribution limits or expense limits for candidates.



## ELECTION CAMPAIGNING

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### What can I do to get my message out to the voting public?

Election campaigns are generally a planned set of actions, events or initiatives (e.g., public speeches, canvassing, phoning voters, holding events and advertising) designed to raise awareness about you or your election platform with voters.

Key campaign activities you could undertake include: canvassing door-to-door to raise awareness about your campaign; identifying

It is an election offence to advertise in newspapers or magazines and on the radio or on television on general voting day.

issues important to voters or determining your level of voter support; holding a luncheon or fundraising dinner where voters can listen to your election platform and ask questions; advertising in print, on radio, television or social media (e.g. Facebook, Twitter, YouTube); and/or, putting up signs as a way of “getting your name out there.”

You and your canvassers must have reasonable access to distribute candidate information at cooperative, strata and rental properties from 9:00 a.m. to 9:00 p.m. local time during the campaign period.

Government-issued photo ID and proof of candidacy, or written authorization to canvass on behalf of a candidate, must be made available upon request when you and/or your canvassers are canvassing in a cooperative, strata or rental property.

## ELECTION ADVERTISING

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### What are some key election advertising rules for local elections?

Generally, all your election advertising (e.g., signs, posters, brochures, billboard and commercials) transmitted during the pre-campaign and campaign period must include information about who sponsored and authorized the ad. The sponsorship

The pre-campaign period begins on **Monday, July 18, 2022**, and ends at midnight on **Friday, September 16, 2022**.

The campaign period starts on **Saturday, September 17, 2022**, and ends when voting closes at 8:00 p.m. local time on **Saturday, October 15, 2022**.

information must be provided in English. There are also limits to the value of sponsorship contributions that can be provided to third party sponsors.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* for detailed information regarding election advertising.

## VOTING DAY

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### Will voters be able to cast their ballots before general voting day?

**Yes.** At least one advance voting opportunity must be held in every local government 10 days before general voting

Voting places are open from 8:00 a.m. to 8:00 p.m. local time **Saturday, October 15, 2022** for general voting.

day. The required advance voting opportunity for the 2022 general local elections is **Wednesday, October 5, 2022**.

Many local governments hold more than one advance voting opportunity and may also hold special voting opportunities at hospitals and/or long-term care facilities where people who have limited mobility can vote. Only designated electors are eligible to vote at special voting opportunities.

### Can I campaign on general voting day?

**Yes.** You are allowed to campaign on general voting day by:

- 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;
- canvassing and/or distributing pamphlets; and,
- advertising that exclusively encourages people to “get out and vote.”

You are not allowed to advertise in newspapers, magazines, on the radio or on TV on general voting day. **It is an election offence to campaign within 100 metres of a voting place during voting proceedings.**

### Can I watch the ballot counting process?

**Yes.** Candidates can be present during the ballot count. The Chief Election Officer can tell you the time and location for the final vote count and when the election results will be declared. Ballot counting starts after 8:00 p.m. local time at the close of voting. Your official agent or a scrutineer may also attend at each location where ballot counting takes place.

### When will the election results be announced?

The official election results must be declared by 4:00 p.m. local time on **Wednesday, October 19, 2022**. Candidates with the most votes will be declared elected.

A tie between two or more candidates must be broken in accordance with the *Local Government Act* (or *Vancouver Charter* in the City of Vancouver) and the local government's election bylaw. The judicial recount must be completed by **October 28, 2022**.

## AFTER THE ELECTION

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### What do I do if I'm elected?

You must take the oath of office within 45 days after the election results were declared. You must also file a campaign financing disclosure statement with Elections BC within 90 days of general voting day.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* or contact Elections BC directly for more detailed information about campaign financing disclosure requirements.

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

Municipal council members (e.g., mayor and councillors) formally take office at the first regularly scheduled council meeting following general local elections – this meeting must take place before **November 10, 2022**.

A council or regional district board must decide whether to establish a code of conduct or, if one already exists, whether to update it within six months of the first regular council or board meeting following general local elections.

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

## Are there things I need to do even if I'm not elected?

**Yes.** You must file a campaign financing disclosure statement with Elections BC if you were not elected – even if you received no campaign contributions and incurred no election expenses.

## ELECTION OFFENCES AND PENALITIES

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### What happens if I don't comply with all of the election rules?

You could be disqualified from office if you do not file a campaign financing disclosure statement or fail to take the oath of office following local elections.

Offences for contravening campaign financing and advertising rules are set out in the *Local Elections Campaign Financing Act*.

You may also be disqualified from office if you are absent from council or regional district board meetings for a period of 60 days or four consecutive meetings, whichever is longer. You are not disqualified if the absences are with the permission of council or the regional district board or because you are on a mandatory leave of absence.

You may also be subject to penalties of up to \$10,000 and/or two years imprisonment for buying votes, and/or intimidating a voter during general local elections. You will also be prohibited from running for local office for up to seven years if you are found guilty of these offences.

You may also be subject to penalties of up to \$5,000 and/or imprisonment for up to one year for providing and/or distributing false information or campaigning near a voting place during voting proceedings. These penalties could apply whether or not you were elected.

Additional monetary penalties and disqualification penalties apply for failing to comply with the campaign financing and advertising rules under the *Local Elections Campaign Financing Act*.

## FURTHER INFORMATION

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Local government mailing addresses, telephone numbers, email addresses and websites are available online from CivicInfoBC at:

[www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)

For answers to legislative **questions about municipal and regional district elections** please contact:

**Ministry of Municipal Affairs**

Governance and Structure Branch

Phone: 250 387-4020

Email: [LGgovernance@gov.bc.ca](mailto:LGgovernance@gov.bc.ca)

Website: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

For answers to questions **about elector organization registration, election advertising, third party sponsors or campaign financing** please contact:

**Elections BC**

Phone: 250 387-5305

Toll-free: 1 800 661-8683 / TTY 1 888 456-5448

Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

Website: <https://elections.bc.ca>

Full text of the *Local Government Act*, *Local Elections Campaign Financing Act*, *Community Charter*, *Vancouver Charter*, *School Act*, and *Offence Act* can be found online at: [www.bclaws.ca](http://www.bclaws.ca)

Refer to the *Candidates Guide to Local Elections in B.C.* for more detailed information about being a candidate for mayor, councillor, or electoral area director.

## Disclaimer

In the event that there is inconsistency between this brochure and the *Local Government Act*, the *Local Elections Campaign Financing Act*, or any other Act, the legislation shall prevail.



# INFORMATION ON HOW TO CAMPAIGN SAFELY DURING COVID-19

## Election related activities during a pandemic

There are many close contact activities during an election. These include rallies, canvassing voters, campaign events and fundraising. While the *Election Act* has rules around campaigning, it does not contemplate campaigning during a pandemic. This document has been developed in consultation with the Office of the Provincial Health Officer (PHO) to share best practices with campaigns and help them campaign safely during COVID-19.

As with all businesses and organizations in the province, political parties and political campaigns should put together a COVID-19 safety plan. The safety plan should consider issues like minimizing face-to-face interactions by finding alternate ways to accomplish objectives, such as meeting in small physically distanced groups. You can find more information on creating a safety plan at the WorkSafe BC website.

It is important to note that Elections BC is responsible for regulating campaigning per the rules established by the *Election Act*. We are not responsible for public health or WorkSafe BC guidelines. However, in consultation with the PHO, the following provides suggested modifications for campaigning during the pandemic, with the goal of promoting a safe electoral process for voters and political campaigns.

In the event of a discrepancy with this document and the health guidelines issued by the PHO, individuals should adhere to the guidance provided by the PHO.

## Canvassing

While canvassing voters door-to-door is permitted by the *Election Act*, be aware that there is heightened anxiety about in-person interactions. Some people will not take kindly to strangers knocking on their door. Be considerate and try to find alternate ways of communicating with voters. Individuals who are feeling unwell or have COVID-19 symptoms (i.e., fever, sore throat, shortness of breath) should refrain from canvassing activities.

### Consider providing advance notice

You may wish to consult with local Medical Health Officers to help determine a safe canvassing strategy for your specific electoral district. Consider using social media or website messaging to share your safety plan with voters and provide advanced notice on when and how you will be canvassing in the community. Be mindful that there will be individuals that may support your campaign, but do not wish to have canvassers come to their door. In these cases, provide voters with the option to refrain from face-to-face contact, and consider other canvassing alternatives.

If you are canvassing in-person, you can keep a two metre (or six foot) distance by knocking and then taking two steps back before engaging. You may also reduce the number of canvassers in that community and provide all canvassers with facemasks, gloves and hand sanitizer.

**Go paperless**

As a result of the COVID-19 pandemic, candidates can record an oral declaration from their nominators instead of a written signature. See the [candidate nomination booklet](#) for more information.

**Consider single use pens or pencils**

For collecting signatures in person, encourage signatories to use their own pen or pencil, or have single use pencils available. Any shared equipment should be cleaned and sanitized before each use.

**Minimize contact**

Canvassers should minimize physical contact with doors, bells, hand rails, and all other fixtures of a dwelling. Physical distancing rules still apply in hallways and elevators.

**Avoid Pets**

While pets are not a risk for transmitting or being infected with the COVID-19 virus, canvassers should refrain from all physical interactions with any household pets that greet them.

**Events**

Campaign events need to be thought through carefully. While the *Election Act* does not restrict the kinds of events campaigns can hold, public health orders on mass gatherings apply. This means that campaign events are limited to a maximum of 50 individuals, but the smaller the number the better. This is especially true for indoor events where people will be in close contact for longer periods of time. For example, six people, physically distanced, is the maximum at a fundraising dinner table. Assigned seating is also helpful, and of course, no one who is ill should attend. For any indoor events, campaigns must gather the names and contact information for all attendees, per the PHO's requirements.

There are alternatives to in-person events campaigns should consider:

**Go online**

Consider hosting online fundraising events through platforms such as Skype or Zoom.

**Enjoy the outdoors**

Outdoor events provide more space and better ventilation. Ensure physical distancing of two metres (or six feet), and provide hand-washing stations with hand sanitizer, if possible.

**Ask questions**

Anyone who is ill should not attend in-person events. Be prepared to ask people who attend in person events if they have had a cough or fever in the last two weeks.

**Keep your distance**

Mark areas on the floor or ground to promote safe physical distancing of two metres (or six feet), consider one-way traffic, and make use of separate entrances and exits for attendees. Masks and physical barriers between attendees and or staff are encouraged where distancing is not possible. Having a seating plan can assist with these measures.

**Protect your community**

Consider those amongst us that may have a compromised health situation and the elderly.

**Accepting political contributions****Consider accepting contributions electronically**

There is currently no evidence that COVID-19 can be passed on through the handling of money, however accepting contributions online limits the need for person-to-person contact. An individual's full name and BC residential address will still need to be recorded for contributions accepted online. Anonymous online contributions are not acceptable.

**Keep yourself and others safe**

Individuals handling money, including processing debit and credit cards, should consider washing their hands frequently and refrain from touching their face. If physical distancing is not possible, wear a mask when engaging with others.

**Additional resources for safe campaigning during the pandemic**

Consult the resources below for the latest updates and information. For further specific guidance on public health and campaign workplace safety, contact the [Office of the Provincial Health Officer](#) or [WorkSafe BC](#).

- Provincial Health Officer's [order regarding gatherings and events](#)
- [Risk mitigation tool](#) for gatherings and events operating during the COVID-19 pandemic
- [BC Centre for Disease Control COVID-19 dashboard](#)
- [WorkSafe BC safety plan for employers](#)

These recommendations are guidelines that have been drafted in consultation with the BC Provincial Health Officer to facilitate a safe campaign experience for everyone during a pandemic.

For updated guidelines and safety protocols in relation to the COVID-19 pandemic, please consult the PHO, WorkSafe BC or the BC Centre for Disease Control website.

Please note there are significant penalties for contravening the Provincial Health Officer's order in relation to COVID-19. Contraventions of the Provincial Health Officer's orders are not administered by Elections BC.

**Contact**

For more information around campaign financing and advertising rules, please contact Provincial Electoral Finance at:

**Provincial Electoral Finance**

**Elections BC**

**1-800-661-8683**

**[electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)**



# CANDIDATE'S GUIDE

TO LOCAL ELECTIONS IN B.C.

2022



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# Key Contacts

## Ministry of Municipal Affairs

Contact the Ministry of Municipal Affairs (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 Municipal Affairs

Governance and Structure Branch

PO Box 9839 Stn. Prov. Govt.

Victoria, BC V8W 9T1

Phone: 250 387-4020

Email: [LGgovernance@gov.bc.ca](mailto:LGgovernance@gov.bc.ca)

Website: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

## Elections BC

Contact Elections BC for answers to questions about elector organization registration, election advertising, third party sponsors or campaign financing (including campaign contribution and expense limits).

### Elections BC

Phone: 250 387-5305

Toll-free: 1 800 661 8683 / TTY 1 888 456-5448

Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

Website: <https://elections.bc.ca>

## Ministry of Education and Child Care

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

### Ministry of Education and Child Care

Education Policy Branch

Phone: 250 387-8037

Email: [EDUC.Governance.Legislation@gov.bc.ca](mailto:EDUC.Governance.Legislation@gov.bc.ca)

Website: <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/school-trustee-election-procedures>



## Service BC Contact Centre (Enquiry BC)

Contact the Service BC Contact Centre (Enquiry BC) for answers to questions about Provincial Government programs and services.

### Service BC Contact Centre (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: [EnquiryBC@gov.bc.ca](mailto:EnquiryBC@gov.bc.ca)

Website: <https://www2.gov.bc.ca/gov/content/home/get-help-with-government-services>

## Municipal and Regional District Information

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

### CivicInfoBC

Phone: 250 383-4898

Email: [info@civicinfo.bc.ca](mailto:info@civicinfo.bc.ca)

Website: [www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)

# 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](http://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 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, Queen's Printer for British Columbia at:

### **Crown Publications: Queen's Printer for British Columbia**

563 Superior Street

Victoria, BC V8V 0C5

Phone: 250 387-6409

Toll Free: 1 800 663-6105

Fax: 250 387-1120

E-mail address: [crownpub@gov.bc.ca](mailto:crownpub@gov.bc.ca)

Website: [www.crownpub.bc.ca/](http://www.crownpub.bc.ca/)

## Educational Materials

The Ministry of Municipal Affairs, Elections BC, the Union of B.C. Municipalities, the Ministry of Education and Child Care, and the BC School Trustees Association collaborated to produce educational materials and guides for the 2022 general local elections.

The Ministry of Municipal Affairs' educational materials are available online at: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

- Candidate's Guide to Local Elections in B.C.
- Elector Organization Guide to Local Elections in B.C. (Booklet)
- General Local Elections 101 (Brochure)
- Scrutineer's Guide to General Local Elections (Booklet)
- Supporting a Candidate for Local Elections in B.C. (Brochure)
- Thinking About Running for Local Office? (Brochure)
- Voter's Guide for Electors Living on Reserve (Brochure)
- Voter's Guide to Local Elections in B.C. (Brochure available in: Chinese-Simplified; Chinese-Traditional; English; Farsi; French; Korean; and, Punjabi)
- What Every Candidate Needs to Know (Brochure)

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 general local election.

Educational materials developed by Elections BC are available online at: <https://elections.bc.ca/local-elections/forms-and-guides/local-guides/>

- Elector Organization Annual Financial Report Completion Guide
- Guide for Local Elections Third Party Sponsors in B.C.
- Guide for Local Non-election Assent Voting Advertising Sponsors in B.C.
- Guide to Elector Organization Registration
- Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents
- Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents

### Fact Sheets

- Administrative monetary penalties
- Candidate quick reference sheet
- Elector organization quick reference sheet
- Election advertising
- Endorsed candidates and elector organizations
- Fundraising functions
- Shared election expenses
- Third party sponsor quick reference sheet

Educational materials developed by the Ministry of Education and Child Care are available online at: <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/school-trustee-election-procedures>

- School Trustee Election Procedures in British Columbia

Educational materials developed by the BC School Trustees Association are available online at: <https://bcsta.org/resources-and-services/trustee-elections/>

- BCSTA Guide to School Trustee Candidates

### Disclaimer

The information contained in the *Candidate's Guide to Local 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](http://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 Elections in B.C.* was prepared to help candidates understand the electoral process and legislation regarding local elections in British Columbia. Each candidate must refer to the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act*, and the *Offence Act* for specific provisions related to local 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, campaign contribution and election expense limits and campaign financing disclosure from the more procedural rules that apply generally to local elections.

In 2021, the *Local Elections Campaign Financing Act* was amended to:

- establish a pre-campaign period that lengthens the time election advertising is regulated from 29 to 89 days. During the pre-campaign period election advertising, such as billboards or commercials, must include sponsorship information;
- require elector organizations to register with Elections BC before accepting a campaign contribution, incurring an election expense or endorsing a candidate; and,
- provide Elections BC with additional investigative and enforcement tools to ensure compliance with the campaign financing and advertising rules in the *Local Elections Campaign Financing Act*. Elections BC can issue monetary penalties for a wide range of contraventions, including exceeding campaign contribution limits or expense limits.

**Elections BC** is the non-partisan and independent Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and campaign financing and advertising rules for local elections and non-election assent voting events under the *Local Elections Campaign Financing Act*.

**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.

Chief Election Officers also work with Elections BC to monitor compliance with election advertising rules and may assist Elections BC to address incidents of non-compliance. In this way, the practical, on the ground presence and knowledge of Chief Election Officers has been combined with the expertise of Elections BC to create an effective approach to administering the 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.bclaws.ca](http://www.bclaws.ca)).

Refer to Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents\*](#), the [\*Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents\*](#), the [\*Guide for Local Elections Third Party Sponsors in B.C.\*](#) and the [\*Guide to Elector Organization Registration\*](#) for detailed information and instructions about registration, the campaign financing disclosure process and requirements and rules related to third party sponsors.

# Introduction

**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, specified parks boards** and other local bodies influence jobs, create safe communities for British Columbians and shape the long-term vision for their community.

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

Local governments (**municipalities** and **regional districts**) 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 **specified parks 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**.

The *Candidate's Guide to Local 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 elections process.

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

The major elements of the local 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 may also be applicable to candidates for the **Islands Trust Council, local community commissions** and **specified parks boards**.

Elections BC has published the [Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents](#), the [Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents](#), the [Guide for Local Elections Third Party Sponsors in B.C.](#) and the [Guide to Elector Organization Registration](#) that describe the campaign financing and election advertising rules and disclosure requirements.

General local elections will be held on **Saturday, October 15, 2022**.

The [School Trustee Election Procedures in British Columbia, for School Trustees](#) has been published by the Ministry of Education and Child Care and is available online.

# Local Elections Generally

*Local Government Act – sections 59, 65, 66, 92 and 104–110*  
*Local Elections Campaign Financing Act – sections 17, 31–41 and 73–79*

An election bylaw enables a municipal council or regional district board to make decisions about election administration, such as whether: voting machines will be used; mail ballot voting will be available; additional advance voting opportunities will be offered; voter registration will be conducted in advance or on voting day only; and/or, nomination deposits will be required.

General voting day for the 2022 general local elections is **October 15**.

The required advance voting opportunity for the 2022 general local election is **October 5**.

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 **Chief Election Officer** to run the local 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's **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 (e.g., using the Provincial Voters List, and/or drawing by lot to break a tie between two or more candidates).

## Voting Opportunities

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

An **advance voting opportunity** must also be available whereby eligible **electors** may cast their ballot in local elections. Two other types of voting opportunities may also be available to eligible electors: special voting; and, mail ballot voting.

Local governments have the authority to increase **elector** access to the voting process by offering mail ballot voting (to all electors) and holding additional voting opportunities for their citizens. Providing for mail ballot voting and increasing the number of voting opportunities may positively impact voter turnout and increase overall access to the electoral process.

### General Voting Day

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 **specified parks board commissioner** to be elected to office by eligible electors. Voting places are open from 8:00 a.m. to 8:00 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 ballot. Local governments with populations greater than 5,000 are required to hold at least two advance voting opportunities.

Local governments may set out in their election bylaws whether 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.

*See Appendix B for other key dates in the 2022 general local elections.*

## 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 local elections.

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 *all* electors who are unable to attend a special, advance or general voting opportunity the ability to vote in local elections. Local governments must have provided for mail ballot voting in their election bylaw.

## Key Participants

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

### Electors

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

Resident electors are those people that may be eligible to vote in local elections based on where they reside. Non-resident property electors are those people that reside in one **jurisdiction** and own property in a different jurisdiction where they can also vote if they are eligible.

A resident elector must:

- be 18 years of age or older when registering to vote or will be 18 years of age on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before registering to vote;
- be a resident of the **jurisdiction** when 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 when registering to vote or will be 18 years of age on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before registering to vote;
- have owned real property 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.

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

New or amended election bylaws must be adopted by **July 4, 2022** in order to be in effect for the 2022 general local elections.

Refer to the [\*Local Government Act, s.67\*](#) for the rules for determining B.C. residency.

An elector must have been a B.C. resident prior to **April 14, 2022** in order to register to vote on general voting day.



Further information about scrutineers is available in the [\*Scrutineers Guide to Local Elections in B.C.\*](#)

## Candidates

A candidate is an individual seeking election as a **mayor, councillor, electoral area director, Islands Trust local trustee, local community commissioner** or **specified parks board commissioner** within a **municipality, regional district electoral area**, Trust area, community commission area or specified parks board jurisdiction.

A candidate must have been nominated by eligible electors and have been declared a candidate by the **Chief Election Officer** in order to run for elected office.

## Financial Agents

A financial agent is a representative that candidates are legally required to have during an election campaign. The financial agent is legally responsible for ensuring that the financial aspects of the candidate's election campaign comply with the *Local Elections Campaign Financing Act*.

Financial agents have a number of obligations under the *Local Elections Campaign Financing Act*, including opening and depositing contributions to, and paying election-related expenses from, a candidate's campaign account; maintaining records for campaign contributions, election expenses and all other campaign transactions; and filing the candidate's required disclosure statement with Elections BC within 90 days following general voting day.

*A candidate is their own financial agent unless they appoint another individual to the position. The appointment of a financial agent by a candidate must be made in writing and the person must consent to the appointment.*

## Official Agents

Candidates may appoint an official agent to represent them during the election process. The official agent may act as a campaign manager or spokesperson or be the point of contact for the people helping on a candidate's election campaign.

## Scrutineers

Scrutineers represent candidates at advance, special and general voting opportunities and observe voting procedures and scrutinize the ballot-counting process after the close of voting on general voting day. Scrutineers are also known as "candidate representatives" in provincial legislation.

## Volunteers

**Volunteers** are individuals who provide services, such as preparing and distributing flyers, canvassing, phoning eligible voters, handling logistics and taking on other election campaign-related activities. Candidates and elector organizations may enlist volunteer services.

A volunteer must not receive any payment or remuneration for their services.

Contact Elections BC by phone at: 250 387-5305 or elsewhere in B.C. call: 1 800 661-8683 (Toll-free) or by email at: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca) for answers to questions about being a volunteer for an election campaign.

## Third Party Sponsors

A third party sponsor is an individual or organization that sponsors election advertising independently from candidates and elector organizations.

Third party advertising includes advertising for or against a candidate and/or an elector organization. In the **campaign period**, it also includes advertising on an issue with which a candidate or elector organization is associated.

Third party sponsors must be independent from candidates and/or elector organizations and must not coordinate, or sponsor advertising together with, or on behalf of a candidate and/or elector organization. Third party sponsors must register with Elections BC before conducting advertising during the **pre-campaign** and campaign periods.

Refer to Elections BC's [Guide for Local Elections Third Party Sponsors in B.C.](#) for more information about third party sponsors.

## Elector Organizations

Elector organizations are organizations that endorse or intend to endorse a candidate(s) in local elections. Elector organizations may be referred to as "civic political parties."

Fundamentally, elector organizations endorse candidates. Elector organizations may 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.

Elector organizations must register with Elections BC and comply with the contribution and expense limits as well as the campaign financing disclosure requirements under the *Local Elections Campaign Financing Act*. Elector organizations must also file annual financial reports about their financial activities outside of election years with Elections BC.

Refer to the [Elector Organization Guide to Local Elections in B.C.](#) for more information about elector organizations.

## Key Election Administrators

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

### Election Officials

**Municipal councils** and **regional district boards** appoint a **Chief Election Officer** to administer local elections. The 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.

Generally, Chief Election Officers are responsible for overseeing all local election administration activities, including: receiving nomination documents; declaring candidates; administering voting opportunities; counting ballots; and, declaring election results. The Chief Election Officer is also responsible for training the Deputy Chief Election Officer, Presiding Election Officials and any additional election officials required to conduct local elections.

The 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's **election bylaw**.

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 local elections.

## Elections BC

Elections BC is the non-partisan and independent Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing and advertising rules for local elections and non-election assent voting events under the *Local Elections Campaign Financing Act*.

Elections BC administers, investigates and enforces the campaign financing disclosure requirements including expense limits, campaign contribution limits and election advertising rules under the *Local Elections Campaign Financing Act*. Elections BC also has the authority to conduct investigations of any matter that might contravene the *Local Elections Campaign Financing Act* and levy administrative monetary penalties for non-compliance with the *Local Elections Campaign Financing Act*.

Refer to Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents\*](#), the [\*Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents\*](#), the [\*Guide for Local Elections Third Party Sponsors in B.C.\*](#) and the [\*Guide to Elector Organization Registration\*](#) for more information about campaign financing and third party advertising rules.

## B.C. CHIEF ELECTORAL OFFICER

The B.C. Chief Electoral Officer's role is different from the Chief Election Officer's role. The *B.C. Chief Electoral Officer* is an independent officer of the Legislature who oversees the provincial electoral process 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 198-199, 204 and 207*  
*Community Charter – sections 81, 119, 123 and 125*  
*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 elected office – these include the term of office, time commitment, remuneration, voting, financial disclosure, privacy, ethics, responsible conduct and the respective roles of elected officials and local government staff.

## Term of Office

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

## Time Commitment

Holding local 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. Elected officials are expected to be prepared for meetings so that they can participate in an informed way and contribute to collective decision-making.

**Councillors** and regional district board members may also sit on special committees, boards or commissions that may require additional meetings and time commitment, along with attending public hearings and community engagement activities.

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 committees or commissions that require an additional time commitment to the regional district board.

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

## Absences from Meetings

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, when the municipal council or regional district board has given the individual permission to be absent or because the elected official is on a mandatory leave of absence.

## Remuneration

Elected officials generally receive honouraria or other financial compensation while in elected office. Remuneration varies from community to community – in some communities, elected officials may be compensated for part-time hours and find they sometimes work full-time hours. Local governments have the legislative authority and are responsible for setting the remuneration for elected officials.

Prospective candidates may wish to contact the local government to determine the remuneration elected officials receive in a given community.

The *Financial Disclosure Act* is administered by the Ministry of Attorney General. Refer to [Municipal officials – financial disclosure](#) for more information about ongoing financial disclosure.

## Obligation to Vote

Every elected official present at a municipal council and regional district board meeting must vote “for” or “against” a motion. The official meeting record will show that those councillors or board members that did not expressly vote “yes” or “no” voted in favour of the motion. The only exception would be when an elected official has 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 documents, each year while holding office and shortly after 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 documents. 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 campaign financing disclosure statement required under the *Local Elections Campaign Financing Act* that each candidate must file after general local elections.

## Privacy

Elected officials perform many of their duties in the public eye. Social media has increased the amount of exposure and feedback elected officials receive. As such, aspects of an elected official's life may become a matter of public interest and 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 municipal council or the regional district board into question.

## Responsible Conduct

Responsible conduct is how locally elected officials conduct themselves in their relationships with elected colleagues, local government staff and the public – and is directly connected to how a community is governed. An elected official's relationships with their colleagues, local government staff and the public play a significant role in helping carry out their responsibilities.

Elected officials who demonstrate *integrity, accountability, respect, leadership and collaboration* with other elected officials and local government staff are essential to the effectiveness and success of a local government.

- *Integrity* means being honest and demonstrating strong ethical principles:
  - Upholding the public interest, serving citizens diligently to make decisions in the best interests of the community, and behaving in a manner that promotes public confidence in local government.
- *Accountability* means an obligation and willingness to accept responsibility or to account for one's actions.
  - Being transparent in how an elected official individually, and a council/board collectively, conducts business and carries out their duties; listening to and considering the opinions and needs of the community in all decision-making; and, allowing for discourse and feedback.
- *Respect* means having due regard for others' perspectives, wishes, and rights; displaying deference to the offices of local government, and the role of local government in community decision-making.
  - Treating every person, including other members of the council/board, staff and the public, with dignity, understanding and respect, and valuing the role of diverse perspectives and debate in decision-making.
- *Leadership and Collaboration* means an ability to lead, listen to and positively influence others; coming together to pursue a common goal through collective efforts.
  - Calmly facing challenges and providing considered direction on the issues of the day, while empowering colleagues and staff to do the same; creating space for open expression by others; taking responsibility for one's own actions and reactions; and, accepting the decisions of the majority.

Further information about [responsible conduct](#) and expectations for B.C.'s locally elected officials is available online.

Many local governments across B.C. utilize various tools to support responsible conduct including code of conduct bylaws, procedure bylaws and WorkSafeBC harassment and anti-bullying policies.

### Characteristics of an Effective Locally Elected Official

The most effective locally elected officials:

- **DILIGENT** – are prepared for meetings, ask questions and participate respectfully in discussions to contribute to a positive environment so that effective decisions can be made;
- **RESPONSIBLE** – understand the role of a locally elected official, and municipal council (council) and regional district board protocols and the legislative requirements that apply to locally elected officials, councils and regional district boards, and the local government system as a whole;
- **PROACTIVE** – address community and council and regional district board issues proactively by working to find collective solutions and being able to make informed decisions;
- **COMMITTED** – have the time, energy and motivation required to be effective and responsive to the community's needs;
- **PATIENT/TOLERANT** – have patience and tolerance for others' points of view, and for the council or regional district board's processes and procedures;
- **INFLUENTIAL** – build relationships; provide facts; explain points of view; listen to concerns and provide real examples of the impact of not taking action; and,

<p>A council or regional district board must decide whether to establish a code of conduct or, if one already exists, whether to update it within six months of the first regular council or board meeting following general local elections.</p>	<ul style="list-style-type: none"> <li>• <b>SELF-AWARE</b> – assess their strengths and weaknesses; know their biases and the types of behaviours and comments that can cause upset; are aware of their impact on others.</li> </ul> <p><b>Codes of Conduct</b></p> <p>Many local governments have created codes of conduct to assist elected officials to conduct themselves in an appropriate manner. A code of conduct is a set of rules outlining how elected officials must behave when carrying out their elected duties. Codes of conduct provide guidance in addition to the obligations elected officials have under legislation, bylaws, policies and other legal rules.</p> <p>Codes of conduct can also promote a positive, ethics-focused organizational culture and create a shared understanding about the roles and responsibilities of locally elected officials and local government staff, and what they can and cannot do.</p> <p>The guide <a href="#"><i>Forging the Path to Responsible Conduct in Your Local Government</i></a> provides further information about responsible conduct and codes of conduct.</p> <p>There are new code of conduct requirements for local governments following the 2022 general local elections. Within six months of its first regular meeting following the general local elections, local governments will have to consider whether to establish a code of conduct or, if one already exists, whether to update it.</p> <p>If a local government decides not to establish or review a code of conduct, it will have to make available, upon request, a statement respecting the reasons for its decision.</p>
<p><b>CONFLICT OF INTEREST</b></p> <p><i>Local Government Act</i> section 205</p> <p><i>Community Charter</i>, sections 100-109</p> <p><i>Vancouver Charter</i>, sections 145.2-145.92</p>	<p><b>Conflict of Interest and Other Ethical Standards</b></p> <p><b>Disclosure of Conflict</b></p> <p>The <i>Community Charter</i> conflict of interest rules set out that locally elected officials who have a financial (pecuniary) interest in a matter that will be discussed or voted upon at a municipal council or regional district board meeting must declare that interest in the matter. Following their declaration, they may not participate in discussions, vote or exercise influence on that matter.</p> <p>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.</p> <p>Municipal councils or regional district board members who believe they have a financial interest in a matter under discussion, must:</p> <ul style="list-style-type: none"> <li>• declare their interest in the matter;</li> <li>• withdraw from the meeting;</li> <li>• not participate in the discussion or vote; and,</li> <li>• not attempt to influence, in any way, the voting of other elected officials on the matter.</li> </ul> <p>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.</p> <p>Given that conflict of interest is complex and dependent on the particular facts in a given circumstance, conflict of interest can only be decided by the courts; ultimately the courts have the expertise to apply the law to the facts of a specific situation.</p> <p>If an elected official was unsure about whether they were in a conflict of interest, it would be best for that elected official to seek independent legal advice.</p>



## SCENARIO – CONTRACTUAL CONFLICT?

Aaron Michaels owns Arrow Landscaping, a local gardening and landscaping company – he 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 Aaron 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 Michaels has a *direct and/or indirect financial interest* in this matter and is likely to be in a conflict of interest if Councillor Michaels participated in any discussions or votes related to the landscaping contract.

Councillor Michaels 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 Michaels 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 Michaels must inform council about his connection to the contract and excuse himself 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.

### **Inside Influence**

An elected official who has a monetary interest in a matter must not use their office to attempt to influence a decision, recommendation, or action to be made or taken on a matter at a council or committee meeting, or by officers and employees of the local government. For example, a councillor would likely be in contravention of the inside influence restriction if they lobbied the municipal approving officer regarding an application to subdivide land owned by that councillor.

### **Outside Influence**

An elected official who has a monetary interest in a matter must not use their office to attempt to influence a decision, recommendation, or other action to be made or taken on a matter by any other person or body. For example, a councillor would likely be in contravention of the outside influence restriction if they lobbied a provincial regulator on behalf of a business partner using the municipality's letterhead in correspondence with the provincial regulator.

### **Accepting 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 municipal 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.



### ***Disclosure of Contracts***

Elected officials must publicly disclose any contract in which they have a monetary interest. This requirement applies to contracts between the local government and elected official, as well as to contracts between the local government and persons or companies with whom the elected official is connected. For example, this would include contracts with a company in which the elected official is a director, officer, significant shareholder or senior employee.

### ***Use of Insider Information***

An elected official must not use information that is not otherwise available to the general public for gaining or furthering a monetary interest. The *Community Charter* does not specify a time limit for this restriction. As such, the restriction applies indefinitely – or until the information is made available by the municipal council or regional district board to the general public.

### ***Voting for an Illegal Expenditure***

Elected officials must not vote for a bylaw or resolution authorizing the expenditure, investment, or other use of money contrary to the *Community Charter*, *Local Government Act*, or the *Vancouver Charter*.

### ***Consequences***

Elected officials who contravene any of the conflict of interest provisions may be disqualified from holding office and may be required to pay the local government for any financial gain as a result of the contravention.

### ***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 municipal 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, 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., Chief Administrative Officer and Corporate Officer) are responsible for implementing municipal council or regional district board decisions and providing advice to elected officials. The Chief Administrative Officer 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.

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

## Who May Run For Office

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

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 immediately before filing nomination documents; and,
- not be disqualified under the *Local Government Act* or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to or the holding office, or be otherwise disqualified by law.

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

## Local Government Employees

Local government staff (e.g., officers and employees), who wish to run for office in the local government where they work must take a leave of absence in order to run and they must resign if elected.

The requirement for a salaried employee to take a leave of absence and resign if successfully elected may apply in the following circumstances, a:

- municipal employee running for elected office in the municipality in which they are employed;
- municipal employee seeking to be elected as an electoral area director for the regional district of which their municipal employer is a member;
- regional district employee seeking to be elected as a member of the board of the regional district in which they are employed; and,
- 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 who was not successful in their bid for local elected office would then return to the job from which they took the required leave of absence.

## Local Government Volunteers

Generally, volunteers who do not receive monetary compensation for services provided to a local government are not “employees” for election purposes and would not be required to take a leave of absence or resign if elected.

A person may still be considered a volunteer if they are compensated for the requirements set out in the [Volunteer Eligibility for Office Regulation](#).

Prospective candidates must have been a B.C. resident prior to **March 8, 2022** to be eligible to run in the 2022 general local elections.

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

Further information about local government employees, local government volunteers, B.C. Public Service employees and Federal Government employees eligibility to run for office is [available online](#).

The requirement that a volunteer who received monetary compensation from the local government may need to take a leave of absence and resign if successfully elected will likely apply in the following circumstances:

- a paid municipal volunteer must take a leave of absence (and resign when elected) in order to run for and hold office in the municipality where they are volunteering;
- a paid municipal volunteer must take a leave of absence (and resign when elected) 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 when elected) in order to run for and hold office in a member municipality; and,
- a paid regional district volunteer must take a leave of absence (and resign if elected) in order to run for and hold office in an electoral area within the Regional District in which they serve.

### **B.C. Public Service Employees**

B.C. Public Service employees may seek nomination as a candidate in local 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.

### **Federal Employees**

Federal public service employees may seek nomination as a candidate in local elections 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: <https://www.canada.ca/en/public-service-commission.html> under the "Political Activities" section, or contact the PSC at 1 866 707-7152 (Toll-free), or by e-mail at [cfp.activitespolitiques-politicalactivities.psc@canada.ca](mailto:cfp.activitespolitiques-politicalactivities.psc@canada.ca) for further information.

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

## 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 disqualified from the date of the conviction until the date on which they are sentenced;
- have been convicted of and sentenced for an indictable offence and are in custody;
- have been found guilty of an election offence, such as intimidation or vote-buying or other election offence, and are prohibited from holding office;
- are judges of the Provincial Court, Supreme Court or Court of Appeal;
- are involuntarily confined to a psychiatric facility or other institution;
- have been disqualified for specified reasons such as, failing to:
  - file a campaign financing disclosure statement in a previous election;
  - make an oath of office; or,
  - attend local government meetings in the manner and frequency required by the *Community Charter*; or,
- have been disqualified under the *Local Government Act* or any other enactment from voting in an election in British Columbia or from being nominated for, elected to or holding office under the *Local Government Act* or be otherwise disqualified by law.

The nomination period for the 2022 general local elections begins at 9:00 a.m. local time on **August 30** and ends at 4:00 p.m. local time on **September 9**.

The declaration of candidates for the 2022 general local elections takes place at 4:00 p.m. local time on **September 9**.

The nomination period for the 2022 general local elections may be extended until 4:00 p.m. local time on **September 12**.

## Nomination Period and Declaration of Candidates

The nomination period is the only time during which the **Chief Election Officer** is permitted to accept nomination documents and deposits (where applicable) from nominees for office. The nomination period begins at 9:00 a.m. local time on the 46th day before general voting day and ends at 4:00 p.m. local time on the 36th day before general voting day.

The Chief Election Officer is required to publish notice about the nomination period that includes: 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 the required information in the nomination documents are submitted to the 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 documents and have been subsequently declared a candidate by the Chief Election Officer.

The 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 Chief Election Officer may extend the nomination period until 4:00 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: 2022 General Local Elections Key Dates for other key election dates.*

## Who May Nominate

Prospective candidates for local 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, by bylaw, 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 jurisdiction as a **resident elector** or as a **non-resident property elector**. To nominate a candidate for local office, the nominator must:

- be 18 years of age or older when they register to vote or will be 18 years of age or older on general voting day;
- be a Canadian citizen;
- have been a resident of B.C. for at least six months before registering to vote;
- be a resident in the municipality or electoral area for which the nomination is being made, or in the case of a non-property resident property elector, own real property in the municipality or electoral area, for 30 days immediately before the day of registration; and,

- not be disqualified under the *Local Government Act* or any other enactment from voting in an election or be otherwise disqualified by law.

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.

## Endorsement by an Elector Organization

A registered **elector organization** can endorse a candidate on the ballot by submitting all the required information in the **endorsement** documents to the Chief Election Officer and Elections BC during the nomination period.

Only elector organizations registered with Elections BC can file endorsement documents, receive campaign contributions and incur election expenses.

The elector organization must have a membership of at least 50 eligible electors (either resident electors or non-resident property electors) at the time it submits registration information to Elections BC.

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 documents submitted to the Chief Election Officer and Elections BC by the elector organization.

Refer to the [Elector Organization Guide to Local Elections in B.C.](#) and the [Guide to Elector Organization Registration](#) for more information about elector organization endorsements.

## Nomination Documents

Nomination documents 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 Chief Election Officer – or a person designated by the 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., Catherine instead of Cathy;
- 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.

Contact the Chief Election Officer to determine the number of nominators required by the local government. Local government contact information is available from [CivichInfoBC](#).

Deadline for elector organizations to register with Elections BC is **August 2, 2022**.

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 fax or email must be submitted to the Chief Election Officer by 4:00 p.m. local time on **September 16** for the 2022 general local elections.

The nomination documents must also include supporting information that demonstrates the person's consent and preparedness to run in general local elections, 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;
  - 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 *Local Elections Campaign Financing Act* and intend to comply with the *Local Elections Campaign Financing Act*.

Nomination documents can be submitted to the Chief Election Officer, or other person designated for that purpose, in person, by mail, fax or email. The Chief Election Officer must receive original copies of any documents submitted by fax or email by 4:00 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 with a Commissioner for Taking Affidavits for B.C. (e.g., lawyer, notary public) or make a declaration before the Chief Election Officer when the prospective candidate submits their nomination documents to the 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 campaign financing disclosure statement with Elections BC within 90 days following local elections.

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 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 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 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/or,
- provisions in the *Freedom of Information and Protection of Privacy Act*.

An eligible **elector**, another nominee for office or the 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 Chief Election Officer (or their designate) until 4:00 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.

Nomination documents for the 2022 general local elections are available for public inspection until **November 18** if the official election results were declared on **October 19**.

Challenges to nominations for the 2022 general local elections can be submitted until 4:00 p.m. local time on **September 13**. The Provincial Court is required to hear the challenge and make a ruling by 4:00 p.m. local time on **September 16**.



Nominees for the 2022 general local elections may withdraw their candidacy until 4:00 p.m. local time on **September 16**.

Prospective candidates are not required to file candidate disclosure documents for the 2022 general local elections if they withdraw before 4:00 p.m. local time on **September 16**.

## 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 Chief Election Officer, and the Chief Election Officer must then remove the prospective candidate's name from the ballot.

A prospective candidate may still withdraw their candidacy after the deadline by giving written notice to the Chief Election Officer. The Minister responsible for local government must approve the withdrawal before the 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 **general local elections** after candidates have been declared by the Chief Election Officer are required to file a campaign financing disclosure statement with Elections BC – even if they received no campaign contributions and incurred no election expenses.

Candidates who fail to file a campaign financing 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 elections and potentially face additional penalties. A candidate declared elected also loses their seat and the seat then becomes vacant.

Campaign financing disclosure statements are not required 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.

Refer to Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents\*](#) for more information about campaign financing disclosure.

## What are Election Campaigns?

An **election campaign** is a connected series of actions (e.g., advertising, canvassing, meetings and speeches) for the purpose of electing a **candidate** or a group 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 and social media (e.g., Facebook, Twitter, YouTube), in newspapers and in magazines;
- brochures, signs, posters and 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 local elections. In some cases, candidates and elector organizations may work together on an election campaign where the elector organization has endorsed the candidate; in other cases, a group of candidates who are not endorsed by an elector organization may choose to work together to share costs.

## ELECTION PERIOD, PRE-CAMPAIGN PERIOD AND CAMPAIGN PERIOD

The **election period** for general local elections begins at the start of the calendar year (January 1) in which the general local elections will be held and ends at the start of the campaign period (28 days before general voting day).

The **pre-campaign period** for general local elections begins on the 89th day before general voting and ends at the start of the campaign period (28 days before general voting day).

The **campaign period** for general local elections begins on the 28th day before general voting day and ends on the close of general voting day.

There are a number of election financing rules, including recording and disclosure requirements that apply to candidates, elector organizations and third party sponsors during the election, pre-campaign and campaign periods.

The election period for the 2022 general local elections begins on **January 1** and ends at midnight on **September 16**.

The pre-campaign period for the 2022 general local elections begins on **July 18** and ends at midnight on **September 16**.

The campaign period for the 2022 general local elections begins on **September 17** and ends on **October 15**.

## Candidate Election Campaigns

Candidates generally 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 Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents\*](#) for more information about the election period, campaign period requirements, offences and penalties that apply to candidates.

## Elector Organization Election Campaigns

Fundamentally, elector organizations endorse candidates. Elector organizations may 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.

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.

Election campaigns for elector organizations are generally a connected series of actions designed to elect a candidate or a group of candidates to a municipal council, regional district board, Islands Trust local trust committee, specified parks board or board of education. 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, in newspapers and magazines;
- social media (e.g., Facebook, Twitter, YouTube);
- brochures, signs, posters, billboards;
- mail inserts and newsletters; and,
- bumper stickers, buttons and displays and/or exhibitions.

Elector organizations and candidates each direct their own separate election campaign; however, an endorsed candidate may decide not to run their own election campaign and instead rely solely on the elector organization to run campaign activities on the candidate's behalf.

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

Refer to the [\*Elector Organization Guide to Local Elections in B.C.\*](#) for further information about elector organizations.

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*.

All candidates endorsed by an elector organization must have a written campaign financing arrangement with the elector organization.

Refer to Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents\*](#) for more information about the campaign financing rules, offences and penalties that apply to elector organizations.

### Elector Organizations Must be Registered

Only elector organizations registered with Elections BC can file endorsement documents, receive campaign contributions and incur election expenses. For more information visit [Elections BC online](#).

## Third Party Sponsor Advertising

A **third party sponsor** is an individual or organization that conducts election advertising independently from a candidate or elector organization campaign. Third party sponsors must be independent from candidates and/or elector organizations and must not coordinate, or sponsor advertising together with, or on behalf of a candidate and/or elector organization.

Third party sponsors are required to register with Elections BC before undertaking election advertising during the **pre-campaign** and **campaign periods**.

Refer to Elections BC's [Guide for Local Elections Third Party Sponsors in B.C.](#) for more information about the campaign financing rules, offences and penalties that apply to third party sponsors.

## Key Election 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 group of candidates and communicate their election platform to the electorate during an election campaign.

Campaign activities usually trigger campaign financing 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.

Contact Elections BC by phone at: 250 387-5305 or elsewhere in B.C. call: 1 800 661-8683 (Toll-free) or by email at: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca) for detailed information about campaign financing rules.

### Advertising Rules

New rules for third party sponsors are in effect for the 2022 general local elections. There are limits placed on sponsorship contributions made by eligible individuals to third party sponsors. For more information about [third party advertising rules](#) visit Elections BC online.

## 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, canvassing voters, 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 elections.

**The list of registered electors cannot be made available to the elector organization that is endorsing a candidate.**

It is an election offence to transmit election advertising on general voting day.

### 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.

Candidates and their canvassers must have reasonable access to distribute candidate information at cooperative, strata and rental properties from 9:00 a.m. to 9:00 p.m. local time during the **campaign period**.

Government-issued photo ID and proof of candidacy, or written authorization to canvass on behalf of a candidate, must be made available upon request when a candidate and/or their canvassers are canvassing in a cooperative, strata or rental property.

### 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.

In-person telephone banks (as opposed to auto-dialing robocalls) 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.”

### In-person 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. Subject to the campaign financing and election advertising rules in the *Local Elections Campaign Financing Act*, candidates, registered elector organizations and registered **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.

Election advertising and campaigning of any sort is prohibited within 100 metres of a voting place during voting proceedings. 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.

Refer to Elections BC’s [Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents](#) for more information about election advertising.

### 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**

There are rules with respect to sponsorship information on election advertising during the pre-campaign and campaign period. Please refer to Elections BC's [Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents](#) for more information about sponsorship information.

# Local Election Offences and Penalties

Local Government Act – sections 161-166

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

## Local Election 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).

## Other Election Offences

Other election offences under the *Local Government Act* include, and are not limited to:

- falsely withdrawing a candidate from an election, distributing a false statement that a candidate has withdrawn or falsely withdrawing an elector organization's candidate endorsement, consenting to nomination when ineligible to do so;
- participating in fraudulently voting (including voting more than once in an election or obtaining a ballot in the name of another person);
- interfering with the secrecy of the ballot, tampering with ballots or ballot boxes, or printing, reproducing, giving out or destroying ballots without authorization;
- campaigning and engaging in other activities that show support for one candidate over another, or for an elector organization, within 100 metres of a voting place during voting proceedings; and,
- providing false or misleading information when required, inspecting or accessing election materials or using the information for purposes not authorized under the *Local Government Act*; and, hindering or obstructing an election official in the performance of their duties.

Election offences are generally dealt with by the Supreme Court of B.C. Generally, local election offences are prosecuted if Crown counsel chooses to proceed with laying charges after the police have undertaken an investigation and made a recommendation to Crown counsel.

## Reporting and Enforcement of Local Election Offences

The Chief Election Officer has the authority to enforce local election rules, such as the challenge of a candidate's nomination or elector eligibility and to maintain order at voting places. Local 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.

If a person believes someone has committed an election offence, contact the police. The police are responsible for conducting an investigation and recommending to Crown counsel whether charges could be laid. Crown counsel makes the determination as to whether to proceed with a prosecution. Election offences are prosecuted through the courts.

The *Local Government Act* and *Vancouver Charter* provide that a person is not guilty of an election offence if they exercised due diligence to prevent the commission of the offence.

## Local Election Penalties

Vote-buying, accepting an inducement to vote or intimidating an elector to vote for a particular candidate may 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, board of education (including on the francophone education authority) or the Islands Trust for up to seven years.

Individuals and/or elector organization representatives (e.g., the financial agent) may be subject to penalties that include fines of up to \$5,000 and/or imprisonment for up to one year if they are convicted of:

- a nomination-related offence, such as falsely withdrawing a candidate or an elector organization endorsement;
- a voting-related offence, such as voting when not entitled to do so;
- a ballot and/or ballot box offence, including interfering with ballots or ballot boxes;
- voting proceedings offences such as canvassing or soliciting votes or posting, displaying or distributing election advertising within 100 metres of a voting place where voting proceedings are being conducted; or;
- conducting any other activity contrary to the *Local Government Act* and/or the *Local Elections Campaign Financing Act*.

## Local Election Officials' Authority

The Chief Election Officer and Presiding Election Officials must maintain the integrity and secrecy of the voting process.



The 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 Chief Election Officers during the **campaign period** to enter onto property and remove, cover or destroy election advertising that contravenes the *Local Elections Campaign Financing Act*.

The 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 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 elections partner roles and responsibilities.*

*See Appendix C for questions and answers about the Chief Election Officer's role and responsibilities.*

# Candidate Representatives

Local Government Act – sections 102 and 103  
Vancouver Charter – sections 53 and 54  
Local Elections Campaign Financing Act – section 17

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 have a **financial agent** – they are their own financial agent unless they appoint another individual to the position.

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.

## Financial Agent

A financial agent is a representative that candidates and elector organizations are legally required to have during an election campaign. Financial agents are responsible for administering campaign finances in accordance with the *Local Elections Campaign Financing Act*. This includes:

- opening and depositing contributions to, and paying election-related expenses from, a candidate's campaign account;
- maintaining records for campaign contributions, election expenses and all other campaign transactions; and,
- filing the candidate's required disclosure statement with Elections BC within 90 days following general voting day.

A candidate is their own financial agent unless they appoint another individual to the position. 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;
- mailing address, **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 Chief Election Officer before the nomination period ends. The financial agent appointment information is then forwarded by the Chief Election Officer to Elections BC as soon as practicable after the appointment has been made.

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

A candidate is their own financial agent unless they appoint another individual to be their financial agent.

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

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 Elections BC's [Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents](#) and for information about the financial agent's role and responsibilities.

## Official Agent

Candidates may appoint an official agent to represent them during the election process. The official agent can act as the campaign manager or spokesperson or be the point of contact for the people helping on the candidate's election campaign. Official agents can appoint scrutineers to represent the candidate during voting proceedings.

A candidate must appoint their official agent in writing and deliver the appointment (including the name and address of the person) to the 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 at the close of voting on general voting day. 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 Chief Election Officer as soon as practicable after the appointment has been made.

Refer to the [Scrutineer's Guide to Local Elections in B.C.](#) for further information about scrutineers.

## Voting Times

Voting places must be open from 8:00 a.m. to 8:00 p.m. local time on **general voting day**, the required **advance voting opportunity** and another advance voting opportunity (date can 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 local elections.

All voting places must close by 8:00 p.m. local time on general voting day.

Voting places must be open from 8:00 a.m. to 8:00 p.m. local time on general voting day and the required advance voting opportunity.

## Counting Ballots

Ballot counting begins after voting places close at 8:00 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 the acceptance or rejection of a ballot 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 **Chief Election Officer**.

The Presiding Election Official's decision to reject or accept a ballot can only be overturned by the 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 Chief Election Officer at the local government office, where the official election results are then determined.

Each candidate is notified by the 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.

Ballot counting for the 2022 general local elections begins after 8:00 p.m. local time on **October 15**.

## Conduct at Voting Places

The Chief Election Officer has the authority to establish the process and standards of conduct that voters, candidates and candidate representatives (e.g., scrutineers) 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 must follow the legislation, the local government's election bylaw and the direction of the Chief Election Officer and Presiding Election Official at the voting place and during voting proceedings and the ballot counting process.

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, by bylaw, and Chief Election Officers have the authority to establish specific rules governing scrutineer conduct and responsibilities. Local governments may also 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 Chief Election Officer.

Refer to the [\*Scrutineer's Guide to Local Elections in B.C.\*](#) for further information about scrutineer roles, responsibilities and conduct.

# After General Voting Day

*Local Government Act* – sections 144–157 and 202  
*Community Charter* – sections 120 and 124  
*Vancouver Charter* – sections 140 and 143

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 immediately be announced after the close of voting on general voting day – the **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 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

A judicial recount must be conducted if two or more candidates have the same number of votes following the determination of official election results.

An eligible elector, candidate, candidate representative (e.g., scrutineer or official agent), or the 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 Chief Election Officer about the judicial recount application. The applicant, the 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 elections. 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.

Official election results for the 2022 general local elections must be declared by 4:00 p.m. local time on **October 19**.

The period to apply for a judicial recount for the 2022 general local elections ends on **October 24**.

A judicial recount for the 2022 general local elections must be completed by **October 28**.

## Breaking Ties

There are two methods for breaking ties in a local election when 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. 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 *ted 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 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 Chief Election Officer if they do not intend to run in the runoff election.

The 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 election.

## Invalid Election

A candidate, the Chief Election Officer or at least four eligible electors of the jurisdiction, may petition the Supreme Court to invalidate a local 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 election must be made within 30 days after the official election results were declared. The Supreme Court 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**.

The default oath of office requires elected officials to affirm:

- I am qualified to hold the office of .....[office]..... for the .....[jurisdiction]..... to which I have been [elected] [appointed];

A petition to invalidate a 2022 general local election must be made by **November 18** if the official election results were declared on **October 19**.

Candidates elected in the 2022 general local elections must make an oath or solemn affirmation by **December 3, 2022** if the official election results were declared on **October 19**.

- I have complied with the provisions of the .....[applicable Act]..... in relation to my election to this office; [omit this point for persons who have been appointed];
- I will abide by all rules related to conflicts of interest under the .....[applicable Act].....;
- I will carry out my duties with integrity;
- I will be accountable for the decisions that I make, and the actions that I take, in the course of my duties;
- I will be respectful of others;
- I will demonstrate leadership and collaboration; and
- I will perform the duties of my office in accordance with the law.

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

Candidates elected in general local elections must make their oath of office or solemn affirmation within 45 days after the official election results were declared. Acclaimed candidates must make an oath of office or solemn affirmation 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 elections.

## Taking Office

A candidate may take the oath of office or make a solemn affirmation as soon as they are declared elected by the 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 general local elections.

The term of office for a municipal council member appointed to a regional district board begins when the person has made an oath of office 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 general local elections were held.

Candidates acclaimed in the 2022 general local elections must make an oath of office or solemn affirmation by **December 4**.

The inaugural meeting after the 2022 general local elections must be held by **November 10**.

The term of office for regional district electoral area directors elected in the 2022 general local elections begins on the first Monday after **November 1** following the general local elections – or when the director has made their oath of office or solemn affirmation – whichever is later.



The campaign period for the 2022 general local elections begins on **September 17** and ends on **October 15**.

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

## Campaign Period Expense Limits

In 2016, the *Local Elections Campaign Financing Act* was amended to establish expense limits that would apply to the **campaign period** expenses of candidates and **elector organizations**. The amendments also established spending limits for **third party sponsors**.

Expense limits are determined using a consistent formula for all candidates and are generally based on the population of the election area where the elections are being held.

## Campaign Contribution Limits

In 2017, the *Local Elections Campaign Financing Act* and the *Local Elections Campaign Financing Regulation* were amended to set campaign contribution limits for the election campaigns of candidates and elector organizations and to ban campaign contributions from organizations, including corporations and unions and contributions from outside of British Columbia in local elections.

Campaign contribution rules apply for the 2022 general local election. Further [information about campaign contributions](#) is available from Elections BC.

Refer to Elections BC's [Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents](#) and [Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents](#) for detailed information regarding campaign financing rules.

## 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 is responsible for reviewing candidate, elector organization and third party sponsor campaign financing disclosure statements to ensure compliance with the *Local Elections Campaign Financing Act*. Elections BC also publishes campaign contribution data and the campaign financing disclosure statements and the lists of disqualified candidates and third party sponsors [online](#).

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

Elections BC also has the authority to impose administrative monetary penalties on candidates, elector organizations (and their authorized principal officials) and third party sponsors for failing to comply with the *Local Elections Campaign Financing Act*.

*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.*

# Glossary

Sections 107-108 of the  
*Local Government Act*

Sections 69-70 of the  
*Vancouver Charter*

Sections 169-171 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 events were formerly referred to as a "referendum."

## ***B.C. Chief Electoral Officer (Elections BC)***

The B.C. Chief Electoral Officer is an independent officer of the Legislature who oversees the provincial electoral process in B.C. The *Local Elections Campaign Financing Act* provides the B.C. Chief Electoral Officer the additional role of overseeing campaign financing and election advertising in local elections and assent voting 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 and Child Care.

### **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, specified parks board commissioner 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 general local elections.

### **campaign account**

An account opened at a financial institution by a financial agent to be used exclusively for a candidate or elector organization's 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.

### **campaign contribution limits**

The applicable limit for a campaign contribution provided to a candidate or elector organization as established under the *Local Elections Campaign Financing Act*.

### **campaign period**

During the campaign period, election advertising, such as billboards or commercials must include sponsorship information. The campaign period starts on the 28th day before general voting day and ends when voting closes at 8:00 p.m. local time on general voting day.

### **candidate**

A candidate is a person seeking election as a mayor, councillor, electoral area director, school trustee, Islands Trust local trustee, local community commissioner or specified parks board commissioner within a municipality, regional district electoral area, board of education, Trust area, community commission area or specified parks board jurisdiction.

That person must be nominated by eligible electors and declared a candidate by the Chief Election Officer.

### **chief election officer**

Municipal councils and regional district boards appoint a Chief Election Officer to administer local elections. The Chief Election Officer must conduct the election in accordance with the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter* (in the City of Vancouver), the *Community Charter*, the *School Act*, the *Offence Act* and the relevant local government election bylaw.

Section 54 of the  
*Local Government Act*

Section 10 of the  
*Vancouver Charter*

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

Section 30.01 of the  
*Local Elections Campaign  
Financing Act*

Section 10(2) of the  
*Local Elections Campaign  
Financing Act*

Section 47 of the *Local  
Government Act*

Section 7 of the  
*Vancouver Charter*

Sections 58 and 59 of the  
*Local Government Act*

Section 14-15 of the  
*Vancouver Charter*

Section 148 of the  
*Community Charter*

Section 236 of the  
*Local Government Act*

Section 115 of the  
*Community Charter*

Section 56 of the  
*Local Government Act*

Sections 12 of the  
*Vancouver Charter*

### **corporate officer**

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

- ensuring accurate meeting minutes are prepared;
- ensuring access is provided to records of council or board committees;
- certifying copies of bylaws;
- administering oaths and taking affirmations, affidavits and declarations;
- 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.

### **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.

### **election bylaw**

A bylaw that enables a municipal council or regional district board 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/or,
- nomination deposits (not to exceed \$100) will be required.

An election bylaw must be adopted at least 56 days before the first day of the nomination period in a general local election or 42 days before the first day of the nomination period in a by-election.

### ***election campaign***

An election campaign is a connected series of actions (e.g., advertising, meetings and speeches) for the purpose of electing a candidate or a group 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 and social media (e.g., Facebook, Twitter, YouTube);
- in newspapers and magazines;
- brochures, signs, posters and billboards;
- mail inserts and newsletters; and,
- bumper stickers, buttons and displays and/or exhibitions.

### ***election period***

The election period for general local elections begins at the start of the calendar year (January 1) in which the election is held and ends at the beginning of the campaign period for general local elections.

### ***Elections BC***

The non-partisan and independent Office of the Legislature responsible for the administration and enforcement of the provincial electoral process in B.C. and the campaign financing and advertising rules for local elections and non-election assent voting events 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 municipal, regional district, board of education, Islands Trust, community commission or specified parks board elections.

### ***elector organization***

An elector organization is an organization that endorses or intends to endorse a candidate(s) in local elections and that file endorsement documents with the Chief Election Officer and Elections BC. Elector organizations may be referred to as "civic political parties."

Elector organizations are required to register with Elections BC to endorse a candidate in an election, receive a campaign contribution or incur an election expense. Only those elector organizations registered with Elections BC can endorse candidates, receive campaign contributions and incur election expenses.

### ***electoral area director***

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

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

Sections 64-66 of the  
*Local Government Act*

Sections 22-24 of the  
*Vancouver Charter*

Section 92 of the  
*Local Government Act*

Section 45.3 of the  
*Vancouver Charter*

Section 30.06 of the  
*Local Elections Campaign  
Financing Act*

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

Section 199(2) of the  
*Local Government Act*

Section 92 of the  
*Local Government Act*

Section 30.06 of the  
*Local Elections Campaign  
Financing Act*

Section 45.3 of the  
*Vancouver Charter*

Section 63.05 of the  
*Local Elections Campaign  
Financing Act*

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

Section 2(1) of the *Financial  
Disclosure Act*

Section 52(2) and 54(5) of  
the *Local Government Act*

Section 9(2) and 10(5) of the  
*Vancouver Charter*

### **endorsement**

The process by which an elector organization can formalize its relationship with one or more candidates running in local elections. Endorsement documents must be submitted to the Chief Election Officer and Elections BC.

An endorsement allows the elector organization's name, abbreviation or acronym to appear on the ballot beside the candidate's name. An elector organization may endorse more than one candidate – a candidate may only be endorsed by one elector organization at a given time.

### **expense limits**

The maximum value of campaign period expenses that a candidate may use in a campaign period as established under the *Local Elections Campaign Financing Act*.

### **financial agent**

A financial agent is a representative that candidates and elector organizations are legally required to have during an election campaign. A candidate is their own financial agent unless they appoint another individual to that position.

The financial agent is responsible for administering campaign finances in accordance with the *Local Elections Campaign Financing Act*. This includes opening and depositing contributions to, and paying election-related expenses from, a candidate's campaign account; maintaining records for campaign contributions, election expenses and all other campaign transactions, and filing the candidate's required disclosure statement with Elections BC within 90 days following general voting day.

### **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 elections**

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;
- school trustees of each board of education;
- commissioners of each specified parks board;
- commissioners of each local community commission that uses a four-year term; and,
- local trustees of each area in the Islands Trust.

### **general voting day**

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

Section 5 of the  
*Islands Trust Act*

### ***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).

Section 6 of the  
*Islands Trust Act*

### ***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.

### ***jurisdiction***

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

Section 1(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 generally comprise a local community commission.

Section 243 of the *Local  
Government Act*

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

### ***local community commissioner***

See entry for "local community commission."

### ***local elections***

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

### ***mayor***

An individual elected to head the municipal council and be the municipal chief executive officer. The mayor has responsibilities under the *Community Charter* (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 of the Charter;

Section 116 of the  
*Community Charter*



Sections 114-121 of the  
*Community Charter*

- suspend municipal officers and employees in accordance with section 151 of the Charter;
- 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 the Charter or any other Act.

### ***municipal council***

The governing body of a municipality composed of a mayor and several councillors. A municipal council may consist of between five and 11 members – the number of councillors depends on the population of the municipality. All municipal council members are elected during general local elections unless elected in a by-election held to fill a council vacancy between general local elections.

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.

Section 198(2) of the  
*Local Government Act*

### ***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.

Sections 3-40 of the  
*Local Government Act*

### ***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.

Section 66 of the  
*Local Government Act*

Section 24 of the  
*Vancouver Charter*

### ***non-resident property elector***

An individual that does not live in a jurisdiction and who is entitled to vote in local elections by virtue of owning property in that jurisdiction. A non-resident property elector must:

- be 18 years of age or older when registering to vote or will 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 immediately before registering to vote;
- have owned real property 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 10(1.1) of the  
*Local Elections Campaign  
Financing Act*

### ***pre-campaign period***

During the pre-campaign period, election advertising, such as billboards or commercials, must include sponsorship information. The pre-campaign period starts on the 89th day before general voting day and ends on the 29th day before general voting day.

### ***referenda***

See entry for “assent voting.”

### ***regional district***

A local government area represented by elected and appointed representatives serving on a regional district board. A regional district provides 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 area elected representatives and appointed representatives from the municipal councils within the regional district jurisdiction.

### ***resident elector***

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

On the day of registration, a resident elector must:

- be 18 years of age or older when registering to vote or will 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 immediately before registering to vote;
- be a resident of the municipality or electoral area on the day of registration; 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.

### ***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 at voting places during advance, special and general voting opportunities and the ballot-counting process.

### ***specified parks board***

A board of commissioners having responsibility for the governance of a public park system and its attendant services, such as recreational operations. Commissioners of specified parks boards are elected to a four-year term during general local elections.

### ***specified parks board commissioners***

See entry for “specified parks board.”

Sections 193-194 of the  
*Local Government Act*

Sections 194-205 of the  
*Local Government Act*

Sections 65 and 67 of the  
*Local Government Act*

Section 23 of the  
*Vancouver Charter*

Section 1 of the *School Act*

Section 102(1)(b) of the  
*Local Government Act*

Section 53(1)(b) of the  
*Vancouver Charter*

Sections 485-497A of the  
*Vancouver Charter*

Sections 3, 7 and 14 of the  
*Cultus Lake Park Act*

Section 97 of the  
*Local Elections Campaign  
Financing Act*

Section 11 of the  
*Local Elections Campaign  
Financing Act*

Section 9 of the  
*Local Elections Campaign  
Financing Act*

### ***solemn declaration***

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

### ***third party advertising***

Third party advertising includes advertising for or against a candidate and/or an elector organization. In the campaign period, it also includes advertising on an issue with which a candidate or elector organization is associated – such as funding for a local recreation centre or preserving parkland.

### ***third party sponsor***

A third party sponsor is an individual or organization that sponsors election advertising independently from candidates and elector organizations. Third party sponsors must register with Elections BC before conducting advertising during the pre-campaign and campaign periods.

Third party sponsors must be independent from candidates and/or elector organizations and must not coordinate, or sponsor advertising together with, or on behalf of a candidate and/or elector organization.

### ***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 remuneration or material benefit for their services.

*A self-employed individual who provides services they normally sell or charge for is not a volunteer. Likewise, an individual whose employer continues to pay them while they are working on a campaign is not a volunteer.*

# Appendix A: Local Election Partner Roles and Responsibilities

LOCAL ELECTION PARTNER ROLES AND RESPONSIBILITIES	
WHO	ROLES / RESPONSIBILITIES
<b>BC School Trustees Association</b>	Produce and distribute elections educational material about school trustee elections and boards of education roles and responsibilities
<b>Chief Election Officers</b>	Provide nomination and endorsement documents, and receive nomination, endorsement and candidate and elector organization representative documents
	Collect nomination deposits (if applicable)
	Oversee all local elections administration activities (e.g., declare candidates, set up voting opportunities, count votes and declare the election results)
<b>Elections BC</b>	Provide local elections campaign financing and election advertising-related educational guides, online resources and presentations to local government staff, candidates, elector organizations, third party sponsors and the general public
	Provide information and support by telephone and email to candidates, elector organizations, third party sponsors, local government staff, other local elections participants and the general public about the campaign financing (including election expense limits and campaign contribution limits) and election advertising process
	Receive elector organization endorsement documents
	Receive nomination and candidate representative documents from local election officials
	Receive updates to information in nomination and candidate representative documents
	Register elector organizations and third party sponsors
	Investigate non-compliant local elections advertising
	Enforce local elections campaign financing and election advertising rules, including election expense limits, campaign contribution limits and third party advertising rules
	Review and publish disclosure statements, annual financial reports and supplementary reports
	Collect \$500 late filing fee
	Investigate local elections campaign financing irregularities
	Maintain disqualification lists
	Report on the administration of compliance with the <i>Local Elections Campaign Financing Act</i>

# Appendix A: Local Election Partner Roles and Responsibilities

LOCAL ELECTION PARTNER ROLES AND RESPONSIBILITIES	
WHO	ROLES / RESPONSIBILITIES
<b>Local Government Management Association</b>	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 elections administration
<b>Ministry of Attorney General</b>	Is responsible for the <i>Financial Disclosure Act</i> and provides guidance related to the disclosure of assets, debts and sources of income by candidates and an elected officials (who must file a disclosure statement annually)
<b>Ministry of Education and Child Care</b>	Prepare school trustee election procedures guide for boards of education, school district administrators, and election officials
	Provide information about provisions in the <i>School Act</i> regarding general school elections
<b>Ministry of Municipal Affairs</b>	Provide election education guides, webinars, videos and presentations to candidates, local government staff, elector organizations, other election participants and the general public
	Provide information and support by telephone or email to candidates, local government staff, other election participants and the general public about local elections administration
<b>Union of B.C. Municipalities</b>	Develop election educational material for locally elected officials

# Appendix B: 2022 General Local Elections Key Dates

2022 GENERAL LOCAL ELECTIONS KEY DATES		
ACTION OR DEADLINE	DATE	ACT/S.#
<b>Start of Election Period</b>	<b>January 1, 2022</b>	LECFA: s.10(1)(a)(i)
Candidate B.C. Residency Deadline	March 8, 2022	LGA: s.81(1)(c)
Elector Residency Deadline	April 14, 2022	LGA: s.65(1)(c) & s.66(1)(d)
Election Bylaw Adoption Deadline	July 4, 2022	LGA: s.56
Start of Pre-Campaign Period	July 18, 2022	LECFA: s. 10
Start of Period for Notice of End of Advance Elector Registration	July 24, 2022*	LGA: s.71(5)
Start of Period for Notice of Nominations	July 31, 2022*	LGA: s.85(1)
Start of Period for Notice of List of Registered Electors	July 31, 2022*	LGA: s.77(6)
Election Bylaw Adoption Deadline – Board of Education	August 2, 2022	SA: s.45(6)
End of Period for Notice of Close of Advance Elector Registration	August 16, 2022	LGA: s.71(5)
End of Period for Notice of Nominations	August 23, 2022	LGA: s.85(1)
End of Period for Notice of List of Registered Electors	August 23, 2022	LGA: s.85(1) & s.77(6)
End of Advance Elector Registration	August 23, 2022	LGA: s.71(4)
Adoption of Provincial Voters List	August 24, 2022	LGA: s.76
<b>Start of Nomination Period</b>	<b>August 30, 2022</b>	LGA: s.84(1)
Start of Challenge to Nomination and Endorsement Period	August 30, 2022	LGA: s.91 & s.96
Start of Inspection of List of Registered Electors Period	August 30, 2022	LGA: s.77(3)
Start of Objections to Elector Registration Period	August 30, 2022	LGA: s.79(2)
Start of Period for Notice of Required Advance Voting	September 5, 2022*	LGA: s.107(5)
<b>End of Nomination Period</b>	<b>September 9, 2022</b>	LGA: s.84(1) & s.89(5)
Declaration of Candidates	September 9, 2022	LGA: s.97(1) & s.97(2)
End of Period of Objections to Elector Registrations	September 9, 2022	LGA: s.79(2)
End of Extended Nomination Period	September 12, 2022	LGA: s.97(2)
End of Challenge to Nomination and Endorsement Period	September 13, 2022	LGA: s.91 & s.96

## Appendix B: 2022 General Local Elections Key Dates

2022 GENERAL LOCAL ELECTIONS KEY DATES		
ACTION OR DEADLINE	DATE	ACT/S.#
Elector Local Property Ownership Deadline	September 14, 2022	LGA: s.65(1)(d) & s.66(1)(e)
Start of Period for Notice of Election	September 15, 2022	LGA: s.99(1)
Nomination Documents Originals to Chief Election Officer Deadline	September 16, 2022	LGA: .89(5)
<b>Candidate Nomination Withdrawal Deadline</b>	<b>September 16, 2022</b>	LGA: s.101(1)
Elector Organization Endorsement Withdrawal Deadline	September 16, 2022	LGA s. 95
<b>End of Pre-Campaign Period</b>	<b>September 16, 2022</b>	LECFA: s.10
<b>End of Election Period (12:00 Midnight)</b>	<b>September 16, 2022</b>	LECFA: s.10(1)
<b>Start of Campaign Period (12:01 am)</b>	<b>September 17, 2022</b>	LECFA: s.10(2)
Declaration of Election by Voting or Acclamation	September 19, 2022	LGA: s.98(2) & s.98(3)
End of Period for Notice of Required Advance Voting	September 28, 2022	LGA: s.107(5)
<b>Required Advance Voting Opportunity</b>	<b>October 5, 2022</b>	LGA: s.107(1)
End of Period for Notice of Election	October 8, 2022	LGA: s.99(1)
<b>General Voting Day</b>	<b>October 15, 2022</b>	LGA: s.52
Mail Ballot Voting Deadline	October 15, 2022	LGA: s.110(9)
Announcement of Preliminary Election Results	October 15, 2022	LGA: s.144(1)
End of Period for Inspection of List of Electors	October 15, 2022	LGA: s.77(3)
<b>End of Campaign Period</b>	<b>October 15, 2022</b>	LECFA: s.10(2)
Start of Advance Registration for Next Election	October 17, 2022	LGA: s.71(4)
Last Day for Declaration of Official Election Results by Voting	October 19, 2022	LGA: s.146(1)
Last Day for Declaration of Official Election Results by Acclamation	October 19, 2022	LGA: s.158(1)
Start of Period to Apply for Judicial Recount	October 19, 2022	LGA: s.148(3)
Start of Public Inspection of Voting Day Materials	October 19, 2022	LGA: s.160(3)
End of Period to Apply for Judicial Recount	October 24, 2022	LGA: s.148(3)
Start of Period to Make Oath of Office	October 25, 2022	LGA: s.147(1)
Deadline for Completion of Judicial Recount	October 28, 2022	LGA: s.149(1)

# Appendix B: 2022 General Local Elections Key Dates

2022 GENERAL LOCAL ELECTIONS KEY DATES		
ACTION OR DEADLINE	DATE	ACT/S.#
First Day to Hold Runoff Election	October 29, 2022	LGA s.151 & s.152
Start of Period to Hold First Council Meeting	November 1, 2022	CC: s.124(2)(g)
End of Period to Hold First Council Meeting	November 10, 2022	CC: s.124(2)(g)
End of Period for Public Inspection of Nomination Documents	November 18, 2022	LGA: s.89(7)
End of Public Inspection of Voting Day Materials	November 18, 2022	LGA: s.160(3)
End of Period for Application to the Supreme Court to Invalidate Election	November 18, 2022	LGA: s.153(3)
Last Day for Chief Election Officer to Submit Election Report	November 18, 2022	LGA: s.158(1)
End of Period to Make Oath of Office (by Voting)	December 3, 2022	LGA: s.202(1)(a) & s.202(1)(b); CC: s.120(1)(a) & s.120(1)(b)
End of Period to Make Oath of Office (by Acclamation)	December 4, 2022*	LGA: s.202(1)(a) CC: s.120(1)(a) SA: s.50(1)(a)
Start of Period to Destroy Election Material	December 15, 2022	LGA: s.160(8)
End of Period for Runoff Election	December 18, 2022	LGA: s.152
End of Period to File Campaign Financing Disclosure Statement with Elections BC	January 13, 2023	LECFA: s.47(1), s.56 & s.90
Start of Period for Late Filing of Campaign Financing Disclosure Statement with Elections BC	January 14, 2023	LECFA: s.47(2) & s.56
End of Period for Late Filing of Campaign Financing Disclosure Statement with Elections BC	February 13, 2023	LECFA: s.47(2) & s.56

\*This date may be subject to change under the *Interpretation Act*.

## Definitions:

CC – means *Community Charter*

LGA – means *Local Government Act*

LECFA – means *Local Elections Campaign Financing Act*

SA – means *School Act*



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

## ELECTIONS BC AND CHIEF ELECTION OFFICER QUESTIONS AND ANSWERS

QUESTION	ANSWER
Who do I get nomination documents from?	Chief Election Officer
Who do I give my completed nomination documents to?	Chief Election Officer
Who do I pay my nomination deposit to (if required)?	Chief Election Officer
Who do I make my solemn declaration to?	Chief Election Officer or Commissioner for Taking Affidavits (e.g., Lawyer, Notary)
Who declares candidates?	Chief Election Officer
Who oversees the administration of local elections (e.g., designing ballots, setting up voting opportunities, counting votes)?	Chief Election Officer
Who declares the election results?	Chief Election Officer
Who do I contact about election expense limits and campaign contribution limits?	Elections BC
Who do I contact for information about campaign financing?	Elections BC
Who do I contact for information about election advertising rules?	Elections BC
Who do elector organizations register with?	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 campaign financing 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 Chief Election Officer





**ELECTIONS BC**  
A non-partisan Office of the Legislature

# GUIDE FOR CANDIDATES

FOR AN ELECTION ADMINISTERED DURING A PANDEMIC

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# Introduction

The purpose of this guide is to provide information to candidates and prospective candidates for election as a Member of the Legislative Assembly of British Columbia. It provides an overview of the nomination procedures to become a candidate, and the responsibilities, rights and duties of candidates during provincial elections.

This guide is intended only as an aid to understanding the *Election Act*. How the Act applies in any particular case will depend on the individual circumstances of the case, and may change in light of new legislation and judicial developments. Where there is inconsistency between this guide and what is written in the *Election Act* and the Orders of the CEO, the Act and related orders will prevail.

## COVID-19 and Orders of the CEO

The challenges presented by COVID-19 necessitate changes to election processes as currently defined in the *Election Act* to ensure they align with public health directives, and to ensure a safe process for all electoral stakeholders, including voters, election workers, and political participants.

Section 280 of the *Election Act* provides the Chief Electoral Officer (CEO) with Order-making authority to address emergencies, extraordinary circumstances and mistakes.

Out of necessity, and because of the unprecedented circumstances of administering an election during a global pandemic, the Chief Electoral Officer will exercise his order-making powers under s. 280 to modify a number of legislated administrative procedures if an election. These orders will be in place for an election held while public health restrictions are still in place.

This guide has been updated to reflect the provisions of the *Election Act* and Orders of the CEO that will apply during a provincial election held during the COVID-19 pandemic.

You can view the *Election Act* on the Elections BC website ([elections.bc.ca](https://elections.bc.ca)) or you can buy a copy of the Act from Crown Publications ([crownpub.bc.ca](https://crownpub.bc.ca)).

# Privacy

Elections BC has the authority to collect, use, disclose and dispose of personal information under the *Election Act* and the *Freedom of Information and Protection of Privacy Act*. This information is used to administer provisions of the *Election Act*.

For information about Elections BC's privacy policies, please visit [elections.bc.ca/privacy](https://elections.bc.ca/privacy) or contact the **Privacy Officer, Elections BC** at 1-800-661-8386 or [privacy@elections.bc.ca](mailto:privacy@elections.bc.ca) or PO Box 9275 Stn Prov Govt Victoria, BC V8W 9J6.

# Glossary

Campaign period	The period between when an election is called and the close of general voting for the election.
Candidate	An individual who has satisfied the candidate requirements of the <i>Election Act</i> and has been issued a certificate of candidacy. For the purposes of election financing and election communications, the term candidate includes an individual who becomes a candidate or who was a candidate in an election.
Constituency association	An organization formed for an electoral district as the local organization of a political party or as the local organization to support an independent Member of the Legislative Assembly for that electoral district.
Election period	The period between when an election is called (the writ is issued) and when the writ is returned. An election period for a scheduled general election is generally 51 days in duration. Writ Day is considered to be Day 0, General Voting Day is Day 28, and writs are returned on Day 50.
Nomination contestant	An individual who seeks to be a candidate representing a registered political party in an election, whether or not any other individual(s) seeks that nomination.
Political party	An organization that has as a primary purpose the fielding of candidates for election to the Legislative Assembly.

# Nominees

The *Election Act* sets out qualifications for nomination. The *Election Act* and the *Constitution Act* specify who is disqualified from being a candidate in a provincial election.

*Election Act*  
s. 52

## Who can be nominated as a candidate

To qualify for nomination as a candidate in a provincial election, an individual must be:

- a Canadian citizen
- 18 years of age or older on General Voting Day for the election
- a resident of British Columbia for at least six months immediately before becoming a candidate
- not be disqualified by the *Election Act* or any other enactment from voting in an election or from being nominated for, being elected to or holding office as a Member of the Legislative Assembly, or be otherwise disqualified by law.

An individual is only entitled to be nominated as a candidate for one electoral district at a time. Candidates do not have to be resident in the electoral district in which they are seeking election.

A person who holds another elected office (e.g. municipal councillor, school trustee) may be nominated as a candidate in a provincial election, with the exception of Members of the House of Commons of Canada (MPs).

*Constitution Act* s.28 and 32

## Who cannot be nominated as a candidate

Certain individuals are disqualified from being nominated as a candidate:

*Election Act*  
s.255-258

- members of the House of Commons of Canada (MPs)
- Judges of the Court of Appeal or the Supreme Court of British Columbia
- individuals who have been disqualified from voting or holding office on conviction for vote buying, intimidation, corrupt voting, or subversion of an election by an official



# The nomination process

## How to become a candidate

An individual who meets all of the qualifications must file a complete nomination in order to become a candidate. This involves filing the required nomination documents, including the declarations from 75 nominators from the electoral district in which the individual is seeking election, and paying a \$250 nomination deposit.

An individual does not become a candidate until a complete nomination has been made, accepted and a certificate of candidacy has been issued.

In response to the COVID-19 pandemic an order has been issued that allows for nomination declarations to be collected orally, as well as in writing. Declarations can be completed orally, providing that the individual who is receiving the declaration:

- is authorized to receive the declaration,
- indicates in the nomination documents that the declaration was made orally,
- records the contact information for the nominator separately, and retains this information until after the next election in the electoral district, and
- signs a declaration that they have received the oral nomination declaration.

Certificates of candidacy cannot be issued until an election is called. The certificate of candidacy includes the candidate's name, the date on which the certificate is issued and the candidate's identity number. This number must be included on all income tax receipts issued by the candidate. Candidates cannot issue income tax receipts until a certificate of candidacy has been issued. They may only issue tax receipts for contributions received in the period between when the certificate is issued and the writ is returned.

It should be noted that for the purposes of Parts 10, 10.1 and 11 of the *Election Act* (Election Financing and Election Communications), a candidate is also defined as an individual who becomes a candidate or who was a candidate.

All nominations must be made using the nomination documents provided by Elections BC [*Election Act*, s. 54]. Nomination kits contain all the documents a nominee will require.

It is important to note that selection or endorsement by a political party or constituency association does not make an individual a candidate in an election. In order to be a candidate in an election, an individual must complete the nomination process as outlined in the *Election Act*, and be issued a certificate of candidacy.

## Nominators

Nominators must be individuals who are resident in the electoral district for which the candidate is seeking election. A nominator does not have to be a registered voter, but must meet the qualifications to be a voter. The residential addresses of nominators will be checked when the nomination is filed. Mailing addresses, such as post office boxes or business addresses, are not acceptable on nomination documents where residential addresses are specifically requested.

A nomination requires the names and residential addresses of at least 75 nominators and a declaration of each nominator that they are qualified as a voter for the electoral district. It is the obligation of the nominee to ensure that a sufficient number of qualified voters sign or provide oral declarations on the nomination papers. A voter may only nominate one candidate in an election. Note, electronic signatures of nominators are acceptable.

If one or more of the nominators are not qualified, the nomination is valid as long as the minimum number of qualified nominators [*Election Act*, s. 53(3)] make a declaration. Nominees are encouraged to obtain the signatures or oral declarations of more than 75 nominators to protect the validity of the nominations in the event that some of the nominators are not qualified.

## Nomination kits

Nomination kits are available from Elections BC and Service BC offices at any time, including before a writ is issued. Nomination kits are available from local District Electoral Officer's as soon as their offices are established during an election.

Nomination kits contain all necessary documents and information for making a nomination. Each kit contains:

- Nomination Booklet (320)  
Includes Privacy Policy Template for Candidates (00154)
- Auditor Appointment form (321)
- Financial Agent Appointment form (325)
- Deputy Financial Agent Appointment form (326)
- Official Agent Appointment form (327)
- Guide for Financial Agents (455)
- Guide for Candidates (856)
- Guide to the *Election Act* (855)
- Statement of Disclosure form (as required by the *Financial Disclosure Act*)
- *Financial Disclosure Act* Fact Sheet
- Privacy Policy Acceptance Criteria (00158)

### Nomination documents

Nomination documents contain step-by-step instructions for completion. They should be completed in ink or using the online fillable forms, and checked carefully prior to filing. Incomplete forms will not be accepted. Nomination documents are available for public inspection. **Do not** add extra information to the documents that is not required (e.g. email addresses or extra information for nominees).

Mailing addresses, such as post office boxes or business addresses, are not acceptable on documents where residential addresses are specifically requested.

Elections BC does not administer the *Financial Disclosure Act*, and cannot provide advice or assistance to prospective candidates regarding completion of the Statement of Disclosure form. Individuals requiring advice or assistance in this regard should consult with their political party or seek legal counsel.

### Nomination deposits

s. 55      A nomination must be accompanied by a deposit of \$250. Only cash, certified cheques, travellers cheques, bank drafts or money orders are accepted. Certified cheques, money orders, bank drafts or travellers cheques must be made payable to the Minister of Finance.

The nomination deposit will be returned to the financial agent of the candidate if the candidate's election financing report is received within 90 days after general voting day for an election. If the candidate's election financing report is received after 90 days, the nomination deposit is forfeited and paid to the consolidated revenue fund.

If a candidate dies before the close of general voting for the election, the deposit is returned to the candidate's financial agent or another person determined by the Chief Electoral Officer.

If an electoral district is disestablished before an election is held, the deposit is returned to the financial agent.

In all other cases, the deposit is forfeited. For example, if a nominee does not complete a standing nomination or formally withdraws from the election, the deposit is forfeited.

## Filing nomination documents

There are differences in timings for each type of nomination, depending on whether the election is a scheduled general election, a by-election, or a non-scheduled general election.

s. 57(1)

### Standing nominations

- **General election:** a nominee may file with the Chief Electoral Officer at any time until the end of the day before the election is called (Writ Day)
- **By-election or non-scheduled general election:** a nominee may file with the Chief Electoral Officer at any time until the end of the second day after Writ Day

s. 56(1)

### Ordinary nominations

- **General election:** a nominee may file with the District Electoral Officer from Writ Day until 1 p.m. on the seventh day after Writ Day
- **By-election:** a nominee may file with the District Electoral Officer from 9 a.m. on the third day after Writ Day until 1 p.m. on the seventh day after Writ Day
- **Non-scheduled general election:** a nominee may file with the District Electoral Officer from 9 a.m. on the third day after Writ Day until 1 p.m. on the eleventh day after Writ Day

## Standing nominations

s. 57

Standing nominations allow nominees to complete many administrative tasks before a writ is issued. This “fast tracking” of nominations allows a nominee to complete the nomination process before the ordinary nomination period has begun. This process is of benefit to nominees, as they can complete the nomination process and gain access to the voters list and issue tax receipts for contributions before candidates who use the ordinary nomination process.

### Filing a standing nomination

Nominees can file standing nominations with the Chief Electoral Officer. To file a standing nomination, the nominee pays the \$250 nomination deposit and files all of the required nomination documentation. A standing nomination requires that nominees file all of the following:

- Nomination Booklet (320)
- Auditor Appointment form (321)
- Financial Agent Appointment form (325)
- Statement of Disclosure form, required by the *Financial Disclosure Act*
- \$250 nomination deposit (cash, certified cheque, money order, bank draft or traveller’s cheque payable to Minister of Finance). Uncertified cheques will not be accepted

### **Partial filings will not be accepted.**

After standing nomination documentation is complete, a nominee will not become a candidate until they receive their certificate of candidacy. The Chief Electoral Officer will issue this as soon as possible after the election period begins. Candidates may only issue income tax receipts for contributions of money given after the candidate has been issued their certificate of candidacy.

### **Withdrawing a standing nomination**

If a standing nomination has been filed, it can be withdrawn before the individual becomes a candidate by the nominee delivering a signed withdrawal to the Chief Electoral Officer.

## **Nominations filed with the District Electoral Officer**

s. 56      During the ordinary nomination period, nominations are only accepted by the District Electoral Officer for the electoral district in which the individual is seeking election. Nominations can be delivered to the district electoral office during regular office hours.

District Electoral Officers can specify other times and places during the ordinary nomination period for the acceptance of nomination papers. For example, in an electoral district that has two distinct geographical areas and where the district electoral office is inconvenient to one area, the District Electoral Officer may specify an alternative place and time for accepting nominations.

Nominations filed with the District Electoral Officer must be complete, and include the Statement of Disclosure form required by the *Financial Disclosure Act*. Partial filings will not be accepted.

After completing nomination documents, a nominee will not become a candidate until they receive their certificate of candidacy. The District Electoral Officer will issue this certificate as soon as possible. Candidates may only issue income tax receipts for contributions of money given after the candidate has been issued their certificate of candidacy.

Nomination papers received after 1 p.m. (Pacific time) on the nomination deadline will not be accepted.

**Changes to nomination documents after filing**

- s. 58      After nomination documents have been filed, they may be amended by the District Electoral Officer on the basis of information provided by the candidate, in writing, in relation to matters of fact that have changed since the time of filing.

**Withdrawal of nominations**

- s. 64      Candidates can withdraw their nominations by giving a signed notice to the District Electoral Officer. The candidate's signature on the notice of withdrawal must be witnessed by at least one individual, who must sign the withdrawal as witness. Candidates may not withdraw within 48 hours before the start of advance voting for the election.

Candidates who withdraw their nominations, and nominees who fail to complete standing nominations forfeit the \$250 nomination deposit. Nomination documents are not returned to the individual in either instance.

## Public access to nomination documents

- s. 59      Nomination documents, including a copy of the Statement of Disclosure form required by the *Financial Disclosure Act*, will be available for public inspection during regular office hours as soon as the nomination has been accepted. Nomination documents continue to be available for public inspection until one year after the return of the writ for the election.

Section 275 of the *Election Act* provides that an individual can request that their residential address or phone number not be available for public inspection. If the candidate, any of the nominators, the financial agent, etc., make such a request in the nomination documentation, their residential phone number and residential address will be obscured for the purposes of public inspection.

## Political party endorsement of candidates

s. 60      In order for a candidate's political party affiliation to be printed on a ballot, the candidate must indicate in the nomination papers the name of the **registered** political party they are nominated to represent **and** the party must file a written endorsement of the candidate signed by at least two principal officers of the party. A political party can only endorse one candidate at a time for an electoral district.

The endorsement of candidates by a political party must be delivered to either the Chief Electoral Officer or the District Electoral Officer **before the end of the nomination period**. It is anticipated that political parties will prefer to file a single endorsement with the Chief Electoral Officer indicating all their endorsed candidates.

### Withdrawal of political party endorsement

The status of a candidate as a representative of a registered political party may be cancelled by either the candidate or the party until the end of the nomination period. Any change in this regard must be made in writing to the District Electoral Officer or Chief Electoral Officer, and be signed by the candidate or by two principal officers of the registered political party.

If the endorsement is cancelled, the candidate remains a candidate in the election, but the political party affiliation will not appear on the ballot.

## Close of nominations

For a scheduled general election or a by-election, the nomination period closes at 1:00 p.m. (Pacific time) on the seventh day after Writ Day. For an unscheduled general election the nomination period closes at 1:00 p.m. (Pacific time) on the eleventh day after Writ Day.

Individuals who have been issued certificates of candidacy are candidates in the election, subject only to a court order in the event of a challenge of a candidate. The names of all candidates in an electoral district will be announced by the District Electoral Officer.

If there is more than one candidate, the District Electoral Officer will announce that an election by voting is to be held and the date of General Voting Day.

If there is only one candidate, that candidate is elected by acclamation.

## Death of a candidate

s. 65

If a candidate dies, proof of the candidate's death must be provided immediately to the Chief Electoral Officer. Based on the date of death, the Chief Electoral Officer will determine whether the nomination period will be extended or if the election will be cancelled and restarted.

The Act states that if a candidate dies before the end of the nomination period, the nomination period ends on whichever of the following is later:

- the end of the nomination period — which is 1 p.m. (Pacific time) on seventh day after the writ is issued for a scheduled general election or by-election and on the eleventh day after the writ is issued for an unscheduled general election; or
- 1 p.m. on the sixth day after the date of death.

This means that if a candidate dies in the last days of the nomination period, the nomination period may be extended to ensure that the nomination period is continued for at least six days after the death.

If a candidate dies after the close of nominations but before the close of voting on General Voting Day, the election in that electoral district is cancelled. The election is started again as if the writ for the election had been issued on the day the Chief Electoral Officer received the proof of the death. Individuals who were candidates in the cancelled election who wish to continue as candidates are not required to file new nomination documents or make another \$250 nomination deposit.



## Challenge of the nomination of a candidate

s. 66      The nomination of a candidate may be challenged by a voter of the electoral district or another candidate in the election. A challenge may be made to the Supreme Court of British Columbia between the time the individual becomes a candidate (when the candidate is issued a certificate of candidacy) and noon on the fourth day after the end of the nomination period. For example, with a scheduled general election the nomination period ends on Day 7, so the last day to challenge the nomination of a candidate would be noon on Day 11.

A challenge may be made on the basis that:

- the individual is not qualified to be nominated or elected
- the nomination was not made in accordance with the *Election Act*
- the individual is not an independent candidate as indicated in the nomination documents
- the usual name indicated in the nomination documents is not the usual name of the individual

The individual making the application must immediately notify the District Electoral Officer and the affected candidate of the challenge and the time and place at which it will be heard by the court.

The court must determine the challenge within 72 hours after the end of the period for commencing the challenge — excluding Saturdays, Sundays and other holidays.

In making a determination the court can:

- confirm the individual as a candidate
- declare the individual is not a candidate
- declare that the individual is not nominated as an independent candidate
- declare that the individual is or is not entitled to have the usual name shown in the nomination documents used on the ballot

The court's determination is final and may not be appealed.

## Candidates' leave from employment

s. 67 Candidates are entitled to a leave without pay from their employment during the campaign. This leave is only available if the candidate has received the certificate of candidacy.

A candidate may request this leave by making a written request to their employer. The employer must grant the leave.

The leave can be either full time or part time as requested by the candidate. If part time leave is requested, the candidate must specify in the written request the days and hours of leave.

Candidates who are on paid or unpaid leave from their employment may continue to contribute to any pension, medical or other benefit plan as long as the employee pays both the employee's and the employer's contributions to the plan. A written request to this effect must be made before or immediately at the beginning of the leave.

Unless ended earlier by the candidate, the leave period ends as follows:

- if the candidate withdraws, the day after that withdrawal
- if the nomination is challenged and the court declares the individual no longer to be a candidate, the day after that declaration
- in all other cases, the day after the official declaration of the election results under section 137 (this is after Final Count and is usually at least 13 days after General Voting Day)

## Delivery of documents to candidates

s. 68 Where the *Election Act* requires or authorizes a notice or other document to be served or given to a candidate, the document is deemed to have been personally served on the candidate if it is left at the service address indicated in the nomination documentation, or if it is given to the candidate's official agent.

## Material and information available to candidates

Candidates are provided with a number of resource items to assist them in their campaigns.

### Candidate kits

Every candidate is provided with a candidate kit by the Chief Electoral Officer, or District Electoral Officer, as applicable. The candidate kit includes the following material:

- Guide for Candidate Representatives
- Guide to Voting and Counting
- one sample form for the appointment of candidate representatives
- map(s) of the electoral district in which the candidate is seeking election, showing the voting area boundaries
- election calendar
- instructions regarding how to access the voters list

The Guide for Candidate Representatives and the appointment form for candidate representatives may be photocopied as required. Candidates may use appointment forms of their own design, provided they meet the requirements of the *Election Act*.

### Voters list

s. 48, 51,  
275

Candidates are entitled to receive a copy of the voters list at two points in time during an election:

1. Preliminary voters list: issued as soon as possible after an election is called
2. Revised voters list: issued as soon as possible after the date specified by the Chief Electoral Officer for the close of general registration

The preliminary voters list includes the names and residential addresses of all registered voters in the electoral district. The revised voters list includes the same information as the preliminary list, as well as the assigned voter number. The revised voters list is used for administering voting and is used to produce the voting books used on General Voting Day.

Elections BC will provide instructions to candidates on accessing the voters list. If a candidate is unable to access the electronic list, one printed copy of the voters list can be supplied.

A candidate may request access to the preliminary and revised voters lists on their nominations document at the time of filing. The candidate will have the option of accessing the voters lists with information on whether each voter voted in their most recent provincial voting opportunity (general election or by-election). Instructions on access are included with the candidate kit.

Access to and use of the voters list is restricted. Candidates must take all necessary steps to protect the personal information contained on the voters list.

All candidates must submit a privacy policy acceptable to the Chief Electoral Officer prior to receiving access to the voters list. Candidates may use the Privacy Policy for Candidates and Former Candidates template provided by Elections BC, or their own privacy policy that meets the Criteria for Privacy Policy Acceptable to the Chief Electoral Officer.

Candidates must only use the personal information contained in the voters list for the electoral purpose for which it was produced. See the Electoral Purpose for Access to and Use of Information Regulation ([elections.bc.ca/legislation](https://elections.bc.ca/legislation)) for additional guidelines on acceptable uses of personal information.

### **Voter turnout information during the election**

s. 96, 97,  
275

On General Voting Day, candidate representatives may request to receive a list of the voter number of individuals who have voted at general voting. Also known as a “bingo sheet,” this list will be available from election officials periodically during General Voting Day.

Candidates are also entitled to request voter turnout information from advance voting. Following each day of advance voting, District Electoral Officers will provide reports listing voters who voted at each advance opportunity offered the previous day. For registered voters, the voting area and voter number will be included. For voters who register or update their registration in conjunction with voting, the report will list the voter’s assigned voting area, name, residential address, and voter number (if known).

During an election conducted under the current public health restrictions, the Chief Electoral Officer may provide a list of the voters residing in the candidate’s electoral district who request a voting package and/or return a voting package. Provision of this information is made possible by an Order of the CEO, recognizing the anticipated high numbers of voters who may choose to vote-by-mail in an election conducted during the pandemic.

### **Canvassing for provincial elections**

If you are canvassing during a campaign period, you need to know the rules that apply to you under the *Election Act*.

#### **Access to housing cooperative, strata and rental properties:**

Authorized canvassers are entitled to access multiple residence buildings in their electoral district between the hours of 9 a.m. to 9 p.m. during the campaign period (from the day the writs are issued until General Voting Day).

In order to be authorized, the individual must either be a candidate or a canvasser authorized in writing by a candidate in order to canvass voters and distribute candidate information on the candidate’s behalf.

A sample Canvasser Authorization form is available on Elections BC's website. An authorization form must be completed by the candidate and provided to the canvasser, so that it can be presented while canvassing. This form does not need to be submitted to Elections BC, unless specifically requested.

### **Identification of canvassers:**

Housing cooperatives, landlords, strata and individuals acting on behalf of these must not unreasonably restrict access to a residential property by a candidate or authorized canvasser who is entering the premise for the purpose of canvassing voters and distributing candidate information in their electoral district.

At the request of a resident or individual acting on behalf of a multiple residence building, a canvasser entering a residential property must produce:

- government issued photo identification, and
- proof of candidacy or the candidate's written authorization (e.g. Canvasser Authorization form).

As a reminder, individuals and organizations are not permitted to distribute materials that identify candidates or political parties within 100 meters of:

- a District Electoral Office, or
- a building where advance voting or general voting is being conducted.

## **Appointment of candidate representatives and financial officers**

A prospective candidate is required to appoint a financial agent and an auditor. Additionally, candidates may appoint an official agent and other candidate representatives to act on their behalf throughout a campaign period.

These appointments must be made in writing and be signed by both the candidate and the appointee. Appointment forms for financial agents, official agents and auditors are included in nomination kits. Sample appointment forms for candidate representatives are provided in candidate kits.

All candidate representatives must carry a copy of their appointment whenever they are acting in their appointed role at an election proceeding and must present the copy to an election official when requested to do so. They also must make a solemn declaration to preserve the secrecy of the vote.

Candidate representatives are entitled to be present at most election proceedings; however, the absence of a candidate representative does not invalidate anything done in the election.

## Financial agents

s. 175, 176      Candidates are required to have a financial agent. The financial agent is responsible for administering campaign finances in accordance with Part 10 of the *Election Act*.

Candidates may either appoint another individual to act as financial agent, or may act as their own financial agent. A financial agent appointment form must be completed and submitted with the nomination documents. A financial agent appointment form is included in the nomination kit.

Certain individuals are disqualified from acting as a financial agent. The following are disqualified:

- an election official, voter registration official or an employee of Elections BC
- an individual who does not have full capacity to enter into contracts
- an individual who is a member of the firm of the candidate's auditor
- an individual who has been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last seven years
- an individual who has failed to file a report that required under the *Election Act* or the *Recall and Initiative Act* within the last seven years

To act as financial agent, an individual must be capable of entering into contracts. While the *Election Act* does not specify any other qualifications, selecting a financial agent requires careful consideration. The statutory obligations of the financial agent are significant and require certain skills. A financial agent must be capable of managing campaign finances in accordance with the *Election Act* and candidates are strongly encouraged to appoint someone who is familiar with keeping financial records.

Candidates may have only one financial agent at a time; however, an individual can be a financial agent for more than one candidate. The same individual may be appointed as the official agent and the financial agent.

A financial agent may also appoint one or more individuals to act as deputy financial agents to assist with issuing income tax receipts and filing financing reports.

Once an appointment is made, candidates must deliver a copy of the appointment to the District Electoral Officer if the candidate filed their nomination documents during the ordinary nomination period, or to the Chief Electoral Officer in relation to candidates who filed their nomination documents as a standing nomination.

If a candidate appoints a financial agent and that individual becomes disqualified, resigns, or ceases to hold that position for any other reason, the Chief Electoral Officer or District Electoral Officer, as applicable, must be notified immediately. In such cases, the candidate must make a new appointment or deliver a statement explaining to the Chief Electoral Officer or District Electoral Officer, as applicable, that the candidate will be acting as his or her own financial agent.

The appointment of a financial agent must be made in writing and must:

- include the name, mailing address and telephone number of the individual appointed and the effective date of the appointment
- be signed by the candidate
- include a signed consent of the individual appointed to act as financial agent

### Auditors

s. 179

Candidates are required to appoint an auditor. An auditing firm, rather than an individual, may be appointed as a candidate's auditor. The appointment of an auditor must be filed with a candidate's nomination documents. An auditor appointment form is included in the nomination kit.

An auditor can be appointed as the auditor for more than one organization or individual. For example, an auditor could be the appointed auditor for a party and any number of constituency associations or candidates.

An auditor must be qualified to be the auditor of a reporting company under the *Business Corporations Act*. This means that the individual is either a C.P.A., or is a member of a C.P.A. firm.

The following are disqualified from acting as a candidate's auditor:

- an election official, voter registration official or an employee of Elections BC
- an individual who does not have full capacity to enter into contracts
- the candidate's financial agent
- an individual who is a member of the same firm as the candidate's financial agent or a firm of which the candidate's financial agent is a member
- an individual who has been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last seven years
- an individual who has failed to file a report that required under the *Election Act* or the *Recall and Initiative Act* within the last seven years

An auditor's report is required if the value of total political contributions or election expenses to be reported is \$10,000 or more [*Election Act*, s. 213(1)]. The report of the auditor must be filed with the candidate's election financing report by the filing deadlines. The Chief Electoral Officer has the authority to request an auditor's report of the election financing report, even if the contributions and expenses are under \$10,000.

If the auditor ceases to hold that position or ceases to be qualified to act as auditor, a candidate must appoint a new auditor as soon as possible. If a new appointment is made, a copy of the appointment must be delivered to the District Electoral Officer or Chief Electoral Officer, as applicable.

### Official agents

s. 69 Any individual may be appointed as the official agent, and it is up to the candidate to define their duties. The official agent can act in the candidate's place throughout the election process. The official agent can appoint candidate representatives and accept notices on the candidate's behalf.

Only one official agent may be appointed at any one time. The official agent must be appointed in writing, and must provide their signed consent to act in that capacity. The official agent may also be the financial agent.

The official agent is entitled to be at all voting proceedings — with the possible exception of some special voting opportunities where the number of candidate representatives may be limited (e.g. special voting held at acute care hospitals).

The appointment of an official agent may be rescinded. If an appointment is rescinded, and a new appointment is made, the appointment is not effective until the appointment form is delivered to the District Electoral Officer.

### Candidate representatives (scrutineers)

s. 70, 93 A candidate or official agent may appoint candidate representatives, or scrutineers, to represent the candidate by observing the conduct of voting, voter registration in conjunction with voting, and counting proceedings for an election.

There is no limit to the number of scrutineers that can be appointed; however, the number of scrutineers that may be present at a voting place or during the counting of ballots is restricted.

During an election conducted under the current public health restrictions, the number of candidate representatives in a voting place will be limited during voting and counting proceedings to a minimum of two. This restriction will be in place by Order by the CEO to ensure that physical distancing can be maintained and to follow public health rules. District Electoral Officers will decide the maximum number of candidate representatives who can safely observe voting and counting proceedings based on the capacity constraints of each voting place. District Electoral Officers will work with candidates to develop schedules for candidate representatives to observe voting and counting processes at each advance and general voting place in their district and in each space used for final count, if necessary.



Candidates can appoint other representatives to act as runners/messengers. These are candidate representatives who are temporarily present at voting places to convey information to and from those observing voting and voter registration.

Cell phones and other electronic devices in the voting place may be used silently (e.g. emailing, texting, reading), provided what candidate representatives are communicating is not visible or directed to voters. Candidate representatives should leave the voting place if they need to communicate verbally with their campaign.

Candidate representatives may request copies of the Record of Voters Who Voted on General Voting Day (3095) at the designated intervals, or may take pictures of this record, to send to their campaign, with the permission of, and in the presence of, the responsible Supervisory Voting Officer or authorized designate.

Candidates are only permitted to be present at a voting place during voting hours for the purpose of voting. Candidates are entitled to be present during the counting of ballots. The District Electoral Officer will advise candidates of the time and location for final count, while ensuring the safety guidelines are being followed for each voting place in their district during this time.

Refer to the Guide for Candidate Representatives for more information.

## Nomination contestants

Nomination contestants are individuals who seek to be a candidate representing a registered political party. Nomination contestants must apply with the political party to participate in a nomination contest. The individual is a nomination contestant whether or not any other individual seeks that nomination. This includes those who withdraw, are acclaimed or directly appointed.

### Requirements for political parties

- s. 59.01 Registered political parties are required to file a nomination contestant information report within 14 days of the end of a nomination contest. This report must disclose the beginning and end date of the contest (i.e. the date the candidate was selected), the contact information of all nomination contestants, including those contestants who withdrew and the name of the contestant being endorsed by the party.

### Requirements for nomination contestants

- s. 211.01 All nomination contestants must submit nomination contestant financing reports within 90 days of the end of a nomination contest. This includes nomination contestants who withdrew from the nomination contest.

Nomination contestants must appoint an individual to act as their financial agent or act as their own financial agent.

**Refer to the Guide for Financial Agents Appointed Under the *Election Act* for detailed information regarding election financing reporting.**

## Election financing (*Election Act*, Part 10)

### Application of election financing rules

The financing rules apply to all individuals who seek election to the Legislative Assembly of British Columbia. This includes all candidates in a provincial general election or by-election, and individuals who are nomination contestants to represent a registered political party.

Nomination contestant rules in the *Election Act* only apply to nomination contestants of **registered** political parties. Registered political parties may establish their own requirements for nomination contests in addition to those specified under the *Election Act*. Rules established by political parties cannot override the requirements of the *Election Act*, and are not enforced by Elections BC.

Individuals who are considering or intending to seek office and who become candidates are considered candidates for the purposes of the financing rules under the *Election Act*. Similarly, individuals who are considering seeking the nomination for a registered political party and who become contestants are considered nomination contestants for the purposes of the financing rules under the Act. All individuals who are accepting contributions or incurring expenses in preparation for entering a contest or election, must comply with the rules under the *Election Act*.

**Refer to the Guide for Financial Agents Appointed Under the *Election Act* for detailed information regarding election financing, election advertising and election financing reporting.**

## Election results (*Election Act*, Part 7)

At the close of voting on General Voting Day, an initial count is conducted. This preliminary result does not include any absentee ballots contained in certification envelopes. Ballots in certification envelopes are counted at final count, which cannot begin before the 13th day after General Voting Day. Candidates are entitled to be present at the counting of ballots.

At the end of initial count, the District Electoral Officer declares the preliminary results for the election. If the difference between the top two candidates is 100 votes or fewer, a candidate or their official agent may request a recount. This request must be made in writing within three days after general voting. Candidates or their official agents may also request a recount if they believe that votes were not correctly accepted or rejected, or if errors were made in recording the vote. A recount would take place during final count, before absentee ballots are counted.

At the end of final count, the District Electoral Officer declares the official results. If there is a tie vote, or the margin between the candidate declared elected and the next candidate is less than 1/500 of the total ballots considered, an application for a judicial recount must be made by the District Electoral Officer.

An application for a judicial recount may also be made by a candidate, their representative, or a voter of the electoral district if they believe that votes were not correctly accepted or rejected or if errors were made in recording the votes. Applications for judicial recount must be made within six days after the conclusion of final count.

Once the outcome of the election is determined, the candidate who has received the most votes is declared elected, and the elected candidate is provided with a Certificate of Election by the District Electoral Officer. The writ is then returned to the Chief Electoral Officer, who advises the Clerk of the Legislative Assembly of the outcome of the election.

## Questions?

**For more information**

**Phone toll-free 1-800-661-8683 / TTY 1-888-456-5448**

**or contact**

Elections BC

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: [electionsbc@elections.bc.ca](mailto:electionsbc@elections.bc.ca)

Website: [elections.bc.ca](http://elections.bc.ca)



**ELECTIONS BC**

A non-partisan Office of the Legislature

# GUIDE TO LOCAL ELECTIONS CAMPAIGN FINANCING IN B.C.

for Candidates and their Financial Agents

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## Introduction

The purpose of this guide is to assist candidates and their financial agents to understand their responsibilities and legal obligations under the [Local Elections Campaign Financing Act \(LECFA\)](#). This guide provides valuable information and tips for meeting the recording and disclosure requirements for transactions related to a candidate's campaign.

The last part of the guide includes instructions for completing the required disclosure statements that must be filed with Elections BC after General Voting Day.

How LECFA applies to any particular case will depend on the individual circumstances and may change if there are new legislative or judicial developments. Where there is inconsistency between this guide and LECFA, LECFA will prevail.

LECFA is available on the Elections BC website ([elections.bc.ca](http://elections.bc.ca)). It can also be viewed at BC Laws ([bclaws.ca](http://bclaws.ca)) or purchased from Crown Publications ([crownpub.bc.ca](http://crownpub.bc.ca)).

## Contact

### **Elections BC Electoral Finance**

Phone toll-free: 1-800-661-8683 / TTY: 1-888-456-5448

Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

Fax: 250-387-3578

Toll-free Fax: 1-866-466-0665

Mailing Address:

PO Box 9275 Stn Prov Govt

Victoria, BC V8W 9J6

[elections.bc.ca](http://elections.bc.ca)



[@ElectionsBC](https://twitter.com/ElectionsBC)



[/ElectionsBC](https://facebook.com/ElectionsBC)

## Definitions

The following key terms have been used throughout this guide. Most of the terms are defined in the [Local Elections Campaign Financing Act \(LECFA\)](#).

<b>Address for service</b>	A mailing address or email address provided by an individual or organization at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization.
<b>Anonymous contribution</b>	A campaign contribution made by an eligible individual whose identity is unknown. An eligible individual cannot contribute more than \$50 anonymously to a single election campaign.
<b>Assent voting</b>	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”.
<b>B.C. Chief Electoral Officer</b>	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 in B.C. and the campaign financing and third party advertising provisions for local elections and non-election assent voting events.
<b>Campaign account</b>	An account in a savings institution opened by a financial agent exclusively for the purposes of an election campaign.
<b>Campaign contribution</b>	Generally, a contribution of money, or the value of goods and services provided without compensation to a candidate or elector organization. See <a href="#">page 16</a> for more information.
<b>Campaign contribution limit</b>	The maximum value of campaign contributions that an eligible individual may provide.
<b>Campaign financing arrangement</b>	A written arrangement between an endorsed candidate and their elector organization that determines the amount of the candidate’s campaign period expense limit that is available for use by the candidate and by the elector organization.
<b>Campaign financing records</b>	The records maintained by a financial agent to complete disclosure statements and financial reports for their candidate or elector organization. These records must be kept in B.C. for five years after General Voting Day for the relevant election or for five years after the reporting deadline for a financial report.
<b>Campaign period</b>	The period that begins on the 28th day before General Voting Day and ends at the close of voting on General Voting Day.
<b>Campaign period expense</b>	An election expense that is used in the campaign period. Most campaign period expenses are subject to an expense limit.

## GUIDE TO LOCAL ELECTIONS CAMPAIGN FINANCING IN B.C. FOR CANDIDATES

<b>Candidate</b>	In relation to candidate obligations applicable under LECFA, an individual who: (a) intends to become 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
<b>Disclosure statement</b>	A document that discloses activities related to campaign financing. All disclosure statements must be filed with Elections BC.
<b>Election advertising</b>	See <a href="#">page 41</a> .
<b>Election area</b>	The defined geographical area where the election is held.
<b>Election expense</b>	Generally, the value of property or services used in an election campaign by or on behalf of a candidate or elector organization to promote or oppose, directly or indirectly, the election of a candidate, or an elector organization. See <a href="#">page 31</a> for more information.
<b>Election period</b>	The period that begins on January 1 and ends on the 29th day before General Voting Day for general local elections. For by-elections, the election period starts on the day the office becomes vacant and ends on the 29th day before General Voting Day.
<b>Election period expense</b>	An election expense that is used in the election period.
<b>Elections BC</b>	A non-partisan Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing and third party advertising provisions for local elections and non-election assent voting events.
<b>Elector organization</b>	An organization that endorses or intends to endorse a candidate in an election. An elector organization must be registered with Elections BC prior to endorsing candidates or conducting any financial activity, including accepting contributions or incurring election expenses. For more information see the <a href="#">Guide to Elector Organization Registration</a> .
<b>Eligible individual</b>	An individual who is a resident of British Columbia and a Canadian citizen or a permanent resident.
<b>Expense limit</b>	The maximum value of campaign period expenses that a candidate may use in a campaign period. Endorsed candidates may make all, some or none of their expense limit available to their elector organization.
<b>Filing deadline</b>	The last day (90 days after General Voting Day) a disclosure statement may be filed with Elections BC without a monetary penalty.
<b>Financial agent</b>	A representative that a candidate and elector organization is required to appoint. A candidate may either act as their own or appoint another individual to this position. A candidate or elector organization may not have more than one financial agent at the same time.

<b>Fundraising function</b>	Includes a social function held by, or on behalf of, a candidate or elector organization for the purpose of obtaining funds.
<b>General Voting Day</b>	The final voting day in a general local election, by-election or assent voting event.
<b>Incurring an election expense</b>	Using property or services in such a way that their value is an election expense.
<b>Jurisdiction</b>	A separate local authority in which a general local election, by-election or assent voting event is held (e.g., a municipality, school district or regional district). They are considered separate authorities even if they cover the same geographic area.
<b>Late filing deadline</b>	The last day (120 days after General Voting Day) on which a disclosure statement may be filed by a candidate, elector organization or advertising sponsor unless relief is granted by the Supreme Court.
<b>Local authority</b>	The local authority of a jurisdiction for which an election or non-election assent voting can be held.
<b>Local election officer</b>	An individual appointed by a local authority to conduct a general local election, by-election or non-election assent voting. Local election officers are also called chief election officers.
<b>Market value</b>	The lowest price charged for equivalent property or services in the market area at the relevant time.
<b>Member</b>	An individual or organization who is a member of an organization. This does not include persons who are exclusively financial contributors, customers, subscribers, followers or supporters.
<b>Money</b>	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.
<b>Permissible loan</b>	A loan made by an eligible individual or savings institution to a candidate or elector organization.
<b>Personal expenses</b>	Campaign expenses of a candidate that include the following if they are reasonable and paid or reimbursed from a campaign account: <ul style="list-style-type: none"> <li>(a) travel to, within or from the election area in which the candidate is running for office</li> <li>(b) lodging, meals and other incidentals related to travelling</li> <li>(c) child or family care if the candidate is usually responsible for the care</li> <li>(d) expenses related to a disability of the candidate</li> </ul>
<b>Placement cost</b>	The cost of purchasing election advertising space on the internet, including a social media site or website.

## GUIDE TO LOCAL ELECTIONS CAMPAIGN FINANCING IN B.C. FOR CANDIDATES

<b>Pre-Campaign Period</b>	The period which begins on the eighty-ninth day before General Voting Day for a general local election, and which ends on the twenty-ninth day before General Voting Day for the election. There is no pre-campaign period for a by-election.
<b>Prohibited contribution or loan</b>	A campaign contribution or loan that is made or accepted in contravention of LECFA. There are monetary penalties for making or accepting prohibited contributions or loans.
<b>Required contributor information</b>	Information that must be recorded for all campaign contributions: (a) value of contribution (b) date the contribution was made (c) full name, mailing address and, if it is different, residential address of the contributor
<b>Shared election expense</b>	An election expense agreed to be shared by two or more candidates.
<b>Significant contributor</b>	An eligible individual who makes: (a) a campaign contribution having a value of \$100 or more, or (b) multiple campaign contributions to the same candidate or elector organization such that the total value is \$100 or more.
<b>Sponsorship information</b>	An authorization statement that is required to be on most election advertising.
<b>Supplementary report</b>	A report that updates Elections BC of changed, added or corrected information to a disclosure statement or financial report. It includes a description of the circumstances leading to its submission.
<b>Surplus campaign funds</b>	The balance of money left in the campaign account after all financial transactions are completed.
<b>Third party sponsor</b>	An individual or organization who sponsors or intends to sponsor election advertising independently from the election campaign of any candidate or elector organization.
<b>Transfer</b>	Movements of money, property or services between a candidate and their elector organization.
<b>Value of election advertising</b>	The value of election advertising is: ■ the price paid for preparing and transmitting the advertising (including applicable taxes), or ■ the market value of preparing and transmitting the advertising (including applicable taxes), if no price is paid, or if the price paid is lower than the market value.
<b>Volunteer</b>	An individual who provides services for no remuneration or material benefit, but does not include: (a) an individual whose employer pays them for the time spent performing the services (b) an individual who is self-employed, if they usually sell or otherwise charge for the services provided

# 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 campaign financing and election advertising rules under the [Local Elections Campaign Financing Act](#) (LECFA). This responsibility includes managing campaign financing disclosure requirements, conducting investigations, and enforcing the campaign financing and third party advertising provisions set out in LECFA. This responsibility also extends to by-elections and non-election assent voting events (also referred to as referenda) held by local election authorities outside of the general local elections cycle.

Elections BC's responsibilities under LECFA include:

- accepting, reviewing and publishing disclosure statements, annual financial reports and supplementary reports,
- assisting participants to comply with LECFA,
- registering local advertising sponsors and elector organizations, and
- undertaking investigations and audits.

## Privacy notice

Elections BC has the authority to collect, use, disclose and dispose of personal information under the *Local Elections Campaign Financing Act* and the *Freedom of Information and Protection of Privacy Act*. This information is used to administer provisions of the *Local Elections Campaign Financing Act*.

For information about Elections BC's privacy policies, please visit [elections.bc.ca/privacy](https://elections.bc.ca/privacy) or contact:

### Privacy Officer

Elections BC

1-800-661-8683

[privacy@elections.bc.ca](mailto:privacy@elections.bc.ca)

PO Box 9275 Stn Prov Govt Victoria, BC V8W 9J6

## Elections BC: local elections campaign financing guides

This guide is for candidates and their financial agents to assist with understanding the comprehensive rules under LECFA. Elections BC also produces the following guides available at [elections.bc.ca](http://elections.bc.ca):

- Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents
- Guide to Elector Organization Registration
- Elector Organization Annual Financial Report Completion Guide
- Guide for Local Elections Third Party Sponsors in B.C.
- Guide for Local Non-election Assent Voting Advertising Sponsors in B.C.

## Local elections: shared roles and responsibilities

General local elections are held every four years for mayors, councillors, electoral area directors, local community commissioners, board of education trustees, park board members and commissioners, advisory council members, regional trustees and Islands Trust local trustees in British Columbia.

Local governments and boards of education also hold by-elections to fill vacancies that occur between general local elections. Non-election assent voting is conducted periodically by local governments to obtain elector assent to carry out certain council and board recommendations (such as borrowing to construct a new library or recreation centre).

The Ministry of Municipal Affairs, the Local Government Management Association, the Union of British Columbia Municipalities, the Ministry of Education and Child Care, the British Columbia School Trustees Association and Elections BC all have educational materials related to local elections.

**A local election officer is the chief election officer or designated local authority officer appointed for a jurisdiction by a local government or board of education.**

Local election officers are responsible for:

- receiving nomination and endorsement documents
- declaring candidates
- administering voting opportunities
- counting votes
- declaring election results

### Who does what

Area of administration	Who is responsible
Voting and ballots	Local election officers
Nomination process	Local election officers
Advertising rules	Elections BC
Campaign financing and disclosure rules	Elections BC
Registration of elector organizations and third party sponsors	Elections BC
School trustees/school board elections	Ministry of Education and Child Care
Legislation for local elections	Ministry of Municipal Affairs



# Campaign financing for candidates

The [Local Elections Campaign Financing Act](#) (LECFA) includes:

- rules that candidates, elector organizations and advertising sponsors must follow, including
- disclosure and reporting requirements for campaign financing and election advertising.

The campaign financing rules create accountability and transparency by requiring financial agents to record and disclose detailed information about financial and non-financial activities. This includes campaign contributions, election expenses, and other income and expenditures related to a campaign.

## Campaign financing periods

There are four campaign financing periods: the election period, the pre-campaign period, the campaign period and the filing period.

### Election period

For general local elections, the election period begins on January 1st of the general local election year and ends at the beginning of the campaign period. For by-elections, the election period starts on the day the office becomes vacant.

### Pre-campaign period

For general local elections, the pre-campaign period begins on the 89th day before General Voting Day and ends on the 29th day before General Voting Day. Election advertising used during this period must include sponsorship information. There is no pre-campaign period for a by-election.

### Campaign period

For general local elections or by-elections, the campaign period begins on the 28th day before General Voting Day (GVD) and ends at the close of voting.

### Filing period

The disclosure statement filing deadline is 90 days after GVD. However, a disclosure statement may be filed late, before the late filing deadline of 120 days after GVD, if a late filing fee of \$500 is paid. Failure to file a disclosure statement is an offence.

## Campaign financing periods

Election Period	Pre-campaign Period	Campaign Period	Filing Period
→	→	→	→
<b>Start of Election Period</b>	<b>Start of Pre-campaign Period</b>	<b>Campaign Period</b>	<b>Filing Deadline</b>
<p><b>January 1 for general local elections, or the date the seat becomes vacant for by-elections</b></p> <p>Expenses used in this period must be reported on the campaign financing disclosure statement</p>	<p><b>89 days before General Voting Day</b></p> <p>Election advertising used in this period must include an authorization statement. Expenses used in this period must be reported on the campaign financing disclosure statement</p>	<p><b>28 days before General Voting Day</b></p> <p>Election advertising used in this period must include an authorization statement. Expenses used in this period are subject to an expense limit and must be reported on the campaign financing disclosure statement</p>	<p><b>90 days after General Voting Day</b></p> <p>Campaign financing disclosure statements are due at the Elections BC office by 4:30 p.m. Pacific time.</p>

### Financial agents

A candidate is their own financial agent unless they appoint another person to be their financial agent. The financial agent is legally responsible for administering campaign finances in accordance with the [Local Elections Campaign Financing Act](#) (LECFA).

A candidate may not have more than one financial agent at a time. However, a financial agent can be the financial agent for more than one candidate or elector organization.

### Appointment requirements

Unless the candidate is their own financial agent, appointments must be made in writing. If the appointment is made or changes before voting results are declared, it must be sent to the local election officer. If the appointment is made or changes after voting results are declared, it must be sent to Elections BC. Appointment information includes:

- the full name of the financial agent
- the effective date of appointment
- contact information
- address for service
- signatures of the candidate and financial agent

To appoint or change a financial agent or their information, complete [Form 4322](#) found on the Elections BC website: [elections.bc.ca](https://elections.bc.ca).

### Responsibilities

Financial agents must understand their campaign financing responsibilities under LECFA.

Financial agents are responsible for:

- keeping complete and accurate campaign financing records of all transfers, campaign contributions, election expenses, and other financial transactions
- opening a separate campaign account for each candidate they are appointed for
- ensuring campaign contributions are only received from eligible individuals or anonymously
- ensuring campaign contributions from eligible individuals do not exceed the contribution limit

**The campaign contribution limits can be found on the Elections BC website at [elections.bc.ca](https://elections.bc.ca).**

- ensuring all transactions of money are made through the campaign account, including contributions from the candidate
- ensuring election advertising contains the required sponsorship information
- determining the market value of in-kind contributions and expenses, including election advertising
- accepting and depositing permitted campaign contributions
- incurring, paying, recording and disclosing election expenses
- pre-approving all election expenses incurred by others
- making and receiving transfers of money between the candidate's own campaign accounts or between the candidate and their elector organization
- making and receiving in-kind transfers between the candidate and their elector organization
- filing a campaign financing disclosure statement
- responding to questions from Elections BC after filing the disclosure statement and filing supplementary reports when required
- ensuring all required financial records are given to the candidate after the disclosure requirements are met.

**Elections BC works closely with financial agents to ensure the disclosure requirements are met. Some disclosure statements may take months to finalize.**

Financial agents may authorize another individual to accept campaign contributions or to pay election expenses.

Unless a financial agent provides a personal guarantee, they are not liable for debts or other liabilities of a candidate or their campaign.

Financial agents may also have other roles, such as campaign manager for a candidate or a responsible principal official for an elector organization.

## Campaign accounts

A campaign account is an account in a savings institution such as a bank, credit union or trust company, and **must** be used exclusively for the election campaign.

A sub-account may be opened as long as it has a distinct account number and separate campaign financing records are kept.

Candidates who do not use any of their own money and have no financial transactions do not have to open a campaign account.

**A campaign account may not be used for any other purposes other than the election campaign.**

Financial agents must open a separate campaign account for each campaign. Candidates **cannot** share an account. An endorsed candidate must have a separate account from their elector organization.

**An election is held in a specific jurisdiction. Elections in different jurisdictions, such as municipalities or school districts, are separate elections. A candidate running in multiple jurisdictions is operating multiple campaigns.**

Each campaign account must be in the name of the election campaign.

### Examples of candidate campaign account names

“John Smith campaign”

“Campaign of John Smith”

“John Smith”

## When to open

A campaign account must be opened as soon as practicable after the first campaign contribution of money is received and before any of the following transactions:

- paying for an election expense
- receiving a transfer from an elector organization
- receiving surplus campaign funds from the previous election

Financial agents are encouraged to open campaign accounts as early as possible. If a financial agent has difficulty opening a campaign account, there is a letter on the Elections BC website at [elections.bc.ca](http://elections.bc.ca) that can be printed and given to the savings institution.

## Using the campaign account

The [Local Elections Campaign Financing Act](#) includes detailed rules on how a campaign account is used.

- all monetary transactions (e.g., contributions, transfers and expenses) must go through this account
- must only be used for that election
- must remain open until all financial transactions have been completed, including the disbursement of surplus campaign funds

## Examples of Campaign Account Transactions

Deposits	Withdrawals
<ul style="list-style-type: none"> <li>▪ campaign contributions</li> <li>▪ fundraising income</li> <li>▪ payment received for reimbursement of election expenses shared with other candidates</li> <li>▪ transfers from an elector organization</li> <li>▪ surplus campaign funds from a previous election</li> <li>▪ interest</li> <li>▪ dividends of shares paid by a credit union</li> </ul>	<ul style="list-style-type: none"> <li>▪ nomination deposit</li> <li>▪ election expenses</li> <li>▪ campaign-related professional fees</li> <li>▪ other expenses incidental to the election campaign</li> <li>▪ reimbursements paid to other candidates for shared election expenses</li> <li>▪ financial agent salary or stipend</li> <li>▪ repayment or remittance of prohibited contributions</li> <li>▪ transfers to an elector organization</li> <li>▪ disbursement of surplus campaign funds</li> <li>▪ campaign account fees</li> </ul>

# Volunteers

A candidate's campaign may have paid campaign workers and/or volunteers.

A volunteer is an individual who willingly performs free services for an election campaign.

Volunteers:

- receive no compensation (directly or indirectly) for their services
- cannot be paid by their employer for working as a volunteer
- can use their vacation time to volunteer
- must be authorized in writing by the financial agent to accept campaign contributions or pay for election expenses
- must not be self-employed and providing services they normally charge for

A volunteer's services, or their own property they use in relation to their services, does not need to be valued. These services are neither a campaign contribution nor an election expense.

### Example

Miranda is a volunteer for Kelly's campaign. Miranda uses her own car to deliver lawn signs and brochures. Miranda does not get any money for gas or other expenses. Since Miranda is using her own property in relation to her volunteer services, the value of using the car and gas is neither a campaign contribution nor an election expense.

An individual who is self-employed, and provides free services for which they would normally charge, is **not a volunteer**. That individual is making a campaign contribution and the value of their services is an election expense of the candidate. Financial agents must therefore value, record and disclose that contribution and expense.

### Example

Martin is a self-employed communications professional. A candidate wants to prepare for an interview and asks Martin to help as a favour. For a paying client, Martin would normally charge \$150 for three hours of work, but Martin provides the service for free.

Martin has made a campaign contribution of \$150, and the candidate has incurred an election expense of \$150. Both the contribution and the expense must be recorded and disclosed by the financial agent.

# Campaign contributions

A campaign contribution is the value of any money, property or services provided without compensation to a candidate for campaign use. A campaign contribution can be made at any time.

A campaign contribution can be a donation of money or goods, advance, deposit or discount. Campaign contributions of money can be made by cash, cheque, credit card or electronic funds transfer.

If a candidate gives money to their own campaign it is a campaign contribution and must be recorded and disclosed in the same way as all other campaign contributions.

**A candidate giving money to their own campaign is making a campaign contribution.**

## Who can make campaign contributions

Campaign contributions can only be made by eligible individuals and cannot be made by organizations or any other individuals.

An eligible individual is:

- a resident of British Columbia, and
- a Canadian citizen or a permanent resident

## Campaign contribution limits

Eligible individuals are subject to a limit for campaign contributions made to each candidate during a calendar year. This limit includes any loans made by an eligible individual to a candidate. The campaign contribution limit for each calendar year can be viewed on the Elections BC website at [elections.bc.ca](http://elections.bc.ca).

Candidates making contributions from their personal funds that are **not endorsed** by an elector organization may provide an additional \$1,250 above the contribution limit in the calendar year of the election. They are subject to the regular campaign contribution limit in other years.

For candidates endorsed by an elector organization, the limit applies to the elector organization and all of its endorsed candidates in a jurisdiction. An eligible individual may not contribute



more than the annual limit, in total, to the elector organization and its endorsed candidates for each calendar year in each jurisdiction.

A group of candidates endorsed by the same elector organization may contribute a combined \$1,250 to their elector organization above their individual contribution limits.

When a candidate receives endorsement from an elector organization, the financial agent for the candidate must provide all campaign contribution information to the financial agent of the elector organization to ensure that contributions from eligible individuals do not exceed the limit.

Campaign contribution limits are adjusted either by regulation or by changes to the consumer price index (CPI). Adjusted amounts will be published on the Elections BC website and in the *B.C. Gazette*.

If a contributor has exceeded the contribution limit, the excess amount is a prohibited contribution. There are significant monetary penalties for exceeding a contribution limit.

### **Making and accepting campaign contributions**

The following are rules for making and accepting campaign contributions:

- Campaign contributions must be made to the financial agent or an individual authorized by the financial agent.
- Only eligible individuals may make campaign contributions and financial agents and authorized individuals may only accept contributions from eligible individuals.
- Campaign contributions of money must be deposited into the campaign account.
- Financial agents and authorized individuals must ensure that contributions received from eligible individuals do not exceed the contribution limit.
- When accepting a campaign contribution, the financial agent, or authorized individual, must record the value, the date the contribution was made and the required contributor information.
- Contributors must provide information so that financial agents can meet their legal disclosure requirements.
- Donated (in-kind) property or services must be assigned a market value, recorded and disclosed in the same way as contributions of money.

Crowdfunding, or crowdsourcing, through the internet for campaign contributions is permitted. The crowdfunding system must require the contributor to provide the value, the date the contribution was made and the required contributor information, including their residential address, so the financial agent can record it. Anonymous contributions cannot be collected over the internet.

Foreign currency and cryptocurrency contributions must be valued at the market rate at the time and date of the contribution and are subject to the same contribution rules as any other contribution.

### Anonymous contributions

Anonymous contributions of **\$50 or less** are allowed. However, an eligible individual can only give a total of \$50 in anonymous contributions to a single candidate. The financial agent must record the value and date of the contribution and how it was received.

**An anonymous contribution of more than \$50 is prohibited. It is also prohibited to accept multiple anonymous contributions from the same eligible individual totalling more than \$50.**

An anonymous contribution must be truly anonymous. This means that the financial agent or candidate does not know who made the contribution. It is not permissible for a contributor to ask that their contribution be anonymous. Anonymous contributions cannot be collected by crowdfunding or crowdsourcing over the internet.

#### Example

Candidate Ralph is hosting a social function and asks Michael, a volunteer for the campaign, to monitor a donation jar at the entrance. As attendees arrive, Michael observes that eight people make anonymous contributions totalling \$112, and no one donates more than \$50.

***Are these anonymous contributions permissible?***

Yes. They are permissible because no one has donated more than \$50.

### Discounted property or services

If property or services are provided by an eligible individual to the candidate at less than market value, the eligible individual is making a campaign contribution. The campaign contribution is the difference between the price paid and the market value.

Market value is the lowest price charged for an equivalent amount of property or services in the market area at the time.

### Donated property or services

Donated property or services, also called in-kind contributions, may only be given by eligible individuals and must be recorded as a campaign contribution. The value of an in-kind campaign contribution is its market value.

**The value of a candidate's own property used in their own campaign is not a campaign contribution.**

#### Example

Deanne donates wood for signs to Michelle's campaign. The value of the wood is \$500. Deanne is making a campaign contribution as an eligible individual.

***What is the value of the contribution?***

The value of the campaign contribution is \$500.

### Capital assets

Capital assets may include buildings, computers, office furniture and equipment. When capital assets are donated by eligible individuals, the contribution is the market value of using the property.

#### Example

Miriam provides office furniture to Anne, a candidate, to use in her campaign office for one month. The furniture is normally rented for \$500 per month.

***Is Miriam making a campaign contribution to Anne?***

Yes. Miriam is making a campaign contribution as an eligible individual to Anne of \$500, the market value of renting the furniture for one month.

### Required contributor information and other recording requirements for campaign contributions

Financial agents must keep accurate and detailed records of all financial transactions. Detailed records will make completing the campaign financing disclosure statements easier.

Financial agents must record the following for each campaign contribution:

- the full name and residential address of the contributor (and mailing address, if it is different),
- the value of the campaign contribution, and
- the date the campaign contribution was made.

**A residential address is the eligible individual's home address. Mailing addresses such as a PO Box, work address or commercial address do not meet the recording requirements.**

A contribution must come from a single eligible individual. If a contribution appears to come from multiple eligible individuals, the financial agent must determine which contributor made the donation and record that information.

#### **Example**

Josie receives a contribution by cheque from Sam and Pat Smith for \$300. Josie must determine which eligible individual made the contribution.

#### **Scenario 1**

Josie contacts Sam and Pat and asks which name should be recorded as the contributor. Sam tells Josie that the contribution was intended to come from both of them. Josie records a contribution of \$150 each from Sam Smith and Pat Smith.

#### **Scenario 2**

Sam tells Josie that the contribution was from Pat only. Josie records a \$300 contribution from Pat Smith.

## Significant contributors

Significant contributors are eligible individuals who make campaign contributions of **\$100 or more** to the same candidate. The contributions could be either a single donation of \$100 or more, or multiple donations that total \$100 or more. This includes in-kind contributions.

Information about significant contributors must be disclosed in the candidate's disclosure statement. This includes:

- full name and residential address of contributor,
- value of contribution, and
- date of contribution.

**Elections BC will obscure residential addresses of contributors prior to publishing disclosure statements.**

### Example 1

On September 1, Raj's uncle, an eligible individual, donates a \$50 gift certificate for use in a silent auction for Raj's campaign.

***Is the uncle a significant contributor?***

No. The value is less than \$100.

### Example 2

On September 23, Raj's uncle gives Raj a \$75 cash campaign contribution.

***Is the uncle now a significant contributor?***

Yes. The total contributions from him are now \$100 or more.

\$50 in-kind donation + \$75 cash contribution = \$125 total contributions.

### Prohibited contributions

It is an offence to make or knowingly accept a prohibited contribution. If the financial agent becomes aware that a contribution is prohibited, they must return the contribution, or an amount equal to its value, within 30 days. If the contribution cannot be returned (such as an anonymous contribution over \$50) the financial agent must send it to Elections BC.

#### Example 1

Rosalie receives an anonymous contribution of \$75 in an envelope. Rosalie keeps \$50 and sends the remaining \$25 to Elections BC.

#### *Is this permissible?*

No. All of the \$75 must be sent to Elections BC because it is an anonymous contribution over \$50.

#### Example 2

Carrie, an eligible individual, has already contributed the maximum annual amount to a candidate during the calendar year when she makes another contribution of \$300.

#### *Is this permissible?*

No. The candidate must return the \$300 to Carrie because it is a prohibited contribution.

Monetary penalties may be administered for financial agents that accept or fail to return prohibited contributions. These penalties may also be applied to individuals and organizations that make prohibited contributions.

### Indirect contributions

Indirect campaign 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 campaign contribution.

Making a campaign contribution with someone else's money, property or services is also prohibited.

## Contribution rules

It is important to know which contributions are acceptable, which are prohibited, and when money, property or services are not contributions.

Acceptable contributions	Prohibited	Not contributions
<ul style="list-style-type: none"> <li>▪ money given to a financial agent or an individual they have authorized</li> <li>▪ non-monetary property and services</li> <li>▪ money given by a candidate to their own campaign</li> <li>▪ anonymous contributions of \$50 or less</li> <li>▪ a person purchasing goods or services from the candidate for more than market value</li> </ul>	<ul style="list-style-type: none"> <li>▪ contributions made by organizations and ineligible individuals</li> <li>▪ contributions that exceed the contribution limit</li> <li>▪ giving a contribution to someone other than the financial agent or someone they have authorized</li> <li>▪ making or accepting a campaign contribution, other than a permitted anonymous contribution, without providing or recording the required contributor information</li> <li>▪ making or accepting indirect campaign contributions</li> <li>▪ making or accepting an anonymous campaign contribution of more than \$50</li> </ul>	<ul style="list-style-type: none"> <li>▪ services provided by a volunteer including the use of their own property in that role</li> <li>▪ transfers of money, property, or services between an elector organization and its endorsed candidates</li> <li>▪ non-monetary property or services provided by a candidate for use in their own campaign</li> <li>▪ candidate's surplus campaign funds from the last election returned by the jurisdiction</li> <li>▪ free transmission of election advertising if offered equitably to all candidates</li> <li>▪ publishing or broadcasting news, editorials, interviews, columns, letters, debates, speeches or commentaries for free in a periodical, radio or television program</li> <li>▪ publications intended to be sold whether or not there was an election</li> </ul>

**An indirect contribution is a campaign contribution made with money or non-monetary property or services of another individual or organization. Indirect contributions are prohibited.**

### Example 1

Jane contributes cash to a candidate but is later reimbursed by her employer.

#### ***Did Jane make an acceptable campaign contribution?***

No. This is a prohibited contribution because the employer has made an indirect contribution through Jane.

### Example 2

John is a candidate and sets up his campaign office at home and uses his personal computer and office supplies to make brochures and signs.

#### ***Did John make a campaign contribution?***

No. Property or services provided by a candidate for use in their own campaign is not a contribution.

## Fundraising functions

A fundraising function includes a social function held by, or on behalf of, a candidate for the purpose of obtaining funds.

Tickets sold for a fundraiser may **only** be purchased by eligible individuals and they cannot be reimbursed for the purchase of tickets. The purchase of tickets by an eligible individual may or may not be a campaign contribution.

- If an eligible individual purchases more than \$50 worth of tickets, it is a campaign contribution.
- If an eligible individual purchases \$50 or less worth of tickets, it is not a campaign contribution.



### Example 1

Sally, an eligible individual, buys five tickets for \$50 each to a candidate fundraising dinner.

5 tickets x \$50 per ticket = \$250

#### ***Has Sally made a campaign contribution?***

Yes. Sally has made a campaign contribution because she purchased more than \$50 worth of tickets.

### Example 2

Big Company buys two tickets for \$25 each to a luncheon held by a candidate.

2 tickets x \$25 per ticket = \$50

#### ***Is this permissible?***

No. This is a prohibited contribution because organizations are not allowed to purchase tickets to fundraising functions. The \$50 must be returned to Big Company.

All money received at a fundraising function must be deposited into the campaign account. Candidates and financial agents are not permitted to use cash received at the function to pay for any expenses. They must deposit all income from the function into the campaign account and pay for costs of the function from the campaign account separately.

### Example

Buck is a candidate who is his own financial agent. He hosts a burger and beer fundraiser at a pub for \$20 per meal. The pub collects \$400 and charges Buck \$200 to host the event. The pub gives Buck his \$200 profit, which Buck deposits into the campaign account.

#### ***Is this allowed?***

No.

#### ***What should Buck have done?***

Buck should have collected the entire \$400 from the pub and deposited it into the campaign account. Buck should have then paid the pub \$200 from the campaign account to cover the cost of the event.

Income from the sale of property or services 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.

All money received must be deposited into the campaign account.

**Candidates are not permitted to use lotteries, raffles or other gambling activities to raise campaign funds.**

### Example 1

To raise money for Martina's campaign, Jerry donates a TV with a market value of \$625. Jennifer buys the TV at Martina's fundraising auction for \$400.

***How much is Jerry's campaign contribution?***

The contribution of the TV is \$625 because that is its market value.

***Has Jennifer made a campaign contribution?***

No. Jennifer has not made a contribution as the amount paid was less than the market value of the TV.

***What is the \$400 paid by Jennifer?***

The \$400 paid by Jennifer must be deposited into the campaign account and reported as other income.

### Example 2

Marvin, a candidate, hosts a silent auction and purchases a gift certificate for \$75. The gift certificate is sold to Kim for \$100.

***Has Kim made a campaign contribution?***

Yes. Kim has made a contribution because she paid more for the gift certificate than its market value.

***How much is Kim's campaign contribution?***

Kim's contribution is \$25 (price paid less the market value  $\$100 - \$75 = \$25$ ). The remaining \$75 is reported as other income.

### Loans or debts

Any loan or debt that remains unpaid for six months after it becomes due converts to a campaign contribution unless the creditor has started legal proceedings to recover it. Creditors keep their rights to collect the loan or debt past the six month period even if no action to collect is taken.

Prohibited contribution rules apply to loans or debts that become campaign contributions from organizations or eligible individuals if the total amount of their contributions exceed the contribution limit.

If a loan or debt becomes a campaign contribution after the disclosure statement is filed with Elections BC, the financial agent must file a supplementary report. See [page 52](#) for information on supplementary reports.

### Permissible loans

Candidates may receive loans from eligible individuals and savings institutions for campaign use. A loan received from an eligible individual must be counted towards the contribution limit for that individual in the calendar year the loan was received.

Financial agents must record the following for each loan received:

- if the loan is received from an eligible individual, the full name and residential address of the lender,
- if the loan is received from a savings institution, the name of the savings institution,
- amount of the loan,
- date the loan was made,
- due date of the loan,
- interest rate of the loan, and
- if the loan is received from a savings institution, the [prime rate](#) of interest at the time the loan is made.

If a financial agent becomes aware that a loan has been accepted in contravention of LECFA, they must return the loan or pay the lender an amount equal to the loan within 30 days. There are monetary penalties for making or accepting prohibited loans.

### Other income

Campaign funds that are not campaign contributions or permissible loans are called other income. Such deposits include:

- interest earned on the account,
- dividends of shares of a credit union,
- money earned through product sales ,
- fundraising income that is not a campaign contribution,
- surplus campaign funds from a previous election returned by the jurisdiction, and
- transfers.

### Recording requirements for other income

The financial agent must record the amount, date and purpose of each deposit that goes into the campaign account.

All money received must be deposited into the campaign account.

### Transfers

Transfers, both monetary and in-kind, are reported as other income.

**Money given from a candidate's personal account is a campaign contribution, not a transfer.**

Transfers include:

- movements of money between a candidate and their elector organization
- provision of property or services between a candidate and their elector organization

Transfers can be made at any time, including after General Voting Day.

### Recording requirements for transfers

The information that must be recorded and reported for transfers depends on the specific circumstances of the transfer.

**If a candidate sought endorsement from an elector organization but was not endorsed, the recording requirements still apply.**

For transfers of money between a candidate and an elector organization, report:

- the date and dollar amount of the transfer
- the name of the elector organization

For in-kind transfers between a candidate and an elector organization, report:

- the date of the transfer
- the market value and a description of the transferred property or services
- the name of the elector organization

### **Example**

XYZ Elector Organization provides election signs to its endorsed candidate, Irene, on August 31, 2018.

#### ***What must Irene report for this transfer?***

Irene must report that the signs were received from XYZ Elector Organization on August 31, 2018. Irene must also determine and report the market value of the signs and report that value as an other income.

## Expenses and expense limits

### Election expenses

An election expense is the value of property or services used in an election campaign. This applies whether the item was used in the election period, the campaign period or both.

#### Election period expenses:

- For **general local elections**, the election period begins on January 1st and ends on the 29th day before General Voting Day (GVD).
- For a **by-election**, the election period begins on the day the office becomes vacant and ends on the 29th day before GVD.
- Election expenses used in the election period are election period expenses.

#### Campaign period expenses:

- The campaign period begins on the 28th day before GVD and ends at the close of voting on GVD.
- Election expenses used in the campaign period are campaign period expenses.

Election expenses used in both the election period and the campaign period are both election period expenses and campaign period expenses.

**Goods produced by a candidate from their own property are not election expenses if the materials were already owned prior to their decision to run for office.**

## Examples of Expenses

The list below is of examples only and does not include every type of expense or election expense.

Election expenses	Election expenses that are not subject to limits	Not election expenses
<ul style="list-style-type: none"> <li>▪ campaign advertising (such as signs, brochures, newspaper ads, etc.)</li> <li>▪ costs associated with transmitting election messages to the public (such as postage, website hosting, etc.)</li> <li>▪ campaign signs, including signs reused or repurposed from previous elections</li> <li>▪ professional photographs used in election advertising</li> <li>▪ holding or attending campaign-related meetings, functions or events (such as costs associated with a campaign rally)</li> <li>▪ paid research and opinion polling and campaigning (such as operating a phone bank)</li> <li>▪ paid canvassing in person, by phone or over the internet</li> <li>▪ campaign office costs</li> <li>▪ bank fees</li> </ul>	<ul style="list-style-type: none"> <li>▪ sign, nomination or damage deposits</li> <li>▪ candidate's personal expenses if paid or reimbursed from campaign account*</li> <li>▪ legal or accounting services used to comply with LECFA</li> <li>▪ financial agent services</li> <li>▪ incidental expenses related to the campaign (such as payments made for the purposes of campaign fundraising)</li> <li>▪ interest on a loan to a candidate for election expenses</li> </ul>	<ul style="list-style-type: none"> <li>▪ services provided or goods produced by a candidate from their own property (such as making brochures with materials already owned)</li> <li>▪ services provided or goods produced by a volunteer from their own property (such as canvassing, installing signs, running social media campaign from their own computer, etc.)</li> <li>▪ free media coverage (such as news stories, interviews, current affairs program, etc.)</li> <li>▪ producing, promoting or distributing a publication if it was planned to be sold whether or not there was an election</li> </ul>
<p>*Candidate personal expenses are:</p> <ul style="list-style-type: none"> <li>▪ travel to, within or from the election area where the candidate is running for office</li> <li>▪ lodging, meals and other incidentals related to travelling</li> <li>▪ child or family care if the candidate is usually responsible for the care</li> <li>▪ expenses related to a disability of the candidate</li> </ul> <p>All personal expenses must be reasonable.</p>		



### Valuing expenses

The value of an election expense is the market value of the property or services used in an election campaign.

#### Valuation of re-used election signs and advertising materials

Signs or other advertising materials left over from previous elections may be re-used, but they must have a value attributed to them for campaign period expense limit purposes. This value is the market value of buying new materials of the same quality. A quote must be obtained to determine the current price of the goods of the same quality. If they are being used during the campaign period, the value must be reported in the disclosure statement as a campaign period expense subject to limits. If they are used in both periods they will be disclosed in both periods at their full value.

If there are additional costs to update old or re-used campaign goods, such as adding the sponsorship information, they are not included in the value obtained in the quote.

#### Example

Rafael reuses 500 signs from a previous election. He has a different financial agent than the last election so the signs need to be updated with the new financial agent's name and phone number. He has stickers printed with the new information at a cost of \$100.

Since the signs were purchased during the previous election, Rafael must determine the current market value of 500 signs of the same quality. Rafael calls a local print shop and learns that the lowest replacement cost for 500 signs of the same quality is \$2,000.

#### ***What is the value of the election expense?***

The value of the election expense is \$2,000. As new signs would not require the stickers, the \$100 is already included in the market value.

If only a portion of property or services is used in an election, only that portion is an election expense. The unused portion is an intended election expense and is recorded as other expenses.

### Example 1

Svetlana purchases 500 brochures for \$200 but only uses 250.

#### ***What is the value of the election expense?***

Since Svetlana only used half of the brochures, the value of the election expense is \$100. The remaining \$100 is recorded as an intended election expense and reported as other expenses.

### Example 2

A campaign worker is contracted to create a website at an hourly rate of \$20 for 25 hours. Hosting fees are \$10 per month. The website is public for eight months during the election period and all of the 29-day campaign period.

#### ***What is the value of the expense?***

The value is calculated by multiplying the number of hours it took to create the website by the hourly rate of the worker and adding the hosting fees.

#### **Election period expense**

$\$500 (\$20 \text{ per hour} \times 25 \text{ hours}) + \$80 (\$10 \text{ per month} \times 8 \text{ months}) = \$580$

The value of the election period expense is \$580.

#### **Campaign period expense**

$\$500 (\$20 \text{ per hour} \times 25 \text{ hours}) + \$9.35 (\$10 \text{ per month} \times 29 \text{ days} / 31 \text{ days}) = \$509.35$

The value of the campaign period expense is \$509.35.

### Expense limits

The Ministry of Municipal Affairs, the Ministry of Education and Child Care and the Ministry of Indigenous Relations and Reconciliation calculate the campaign period expense limits for candidates.

All candidates are subject to these expense limits, which are based on the office sought and the population of the election area.

**An election area is the geographical area where the election is held.**

Elections BC will publish the expense limits no later than May 31 in the year of general local elections.

For by-elections, the expense limits for the most recent general local elections apply.

If a candidate exceeds their expense limit:

- monetary penalties will apply
- they will lose their seat, if elected
- they commit an offence

To find the expense limit for your election area, go to the Elections BC website at [elections.bc.ca](https://elections.bc.ca).

### Campaign financing arrangements

**Campaign financing arrangements are only used by candidates endorsed by an elector organization.**

All candidates who are endorsed by an elector organization must have a campaign financing arrangement (CFA) with their elector organization.

Elector organizations are not allowed to incur campaign period expenses unless they share a candidate's expense limit under a campaign financing arrangement.

A campaign financing arrangement is a written agreement between an elector organization and each endorsed candidate. The arrangement determines how much of the candidate's campaign period expense limit will be shared with the elector organization.

A campaign financing arrangement must be:

- on the regulated form,
- completed before the start of the campaign period,
- submitted to Elections BC, and
- signed by the candidate, the candidate's financial agent (if applicable) and the financial agent of the elector organization.

An endorsed candidate can make all, some or none of their expense limit available to their elector organization to spend on their campaign.

Campaign financing arrangements may be amended or terminated.

- An amendment to the amounts of expense limits available to the elector organization must be made **no later than** General Voting Day.
- A termination of a campaign financing arrangement must be done before the start of the campaign period.

**Amendments and terminations to campaign financing arrangements must be submitted to Elections BC and completed on regulated forms.**

**Important note:** a candidate or elector organization must notify their local election officer of a termination of endorsement prior to the start of the campaign period to remove the endorsement from the ballot.

Campaign financing arrangement forms can be found on the Elections BC website at [elections.bc.ca](https://elections.bc.ca).

### Incurring and paying for expenses

All election expenses must:

- be approved by the financial agent before they are incurred,
- be paid for by a candidate, financial agent or an individual authorized in writing by the financial agent, and
- be paid or reimbursed from the campaign account, including if a candidate pays for an expense from their personal funds. Receipts must be submitted to the financial agent for reimbursement.

### Shared election expenses

A shared election expense is when two or more candidates agree to participate in an election expense.

Each candidate's campaign must pay for their portion of the shared election expense. If one campaign pays for the expense, it must be reimbursed by the other candidates' campaigns. Candidates' campaigns are not allowed to pay for another campaign's election expense.

#### **Example 1**

Bill and Zara are both candidates acting as their own financial agents. They purchase 20 shared signs for \$500. Bill writes a cheque from his campaign account and pays the full amount directly to the supplier. Bill is then later reimbursed \$250 from Zara's campaign account.

#### ***Is this permissible?***

Yes. Each candidate paid for their portion of the shared election expense.

### Example 2

Candidates Julie, Jessica and Jack decide to host a campaign event together. The venue charges \$300. Julie has no campaign funds, so Jessica and Jack agree to split the cost and each pay the venue \$150.

#### *Is this permissible?*

No. Each candidate must pay for their portion of a shared election expense. Julie must reimburse Jessica and Jack \$50 each to cover Julie's portion.

## Post-election expenses

Candidates are permitted to incur expenses after the close of voting that are incidental to their campaign, such as celebration parties and thank-you cards. These incidental expenses are not subject to expense limits but must be recorded and reported in the disclosure statement as other expenses.

## Recording requirements for expenses

Financial agents must maintain accurate and detailed records of all expenses related to the campaign. The records must be complete enough to meet the disclosure requirements in LECFA including:

- total value and description of each election expense
- when each election expense was used (such as election period, campaign period or both)
- total value and description of each payment for other expenses
- total value and description of each other type of payment made from the campaign account, including fundraising expenses, intended election expenses, thank-you parties, etc.

Election expenses are broken down into the following categories:

Advertising:

- commercial canvassing in person, by telephone, or over the internet
- newspapers and periodicals
- promotional materials, including newsletters, brochures, buttons and novelty items
- radio
- search engine marketing and optimizations
- signs (including lumber, sign wires, etc.)

- reused signs
- social media
- television
- website displays
- other advertising (including business cards, promotional items, etc.)

### Campaign administration:

- accounting services
- bank charges
- conventions, workshops and meetings
- donations and gifts
- fundraising functions
- furniture and equipment
- interest expense
- office rent, utilities, insurance and maintenance
- office supplies and stationary
- postage and courier
- professional services
- research and data, including election surveys and polls
- salaries and benefits
- social functions
- subscriptions and dues
- telecommunications and information technology
- travel
- other expenses

### Recording shared election expenses

Detailed disclosure of shared election expenses is required. In order to meet these requirements, financial agents for candidates who participated in a shared election expense must record the following:

- the total value of the shared expense
- the value of their candidate's portion
- the names of the other participating candidates

They must also record and disclose, as applicable:

- the amount paid to the supplier
- the amount of each reimbursement received from other participating candidates
- the amount of each reimbursement paid to other participating candidates

To ensure information is consistent and disclosed correctly, Elections BC reconciles shared election expenses with the other participating candidates. Financial agents may wish to work with other participating financial agents to ensure their records and reports are accurate and consistent.



## Election advertising

The definition of election advertising is broad and applies to advertising conducted by candidates, elector organizations and third party sponsors during the pre-campaign and campaign period. Advertising activities during the election period and prior to pre-campaign period are still advertising election expenses and must be recorded and disclosed, but they are not election advertising.

Election advertising is any transmission of a communication to the public during the pre-campaign period or campaign period that directly or indirectly promotes or opposes a candidate or an elector organization.

In the campaign period, election advertising includes communications that take a position on an issue associated with a candidate or elector organization.

**With the exception of sponsorship information, Elections BC does not regulate the content of election advertising.**

Election advertising does not include:

- messages on the internet that do not, and would not normally, have a placement cost, including free social media posts, websites and videos. Examples of free messages that are not election advertising include Facebook, Instagram and Snapchat posts, tweets, YouTube videos and websites. Although these messages are not election advertising, any costs related to their design or production are election expenses and must be disclosed accordingly.
- free personal or private communications (such as private letters, emails, in-person or telephone conversations, etc.)
- free media coverage (such as news stories, editorials, radio interviews, etc.)
- producing, promoting or distributing a publication if it was planned to be sold whether or not there was an election
- a communication by an individual or group sent directly to their members, employees or shareholders
- transmission by an individual, on a non-commercial basis, on the internet, or by telephone or text message, of their personal views.

## Examples

Election advertising	Not election advertising
<ul style="list-style-type: none"> <li>▪ television, radio, newspaper or magazine advertisements</li> <li>▪ signs, billboards, posters, bumper stickers or branded clothing or objects</li> <li>▪ newsletters, brochures, mailing inserts or other advertising sent to the public</li> <li>▪ ads on the internet with a placement cost (such as pay-per-click ads, Facebook ads, promoted posts, banner ads, pop-up ads, etc.)</li> <li>▪ phone calls made using an automated system (e.g., robocalls)</li> <li>▪ paid canvassing in person, by telephone or over the internet to attempt to influence how voters vote</li> </ul>	<ul style="list-style-type: none"> <li>▪ personal or private communications</li> <li>▪ free media coverage (such as a candidate debate on a local news channel, news stories, radio interviews, etc.)</li> <li>▪ a communication by an individual or group sent directly to their members, employees or shareholders</li> <li>▪ any free communication on the internet (such as Facebook, Twitter, Instagram, Snapchat, YouTube, etc.)</li> <li>▪ free person-to-person phone calls and text messages</li> <li>▪ websites or blogs</li> <li>▪ producing, promoting or distributing a publication if it was planned to be sold whether or not there was an election</li> </ul>

## Determining the sponsor of election advertising

The sponsor of election advertising is the candidate that is conducting the advertising. If two or more candidates conduct advertising together, they are co-sponsors.

### Example

Amanda, Preet and Jeremy are campaigning together and decide to create a shared brochure. Preet designs and prints the brochure and provides several to each campaign to distribute.

#### ***Who is the sponsor of the advertising?***

All candidates are co-sponsors of the advertising.

The candidate is still the sponsor even if:

- the advertising is provided to the candidate as a campaign contribution, or
- another individual or organization conducts advertising on behalf of the candidate.

### Example

A local parents' group meets with Braeden, a candidate, and they decide, with the consent of Braeden's financial agent, that the group will create brochures on behalf of Braeden and distribute them door-to-door during the campaign period.

#### ***Who is the sponsor of the advertising?***

Braeden is the sponsor. The local parents' group is working on behalf of Braeden to create and distribute the brochures. The cost of preparing and printing the brochures is a campaign period expense of Braeden.

Candidates and elector organizations must not sponsor election advertising with a third party sponsor and a third party sponsor must not sponsor election advertising on behalf of a candidate or elector organization.

## Sponsorship information on election advertising

Sponsorship information, also known as an authorization statement, is required on most election advertising during the pre-campaign and campaign periods and must include:

- the name of the financial agent,
- the words "authorized by" in front of the financial agent's name, and
- a B.C. phone number, or B.C. mailing address or email address at which the financial agent can be contacted.

**Although there are no size requirements for the sponsorship information, it must be clear and readable.**

Sponsorship information must be on the election advertising itself and must be in English or understandable to readers of English. If the advertising is in another language, the sponsorship information must also be in that language or understandable to readers of that language.

If a person is paid to canvass voters, either in person, by telephone or over the internet, the canvasser must provide voters with the required sponsorship information.

**There are monetary penalties for failing to include sponsorship information. See [page 56](#) for more information.**

If the election advertising is co-sponsored by two or more candidates, the sponsorship information for each candidate's financial agent must be on the advertising.

### Example 1

#### ***Election signs***

One-sided election signs must have sponsorship information on the side that contains the advertising. It cannot only be on the back of the sign.

Two-sided election signs must have sponsorship information on at least one side. It is not required to be on both sides.

### Example 2

#### ***Candidate sponsor***

Authorized by Susan Wong, electsusan@campaign.ca

### Example 3

#### ***Another language***

Authorized by John Smith, financial agent 604-123-4567

जॉन स्मिथ, वित्तीय एजेंट द्वारा अधिकृत 604-123-4567

### Example 4

#### ***Multiple candidates***

Authorized by John Smith, 604-123-4567 and Susan Wong, electsusan@campaign.ca

### Election advertising exempt from sponsorship information

Certain types of election advertising do not require sponsorship information:

- clothing
- novelty items (such as buttons, badges, pins, stickers, bumper stickers, wristbands)
- small items of nominal value that are intended for personal use (such as pens, mugs, magnets, key chains, notepads, business cards)

### 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 the website, landing page or profile page that contains it.

### 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. Contact your local government for more information about election sign bylaws in your area.

The Ministry of Transportation and Infrastructure regulates sign placement on provincial highways. Please refer to the Ministry's policy at [www.gov.bc.ca/electionsigns](http://www.gov.bc.ca/electionsigns).

**Important safety note:** Placing election signs by digging or driving stakes into the ground can pose a safety hazard to sign installers and to underground infrastructure (such as gas lines and other utilities). Before placing election signs, you may wish to contact BC One Call at 1-800-474-6886 or see the website at [www.bc1c.ca](http://www.bc1c.ca) to determine if there are risks in your area. This service is free of charge and is not associated with Elections BC.

### Authority to remove election advertising

If election advertising does not include the required sponsorship information, or is conducted by an unregistered third party sponsor, Elections BC may require that the advertising be:

- corrected
- discontinued
- covered
- obscured
- removed
- destroyed

## Campaigning restrictions on General Voting Day

An individual or organization must not transmit election advertising to the public on General Voting Day (GVD) except:

- election advertising on the internet as long as the advertising was transmitted to the public before GVD and was not changed before the close of voting. For example, if advertising must be purchased on a monthly basis and GVD is included in that purchase and cannot be removed, then the advertising will be permitted. It is not permitted to schedule advertising for GVD, such as paid Facebook posts.
- advertising by means of signs, posters or banners
- distributing pamphlets
- advertising on the internet that is for the sole purpose of encouraging voters to vote

Permitted on General Voting Day	Not permitted on General Voting Day
<ul style="list-style-type: none"> <li>▪ using free social media</li> <li>▪ free person-to-person interactions, such as phone calls, emails, text messages, etc.</li> <li>▪ election advertising on the internet as long as the advertising was not changed on GVD or is solely to encourage voters to vote</li> <li>▪ placing signs or distributing brochures outside of 100 metres of a voting place</li> <li>▪ campaign meetings or rallies outside of 100 metres of a voting place</li> </ul>	<ul style="list-style-type: none"> <li>▪ scheduling paid ads on the internet including paid social media posts on Facebook, Twitter, Instagram, etc.</li> <li>▪ automated voice calls (robocalls) and automated text messages</li> <li>▪ placing signs or distributing brochures within 100 metres of a voting place</li> <li>▪ television, radio or newspaper ads</li> <li>▪ paid canvassing in person, by telephone or over the internet to attempt to influence how voters vote</li> </ul>

Election advertising is never permitted within 100 metres of a voting place while voting is being conducted.

**For more information about the 100 metre rule, please contact your local authority.**

### Determining the value of election advertising

The value of election advertising is an election expense. If used during the campaign period, the value is also a campaign period expense and is subject to the expense limit. The value of election advertising is the price paid for preparing and transmitting the advertising.

Since only eligible individuals may make campaign contributions, advertising suppliers such as newspapers, sign printers, etc. must not give discounts to candidates or elector organizations unless they are a sole proprietor.

The value of election advertising includes all property and services used in preparing and transmitting the advertising to the public (such as materials, transmission fees, design services, taxes, etc.).

#### Example 1

Pavel pays an agency \$500 to produce an advertisement and then pays a radio station \$150 per play. The ad is played 20 times during the campaign period.

***What is the value of this election advertising?***

The production cost plus the cost per play multiplied by the number of times played:  $\$500 + \$3,000 (\$150 \times 20 \text{ plays}) = \$3,500$ .

#### Example 2

Sabrina is a candidate and prepares a brochure at home and prints 500 copies at a local shop for \$0.25 per copy. The brochures are mailed to 500 different homes at a postage rate of \$1 per brochure.

***What is the value of this election advertising?***

$500 \text{ brochures} \times \$1.25 (\$0.25 \text{ printing} + \$1 \text{ postage per brochure}) = \$625$ .

The value of producing the brochure is not included in the value of the election advertising because it was made with Sabrina's own materials.

Election advertising offered for free equally to all candidates has a market value of zero. However, the value of preparing the advertising is still an election expense.

### Example

A television station offers all candidates a free 15 second advertisement. Elizabeth pays an agency \$300 to produce an ad.

#### *What is the value of this election advertising?*

\$300. As the transmission was offered for free to all candidates, only the production cost is included in the value of the advertisement.

## Third party advertising sponsor

**It is an offence to conduct third party advertising before registering with Elections BC.**

A candidate may also act as a third party advertising sponsor but not for the election in which they are running. This means that generally, a candidate can only be a third party sponsor outside their own jurisdiction. Candidates considering becoming third party sponsors should contact Elections BC and must register with Elections BC before conducting third party advertising.

### Example

Barinder, a mayoral candidate in Vancouver, has a good friend and colleague running for council in Whistler. To advertise in support of that friend, Barinder must register as a third party sponsor before placing the election advertising.

Remember, candidate and elector organizations cannot sponsor election advertising with a third party sponsor and a third party sponsor must not sponsor election advertising on behalf of a candidate or elector organization.

For more information about third party advertising and requirements for third party sponsors, refer to the Guide for Local Elections Third Party Sponsors in B.C. available at [elections.bc.ca](https://elections.bc.ca).



### Collecting information from an advertiser

For the purpose of administering compliance with LECFA, the B.C. Chief Electoral Officer may collect from an advertiser the following information in relation to election advertising that has been transmitted to the public:

- the name of the individual or organization that sponsored the advertising
- the name of the individual or organization that transmitted or arranged to have transmitted the advertising
- the date the advertising was ordered or requested
- the amounts and dates of payments, if any
- the dates on which the advertising was transmitted
- the actual or intended geographic distribution or availability of the advertising
- any other information prescribed by regulation

An advertiser is an individual or organization that has transmitted or arranged to have transmitted third party advertising to the public by any means during the past five years, or as defined by regulation.

## Surplus campaign funds

Surplus campaign funds are the balance of money left in the campaign account after all financial transactions are completed. Candidates must record the amount of surplus campaign funds remaining and how they deal with them.

If the candidate contributed money to their own campaign, the financial agent can only repay the candidate up to the value of those contributions. After the candidate has been reimbursed, any remaining surplus campaign funds must be dealt with as follows:

- Under \$500: The financial agent must pay the amount to the candidate or deal with those funds as directed by the candidate.
- \$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 where the candidate ran.

**The jurisdiction holds the funds and any accumulated interest in trust.**

### Surplus campaign funds held in trust by a jurisdiction

If a candidate who paid surplus funds to a jurisdiction seeks office in the same jurisdiction in the next general local election or an earlier by-election, the jurisdiction must pay the surplus campaign funds to the candidate's financial agent for use in the new election.

If the candidate does not run for office in the same jurisdiction in the next election, the funds become the jurisdiction's to be used at its discretion.

# Disclosure statements

Financial agents are responsible for filing disclosure statements with Elections BC. A disclosure statement includes information on all campaign contributions, election expenses, transfers, surplus campaign funds and other transactions related to the campaign. A disclosure statement must be filed for every candidate. All disclosure statements must be completed on Elections BC forms.

## Who must file

Financial agents are responsible for filing disclosure statements even if the candidate withdrew, was acclaimed, or had few or no financial transactions. Candidates also have a responsibility to ensure that their financial agents file their disclosure statements.

To ensure your report is received by Elections BC before the deadline, you may deliver it by:

- **Email (preferred):** forms may be filled out online and an electronic signature is acceptable. Fillable forms can be found [here](#) and should be sent to [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca).
- **Fax:** our toll-free fax number is 1-866-466-0665
- **Mail:** a postmark is not acceptable as proof of delivery by the deadline, so ensure you mail the report well before the deadline: PO Box 9275 Stn Prov Govt, Victoria, BC V8W 9J6.
- **Courier:** ensure that you submit the report early enough for it to be received by the deadline: Suite 100 – 1112 Fort Street, Victoria , BC V8V 3K8
- **Personally deliver the report:** to a Service BC office or Elections BC: Suite 100 – 1112 Fort Street, Victoria , BC V8V 3K8, Monday to Friday, 8:30 a.m. to 4:30 p.m. PST (Closed weekends and statutory holidays.)

**Note:** not all Service BC offices will accept this report. Please check their website before personally attending the office to ensure this service is available: [servicebc.gov.bc.ca/locations](http://servicebc.gov.bc.ca/locations).

## Filing deadline

The filing deadline for disclosure statements is 4:30 p.m. (Pacific time), 90 days after General Voting Day.

**The disclosure statement must be received and accepted by Elections BC by the filing deadline. A postmark is not acceptable as proof of delivery.**

Disclosure statements filed by the filing deadline are accepted as long as the disclosure requirements are met. If a disclosure statement requires additional information to be accepted, Elections BC will contact the financial agent to give them an opportunity to make the required corrections. If a financial agent does not meet the 90 day deadline, they may file the disclosure statement under the late filing provisions discussed below.

The B.C. Chief Electoral Officer may grant extensions to the filing deadline in extraordinary 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 and 120 days after GVD 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.

### **Supplementary reports**

If Elections BC advises a financial agent that a supplementary report is required, it must be submitted within 30 days of the notification. Elections BC will also inform the local chief election officer of any supplementary reports required.

A supplementary report must also be filed if a financial agent becomes aware that information previously disclosed has changed or does not completely and accurately disclose the information required.

A supplementary is a complete filing of all of the reporting forms. 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

Campaign financing records must be retained in British Columbia until five years after General Voting Day. These records must include:

- copies of the disclosure statement forms
- records of contributions and required contributor information
- deposit slips
- expense receipts
- cheque registers
- transaction slips
- all other financial records of the campaign

Financial agents must keep all campaign financing records and other material related to the disclosure statement until all disclosure requirements have been fulfilled. After the disclosure requirements are met, the candidate becomes responsible for retaining records and materials.

### Public information

Disclosure statements are made available on the Elections BC website after the filing deadline. They may also be viewed at the Elections BC office in Victoria. All residential addresses of significant contributors will be obscured prior to publication.

Local authorities must also provide public access to the disclosure statements.

Copies of disclosure statements may be obtained from either Elections BC or the local authorities for a fee.

# Campaign financing penalties, offences and court orders for relief

Elections BC works closely with participants to help them understand and comply with the local elections campaign financing rules and regulations.

## Campaign financing penalties and offences

Failing to comply with the campaign financing and election advertising rules in the [Local Elections Campaign Financing Act](#) (LECFA) may lead to significant penalties, including committing an offence for more serious matters of non-compliance.

There are also administrative penalties imposed by the B.C. Chief Electoral Officer for failing to comply with the campaign financing and election advertising rules. Administrative penalties include monetary penalties, loss of seat, automatic deregistration and disqualification.

A list of disqualified candidates and advertising sponsors is available on the Elections BC [website](#) and at the Elections BC office in Victoria.

## Failing to file a disclosure statement

Candidates who fail to file a disclosure statement or supplementary report are disqualified from being nominated for, elected to or holding office on a local authority in B.C. until after the next general local elections. Elected candidates who fail to file will also lose their seats.

Candidates endorsed by elector organizations are also subject to these same penalties if the elector organization fails to file a disclosure statement or supplementary report.

It is also an offence to fail to file a disclosure statement or supplementary report and a candidate or financial agent who fails to file a report is liable to a fine of up to \$10,000 and/or imprisonment for up to two years.

### Exceeding the expense limit

An elected candidate who exceeds their expense limit loses their seat. A candidate endorsed by an elector organization will also lose their seat if the total of the candidate's campaign period expenses and the elector organization's campaign period expenses attributed to the candidate exceed the candidate's expense limit.

All candidates who exceed their expense limit must pay a monetary penalty of up to two times the amount by which they exceeded their limit. If the penalty is not paid within 30 days, the candidate becomes disqualified from being nominated for, elected to or holding office on a local authority until after the next general local elections. However, if they pay the penalty, even after the 30 days, they will no longer be disqualified.

**Monetary penalties are made payable to the Minister of Finance.**

It is also an offence to exceed the expense limit and a candidate who exceeds the limit is liable to a fine of up to \$5,000 and/or imprisonment for up to one year.

### Making or accepting prohibited campaign contributions

If the B.C. Chief Electoral Officer makes the determination that a candidate or registered elector organization accepted a campaign contribution that is not in compliance with LECFA, the B.C. Chief Electoral Officer must notify the individual or organization of non-compliance within seven days of making the determination, and the related penalty. This includes:

- Contributions from ineligible sources (e.g., from organizations or individuals who are not eligible individuals).
- Contributions that exceed the contribution limit.
- Contributions that have not been made through an appointed financial agent, or someone authorized in writing by the financial agent, or been properly recorded in order to allow compliance with LECFA.
- Indirect contributions.
- Anonymous contributions of more than \$50.

An individual or organization that makes or accepts a prohibited campaign contribution is liable to pay a monetary penalty of up to double the amount of the prohibited contribution, as determined by the B.C. Chief Electoral Officer.

An application to the Supreme Court for relief from the financial penalty must be made within 30 days after receiving notification from Elections BC of the non-compliance and related penalty.

### **Failing to return prohibited campaign contributions**

If the B.C. Chief Electoral Officer makes the determination that a financial agent has failed to properly handle a prohibited contribution that was made or accepted in contravention of LECFA, the B.C. Chief Electoral Officer must notify the financial agent of non-compliance within seven days of making the determination, and the related penalty.

A financial agent that does not properly return or remit a prohibited contribution is liable to pay a monetary penalty of up to double the amount of the prohibited contribution, as determined by the B.C. Chief Electoral Officer.

An application to the Supreme Court for relief from the financial penalty must be made within 30 days after receiving notification from Elections BC of the non-compliance and related penalty.

### **Failing to include sponsorship information on election advertising**

If the B.C. Chief Electoral Officer makes the determination that a candidate, registered elector organization or third party sponsor failed to include sponsorship information, also known as an authorization statement, on election advertising when required to under LECFA, the B.C. Chief Electoral Officer must notify the individual or organization of non-compliance within seven days of making the determination, and the related penalty.

An individual that does not include sponsorship information on election advertising when required is liable to pay a monetary penalty of up to \$5,000, as determined by the B.C. Chief Electoral Officer.

An organization that does not include sponsorship information on election advertising when required is liable to pay a monetary penalty of up to \$10,000, as determined by the B.C. Chief Electoral Officer.

An application to the Supreme Court for relief from the financial penalty must be made within 30 days after receiving notification from Elections BC of the non-compliance and related penalty.



### **Making or accepting prohibited loans**

If the B.C. Chief Electoral Officer makes the determination that a candidate or registered elector organization accepted a loan that is not in compliance with LECFA, the B.C. Chief Electoral Officer must notify the individual or organization of non-compliance within seven days of making the determination, and the related penalty.

An individual or organization that makes or accepts a prohibited loan is liable to a monetary penalty of up to 100% of the amount of the loan, as determined by the B.C. Chief Electoral Officer.

An application to the Supreme Court for relief from the financial penalty must be made within 30 days after receiving notification from Elections BC of the non-compliance and related penalty.

### **Providing false or misleading information**

Providing false or misleading information or making false or misleading statements under LECFA is an offence and individuals who commit such an offence are liable to a fine of up to \$10,000 and/or imprisonment for up to two years.

Candidates who are convicted of an offence for providing false or misleading information will lose their seat if they were elected. They will also be disqualified from being nominated for, elected to or holding office on a local authority until after the next general local elections.

### **Court orders for relief**

Candidates or financial agents can apply to the Supreme Court for a court order for relief from disclosure requirements, expense limit penalties and administrative monetary penalties.

Candidates applying for court relief may want to consult independent legal counsel about the court process.

For details and timelines on filing for a court order for relief, see sections 66-72 of the [Local Elections Campaign Financing Act](#).

# Disclosure Statement Completion Instructions

## General instructions for all forms

The disclosure statement forms are available online at [elections.bc.ca](https://elections.bc.ca).

The following are some general instructions when completing all forms:

- Separate disclosure statements must be filed for each election where the candidate ran.
- Submit all relevant forms. Forms not relevant to the candidate's campaign do not need to be filed. If there is doubt whether a form should be filed, contact Elections BC.
- Complete the forms online or by hand (print neatly and in ink). The statements will be available for viewing in our office and on our Financial Reports and Political Contributions filing system ([FRPC](#)).
- Complete the detailed forms first then carry forward the totals to the summary forms.
- Ensure the candidate's name is on each page.
- Enter dates as YYYY/MM/DD – e.g., for October 15, 2022, enter 2022/10/15
- Number the pages of forms that have more than one page using the boxes in the top right corner of the forms – e.g., page 1 of 2, page 2 of 2, etc.
- Keep a copy of the report for your records. You may need to use the information for filing amendments or responding to questions from Elections BC. Financial records must be kept in B.C. for 5 years after the compliance deadline for filing the disclosure statement or supplementary report to which the records and material relate.

Note: It is acceptable to round cents to the nearest dollar. For example, \$23.65 could be entered as \$24, \$15.34 as \$15.

## Submitting the Disclosure Statement

The campaign financing disclosure statement must be received by Elections BC before 4:30 p.m., Pacific time, on the filing deadline, 90 days from General Voting Day. The cover page (form 4300) must be signed by the candidate and the appointed financial agent in order for the report to be accepted as filed.

To ensure your report is received by Elections BC before the deadline, you may deliver it by:

- **Email (preferred):** forms may be filled out online and an electronic signature is acceptable. Fillable forms can be found [here](#) and should be sent to [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca).
- **Fax:** our toll-free fax number is 1-866-466-0665
- **Mail:** a postmark is not acceptable as proof of delivery by the deadline, so ensure you mail the report well before the deadline: PO Box 9275 Stn Prov Govt, Victoria, BC V8W 9J6.
- **Courier:** ensure that you submit the report early enough for it to be received by the deadline: Suite 100 – 1112 Fort Street, Victoria , BC V8V 3K8
- **Personally deliver the report:** to a Service BC office or Elections BC: Suite 100 – 1112 Fort Street, Victoria , BC V8V 3K8, Monday to Friday, 8:30 a.m. to 4:30 p.m. PST (Closed weekends and statutory holidays.)

**Note:** not all Service BC offices will accept this report. Please check their website before personally attending the office to ensure this service is available: [servicebc.gov.bc.ca/locations](https://servicebc.gov.bc.ca/locations).

## 4300 – Disclosure Statement Cover Page

The [4300 - Cover Page](#) must be completed for all disclosure statements filed, including amendments (supplementary reports). Please ensure that each relevant field is completed and correct.

- 1. Only add the amendment number if you are modifying an existing report. If it is your first time submitting this report, leave this blank.**
- 2.** Enter the date of General Voting Day (YYYY/MM/DD).
- 3.** Enter the candidate's mailing address, phone number and (if available) email address. Please note that the statement will be publically available so a mailing address, such as a PO Box or office address, instead of a home address may be preferred.
- 4.** Enter the jurisdiction where the candidate sought office.
- 5.** Enter the office sought by the candidate (councillor, mayor, board of education trustee, etc.).
- 6.** Enter the election area where the candidate sought office.
- 7.** If the candidate is endorsed by an elector organization, enter its ballot and legal names.
- 8.** Tick this box if the candidate is their own financial agent.
- 9.** Tick this box if the candidate is registered with Elections BC as a third party advertising sponsor. A separate disclosure statement must be filed for third party sponsors.
- 10.** Unless the candidate is their own financial agent, enter the full name, mailing address, phone number and (if available) email address of the appointed financial agent. Please note that the statement will be publically available so a mailing address, such as a PO Box or office address, instead of a home address may be preferred.
- 11.** Enter the date the financial agent was appointed. If others were previously appointed as financial agents for this election, provide their information on [Form 4312 – Former Financial Agents](#).
- 12.** Carefully read the instructions for zero campaign activity. If all five criteria apply to the candidate, only the cover page is required to be completed and filed. If any of these five criteria do not apply, complete any other form(s) applicable to the campaign.
- 13.** The declaration must be signed and dated by the candidate and, if applicable, the financial agent. If the candidate is their own financial agent, only one signature is required. Signing a false statement is a serious offence and is subject to significant penalties under section 65 of the [Local Elections Campaign Financing Act](#).

Amendment # **1** \_\_\_\_\_

<div style="float: right; border: 1px solid black; padding: 2px; margin-bottom: 5px;"> GENERAL VOTING DAY (YYYY/MM/DD)  <b>2</b> </div>				
CANDIDATE'S FULL NAME			BALLOT NAME (IF DIFFERENT)	
CANDIDATE'S MAILING ADDRESS <b>3</b>			PHONE NUMBER	
CITY/TOWN	PROV.	POSTAL CODE	EMAIL (IF AVAILABLE)	
JURISDICTION <b>4</b>			OFFICE SOUGHT <b>5</b>	
ELECTION AREA <b>6</b>				
BALLOT NAME OF ENDORSING ELECTOR ORGANIZATION (IF APPLICABLE) <b>7</b>				
LEGAL NAME OF ENDORSING ELECTOR ORGANIZATION (IF DIFFERENT)				
<b>8</b> <input type="checkbox"/> Tick if candidate is their own financial agent <b>9</b> <input type="checkbox"/> Tick if candidate was also a third party sponsor				
FINANCIAL AGENT'S FULL NAME (IF NOT ACTING AS OWN) <b>10</b>			EFFECTIVE DATE OF APPOINTMENT (YYYY/MM/DD) <b>11</b>	
FINANCIAL AGENT'S MAILING ADDRESS			PHONE NUMBER	
CITY/TOWN	PROV.	POSTAL CODE	EMAIL (IF AVAILABLE)	
<div style="display: flex; justify-content: space-between;"> <div style="width: 70%;"> <p><b>ZERO CAMPAIGN ACTIVITY</b></p> <p>Candidates with zero campaign activity may file this form only. If any of the conditions <b>are not met</b>, file other forms applicable to the campaign.</p> <ol style="list-style-type: none"> <li>1. No income or deposits, including funds from the candidate, contributions, donations, gifts, loans, funds from previous elections, transfers, etc.</li> <li>2. No expenses, including signs reused from previous elections, campaign account fees, etc.</li> <li>3. Did not have a campaign account.</li> <li>4. Did not change financial agents during this election.</li> </ol> </div> <div style="width: 25%; text-align: right;"> <p><b>12</b></p> <p><input type="checkbox"/> Tick if candidate had zero campaign activity</p> </div> </div>				

**WARNING:** Signing a false declaration is a serious offence and is subject to significant penalties.

Please submit your report to Elections BC: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

## 4301 – Campaign Financing Summary

The [4301 – Campaign Financing Summary](#) form is a summary of the income and expenses of the candidate's campaign. The information is carried forward from other disclosure statement forms. Complete this form after the totals from the related forms are calculated. Depending on the candidate's campaign, income may not equal expenses.

1. Enter the total value of campaign contributions received, as reported in box A on [Form 4302 – Summary of Campaign Contributions](#).
2. Enter the total value of all permissible loans received, as reported in box B on [Form 4304 – Permissible Loans Received](#).
3. Enter the total value of other income and transfers into the campaign account, as reported in box A on [Form 4305 – Other Income and Transfers Received](#).
4. Add the above three values and enter the total income of the campaign in this box.
5. Enter the total value of election period expenses, as reported in box A on [Form 4307 – Summary of Election Expenses](#).
6. Enter the total value of campaign period expenses, as reported in box B on Form 4307.
7. Enter the total value of election period expenses not subject to the limit, as reported in box D on Form 4307.
8. Enter the total value of campaign period expenses not subject to the limit, as reported in box E on Form 4307.
9. Enter the total value of other expenses and transfers from the campaign account, as reported in box A on [Form 4309 – Other Expenses and Transfers Given](#).
10. Enter the balance remaining in your campaign account(s) after payment of all election expenses, as reported in box A on [Form 4311 – Disbursement of Surplus Funds](#).
11. Add the above six values and enter the total expenses of the campaign in this box.
12. Enter the name and address of each savings institution with the campaign account(s).

# CAMPAIGN FINANCING SUMMARY

## LOCAL ELECTIONS CANDIDATE

**4301**  
(22/04)

NAME OF CANDIDATE

### INCOME

Value of campaign contributions from all sources (box **A**, Form 4302)

1

Amount of all permissible loans received (box **B**, Form 4304)

2

Other income and transfers received (box **A**, Form 4305)

3

**TOTAL INCOME** (sum of above boxes)

4

### EXPENSES

Election period expenses (box **A**, Form 4307)

5

Campaign period expenses (box **B**, Form 4307)

6

Election period expenses not subject to limits (box **D**, Form 4307)

7

Campaign period expenses not subject to limits (box **E**, Form 4307)

8

Other expenses and transfers given (box **A**, Form 4309)

9

Balance remaining in campaign account(s) after payment of all expenses (box **A**, Form 4311)

10

**TOTAL EXPENSES** (sum of above boxes)

11

### Campaign Account(s) 12

NAME OF SAVINGS INSTITUTION

ADDRESS

NAME OF SAVINGS INSTITUTION

ADDRESS

## 4302 – Summary of Campaign Contributions

The [4302 – Summary of Campaign Contributions](#) form summarizes all campaign contributions the candidate received in relation to their campaign including in-kind contributions, anonymous contributions, the candidate's own funds, and contributions from fundraisers. The rules and requirements for reporting fundraising function income are listed earlier in the guide. Contributions of goods and services must be recorded at their current market value.

1. Enter the total number of eligible individuals who gave less than \$100. **Do not include the number of anonymous contributions received.**
2. Enter the total value of all contributions of less than \$100 received from eligible individuals. **Do not include the number of anonymous contributions received.** If a contributor made several contributions that total \$100 or more, they are significant contributions and should be recorded on [Form 4303 - Campaign Contributions with a Total Value of \\$100 or more](#).
3. Enter the total number of anonymous contributors.
4. Enter the total value of permissible anonymous contributions received in this box. An anonymous contribution greater than \$50 is prohibited and must be disclosed on [Form 4306 – Prohibited Campaign Contributions and Loans](#).
5. Enter the total value of all significant contributions received from eligible individuals as reported on Form(s) 4303.
6. Add the above values and enter the total amount of contributions received in box A.



# SUMMARY OF CAMPAIGN CONTRIBUTIONS

## LOCAL ELECTIONS CANDIDATE

**4302**  
(22/03)

NAME OF CANDIDATE

**Campaign contributions include monetary and in-kind contributions.**

**Campaign contributions from the candidate must be reported in the same way as contributions from other sources.**

**Do not include anonymous contributions with contributions less than \$100.**

Number of contributors who gave less than \$100

#

1

Total contributions of less than \$100

\$

2

Number of anonymous contributors

#

3

Anonymous contributions

\$

4

Total value of contributions of \$100 or more (box A, Form 4303)

\$

5

**TOTAL CONTRIBUTIONS**

\$

6

A

## 4303 – Campaign Contributions with a Total Value of \$100 or More

The [4303 – Campaign Contributions with a Total Value of \\$100 or More](#) form is used to disclose all contributors who made one or more campaign contributions to the candidate that total \$100 or more. If applicable, review the section on fundraising functions as income from these events may need to be disclosed on this form.

**Note:** signs the candidate reused from a previous election are not contributions.

Use additional pages as necessary.

1. Enter the full name of the contributor. **List only one individual per contribution.** If a contribution was received from two individuals, the financial agent must determine which individual contributed or split the amount between the individuals and report them as two separate contributions.
2. Enter the **residential** address of the contributor. All residential addresses will be obscured by Elections BC before the statement is published.
3. Enter the date each contribution was made. If a single contributor made multiple contributions on different dates, list each of the dates separately.
4. Enter the value of each contribution. If a single contributor made contributions on different dates, the value of each contribution must be listed separately.
5. Enter the total amount of all contributions from the contributor.
6. Enter the subtotal value of all significant contributions per page.
7. Enter the total value of all significant contributions listed on all 4303 pages.

**CAMPAIGN CONTRIBUTIONS WITH A TOTAL VALUE OF \$100 OR MORE**  
**LOCAL ELECTIONS CANDIDATE**

NAME OF CANDIDATE

PAGEOF

Attach additional forms if necessary.

1 FULL NAME OF CONTRIBUTOR	2 CONTRIBUTOR'S RESIDENTIAL ADDRESS				3 DATE RECEIVED (YYYY/MM/DD)	4 CONTRIBUTION AMOUNT	5 TOTAL OF CONTRIBUTOR'S CONTRIBUTIONS
	ADDRESS	CITY	PROV.	POSTAL CODE			
SUBTOTAL OF THIS PAGE						6	
TOTAL CONTRIBUTIONS FROM ALL FORM(S) 4303						7	A

## 4304 – Permissible Loans Received

The [4304 – Permissible Loans Received](#) form is used to report all permissible loans made to the campaign. All loans received must be reported even if they were completely paid off or forgiven. Loans from the candidate are reported in the same way as loans from other sources. Complete one entry for each loan received. Use additional pages as necessary.

1. Enter the full name of the lender
2. Enter the residential address of the lender if the loan is from an eligible individual. All residential addresses will be obscured by Elections BC before the statement is published.
3. Enter the date the loan was received (YYYY/MM/DD).
4. Enter the date the loan is due to be fully paid back (YYYY/MM/DD).
5. Enter the original amount of the loan received.
6. Enter the amount of the loan that is outstanding as of the date the disclosure statement is submitted to Elections BC. If fully paid back, enter 0 in this field.
7. Enter the rate of interest being charged by the lender. Only eligible individuals are allowed to charge less than prime interest. If the loan is interest free enter 0 as the loan interest rate.
8. If the loan is from a savings institution enter the prime interest rate of the principal banker of the Province of B.C. at the time the rate of interest for the loan was set. Interest rates are on the Elections BC website at [elections.bc.ca](http://elections.bc.ca).
9. Enter the total of boxes A from all 4304 pages to show the total amount of all loans. This total will be recorded in box B. This value must be carried forward to [Form 4301 – Campaign Financing Summary](#).

**PERMISSIBLE LOANS RECEIVED**  
**LOCAL ELECTIONS CANDIDATE**

**4304**  
(22/02)

NAME OF CANDIDATE

PAGE

OF

**Complete one entry for each permissible loan received. Attach additional forms if necessary.**

**Permissible loans from the candidate must be disclosed in the same way as permissible loans from other sources.**

**LOAN**

NAME OF LENDER

1

RESIDENTIAL ADDRESS OF LENDER (IF INDIVIDUAL)

2

**LOAN DETAILS**

DATE RECEIVED (YYYY/MM/DD)

3

DATE DUE (YYYY/MM/DD)

4

\$ ORIGINAL AMOUNT OF LOAN

5

A

\$ AMOUNT OF LOAN OUTSTANDING

6

LOAN INTEREST RATE %

7

PRIME RATE\* %

8

**Report all loan payments on Form 4309.**

**LOAN**

NAME OF LENDER

RESIDENTIAL ADDRESS OF LENDER (IF INDIVIDUAL)

**LOAN DETAILS**

DATE RECEIVED (YYYY/MM/DD)

DATE DUE (YYYY/MM/DD)

\$ ORIGINAL AMOUNT OF LOAN

A

\$ AMOUNT OF LOAN OUTSTANDING

LOAN INTEREST RATE %

PRIME RATE\* %

**Report all loan payments on Form 4309.**

**TOTAL AMOUNT OF ALL LOANS RECEIVED**  
(Sum of all boxes A on Form(s) 4304)

9

B

**RESIDENTIAL ADDRESS:**  
REQUIRED FOR INDIVIDUAL LENDERS ONLY

**\*PRIME RATE OF INTEREST:**  
REQUIRED FOR LOANS FROM SAVINGS INSTITUTIONS – AVAILABLE ON ELECTIONS BC WEBSITE

## 4305 – Other Income and Transfers Received

The [4305 – Other Income and Transfers Received](#) form is used to report all money deposited into the campaign account that is not a campaign contribution or a loan. These include transfers from other campaign accounts of the candidate, transfers from elector organizations, surplus funds from a previous election that were returned by the jurisdiction, return of deposits (e.g., damage deposit), fundraising income not reported as a campaign contribution (e.g., ticket sales of \$50 or less to individuals, proceeds of sales from auctions or other fundraising activities), interest income from savings institutions and dividends of shares paid by credit unions. Use additional pages as necessary.

For each entry:

1. Enter the date (YYYY/MM/DD).
2. Enter a brief description.
3. Enter the amount of the deposit or the value of the transfer.
4. Add the amounts and enter the total into box A. This amount must be carried forward to [Form 4301– Campaign Financing Summary](#).

NAME OF CANDIDATE	PAGE <input style="width: 40px;" type="text"/>
	OF <input style="width: 40px;" type="text"/>

1	DATE (YYYY/MM/DD)	2	DESCRIPTION	3	\$ AMOUNT
				TOTAL	4
				A	

## 4306 – Prohibited Campaign Contributions and Loans

The [4306 – Prohibited Campaign Contributions and Loans](#) form is used to report any campaign contributions or loans that are prohibited under the [Local Elections Campaign Financing Act](#) (LECFA). This includes anonymous contributions over \$50, any non-anonymous contributions missing required contributor information, indirect contributions and any contributions or loans that exceed the contribution limit.

LECFA requires the candidate to return prohibited contributions and prohibited loans, or an amount equal to the value of the contribution or loan, to the contributor or lender within 30 days of becoming aware of the contravention. If this is not possible, the contribution or loan, or an amount equal to its value, must be remitted to Elections BC as soon as possible. Complete one entry for each prohibited contribution or prohibited loan received. Use additional pages as necessary.

### Prohibited contribution

1. Indicate whether the prohibited contribution was received from an individual, an organization or anonymously, by checking the appropriate box.
2. Enter the date the prohibited contribution was received (YYYY/MM/DD).
3. Enter the value of the prohibited contribution. If the contribution was goods or services, enter the current market value.
4. Enter the date the contribution was returned to the contributor or the date it was remitted to Elections BC (YYYY/MM/DD).
5. Enter a brief description of how the prohibited contribution was received. This description should explain why the contribution was prohibited.
6. Enter the full name of the contributor.
7. If the prohibited contribution was received from an organization, enter the address of the organization.

### Prohibited Loan

8. Enter a brief description of how the prohibited loan was received. This description should explain why the loan was prohibited.
9. Enter the date the loan was returned to the lender (YYYY/MM/DD).
10. Enter the full name of the lender.
11. Enter the date the prohibited loan was received (YYYY/MM/DD).
12. Enter the date the prohibited loan is due to be fully paid back (YYYY/MM/DD).
13. Enter the original amount of the loan received.
14. Enter the rate of interest being charged by the lender. If the loan is interest free, enter 0 in this field.
15. If the loan is from a savings institution enter the prime interest rate of the principal banker of the Province of B.C. at the time the rate of interest for the loan was set. Interest rates are on the Elections BC website at [elections.bc.ca](http://elections.bc.ca).



NAME OF CANDIDATE	PAGE <input style="width: 40px;" type="text"/>
	OF <input style="width: 40px;" type="text"/>

**Complete one entry for each prohibited campaign contribution or loan received. Attach additional forms if necessary.**

<b>PROHIBITED CONTRIBUTION</b>				
<b>1</b> RECEIVED FROM <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> ORGANIZATION <input type="checkbox"/> ANONYMOUS	<b>2</b> DATE RECEIVED (YYYY/MM/DD)	<b>3</b> \$ VALUE	<b>4</b> DATE RETURNED (YYYY/MM/DD)	<b>OR</b> DATE REMITTED TO ELECTIONS BC (YYYY/MM/DD)
DESCRIPTION OF HOW THE PROHIBITED CONTRIBUTION WAS RECEIVED <b>5</b>				
FULL NAME OF INDIVIDUAL OR ORGANIZATION <b>6</b>				
ADDRESS OF ORGANIZATION, IF APPLICABLE <b>7</b>				

<b>PROHIBITED LOAN</b>		
DESCRIPTION OF HOW THE PROHIBITED LOAN WAS RECEIVED <b>8</b>	<b>9</b> DATE RETURNED TO LENDER (YYYY/MM/DD)	
NAME OF LENDER <b>10</b>		
DATE RECEIVED (YYYY/MM/DD) <b>11</b>	DATE DUE (YYYY/MM/DD) <b>12</b>	\$ ORIGINAL AMOUNT OF LOAN <b>13</b>
LOAN INTEREST RATE % <b>14</b>	PRIME RATE* % <b>15</b>	

**\*PRIME RATE OF INTEREST:**  
REQUIRED FOR LOANS FROM SAVINGS INSTITUTIONS – AVAILABLE ON ELECTIONS BC WEBSITE

## 4307 – Summary of Election Expenses

The [4307 – Summary of Election Expenses](#) form is used to report all election expenses incurred by the campaign. There are two types of election expenses based on when the expense was used: election period and campaign period expenses.

For general local elections, the election period begins on January 1st and ends on the 28th day before General Voting Day (GVD). For a by-election, the election period begins on the day of the office vacancy and ends on the 28th day before GVD.

For both types of events, the campaign period begins on the 28th day before GVD and ends at the close of voting. Campaign period expenses are subject to an expense limit under the [Local Elections Campaign Financing Act](#).

**Note:** If goods and services were used in both periods, their full value must be reported in both periods.

For any election expenses used that do not fit into the listed classes, provide a brief description in the “Other expenses” field.

1. Enter the values of each class of expense used during the election period.
2. Enter the total of all election period expenses into box A. This value must be carried forward to [Form 4301– Campaign Financing Summary](#).
3. Enter the values of each class of expense used during the campaign period.
4. Enter the total of all campaign period expenses into box B. This value must be carried forward to Form 4301.
5. Enter the candidate’s campaign period expense limit in box C, if not already completed. Expense limits are available on the Elections BC [website](#).
6. Enter the values of each class of expenses that are not subject to the limit used during the election period.
7. Enter the total of all expenses that are not subject to the limit from election period expenses into box D. This value must be carried forward to Form 4301.
8. Enter the values of each class of expenses not subject to the limit used during the campaign period.
9. Enter the total of all expenses not subject to the limit from campaign period expenses into box E. This value must be carried forward to Form 4301.

# SUMMARY OF ELECTION EXPENSES

## LOCAL ELECTIONS CANDIDATE

**4307**  
 (22/03)

 NAME OF CANDIDATE
 **Election Period Expenses - Report the value of all goods and services used in the election period.**
**Campaign Period Expenses - Report the value of all goods and services used in the campaign period.**
**If goods and services were used in both periods, report the full amount used in both columns (e.g., campaign signs).**
**ADVERTISING**
**1 ELECTION PERIOD EXPENSES**
**3 CAMPAIGN PERIOD EXPENSES**

Commercial canvassing in person, by telephone, or over the internet

Newspapers and periodicals

Promotional materials, including newsletters, brochures, buttons and novelty items

Radio

Search engine marketing and optimization

Signs

Value of reused signs

Social media

Television

Website displays

Other expenses (describe)

**CAMPAIGN ADMINISTRATION**

Accounting services

Bank charges

Conventions, workshops and meetings

Donations and gifts

Fundraising functions

Furniture and equipment

Interest expense

Office rent, utilities, insurance and maintenance

Office supplies and stationary

Postage and courier

Professional services

Research and data, including election surveys and polls

Salaries and benefits

Social functions

Subscriptions and dues

Telecommunications and information technology

Travel

Other expenses (describe)

**TOTAL EXPENSES**
**2**
**A**
**4**
**B**
**CAMPAIGN PERIOD EXPENSE LIMIT**
**5**
**C**
**ELECTION EXPENSES NOT SUBJECT TO LIMITS**
**6 ELECTION PERIOD**
**8 CAMPAIGN PERIOD**

Personal election expenses

Financial agent services

Legal and accounting services

Interest on loans for election expenses

**TOTAL EXPENSES NOT SUBJECT TO LIMITS**
**7**
**D**
**9**
**E**

## 4308 – Shared Election Expenses

The [4308 – Shared Election Expenses](#) form is used to report expenses that were shared with other candidates. Each candidate must pay their portion of the shared expense. If a candidate paid more than their share to the supplier, they must be reimbursed the difference by the other candidate(s).

Complete a separate form for each unique group of candidates that shared election expenses. Use additional pages as necessary.

1. Enter the total value of the shared election period expenses.
2. Enter the candidate's portion of the shared election period expenses. Ensure this is also reported as an election period expense on [Form 4307 – Summary of Election Expenses](#).
3. Enter the total amount the candidate paid the supplier directly for the shared election period expenses, if applicable.
4. Enter the total value of the shared campaign period expenses.
5. Enter the candidate's portion of the shared campaign period expenses. Ensure this is also disclosed as a campaign period expense on Form 4307.
6. Enter the total amount the candidate paid the supplier directly for the shared campaign period expenses, if applicable.
7. Enter the full names of all other candidates that shared the expense(s).
8. Enter the value of reimbursements paid to other candidates for the shared election period expenses which required repayment.
9. Enter the value of reimbursements received from other candidates for the shared election period expenses which required repayment.
10. Enter the value of reimbursements paid to other candidates for the shared campaign period expenses which required repayment.
11. Enter the value of reimbursements received from other candidates for the shared campaign period expenses which required repayment.

# SHARED ELECTION EXPENSES

## LOCAL ELECTIONS CANDIDATE

**4308**  
(22/02)

NAME OF CANDIDATE

PAGE

OF

**Report the total value of all shared election expenses in the applicable column for each period. Use a separate form for each unique group of candidates that shared election expenses. Attach additional forms if necessary.**

### ELECTION PERIOD

### CAMPAIGN PERIOD

Total value of shared election expenses

**1**

**4**

Candidate's portion of shared election expenses

**2**

**5**

Amount paid to supplier(s) (if applicable)

**3**

**6**

**Note - ensure only your portion of shared election expenses is reported on Form 4307.**

**Provide the full names of other candidates the election expenses were shared with and the amounts of reimbursements either received from other candidates for their portion or paid to other candidates for your portion.**

### ELECTION PERIOD

### CAMPAIGN PERIOD

#### FULL NAME(S) OF OTHER CANDIDATE(S)

#### Amount of reimbursement

\$ Paid

\$ Received

#### Amount of reimbursement

\$ Paid

\$ Received

**7**

**8**

**9**

**10**

**11**

## 4309 – Other Expenses and Transfers Given

The [4309 – Other Expenses and Transfers Given](#) form is used to report all transfers and payments from the campaign account that are not reported on [Form 4307 – Summary of Election Expenses](#) or [Form 4311 – Disbursement of Surplus Funds](#). These include transfers to other campaign accounts of the candidate, transfers to elector organizations, fundraising costs, payment of deposits (e.g., damage deposits), loan payments, and intended election expenses that were not used. Use additional pages as necessary.

For each other expense or transfer given:

1. Enter the date (YYYY/MM/DD).
2. Enter a brief description of the expense or transfer.
3. Enter the amount of the payment or the transfer.
4. Add the amounts and enter the total value into box A. This amount must be carried forward to [Form 4301– Campaign Financing Summary](#).

[illegible]

## 4310 – Fundraising Function

The [4310 – Fundraising Function](#) form is used if the candidate held a fundraising function. Complete a separate form for each function.

1. Enter the date of the fundraising function.
2. Enter a brief description of the fundraising function. If the candidate held a joint function, list the other candidate(s).

**Note:** Tickets and entry fees for fundraising functions may or may not be campaign contributions depending on different circumstances.

### Section A – Fundraising income reported as campaign contributions

Tickets and entry fees are campaign contributions if an eligible individual purchased more than \$50 worth of tickets.

Amounts in this section are reported on [Form 4302 – Summary of Campaign Contributions](#). If applicable, they are also reported on [Form 4303 – Campaign Contributions with a Total Value of \\$100 or More](#).

3. Enter the number of tickets sold to eligible individuals of more than \$50 worth of tickets.
4. Enter the amount of money charged per ticket.
5. Enter the total amount of money collected from ticket sales reported as campaign contributions.
6. Tick this box if the tickets were sold at different prices.
7. Enter the number of eligible individuals that purchased more than \$50 worth of tickets.

**Note:** Other income from fundraising functions may also be campaign contributions. Goods and services donated at functions such as auctions, garage sales and bake sales are campaign contributions. If the goods and services are bought at the function for a price higher than the market value, the difference between the price paid and the market value is a campaign contribution.

8. Enter a description of the income received that was a campaign contribution. For multiple sources of income, provide a brief description of the goods or services.
9. Enter the total value of other campaign contributions received.



### **Section B – Fundraising income not reported as campaign contributions**

Tickets and entry fees are not campaign contributions if an eligible individual purchased \$50 or less worth of tickets.

- 10.** Enter the number of tickets that were sold to eligible individuals for \$50 or less.
- 11.** Enter the amount of money charged per ticket.
- 12.** Enter the total amount of money collected from ticket sales not reported as campaign contributions. This amount is disclosed on [Form 4305 – Other Income and Transfers Received](#).
- 13.** Tick this box if the tickets were sold at different prices.
- 14.** Enter the number of eligible individuals that purchased \$50 or less worth of tickets.

Some other income from fundraising functions are not campaign contributions, such as goods and services bought at the function at or below their market value

- 15.** Enter a description of the income received that was not a campaign contribution. For multiple sources of income, provide a brief description of the goods or services.
- 16.** Enter the total value of other income received.

### Section C – Cost of function

The total cost of fundraising functions is not an election expense but is reported on [Form 4309 – Other Expenses and Transfers Given](#). Costs of functions include goods and services purchased such as food, drinks, prizes, decorations, venue rental, advertising, staffing, entertainment, etc.

17. Enter the total cost of the fundraising function.

NAME OF CANDIDATE

PAGE

OF

**Complete a separate form for each function.**

DATE OF FUNCTION (YYYY/MM/DD)

**1**

DESCRIPTION OF FUNDRAISING FUNCTION (IF JOINT FUNCTION, LIST OTHER CANDIDATE(S))

**2**

**A – FUNDRAISING INCOME REPORTED AS CAMPAIGN CONTRIBUTIONS**

All income reported as campaign contributions must also be included on Form 4302 and, if applicable, Form 4303.

**TICKET SALES** (includes function entry fees)

NUMBER OF  
TICKETS SOLD

#

CHARGE  
PER TICKET

\$

TOTAL  
CHARGES  
COLLECTED

\$

TICK IF  
CHARGE PER  
TICKET VARIES

✓

Purchases by eligible individuals  
of more than \$50 worth of tickets

**3**

x

**4**

=

**5**

**6**

Number of eligible individuals that purchased tickets

**7**

**OTHER CAMPAIGN CONTRIBUTIONS**

(i.e., goods and services that are donated for the function or sold at the function for more than their market value)

DESCRIPTION

**8**

\$ VALUE

**9**

**B – FUNDRAISING INCOME NOT REPORTED AS CAMPAIGN CONTRIBUTIONS**

All income not reported as campaign contributions must also be included on Form 4305.

**TICKET SALES** (includes function entry fees)

NUMBER OF  
TICKETS SOLD

#

CHARGE  
PER TICKET

\$

TOTAL  
CHARGES  
COLLECTED

\$

TICK IF  
CHARGE PER  
TICKET VARIES

✓

Purchases by eligible individuals  
of \$50 or less worth of tickets

**10**

x

**11**

=

**12**

**13**

Number of eligible individuals that purchased tickets

**14**

**OTHER INCOME NOT REPORTED AS CAMPAIGN CONTRIBUTIONS**

(i.e., goods and services sold at the function for their market value or less)

DESCRIPTION

**15**

\$ VALUE

**16**

**C – COST OF FUNCTION**

The total cost of all fundraising functions must also be included on Form 4309.

The cost of a fundraising function includes goods and services such as food, drinks, prizes, decorations, venue rental, advertising, staffing, entertainment, etc.

\$ TOTAL COST OF FUNCTION

**17**

## 4311 – Disbursement of Surplus Funds

The [4311 – Disbursement of Surplus Funds](#) form is used to report how funds remaining in the campaign account were disbursed after the election and payment of all expenses.

1. Enter the balance remaining in the campaign account after all expenses have been paid. This value must be carried forward to [Form 4301 – Campaign Financing Summary](#).
2. Enter the total value of all monetary contributions the candidate made to their own campaign. Do not include contributions of goods or services.
3. If the candidate made contributions of money to their campaign, they can be paid back up to the total amount of those contributions from funds remaining in the campaign account after the payment of all expenses. In section A enter the payment date and amount, if applicable.
4. If the amount remaining in the campaign account is \$500 or more after the payment of all expenses and reimbursements to the candidate for their contributions, the balance must be paid to the jurisdiction where the candidate ran. In section B enter the payment amount and date, if applicable.
5. If the amount remaining in the campaign account is less than \$500 after the payment of all expenses and reimbursements to the candidate for their contributions, the balance must be disbursed as directed by the candidate. In section C enter the payment amount, date and a brief description of how the funds were disbursed, if applicable.

# DISBURSEMENT OF SURPLUS FUNDS

## LOCAL ELECTIONS CANDIDATE

**4311**  
(22/02)

NAME OF CANDIDATE

Balance remaining in campaign account(s) after payment of all expenses

**1**

**A**

Total amount of campaign contributions from candidate

**2**

- A** If the candidate made campaign contributions of money to their own campaign, they can be paid back for those amounts from the balance remaining in the campaign account(s). Enter the payment to the candidate below and go to B.

**3**

DATE (YYYY/MM/DD)	\$ AMOUNT

- B** If the amount remaining in the campaign account(s) is \$500 or more after payment of all expenses, and the candidate has been paid back (if applicable), the funds must be paid to the jurisdiction where the candidate ran for election. Enter the payment below. If the amount remaining in the campaign account(s) is less than \$500 skip this section and go to C.

**4**

DATE (YYYY/MM/DD)	\$ AMOUNT

- C** If the amount remaining in the campaign account(s) is less than \$500 after the payment of all expenses, and the candidate has been paid back (if applicable), the funds must be disbursed as directed by the candidate. Enter this disbursement below, including a description of how the funds were disbursed.

DATE (YYYY/MM/DD)	DESCRIPTION	\$ AMOUNT
<b>5</b>		

## 4312 – Former Financial Agents

The [4312 – Former Financial Agents](#) form is for reporting information about other individuals previously appointed as a financial agent for this election. Do not complete this section if the candidate was the previous financial agent.

1. Enter the effective date of appointment for each previous financial agent.
2. Enter the full name, mailing address, phone number and (if available) email address for each previous financial agent. Please note that the statement will be publically available so a mailing address, such as a PO Box or office address, instead of a home address may be preferred.

NAME OF CANDIDATE

**FORMER FINANCIAL AGENTS**

Enter the information below for any former financial agents during this election. Do not enter financial agent information from previous elections, or the name of the candidate if they previously acted as their own financial agent.

EFFECTIVE DATE OF APPOINTMENT (YYYY/MM/DD)

1

FINANCIAL AGENT'S FULL NAME

FINANCIAL AGENT'S MAILING ADDRESS

2

PHONE NUMBER

CITY/TOWN

PROV.

POSTAL CODE

EMAIL (IF AVAILABLE)

EFFECTIVE DATE OF APPOINTMENT (YYYY/MM/DD)

FINANCIAL AGENT'S FULL NAME

FINANCIAL AGENT'S MAILING ADDRESS

PHONE NUMBER

CITY/TOWN

PROV.

POSTAL CODE

EMAIL (IF AVAILABLE)

# Resources

## Election legislation

Printed versions of local election 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 B.C. Printed versions are also available from Crown Publications, Queen's Printer for British Columbia, at:

**Mailing address:**

563 Superior Street, Victoria, B.C. V8V 1T7

**Phone:** 250-387-6409

**Toll Free:** 1-800-663-6105

**Fax:** 250-387-1120

**Email:** [crownpub@gov.bc.ca](mailto:crownpub@gov.bc.ca)

**Website:** [crownpub.bc.ca](http://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 [Vancouver Charter](#), the [Community Charter](#), the [School Act](#) and the [Offence Act](#) are available online at [bclaws.ca](http://bclaws.ca).





**ELECTIONS BC**

A non-partisan Office of the Legislature

# GUIDE FOR LOCAL ELECTIONS THIRD PARTY SPONSORS IN B.C.

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## Introduction

The purpose of this guide is to help third party sponsors understand their responsibilities and legal obligations under the [Local Elections Campaign Financing Act](#) (LECFA). This guide provides valuable information and tips for meeting the recording and disclosure requirements for transactions related to a sponsor's advertising.

The last part of the guide includes instructions for completing the required disclosure statement forms that must be filed with Elections BC after General Voting Day.

How LECFA applies to any particular case will depend on the individual circumstances and may change if there are new legislative or judicial developments. Where there is inconsistency between this guide and LECFA, LECFA will prevail.

LECFA is available on the Elections BC website ([elections.bc.ca](http://elections.bc.ca)) It can also be viewed at BC Laws ([bclaws.ca](http://bclaws.ca)) or purchased from Crown Publications ([crownpub.bc.ca](http://crownpub.bc.ca)).

## Contact

### **Elections BC Electoral Finance**

Phone toll-free: 1-800-661-8683 / TTY: 1-888-456-5448

Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

Fax: 250-387-3578

Toll-free Fax: 1-866-466-0665

Mailing Address:

PO Box 9275 Stn Prov Govt

Victoria, BC V8W 9J6

[elections.bc.ca](http://elections.bc.ca)



[@ElectionsBC](https://twitter.com/ElectionsBC)



[/ElectionsBC](https://www.facebook.com/ElectionsBC)

## Definitions

The following key terms have been used throughout this guide. Most of the terms are defined in the [Local Elections Campaign Financing Act](#) (LECFA).

<b>Address for service</b>	A mailing address or email address provided by an individual or organization at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization.
<b>Anonymous contribution</b>	A sponsorship contribution made by an eligible individual whose identity is unknown. An eligible individual cannot contribute more than \$50 anonymously.
<b>Assent voting</b>	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 is commonly referred to as a “referendum.”
<b>Authorized principal official</b>	An individual who makes legally binding statements and declarations on behalf of a third party sponsor. Responsibilities include ensuring a disclosure statement is filed and retaining records related to sponsorship contributions and sponsored advertising.
<b>B.C. Chief Electoral Officer</b>	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 in B.C. and the campaign financing and third party advertising provisions for local elections and non-election assent voting events.
<b>Campaign period</b>	The period that begins on the 28th day before General Voting Day and ends at the close of voting on General Voting Day.
<b>Candidate</b>	In relation to candidate obligations applicable under LECFA, an individual who: (a) intends to become 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
<b>Directed advertising</b>	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.
<b>Disclosure statement</b>	A document that discloses activities related to third party advertising. All disclosure statements must be filed with Elections BC.
<b>Election advertising</b>	See <a href="#">page 9</a> .
<b>Election area</b>	The defined geographical area where the election is held.
<b>Elections BC</b>	A non-partisan Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing and third party advertising provisions for local elections and non-election assent voting events.

## GUIDE FOR LOCAL ELECTIONS THIRD PARTY SPONSORS IN B.C.

<b>Elector organization</b>	An organization that endorses or intends to endorse a candidate in an election. An elector organization must be registered with Elections BC prior to endorsing candidates or conducting any financial activity, including accepting contributions or incurring election expenses. For more information see the <a href="#">Guide to Elector Organization Registration</a> .
<b>Eligible individual</b>	An individual who is a resident of British Columbia and a Canadian citizen or a permanent resident.
<b>Expense limit</b>	The maximum value of advertising expenses that a sponsor may use in a campaign period.
<b>Filing deadline</b>	The last day (90 days after General Voting Day) a disclosure statement may be filed with Elections BC without a monetary penalty.
<b>General Voting Day</b>	The final voting day in a general local election, by-election or assent voting event.
<b>Issue advertising</b>	A form of third party advertising that is: (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.
<b>Jurisdiction</b>	A separate local authority in which a general local election, by-election or assent voting event is held (e.g., a municipality, school district or regional district). They are considered separate authorities even if they cover the same geographic area.
<b>Late filing deadline</b>	The last day (120 days after General Voting Day) on which a disclosure statement may be filed by a candidate, elector organization or advertising sponsor unless relief is granted by the Supreme Court.
<b>Local authority</b>	The local authority of a jurisdiction for which an election or non-election assent voting can be held.
<b>Local election officer</b>	An individual appointed by a local authority to conduct a general local election, by-election or non-election assent voting. Local election officers are also called chief election officers.
<b>Market value</b>	The lowest price charged for equivalent property or services in the market area at the relevant time.
<b>Member</b>	An individual or organization who is a member of an organization. It does not include persons who are exclusively financial contributors, customers, subscribers, followers or supporters.
<b>Money</b>	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.
<b>Non-election assent voting advertising sponsor</b>	An individual or organization that sponsors non-election assent voting advertising or that registered as a non-election assent voting advertising sponsor.

## GUIDE FOR LOCAL ELECTIONS THIRD PARTY SPONSORS IN B.C.

<b>Permissible loan</b>	A loan made by an eligible individual or savings institution to an advertising sponsor.
<b>Placement cost</b>	The cost of purchasing third party advertising space on the internet, including a social media site or website.
<b>Pre-campaign period</b>	The period which begins on the eighty-ninth day before General Voting Day for a general local election, and which ends on the twenty-ninth day before General Voting Day for the election. There is no pre-campaign period for a by-election.
<b>Prohibited contribution or loan</b>	A sponsorship contribution or loan that is made or accepted in contravention of LECFA. There are monetary penalties for making or accepting prohibited contributions or loans.
<b>Required contributor information</b>	Information that must be recorded for all sponsorship contributions: (a) value of contribution (b) date the contribution was made (c) full name, mailing address and, if it is different, residential address of the contributor
<b>Responsible principal official</b>	A principal officer of an advertising sponsor who has consented to be a responsible principal official. Each third party sponsor that is an organization must have at least two individuals' consent to be responsible principal officials, one of which must be the authorized principal official.
<b>Significant contributor</b>	An eligible individual who makes: (a) a sponsorship contribution having a value of \$100 or more, or (b) multiple sponsorship contributions to the same advertising sponsor such that the total value is \$100 or more.
<b>Sponsorship contribution</b>	Generally, a contribution of money, or the value of goods and services provided, without compensation to a sponsor. See <a href="#">page 27</a> for more information.
<b>Sponsorship contribution limit</b>	The maximum value of sponsorship contributions that an eligible individual may provide.
<b>Sponsorship information</b>	An authorization statement that is required to be on most election advertising during the pre-campaign and campaign periods.
<b>Supplementary report</b>	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 its submission.
<b>Third party advertising</b>	See <a href="#">page 9</a> .
<b>Third party sponsor</b>	An individual or organization who sponsors or intends to sponsor election advertising independently from the election campaign of any candidate or elector organization.

<b>Value of third party advertising</b>	<p>The value of third party advertising is:</p> <ul style="list-style-type: none"><li>▪ the price paid for preparing and transmitting the advertising (including applicable taxes), or</li><li>▪ the market value of preparing and transmitting the advertising (including applicable taxes), if no price is paid, or if the price paid is lower than the market value</li></ul>
<b>Volunteer</b>	<p>An individual who provides services for no remuneration or material benefit, but does not include:</p> <ul style="list-style-type: none"><li>(a) an individual whose employer pays them for the time spent performing the services</li><li>(b) an individual who is self-employed, if they usually sell or otherwise charge for the services provided</li></ul>



# 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 campaign financing and election advertising rules under the [Local Elections Campaign Financing Act](#) (LECFA). This responsibility includes managing campaign financing disclosure requirements, conducting investigations, and enforcing the campaign financing and third party advertising provisions set out in LECFA. This responsibility also extends to by-elections and non-election assent voting events (also referred to as referenda) held by local election authorities outside of the general local elections cycle.

Elections BC's responsibilities under LECFA include:

- accepting, reviewing and publishing disclosure statements, annual financial reports and supplementary reports,
- assisting participants to comply with LECFA,
- registering local advertising sponsors and elector organizations, and
- undertaking investigations and audits.

## Privacy notice

Elections BC has the authority to collect, use, disclose and dispose of personal information under the *Local Elections Campaign Financing Act* and the *Freedom of Information and Protection of Privacy Act*. This information is used to administer provisions of the *Local Elections Campaign Financing Act*.

For information about Elections BC's privacy policies, please visit [elections.bc.ca/privacy](https://elections.bc.ca/privacy) or contact:

### Privacy Officer

Elections BC

1-800-661-8683

[privacy@elections.bc.ca](mailto:privacy@elections.bc.ca)

PO Box 9275 Stn Prov Govt Victoria, BC V8W 9J6

### Elections BC: local elections campaign financing guides

This guide is for third party sponsors to assist with understanding the comprehensive rules under LECFA. Elections BC also produces the following guides available at [elections.bc.ca](https://elections.bc.ca):

- Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents
- Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents
- Guide to Elector Organization Registration
- Elector Organization Annual Financial Report Completion Guide
- Guide for Local Non-election Assent Voting Advertising Sponsors in B.C.

### Local elections: shared roles and responsibilities

General local elections are held every four years for mayors, councillors, electoral area directors, local community commissioners, board of education trustees, park board members and commissioners, advisory council members, regional trustees and Islands Trust local trustees in British Columbia.

Local governments and boards of education also hold by-elections to fill vacancies that occur between general local elections. Non-election assent voting is conducted periodically by local governments to obtain elector assent to carry out certain council and board recommendations (such as borrowing to construct a new library or recreation centre).

The Ministry of Municipal Affairs, the Local Government Management Association, the Union of British Columbia Municipalities, the Ministry of Education and Child Care, the British Columbia School Trustees Association and Elections BC all have educational materials related to local elections.

**A local election officer is the chief election officer or designated local authority officer appointed for a jurisdiction by a local government or board of education.**

Local election officers are responsible for:

- receiving nomination and endorsement documents
- declaring candidates
- administering voting opportunities
- counting votes
- declaring election results

### Who does what

Area of administration	Who is responsible
Voting and ballots	Local election officers
Nomination process	Local election officers
Advertising rules	Elections BC
Campaign financing and disclosure rules	Elections BC
Registration of elector organizations and third party sponsors	Elections BC
School trustees/school board elections	Ministry of Education and Child Care
Legislation for local elections	Ministry of Municipal Affairs

## Third Party Advertising

The [Local Elections Campaign Financing Act](#) (LECFA) includes rules that third party sponsors must follow, including disclosure requirements for third party advertising and financing.

Third party advertising rules create accountability and transparency by requiring third party sponsors to record and disclose detailed information about third party advertising and financing activities. This includes sponsorship contributions and third party advertising expenses.

Individuals and organizations, other than candidates or elector organizations, that sponsor election advertising are third party sponsors.

The definition of third party advertising is broad and applies to advertising conducted by third parties during the pre-campaign period and campaign period. In general, it is any transmission of a communication to the public sponsored by someone other than a candidate or elector organization that directly or indirectly promotes or opposes a candidate or an elector organization.

In the campaign period, third party advertising includes communications that take a position on an issue associated with a candidate or elector organization.

**Third party advertising is only regulated during the pre-campaign period and campaign period. Advertising conducted outside of these periods is not subject to third party advertising rules.**

**With the exception of sponsorship information, Elections BC does not regulate the content of third party advertising.**

Third party advertising does not include:

- messages on the internet that do not, and would not normally, have a placement cost, including free social media posts, websites and videos. Examples of free messages that are not third party advertising include Facebook, Instagram and Snapchat posts, tweets, YouTube videos and websites.
- free personal or private communications (such as private letters, emails, in-person or telephone conversations, etc.)
- free media coverage (such as news stories, editorials, radio interviews, etc.)
- producing, promoting or distributing a publication if it was planned to be sold whether or not there was an election
- a communication by an individual or group sent directly to their members, employees or shareholders
- transmission by an individual, on a non-commercial basis, on the internet, or by telephone or text message of their personal views

### Examples

Third party advertising	Not third party advertising
<ul style="list-style-type: none"><li>▪ television, radio, newspaper or magazine advertisements</li><li>▪ signs, billboards, posters, bumper stickers or branded clothing or objects</li><li>▪ newsletters, brochures, mailing inserts or other advertising sent to the public</li><li>▪ ads on the internet with a placement cost (such as pay-per-click ads, Facebook ads, promoted posts, banner ads, pop-up ads, etc.)</li><li>▪ phone calls made using an automated system (i.e., robocalls)</li><li>▪ paid canvassing in person, by telephone or over the internet to attempt to influence how voters vote</li></ul>	<ul style="list-style-type: none"><li>▪ personal or private communications</li><li>▪ free media coverage (such as a candidate debate on a local news channel, news stories, radio interviews, etc.)</li><li>▪ a communication by an individual or group sent directly to their members, employees or shareholders</li><li>▪ any free communication on the internet (such as Facebook, Twitter, Instagram, Snapchat, YouTube, etc.)</li><li>▪ free person-to-person phone calls and text messages</li><li>▪ websites or blogs</li><li>▪ producing, promoting or distributing a publication if it was planned to be sold whether or not there was an election</li></ul>

### 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 identifies a candidate, includes a photo or likeness of a candidate or identifies a candidate by voice or physical description. Directed advertising also includes advertising that names an elector organization or includes a logo or likeness of a logo used by the elector organization.

#### Example of directed advertising

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 that a candidate or elector organization is associated with, but does not name the candidate or elector organization. It also includes advertising that takes a position on an assent voting question that is held in conjunction with an election.

### Example of issue advertising

A candidate for mayor is running on the platform of building a new ice rink. A third party sponsor pays for an advertisement in a local newspaper that says:

“Vote for the new ice rink to be built”

## Pre-campaign and campaign periods

For general local elections, the pre-campaign period begins on the 89th day before General Voting Day and ends on the 29th day before General Voting Day. Rules for directed advertising are in effect during this period. There is no pre-campaign period for a by-election.

For general local elections and by-elections, the campaign period begins on the 28th day before General Voting Day and ends at the close of voting on General Voting Day. Rules for directed advertising and issue advertising are in effect during this period.

## Review process and evaluation criteria

Elections BC reviews and responds to questions about third party advertising on a case-by-case basis.

The following questions are asked when determining if something is third party advertising:

- Was the message transmitted to the public?
- Was it during the pre-campaign or campaign period?
- Did it directly or indirectly promote or oppose a candidate or elector organization, or did it take a position on an issue with which a candidate or elector organization is associated?
- If the message was transmitted over the internet, was there, or would there normally be, a placement cost?
- If the message was canvassing in person, by telephone or over the internet and there was an attempt to influence how a voter votes, was the canvasser being paid?

If the answer is “yes” for any of the above questions, the message could be third party advertising.

Indicators that advertising and activities may be third party advertising include:

- advertising that identifies candidates or elector organizations
- advertising that evaluates the performance of candidates or elector organizations
- advertising that compares the positions of candidates or elector organizations on a policy issue
- 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” or “Make your voice heard”
- advertising specifically planned to coincide with the pre-campaign or campaign period
- advertising in the form of paid canvassing in person, by telephone or over the internet to attempt to influence how voters vote
- 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 is consistent with previous advertising conducted by the individual or organization or advertising that has occurred historically during that particular time of year
- factual information on how to contact the individual or organization conducting the advertising

### 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 at 1-800-661-8683 or by email at [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca).

## Registering as a third party sponsor

An individual or organization that wants to sponsor third party advertising must register with Elections BC before doing the advertising. Any individual or organization can apply to register as a third party sponsor and is subject to the registration and financing disclosure requirements under the [Local Elections Campaign Financing Act](#) (LECFA).

**There are monetary penalties for failing to register as a third party sponsor. See [page 38](#) for more info.**

Registered third party sponsors must be independent from the election campaigns of candidates and elector organizations. This means a third party sponsor must not conduct third party advertising on behalf of, or together with, a candidate or elector organization. A third party sponsor and a candidate or elector organization cannot coordinate their advertising campaigns.

**There are monetary penalties for failing to comply with independence requirements. See [page 38](#) for more info.**

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

To register, an application must be completed and submitted to Elections BC before conducting any third party advertising. The application form can be obtained by contacting Elections BC or found at [elections.bc.ca](https://elections.bc.ca).

An application must be fully completed and include the name and contact information of an individual or the names and contact information of an organization and its principal officials.

Third party sponsor applications require solemn declarations, which must be witnessed by a Commissioner for Taking Affidavits for British Columbia. This can be done free of charge by:

- local election officers
- Service BC Centre staff ([servicebc.gov.bc.ca/locations](https://servicebc.gov.bc.ca/locations))



- Note: not all Service BC offices provide this service. Please check their website or phone before personally attending the office to ensure this services is available at your desired location.

Steps to apply to register as a third party sponsor:

1. Complete the relevant application form (available at [elections.bc.ca](https://elections.bc.ca))
  - 4700 - Registration Application – Individual
  - 4701 - Registration Application – Organization
  - 4701B - Registration Application – Responsible Principal Officials
2. Submit the form(s) to Elections BC by email, mail, fax or in person to the Elections BC office in Victoria. If the application is approved, Elections BC will confirm registration with the sponsor.
3. 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.

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.

### Updating registration information

Registered third party sponsors must keep their registration information current by advising Elections BC if any of their information changes (i.e., a change in contact information or responsible principal officials).

Steps to update third party sponsor registration information:

1. Complete the applicable update form (available at [elections.bc.ca](https://elections.bc.ca))
  - 4702 - Registration Update – Individual
  - 4703 - Registration Update – Organization
  - 4703B - Registration Update – Responsible Principal Officials
2. Submit the form(s) to Elections BC by email, mail, fax or in person to the Elections BC office in Victoria.
3. If the update form is complete, Elections BC will update the information without contacting the sponsor.
4. If more information is required to process the registration update, Elections BC will make contact and explain what is required.

### Determining the sponsor of third party advertising

Generally, the sponsor of third party advertising is the individual or organization that pays for the advertising. If two or more third party sponsors sponsor advertising together, they are co-sponsors.

#### **Example**

Amanda and Jeremy are both registered third party sponsors that decide to create a shared brochure. Amanda designs and prints the brochure for both sponsors to distribute.

#### ***Who is the sponsor of the advertising?***

Amanda and Jeremy are co-sponsors of the advertising.

The third party sponsor is still the sponsor even if the advertising is provided to the sponsor as a sponsorship contribution or another individual or organization conducts advertising on behalf of the sponsor.

#### **Example**

A local parents' group meets with XYZ Organization and they decide, with XYZ's consent, that the parents' group will create brochures on their behalf and distribute them door-to-door during the campaign period.

#### ***Who is the sponsor of the advertising?***

XYZ Organization is the sponsor. The local parents' group is working on behalf of XYZ to create and distribute the brochures. The cost of preparing and printing the brochure is an advertising expense of XYZ Organization. Because only eligible individuals may make a sponsorship contribution to a third party sponsor, the parents' group cannot pay for the brochures. XYZ Organization must pay for or reimburse the cost of the advertising.

# Sponsorship information on third party advertising

Sponsorship information, also known as an authorization statement, is required on most third party advertising and must include:

- the name of the sponsor,
- the words “authorized by” in front of the sponsor’s name,
- that the sponsor is registered under LECFA, and
- a B.C. phone number, or B.C. mailing address or email address at which the sponsor can be contacted

Although there are no size requirements for the sponsorship information, it must be clear and readable.

Sponsorship information must be on the third party advertising itself and must be in English or understandable to readers of English. If the advertising is in another language, the sponsorship information must also be in that language or understandable to readers of that language.

If a person is paid to canvass voters, either in person, by telephone or over the internet, the canvasser must provide voters with the required sponsorship information.

**There are monetary penalties for failing to include sponsorship information. See [page 39](#) for more information.**

If the advertising is co-sponsored by two or more third party sponsors, the sponsorship information for each sponsor must be on the advertising.

### Example 1

#### *Individual*

Authorized by John Smith, registered sponsor under LECFA, 604-123-4567

### Example 2

#### *Organization*

Authorized by XYZ Company, registered sponsor under LECFA, xyz@company.ca

### Example 3

#### *Individual – another 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, 250-123-4567 and ABC Trade Union, registered sponsor under LECFA, 250-123-8910

## Third party advertising exempt from sponsorship information

Certain types of third party advertising do not require sponsorship information:

- clothing
- novelty items (such as buttons, badges, pins, stickers, bumper stickers, wristbands)
- small items of nominal value that are intended for personal use (such as pens, mugs, magnets, key chains, notepads, business cards)

## 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 the website, landing page or profile page that contains it.

# How to calculate the value of third party advertising

The value of third party advertising is an advertising expense and is the price paid for preparing and transmitting the advertising.

Since only eligible individuals may make sponsorship contributions, advertising suppliers, such as newspapers and sign printers, must not give preferential discounts to third party sponsors.

The value of third party advertising includes all property and services used in preparing and transmitting the advertising to the public (such as materials, transmission fees, design services, taxes, etc).

### Example

A third party sponsor pays an agency \$500 to produce a radio advertisement and then pays a radio station \$150 per play. The ad is played 20 times during the campaign period.

#### ***What is the value of this advertising?***

The production cost plus the cost per play multiplied by the number of times played:  $\$500 + \$3,000 (\$150 \times 20 \text{ plays}) = \$3,500$ .

Individuals who are sponsors do not have to value their own services used to prepare or transmit third party advertising. However, they must include any property consumed in producing or transmitting the advertising, such as paper, wood, paint and gasoline. Property not consumed, such as a vehicle or a computer, is not included in the value of the advertising.

### Example

An individual sponsor prepares a brochure on their own computer and makes 500 copies at a local print shop for \$0.25 per copy. The sponsor delivers the brochures using their own car to 500 different homes within the community. The sponsor uses \$20 worth of gas to deliver the brochures.

#### ***What is the value of this advertising including all applicable taxes?***

$500 \text{ brochures} \times \$0.25 \text{ printing} = \$125$  x a tax rate of 12% = \$140 + \$20 gas (tax already included) = \$160 total value.

### Valuing staff, volunteer and outside services

A volunteer's services do not need to be valued or included in the value of third party advertising.

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
- the services are performed by employees of an organization that is a third party sponsor, or
- the services are provided by a self-employed individual that normally charges for the service

#### Example

A third party sponsor has a paid staff member prepare an advertising message that is third party 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 the advertising. Since the staff member is paid to perform these services, their wages are included in the value of the advertising.

The value of any property owned by a volunteer that is consumed in producing or transmitting third party advertising, such as paper, wood, paint and gasoline must be included in the value of third party advertising. Property of a volunteer that is not consumed in producing or transmitting advertising, such as a vehicle or a computer, is not included in the value of the advertising.

#### Example

A volunteer uses their own vehicle to drive around the community and place third party advertising signs. The volunteer uses \$10 of gas to do this.

***What does the sponsor need to include in the value of third party advertising?***

The sponsor must include the full value of the signs and the \$10 of gas that the volunteer used to place the signs.

### Prorating and apportioning third party advertising

The value of third party advertising can be prorated or apportioned according to the following principles:

- 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 pre-campaign or campaign periods or will continue to be used after the election.

- For transmission costs, include only the portion related to transmission during the pre-campaign period or campaign period.
- For third party advertising that is co-sponsored by two or more registered third party sponsors, each sponsor must report the amount that they paid and the total value of the shared advertising.

### **Example**

Two third party sponsors jointly rent a billboard for one year at a rate of \$1,000 per month (\$12,000 total). The cost of producing the billboard advertisement is \$2,000. The billboard meets the definition of third party advertising, and it remains on display through the pre-campaign and campaign periods.

#### ***What is the value of the third party advertising?***

Since the pre-campaign and campaign periods are a total of 90 days, including General Voting Day, 90 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:***

$\$2,000 + [\$12,000 \div 365 \text{ days} \times 90 \text{ days}] = \$4,958.90 \text{ each}$

## Third party advertising expense limits

There are two expense limits for third party advertising that apply during the campaign period: a **directed advertising** expense limit and a **cumulative advertising** expense limit. There is no expense limit for third party advertising in the pre-campaign period.

The directed advertising expense limit is the limit that applies to directed advertising. The cumulative advertising expense limit applies to the total amount of advertising conducted by a third party sponsor, including both directed and issue advertising.

Directed advertising limits are specific to an election area and apply to advertising for or against candidates and/or elector organizations. These limits vary by election area.

The cumulative advertising limit applies to the combined directed and issue advertising done by a third party sponsor in all election areas across the province. The total value of election advertising cannot exceed this limit.

The Ministry of Municipal Affairs, the Ministry of Education and Child Care and the Ministry of Indigenous Relations and Reconciliation calculate campaign period expense limits for third party sponsors.

All third party sponsors are subject to these expense limits, which are based on the population of the election area.

**An election area is the geographical area where the election is held.**

Elections BC will publish the expense limits no later than May 31 in the year of general local elections.

For by-elections, the expense limits for the most recent general local elections apply.

If a third party sponsor exceeds their expense limit:

- monetary penalties will apply
- disqualification penalties will apply
- they commit an offence

Expense limits for third party advertising can be found at [elections.bc.ca](https://elections.bc.ca).



### Example

Mark registers as a third party sponsor to promote candidates for mayor and board of education trustee. Mark needs to determine the applicable expense limits. On the Elections BC website at [elections.bc.ca](https://elections.bc.ca), Mark finds the relevant election areas and determines that the expense limits for directed advertising for mayor is \$2,000 and for board of education trustees is \$1,200. The cumulative advertising limit is \$150,000.

If he spends the maximum on directed election advertising (\$2,000 + \$1,200) he still has a cumulative limit of \$146,800 he can spend on issue advertising (\$150,000 - \$2,000 - \$1,200).

### Attribution rules

There are specific attribution rules for third party sponsors that conduct directed advertising. In order to meet the disclosure requirements, sponsors are encouraged to record as much information as possible about each directed advertising expense, including:

- the total value of the expense,
- which election area(s) the advertising relates to, and
- how much time or space in the ad is attributed to each candidate or elector organization.

**Third party sponsors are encouraged to contact Elections BC for clarity on how to attribute third party advertising expenses.**

For directed third party advertising in relation to a single election area, the total value of the expense must be attributed to the expense limit for that election area.

For directed third party advertising in relation to multiple election areas, the expense must be attributed using the following rules.

For directed advertising that relates to multiple candidates, or candidates and elector organizations, sponsors must attribute the value of the advertising to each applicable election area's expense limit based on the amount of time and space related to each election area.

### Example

Scott conducts directed advertising to promote the candidates endorsed by ABC Elector Organization for both city council in Election Area A and the local board of education in Election Area B. Scott's advertising has a total value of \$2,000 and provides equal space for each election area.

#### ***How must Scott attribute the advertising expense to each election area?***

Scott must attribute \$1,000 to the expense limit for each election area because the advertising space related to each election area was the same.

For directed advertising that relates to elector organizations and is not related to candidates, sponsors must divide the total value of each advertising expense by the number of election areas it is related to. This value must be applied to each election area's expense limit.

### Example

Mildred conducts directed advertising to oppose ABC Elector Organization, which is endorsing candidates in Election Area A and Election Area B. The advertising has a total value of \$1,500.

#### ***How must Mildred attribute the expense to each election area?***

Mildred must attribute \$750 to each election by dividing the total value of the ad by the number of election areas it relates to (\$1,500 total value divided by 2 election areas = \$750).

Third party sponsors may also share advertising with other registered sponsors, but the total value of the advertising is still subject to the same limit (i.e., they do not each get a separate limit).

Each third party sponsor must report the amount they paid for the shared advertising.

# Advertising restrictions

## 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. Contact your local government for more information about election sign bylaws in your area.

The Ministry of Transportation and Infrastructure regulates sign placement on provincial highways. Please refer to the Ministry's policy at: [www.gov.bc.ca/electionsigns](http://www.gov.bc.ca/electionsigns).

Important safety note: placing election signs by digging or driving stakes into the ground can pose a safety hazard to sign installers and to underground infrastructure (such as gas lines and other utilities). Before placing election signs, you may wish to contact BC One Call at 1-800-474-6886 or see the website at: <https://www.bc1c.ca/> to determine if there are risks in your area. This service is free of charge and is not associated with Elections BC.

## Authority to remove third party advertising

If third party advertising does not include the required sponsorship information, or is conducted by an unregistered third party sponsor, Elections BC may require that the advertising be:

- corrected
- discontinued
- covered
- obscured
- removed
- destroyed

## Campaigning restrictions on General Voting Day

An individual or organization must not transmit third party advertising to the public on General Voting Day (GVD), except:

- advertising on the internet as long as the advertising was transmitted to the public before GVD and was not changed before the close of voting. For example, if advertising must be purchased on a monthly basis and GVD is included in that purchase and cannot be removed, then the advertising will be permitted. It is not permitted to schedule advertising for GVD, such as paid Facebook posts.
- advertising by means of signs, posters or banners
- distributing pamphlets
- advertising on the internet that is for the sole purpose of encouraging voters to vote

## GUIDE FOR LOCAL ELECTIONS THIRD PARTY SPONSORS IN B.C.

Permitted on General Voting Day	Not permitted on General Voting Day
<ul style="list-style-type: none"><li>▪ using free social media</li><li>▪ person-to-person interactions, such as phone calls, emails, text messages, etc.</li><li>▪ placing signs or distributing brochures outside of 100 metres from a voting place</li><li>▪ third party advertising on the internet as long as the advertising was not changed on GVD or is solely to encourage voters to vote</li><li>▪ campaign meetings or rallies outside of 100 metres from a voting place</li></ul>	<ul style="list-style-type: none"><li>▪ scheduling paid ads on the internet, including paid social media posts on Facebook, Twitter, Instagram, etc.</li><li>▪ automated voice calls (robocalls) and automated text messages</li><li>▪ placing signs or distributing brochures within 100 metres of a voting place</li><li>▪ television, radio or newspaper ads</li><li>▪ paid canvassing in person, by telephone or over the internet to attempt to influence how voters vote</li></ul>

Third party advertising is never permitted within 100 metres of a voting place while voting is being conducted.

**For more information about the 100 metre rules, please contact your local authority.**

## **Collecting information from an advertiser**

For the purpose of administering compliance with LECFA, the B.C. Chief Electoral Officer may collect from an advertiser the following information in relation to third party advertising that has been transmitted to the public:

- the name of the individual or organization that sponsored the advertising
- the name of the individual or organization that transmitted or arranged to have transmitted the advertising
- the date the advertising was ordered or requested
- the amounts and dates of payments, if any
- the dates on which the advertising was transmitted
- the actual or intended geographic distribution or availability of the advertising
- any other information prescribed by regulation

An advertiser is an individual or organization that has transmitted or arranged to have transmitted third party advertising to the public by any means during the past five years, or as defined by regulation.

# Sponsorship contributions

A sponsorship contribution is the value of any money, property or services provided without compensation to a third party sponsor to be used for third party advertising. A sponsorship contribution can be made at any time.

A sponsorship contribution can be a donation of money or goods, advance, deposit or discount. Sponsorship contributions of money can be made by cash, cheque, credit card or electronic funds transfer.

## Who can make sponsorship contributions

Sponsorship contributions can only be made by eligible individuals and cannot be made by organizations or any other individuals.

An eligible individual is:

- a resident of British Columbia, and
- a Canadian citizen or a permanent resident.

## Sponsorship contribution limits

Eligible individuals are subject to a limit for sponsorship contributions made to each third party sponsor during a calendar year. This limit includes any loans made by an eligible individual to a third party sponsor. The sponsorship contribution limit for each calendar year can be viewed on the Elections BC website at [elections.bc.ca](https://elections.bc.ca).

Sponsorship contribution limits are adjusted either by regulation or by changes to the consumer price index (CPI). Adjusted amounts will be published on the Elections BC website and in the *B.C. Gazette*.

If a contributor has exceeded the contribution limit, the amount is a prohibited contribution. There are significant monetary penalties for exceeding a contribution limit.

## Making and accepting sponsorship contributions

The following are rules for making and accepting sponsorship contributions:

- Only eligible individuals may make sponsorship contributions and third party sponsors may only accept contributions from eligible individuals.
- When accepting a sponsorship contribution, the third party sponsor must record the value, the date the contribution was made and the required contributor information, including their residential address.

- Contributors must provide information so that third party sponsors can meet their legal disclosure requirements.
- Donated (in-kind) property or services must be assigned a market value, recorded and disclosed in the same way as contributions of money.

Crowdfunding, or crowdsourcing, for sponsorship contributions through the internet is also permitted. The crowdfunding system must require the contributor to provide the value, the date the contribution was made and the required contributor information so the sponsor can record it. Anonymous contributions cannot be collected over the internet.

Foreign currency and cryptocurrency contributions must be valued at the market rate at the time and date of the contribution and are subject to the same contribution rules as any other contribution.

### Anonymous sponsorship contributions

Anonymous contributions of **\$50 or less** are allowed. However, an eligible individual can only give a total of \$50 in anonymous contributions to a single third party sponsor. The sponsor must record the value and date of the contribution and how it was received.

**An anonymous contribution of more than \$50 is prohibited. It is also prohibited to accept multiple anonymous contributions from the same eligible individual totalling more than \$50.**

An anonymous contribution must be truly anonymous. This means that the sponsor does not know who made the contribution. It is not permissible for a contributor to ask that their contribution be anonymous. Anonymous contributions cannot be collected by crowdfunding or crowdsourcing over the internet.

#### Example

A third party sponsor is hosting a social function and asks Maya, a volunteer for the sponsor, to monitor a donation jar at the entrance. Maya observes that eight people make anonymous contributions totalling \$112, and no one donates more than \$50.

#### ***Are these anonymous contributions permissible?***

Yes. They are permissible because no one has donated more than \$50.

### Discounted property or services

If property or services are provided by an eligible individual to the sponsor at less than market value, the eligible individual is making a sponsorship contribution. The sponsorship contribution is the difference between the price paid and the market value.

Market value is the lowest price charged for an equivalent amount of property or services in the market area at the time.

### Donated property or services

Donated property or services, also called in-kind contributions, may only be given by eligible individuals and must be recorded as a sponsorship contribution. The value of an in-kind sponsorship contribution is its market value. A sponsor can find the fair market value by obtaining a current quote from a vendor for the same property or services. The quote will be kept as a part of the financial records.

#### Example

Deanne donates wood for signs to a third party sponsor. The value of the wood is \$500. Deanne is making a sponsorship contribution as an eligible individual.

#### *What is the value of the contribution?*

The value of the sponsorship contribution is \$500.

### Required contributor information and other recording requirements for sponsorship contributions

Third party sponsors must keep accurate and detailed records of all financial transactions. Detailed records will make completing the disclosure statements easier.

Sponsors must record the following for each sponsorship contribution:

- the full name and residential address of the contributor (and mailing address, if it is different)
- the value of the sponsorship contribution
- the date the sponsorship contribution was made

**A residential address is the eligible individual's home address. Mailing addresses such as a PO box, work address or commercial address do not meet the recording requirements.**



A contribution must come from a single eligible individual. If a contribution appears to come from multiple eligible individuals, the sponsor must determine which contributor made the donation and record that information.

### Example

Josie, a third party sponsor, receives a contribution by cheque from Sam and Pat Smith for \$300. Josie must determine which eligible individual made the contribution.

### Scenario 1

Josie contacts Sam and Pat and asks which name should be recorded as the contributor. Sam tells Josie that the contribution was intended to come from both of them. Josie records a contribution of \$150 each from Sam Smith and Pat Smith.

### Scenario 2

Sam tells Josie that the contribution was from Pat only. Josie records a \$300 contribution from Pat Smith.

## Significant contributors

Significant contributors are eligible individuals who make sponsorship contributions of **\$100 or more** to the same third party sponsor. The contributions could be either a single donation of \$100 or more, or multiple donations that total \$100 or more. This includes in-kind contributions.

Information about significant contributors must be disclosed in the third party sponsor's disclosure statement. This includes:

- full name and residential address of contributor
- value of contribution
- date of contribution

Elections BC will remove residential addresses of contributors before publishing disclosure statements.

### Example 1

On September 1, Raj, a third party sponsor, receives a \$50 contribution from his uncle, who is an eligible individual. It is the first contribution his uncle has made.

***Is the uncle a significant contributor?***

No. The value is less than \$100.

### Example 2

On September 23, Raj's uncle gives Raj a \$75 contribution.

***Is the uncle now a significant contributor?***

Yes. The total contributions from him are now \$100 or more ( $\$50 + \$75 = \$125$ ).

## Prohibited contributions

It is an offence to make or knowingly accept a prohibited contribution. If a third party sponsor becomes aware that a contribution is prohibited, they must return the contribution, or an amount equal to its value, within 30 days.

If the contribution cannot be returned (such as an anonymous contribution over \$50) the sponsor must send it to Elections BC.

### Example 1

A third party sponsor receives an anonymous contribution of \$75 in an envelope. The sponsor keeps \$50 and sends the remaining \$25 to Elections BC.

#### *Is this permissible?*

No. All of the \$75 must be sent to Elections BC because it is an anonymous contribution over \$50.

### Example 2

Carrie, an eligible individual, has already contributed the maximum annual amount to a third party sponsor during the calendar year when she makes another contribution of \$300.

#### *Is this permissible?*

No. The third party sponsor must return the \$300 to Carrie because it is a prohibited contribution.

**There are monetary penalties for making, accepting or failing to return prohibited contributions. See [page 38](#) for more information.**

## 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.

## Loans or debts

Any loan or debt in relation to third party advertising that remains unpaid for six months after it becomes due converts to a sponsorship contribution unless the creditor has started legal proceedings to recover it. Creditors keep their rights to collect the loan or debt past the six month period even if no action to collect is taken.

Prohibited contribution rules apply to loans or debts that become sponsorship contributions from organizations.

If a loan or debt becomes a sponsorship contribution after the disclosure statement is filed with Elections BC, the sponsor must file a supplementary report. See [page 35](#) for information on supplementary reports.

### Permissible loans

Third party sponsors may receive loans from eligible individuals and savings institutions for third party advertising. Loans from savings institutions must not have an interest rate that is lower than the [prime rate](#) of the government's principal banker.

Sponsors must record the following for each loan received:

- if the loan is received from an eligible individual, the full name and residential address of the lender
- if the loan is received from a savings institution, the name of the savings institution
- amount of the loan
- date the loan was made
- due date of the loan
- interest rate of the loan
- if the loan is received from a savings institution, the [prime rate](#) of interest at the time the loan is made

If a sponsor becomes aware that a loan has been accepted in contravention of LECFA, they must return the loan or pay the lender an amount equal to the loan within 30 days.

# Disclosure statements

Third party sponsors are responsible for filing disclosure statements with Elections BC. A disclosure statement includes information on all sponsorship contributions and third party advertising expenses. A disclosure statement must be filed for every third party sponsor. All disclosure statements must be completed on Elections BC forms.

## Who must file

Third party sponsors that have less than \$500 of advertising expenses only have to file the cover page of the disclosure statement.

Third party sponsors that have advertising expenses of \$500 or more must include all other applicable forms in the disclosure statement.

If the third party sponsor is an organization, the responsible principal officials have a responsibility to ensure that the disclosure statement is filed.

To ensure your report is received by Elections BC before the deadline, you may deliver it by:

- **Email (preferred):** forms may be filled out online and an electronic signature is acceptable. Fillable forms can be found [here](#) and should be sent to [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca).
- **Fax:** our toll-free fax number is 1-866-466-0665
- **Mail:** a postmark is not acceptable as proof of delivery by the deadline, so ensure you mail the report well before the deadline: PO Box 9275 Stn Prov Govt, Victoria, BC V8W 9J6.
- **Courier:** ensure that you submit the report early enough for it to be received by the deadline: Suite 100 – 1112 Fort Street, Victoria , BC V8V 3K8
- **Personally deliver the report:** to a Service BC office or Elections BC: Suite 100 – 1112 Fort Street, Victoria, BC V8V 3K8, Monday to Friday, 8:30 a.m. to 4:30 p.m. PST (Closed weekends and statutory holidays.)

**Note:** not all Service BC offices will accept this report. Please check their website before personally attending the office to ensure this service is available: [servicebc.gov.bc.ca/locations](https://servicebc.gov.bc.ca/locations).

### Filing deadline

The filing deadline for disclosure statements is 4:30 p.m. (Pacific time), 90 days after General Voting Day.

**The disclosure statement must be received and accepted by Elections BC by the filing deadline. A postmark is not acceptable as proof of delivery.**

Disclosure statements filed by the filing deadline are accepted as long as the disclosure requirements are met. If a disclosure statement requires additional information before it can be accepted, Elections BC will contact the sponsor to give them an opportunity to make the required corrections. If a sponsor does not meet the 90 day deadline, they may file the disclosure statement under the late filing provisions discussed below.

The B.C. Chief Electoral Officer may grant extensions to the filing deadline in extraordinary 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 and 120 days after GVD 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.

### Supplementary reports

If Elections BC advises a third party sponsor that a supplementary report is required, it must be submitted within 30 days of the notification.

A supplementary report must also be filed if a sponsor becomes aware that information previously disclosed has changed or does not completely and accurately disclose the information required.

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

Third party advertising records must be retained in British Columbia until five years after General Voting Day. These records must include:

- copies of the disclosure statement forms
- records of contributions and required contributor information
- deposit slips
- expense receipts
- cheque registers
- transaction slips
- all other records related to sponsorship contributions and third party advertising

Sponsors must keep all records and other material related to the disclosure statement until all disclosure requirements have been fulfilled. If the sponsor is an organization, the authorized principal official becomes responsible for retaining records and materials after the disclosure requirements are met.

### Public information

Disclosure statements are made available on the Elections BC website after the filing deadline. They may also be viewed at the Elections BC office in Victoria. All residential addresses of significant contributors will be obscured prior to publication.

# Penalties, offences and court order for relief

Elections BC works closely with participants to help them understand and comply with the local elections third party advertising rules and regulations.

## Third party sponsor penalties and offences

Failing to comply with the third party advertising rules in the [Local Elections Campaign Financing Act](#) (LECFA) may lead to significant penalties, including committing an offence for more serious matters of non-compliance.

There are also administrative penalties imposed by the B.C. Chief Electoral Officer for failing to comply with the third party advertising rules. Administrative penalties include monetary penalties and disqualification.

A list of disqualified candidates and advertising sponsors is available on the [Elections BC](#) website and at the Elections BC office in Victoria.

## Failing to file a disclosure statement

Third party sponsors who fail to file a disclosure statement or supplementary report are disqualified from sponsoring third party or non-election assent voting advertising and prohibited from accepting sponsorship contributions until after the next general local elections. However, sponsors may still accept sponsorship contributions for the purpose of paying debts in relation to the election to which the penalty applies.

It is also an offence to fail to file a disclosure statement or supplementary report. If the sponsor is an individual, they are liable to a fine of up to \$10,000 and/or imprisonment for up to two years. If the sponsor is an organization, they are liable to a fine of up to \$20,000.

## Exceeding the expense limit

Third party sponsors who exceed their expense limit must pay monetary penalties. Sponsors that are individuals must pay a penalty of twice the amount by which they exceeded the limit. Sponsors that are organizations must pay a penalty of five times the amount by which they exceeded the limit.

**Monetary penalties are made payable to the Minister of Finance.**

It is also an offence to exceed an expense limit. If the sponsor is an individual, they are liable to a fine of up to \$5,000 and/or imprisonment for up to one year. If the sponsor is an organization, they are liable to a fine of up to \$10,000.



### Failing to register as a third party sponsor

If the B.C. Chief Electoral Officer makes the determination that an individual or organization sponsored third party advertising without being registered with Elections BC, the B.C. Chief Electoral Officer must notify the individual or organization of non-compliance within seven days of making the determination, and the related penalty.

An individual that sponsors third party advertising without being registered with Elections BC is liable to pay a monetary penalty of up to \$5,000, as determined by the B.C. Chief Electoral Officer.

An organization that sponsors third party advertising without being registered with Elections BC is liable to pay a monetary penalty of up to \$10,000, as determined by the B.C. Chief Electoral Officer.

An application to the Supreme Court for relief from the financial penalty must be made within 30 days after receiving notification from Elections BC of the non-compliance and related penalty.

### Failing to comply with independence requirements

If the B.C. Chief Electoral Officer makes the determination that an individual or organization has failed to comply with the independence requirements for third party sponsors, the B.C. Chief Electoral Officer must notify the individual or organization of non-compliance within seven days of making the determination, and the related penalty.

An individual that has failed to comply with the independence requirements for third party sponsors is liable to pay a monetary penalty of up to \$5,000, as determined by the B.C. Chief Electoral Officer.

An organization that has failed to comply with the independence requirements for third party sponsors is liable to pay a monetary penalty of up to \$10,000, as determined by the B.C. Chief Electoral Officer.

An application to the Supreme Court for relief from the financial penalty must be made within 30 days after receiving notification from Elections BC of the non-compliance and related penalty.

### Making or accepting prohibited sponsorship contributions

If the B.C. Chief Electoral Officer makes the determination that a third party sponsor accepted a sponsorship contribution that is not in compliance with LECFA, the B.C. Chief Electoral Officer must notify the individual or organization of non-compliance within seven days of making the determination, and the related penalty. This includes:

- Contributions from ineligible sources (e.g., from organizations or individuals who are not eligible individuals)
- Contributions that exceed the contribution limit

- Contributions that have not been properly recorded in order to allow compliance with LECFA
- Indirect contributions
- Anonymous contributions of more than \$50

An individual or organization that makes or accepts a prohibited sponsorship contribution is liable to pay a monetary penalty of up to double the amount of the prohibited contribution, as determined by the B.C. Chief Electoral Officer.

An application to the Supreme Court for relief from the financial penalty must be made within 30 days after receiving notification from Elections BC of the non-compliance and related penalty.

### **Failing to return prohibited sponsorship contributions**

If the B.C. Chief Electoral Officer makes the determination that a third party sponsor has failed to properly handle a prohibited contribution that was made or accepted in contravention of LECFA, the B.C. Chief Electoral Officer must notify the sponsor of non-compliance within seven days of making the determination, and the related penalty.

A third party sponsor that does not properly return or remit a prohibited contribution is liable to pay a monetary penalty of up to double the amount of the prohibited contribution, as determined by the B.C. Chief Electoral Officer.

An application to the Supreme Court for relief from the financial penalty must be made within 30 days after receiving notification from Elections BC of the non-compliance and related penalty.

### **Failing to include sponsorship information on election advertising**

If the B.C. Chief Electoral Officer makes the determination that a candidate, registered elector organization or third party sponsor failed to include sponsorship information, also known as an authorization statement, on election advertising when required to under LECFA, the B.C. Chief Electoral Officer must notify the individual or organization of non-compliance within seven days of making the determination, and the related penalty.

An individual that does not include sponsorship information on election advertising when required is liable to pay a monetary penalty of up to \$5,000, as determined by the B.C. Chief Electoral Officer.

An organization that does not include sponsorship information on election advertising when required is liable to pay a monetary penalty of up to \$10,000, as determined by the B.C. Chief Electoral Officer.

An application to the Supreme Court for relief from the financial penalty must be made within 30 days after receiving notification from Elections BC of the non-compliance and related penalty.

### Providing false or misleading information

Providing false or misleading information or making false or misleading statements under LECFA is an offence. Individuals who commit such an offence are liable to a fine of up to \$10,000 and/or imprisonment for up to two years. Organizations that commit such an offence are liable to a fine of up to \$20,000.

Third party sponsors who are convicted of an offence for providing false or misleading information are disqualified from sponsoring third party or non-election assent voting advertising and prohibited from accepting sponsorship contributions until after the next general local elections. However, sponsors may still accept sponsorship contributions for the purpose of paying debts in relation to the election to which the penalty applies.

### Court orders for relief

Third party sponsors or responsible principal officials can apply to the Supreme Court for a court order for relief from disclosure requirements and expense limit penalties. These applications must be made before the late filing deadline.

Sponsors applying for court relief may want to consult independent legal counsel about the court process.

For details and timelines on filing for court relief, see sections 66-72 of the [Local Elections Campaign Financing Act](#).

# Disclosure statement completion instructions

## General instructions for all forms

The disclosure statement forms are available online at [elections.bc.ca](https://elections.bc.ca).

The following are some general instructions when completing all forms:

- Submit all relevant forms. Forms not relevant to the sponsor do not need to be filed. If there is doubt whether a form should be filed, contact Elections BC.
- Complete the forms online or by hand. Type or print neatly in ink. The reports will be available publicly for viewing in our office and on our Financial Reports and Political Contributions filing system.
- Enter dates as YYYY/MM/DD – e.g., for October 15, 2022, enter 2022/10/15
- Number the pages of forms that have more than one page using the boxes in the top right corner of the forms – e.g. page 1 of 2, page 2 of 2, etc.
- Complete the detailed forms first and then carry forward the totals to the summary forms.
- Enter the name of the sponsor on every form.
- Keep a copy of the report for your records. You may need to use the information for filing amendments or responding to questions from Elections BC. Financial records must be kept in B.C. for 5 years after the compliance deadline for filing the disclosure statement or supplementary report to which the records and material relate.

**Note:** It is acceptable to round cents to the nearest dollar. For example, \$23.65 could be entered as \$24 and \$15.34 as \$15.

## Submitting the Disclosure Statement

The campaign financing disclosure statement must be received by Elections BC before 4:30 p.m., Pacific time, on the filing deadline, 90 days from General Voting Day. The cover page (form 4500) must be signed by the sponsor if they are an individual, or by the authorized principal official if the sponsor is an organization, in order for the report to be accepted as filed.

To ensure your report is received by Elections BC before the deadline, you may deliver it by:

- **Email (preferred):** forms may be filled out online and an electronic signature is acceptable. Fillable forms can be found here and should be sent to [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca).
- **Fax:** our toll-free fax number is 1-866-466-0665
- **Mail:** a postmark is not acceptable as proof of delivery by the deadline, so ensure you mail the report well before the deadline: PO Box 9275 Stn Prov Govt, Victoria, BC V8W 9J6.
- **Courier:** ensure that you submit the report early enough for it to be received by the deadline: Suite 100 - 1112 Fort Street, Victoria , BC V8V 3K8
- **Personally deliver the report:** to a Service BC office or Elections BC: Suite 100 - 1112 Fort Street, Victoria, BC V8V 3K8, Monday to Friday, 8:30 a.m. to 4:30 p.m. PST (Closed weekends and statutory holidays.)

**Note:** not all Service BC offices will accept this report. Please check their website before personally attending the office to ensure this service is available: [servicebc.gov.bc.ca/locations](https://servicebc.gov.bc.ca/locations).



## 4500 - Disclosure Statement Cover Page

The [4500 - cover page](#) must be completed for all disclosure statements filed, including amendments (supplementary reports). Please ensure that each relevant field is completed and correct.

1. Only add the amendment number if you are modifying an existing report. If it is your first time submitting this report, leave this blank.
2. Enter dates as YYYY/MM/DD – e.g. for October 15, 2022, enter 2022/10/15.
3. List all jurisdictions and election areas where the sponsor was either a candidate or elector organization.
4. Enter the principal officials' mailing addresses, phone numbers and (if available) email addresses. This form is publicly available, so you may list a mailing address, such as an office or PO Box address, instead of a home address for the principal officials.
5. If the total value of all advertising you sponsored during the pre-campaign and campaign periods was less than \$500, tick the box indicating limited advertising activity and you only need to file this cover page.
6. The declaration must be signed and dated by the sponsor. If the sponsor is an organization, the declaration must be signed by the authorized principal official. If you are submitting the form by email, you have the option to sign and submit a scanned copy, or to use an electronic signature. Signing a false statement is a serious offence and is subject to significant penalties under section 65 of the [Local Elections Campaign Financing Act](#).

# DISCLOSURE STATEMENT

## LOCAL ELECTIONS THIRD PARTY SPONSOR

**4500**  
(22/03)Amendment # **1**

FULL NAME OF SPONSOR			GENERAL VOTING DAY (YYYY/MM/DD) <b>2</b>	
SPONSOR'S USUAL NAME, ACRONYM, ABBREVIATIONS AND OTHER NAMES			SPONSOR'S LEGAL NAME (IF DIFFERENT)	
MAILING ADDRESS			PHONE NUMBER	
CITY/TOWN	PROV.	POSTAL CODE	EMAIL (IF AVAILABLE)	

JURISDICTION WHERE SPONSOR WAS EITHER A CANDIDATE OR ELECTOR ORGANIZATION (IF APPLICABLE)

**3** ELECTION AREA WHERE SPONSOR WAS EITHER A CANDIDATE OR ELECTOR ORGANIZATION (IF APPLICABLE)**For organizations only: **4****

AUTHORIZED PRINCIPAL OFFICIAL'S FULL NAME				
AUTHORIZED PRINCIPAL OFFICIAL'S MAILING ADDRESS			PHONE NUMBER	
CITY/TOWN	PROV.	POSTAL CODE	EMAIL (IF AVAILABLE)	
RESPONSIBLE PRINCIPAL OFFICIAL'S FULL NAME				
RESPONSIBLE PRINCIPAL OFFICIAL'S MAILING ADDRESS				
CITY/TOWN	PROV.	POSTAL CODE		

**All responsible principal officials must be listed. Attach additional forms if necessary.****LIMITED ADVERTISING ACTIVITY****5** ☐ Advertising sponsored during the pre-campaign and campaign periods was less than \$500. No additional forms required.**DECLARATION:**

I, the undersigned, declare that to the best of my knowledge and belief, this disclosure statement completely and accurately discloses the information required under the *Local Elections Campaign Financing Act*.

SIGNATURE OF INDIVIDUAL SPONSOR OR AUTHORIZED PRINCIPAL OFFICIAL FOR ORGANIZATION <b>6</b>	DATE (YYYY/MM/DD)
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**WARNING:** Signing a false declaration is a serious offence and is subject to significant penalties.**Please submit your report to Elections BC: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)**



## 4501 – Summary of total value of advertising

The [4501 - Summary of total value of advertising](#) form is used to report the total value of all election advertising sponsored during the pre-campaign and campaign periods. This includes the total value of all issue advertising and directed advertising disclosed on all forms [4502 – Value of Directed Advertising by Class and Election Area](#).

1. Report each type of advertising in the appropriate category and period based on when the advertising was used.
2. If there is no appropriate category listed, enter a description of the advertising in the box marked "Other" and the corresponding amount in the in the appropriate period.
3. Enter the total amount of advertising expenses for the pre-campaign period in box A and for the campaign period in box B.

# SUMMARY OF TOTAL VALUE OF ADVERTISING LOCAL ELECTIONS THIRD PARTY SPONSOR

**4501**  
(22/03)

NAME OF SPONSOR

**Report all advertising expenses below, including the total value of directed advertising disclosed on all form(s) 4502 and the total value of all issue advertising sponsored.**

**1 Total value of sponsored advertising by class:**

**Pre-campaign  
Period Expenses**

**Campaign Period  
Expenses**

Commercial canvassing in person, by phone or over the internet

Newspapers and periodicals

Promotional materials, including newsletters, brochures, buttons and novelty items

Radio

Search engine marketing and optimization

Signs

Social media

Television

Website displays

Other (describe) **2**

**3 TOTAL**

**A**

**B**

## 4502 – Value of directed advertising by class and election area

The [4502 - Value of directed advertising by class and election area](#) form is used to report the total value of directed advertising sponsored in each election area. Directed advertising is 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.

**NOTE:** A separate form is required for each election area in which directed advertising was sponsored.

1. Report each type of advertising in the appropriate category and period based on when the advertising was used.
2. If there is no appropriate category listed, enter a description of the advertising in the box marked "Other" and the corresponding amount in the in the appropriate period.
3. Enter the total amount of advertising expenses for the pre-campaign period in box A and for the campaign period in box B.

**VALUE OF DIRECTED ADVERTISING  
BY CLASS AND ELECTION AREA  
LOCAL ELECTIONS THIRD PARTY SPONSOR**

**4502**  
(22/03)

NAME OF SPONSOR	PAGE <input style="width: 40px;" type="text"/>
	OF <input style="width: 40px;" type="text"/>
JURISDICTION	
ELECTION AREA	

**Report the value of directed advertising by class for the above jurisdiction and election area.  
Complete one form per election area in which directed advertising was sponsored.**

	1 Pre-campaign Period Expenses	Campaign Period Expenses
Commercial canvassing in person, by phone or over the internet		
Newspapers and periodicals		
Promotional materials, including newsletters, brochures, buttons and novelty items		
Radio		
Search engine marketing and optimization		
Signs		
Social media		
Television		
Website displays		
Other (describe) 2		
<b>3 TOTAL</b>	<b>A</b>	<b>B</b>

## 4503 – Shared third party advertising

The [4503 - Shared third party advertising](#) form is used to report election advertising that was shared with other third party sponsors.

1. In each row name the third party sponsor or sponsors that you shared an election advertising expense with. Use the name shown in their sponsorship information. If you have more than one shared expense, use a separate line to record each one.
2. Indicate as a dollar amount how much you paid towards the expense.
3. Indicate as a dollar amount how much the total expense cost.
4. Enter the totals in boxes A and B.

# **SHARED THIRD PARTY ADVERTISING** **LOCAL ELECTIONS THIRD PARTY SPONSOR**

**4503**  
(22/03)

NAME OF SPONSOR

PAGE

OF

If advertising was shared with other third party sponsors, list the names of the other third party sponsors as shown in their sponsorship information, the amount the filer paid to the supplier and the value of the shared advertising. Attach additional forms if necessary.

① Name(s) of other third party sponsor(s) as shown in their sponsorship information	② Amount paid by sponsor \$	③ Total value of shared advertising \$
<b>④ TOTALS</b>	<b>A</b>	<b>B</b>

## 4504 - Summary of sponsorship contributions

The [4504 - Summary of sponsorship contributions](#) form summarizes all sponsorship contributions the sponsor received to use for third party advertising. Sponsorship contributions may only be received from eligible individuals and have an annual limit that can be found [here](#). Contributions of goods and services must be recorded at their current market value.

This form is also used to report the amount of the sponsor's own funds that were used to pay for election advertising. If a sponsor uses their own funds to sponsor advertising it is not a sponsorship contribution and the limit does not apply.

1. Enter the total value of the sponsor's own funds that were used to pay for third party advertising. This will not include contributions from other sources.
2. Enter the number of contributors who gave less than \$100. Do not include the number of anonymous contributions received.
3. Enter the total value of contributions received from eligible individuals who made total contributions of less than \$100. Do not include anonymous contributions.
4. Enter the number of contributors who gave anonymous contributions.
5. Enter the total value of anonymous contributions received.
6. Enter the total value of contributions from eligible individuals who made total contributions of \$100 or more as reported on the [4505 - Sponsorship Contributions with a Total Value of \\$100 or more](#).
7. Enter the total amount of contributions received in box A.

# SUMMARY OF SPONSORSHIP CONTRIBUTIONS

## LOCAL ELECTIONS THIRD PARTY SPONSOR

**4504**  
(22/03)

NAME OF SPONSOR

**Sponsorship contributions include monetary and in-kind contributions.  
Do not include anonymous contributions with contributions less than \$100.**

**Total value of sponsor's own funds, other than funds disclosed  
below, that were used to pay for third party advertising:**

**1** \$

**Total value of sponsorship contributions, excluding sponsor's own funds,  
from eligible individuals:**

Number of contributors who gave less than \$100

# **2**

Total contributions of less than \$100

\$ **3**

Number of anonymous contributors

# **4**

Anonymous contributions

\$ **5**

Total value of contributions of \$100 or more (box **A**, Form 4505)

\$ **6**

**TOTAL CONTRIBUTIONS**

\$ **7** **A**



## 4505 – Sponsorship contributions with a total value of \$100 or more

The [4505 – Sponsorship contributions with a total value of \\$100 or more](#) form is used to disclose all contributors who made one or more sponsorship contributions to the sponsor that total \$100 or more. Use additional pages as necessary.

1. Enter the full name of the contributor (no initials). **List only one individual per contribution.** If a contribution was received from two individuals, the sponsor must determine which individual made the contribution or split the amount between the individuals and report them as two separate contributions.
2. Enter the residential address of the contributor (mailing addresses and PO boxes are not acceptable). All residential addresses will be obscured by Elections BC before the statement is published.
3. Enter the date each contribution was made. If a single contributor made multiple contributions on different dates, list each of the dates separately.
4. Enter the value of each contribution. If a single contributor made contributions on different dates, the value of each contribution must be listed separately.
5. Enter the total amount of all contributions from the contributor.
6. Enter the subtotal of the page.
7. Enter the total value of all contributions from form(s) 4505 in box A.

**SPONSORSHIP CONTRIBUTIONS  
WITH A TOTAL VALUE OF \$100 OR MORE  
LOCAL ELECTIONS THIRD PARTY SPONSOR**

<div>NAME OF SPONSOR</div>	<div>PAGE <div></div></div> <div>OF <div></div></div>
<div>Attach additional forms if necessary.</div>	

1 FULL NAME OF CONTRIBUTOR	2 CONTRIBUTOR'S RESIDENTIAL ADDRESS			3 DATE RECEIVED (YYYY/MM/DD)	4 CONTRIBUTION AMOUNT	5 TOTAL OF CONTRIBUTOR'S CONTRIBUTIONS
	ADDRESS	CITY	PROV. POSTAL CODE			
					6 SUBTOTAL OF THIS PAGE	
					7 TOTAL CONTRIBUTIONS FROM ALL FORM(S) 4505	<div></div> <div>A</div>

This form is available for public inspection.  
Addresses will be obscured.  
PLEASE KEEP A COPY FOR YOUR RECORDS

This information is collected under the authority of the Local Elections Campaign Financing Act and the Freedom of Information and Protection of Privacy Act. The information will be used to administer provisions under the Local Elections Campaign Financing Act. Questions can be directed to: Privacy Officer, Elections BC 1-800-661-8683, privacy@elections.bc.ca or PO Box 9275 Stn Prov Govt, Victoria BC V8W 9J6.

### 4506 – Permissible loans

The [4506 - Permissible loans](#) form is used to report all permissible loans made to the sponsor. All loans received must be reported even if they were completely paid off or forgiven. Complete one entry for each loan received. Use additional pages as necessary.

1. Enter the full name of the lender.
2. Enter the residential address of the lender if the loan is from an eligible individual. All residential addresses will be obscured by Elections BC before the statement is published.
3. Enter the date the loan was received (YYYY/MM/DD).
4. Enter the date the loan is due to be fully paid back (YYYY/MM/DD).
5. Enter the original amount of the loan received.
6. Enter the amount of the loan that is outstanding as of the date the disclosure statement is submitted to Elections BC. If fully paid back, enter 0 in this field.
7. Enter the rate of interest being charged by the lender. Note: Only eligible individuals are allowed to charge less than prime interest. If the loan is interest free enter 0 as the loan interest rate.
8. If the loan is from a savings institution enter the prime interest rate of the principal banker of the Province of B.C. at the time the rate of interest for the loan was set. Interest rates are on the Elections BC website at [elections.bc.ca](http://elections.bc.ca).

**PERMISSIBLE LOANS**  
**LOCAL ELECTIONS THIRD PARTY SPONSOR**

**4506**  
(22/03)

NAME OF SPONSOR

PAGE

OF

**Complete one entry for each permissible loan received. Attach additional forms if necessary.**

**LOAN**

NAME OF LENDER **1**

RESIDENTIAL ADDRESS OF LENDER (IF INDIVIDUAL) **2**

**LOAN DETAILS**

DATE RECEIVED (YYYY/MM/DD) **3**

DATE DUE (YYYY/MM/DD) **4**

\$ ORIGINAL AMOUNT OF LOAN **5**

\$ AMOUNT OF LOAN OUTSTANDING **6**

LOAN INTEREST RATE % **7**

PRIME RATE\* % **8**

**LOAN**

NAME OF LENDER

RESIDENTIAL ADDRESS OF LENDER (IF INDIVIDUAL)

**LOAN DETAILS**

DATE RECEIVED (YYYY/MM/DD)

DATE DUE (YYYY/MM/DD)

\$ ORIGINAL AMOUNT OF LOAN

\$ AMOUNT OF LOAN OUTSTANDING

LOAN INTEREST RATE %

PRIME RATE\* %

**RESIDENTIAL ADDRESS:**  
REQUIRED FOR INDIVIDUAL LENDERS ONLY

**\*PRIME RATE OF INTEREST:**  
REQUIRED FOR LOANS FROM SAVINGS INSTITUTIONS – AVAILABLE ON ELECTIONS BC WEBSITE

## 4507 – Prohibited sponsorship contributions and loans

The [4507 - Prohibited sponsorship contributions and loans](#) form is used to report any sponsorship contributions or loans that are prohibited under the [Local Elections Campaign Financing Act](#) (LECFA). This includes anonymous contributions over \$50, any contributions missing required contributor information, indirect contributions and any contributions or loans that exceed the contribution limit.

LECFA requires the sponsor to return prohibited contributions and prohibited loans, or an amount equal to the value of the contribution or loan, to the contributor or lender within 30 days of becoming aware of the contravention. If this is not possible, the contribution or loan, or an amount equal to its value, must be remitted to Elections BC as soon as possible. Complete one entry for each prohibited contribution or prohibited loan received. Use additional pages as necessary.

### Prohibited contribution

1. Indicate whether the prohibited contribution was received from an individual, an organization or anonymously, by checking the appropriate box.
2. Enter the date the prohibited contribution was received (YYYY/MM/DD).
3. Enter the value of the prohibited contribution. If the contribution was goods or services, enter the current market value.
4. Enter the date the contribution was returned to the contributor or the date it was remitted to Elections BC (YYYY/MM/DD).
5. Enter a brief description of how the prohibited contribution was received. This description should explain why the contribution was prohibited.
6. Enter the full name of the contributor.
7. If the prohibited contribution was received from an organization, enter the address of the organization.

### Prohibited loan

8. Enter a brief description of how the prohibited loan was received. This description should explain why the loan was prohibited.
9. Enter the date the loan was returned to the lender (YYYY/MM/DD).
10. Enter the full name of the lender.
11. Enter the date the prohibited loan was received (YYYY/MM/DD).
12. Enter the date the prohibited loan is due to be fully paid back (YYYY/MM/DD).
13. Enter the original amount of the loan received.
14. Enter the rate of interest being charged by the lender. If the loan is interest free, enter 0 in this field.
15. If the loan is from a savings institution enter the prime interest rate of the principal banker of the Province of B.C. at the time the rate of interest for the loan was set. Interest rates are on the Elections BC website at [elections.bc.ca](http://elections.bc.ca).

# PROHIBITED SPONSORSHIP CONTRIBUTIONS AND LOANS

## LOCAL ELECTIONS THIRD PARTY SPONSOR

**4507**  
(22/03)

NAME OF SPONSOR

PAGE

OF

**Complete one entry for each prohibited sponsorship contribution or loan received. Attach additional forms if necessary.**

### PROHIBITED CONTRIBUTION

<b>1 RECEIVED FROM</b>  <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> ORGANIZATION  <input type="checkbox"/> ANONYMOUS	<b>2 DATE RECEIVED</b> (YYYY/MM/DD)	<b>3 \$ VALUE</b>	<b>4 DATE RETURNED</b> (YYYY/MM/DD)	<b>OR</b>	<b>DATE REMITTED TO ELECTIONS BC</b> (YYYY/MM/DD)

DESCRIPTION OF HOW THE PROHIBITED CONTRIBUTION WAS RECEIVED **5**

FULL NAME OF INDIVIDUAL OR ORGANIZATION **6**

ADDRESS OF ORGANIZATION, IF APPLICABLE **7**

### PROHIBITED LOAN

DESCRIPTION OF HOW THE PROHIBITED LOAN WAS RECEIVED AND DEALT WITH <b>8</b>	<b>9 DATE RETURNED TO LENDER</b> (YYYY/MM/DD)	
NAME OF LENDER <b>10</b>		
DATE RECEIVED (YYYY/MM/DD) <b>11</b>	DATE DUE (YYYY/MM/DD) <b>12</b>	\$ ORIGINAL AMOUNT OF LOAN <b>13</b>
LOAN INTEREST RATE % <b>14</b>	PRIME RATE* % <b>15</b>	

**\*PRIME RATE OF INTEREST:**  
 REQUIRED FOR LOANS FROM SAVINGS INSTITUTIONS – AVAILABLE ON ELECTIONS BC WEBSITE

# Resources

## Election legislation

Printed versions of local election 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 B.C. Printed versions are also available from Crown Publications, Queen's Printer for British Columbia, at:

### Mailing address:

563 Superior Street, Victoria, B.C. V8V 1T7

**Phone:** 250-387-6409

**Toll Free:** 1-800-663-6105

**Fax:** 250-387-1120

**Email:** [crownpub@gov.bc.ca](mailto:crownpub@gov.bc.ca)

**Website:** [crownpub.bc.ca](http://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 *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* are available online at [bclaws.ca](http://bclaws.ca).





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This Act is current to November 18, 2020

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

## LOCAL ELECTIONS CAMPAIGN FINANCING ACT

[SBC 2014] CHAPTER 18

*Assented to May 29, 2014*

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# Part 1 — General

## 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

(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
(i)	Office for prescribed election	As prescribed	As prescribed

### 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.

### 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.

## 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.

#### **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 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).
- (2) If an elector organization is endorsing candidates or intends to endorse candidates in elections for more than one jurisdiction that are being held at the same time, election campaigning of the elector organization in relation to each of the jurisdictions is considered for purposes of this Act to be a separate election campaign.

#### **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.

#### **What is election advertising**

- 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;
  - (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.

**What is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising**

- 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.

**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) [Repealed 2017-21-2.]**

- (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.**

**Election, campaign and assent voting proceedings period**

**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.**

**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.**

**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) 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.

## **Part 2 — Candidate and Elector Organization Campaign Financing**

### **Division 1 — General Concepts: Campaign Contributions and Election Expenses**

#### **Campaign contributions to candidate and elector organization generally**

- 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 provided by a candidate for use in the candidate's own campaign;
  - (e) [Repealed 2017-21-3.]
  - (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) the unpaid amount of a debt, other than a debt arising from a loan, 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.
- (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.
- (3.1) If the unpaid amount of a debt referred to in subsection (1) (h) of this section
- (a) is payable to an organization or an individual, other than an eligible individual, and
  - (b) becomes a campaign contribution under that subsection,
- section 28 *[dealing with prohibited campaign contributions]* applies as if the unpaid amount of the debt were a campaign contribution made or accepted in contravention of this Act or the regulations under this Act.
- (3.2) The unpaid amount of a debt referred to in subsection (1) (h) becomes a campaign contribution under that subsection in the calendar year in which the debt arises.
- (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;
  - (b.1) non-monetary property or services provided by a candidate for use in the candidate's own campaign;
  - (b.2) non-monetary property or services provided by an elector organization for use in the organization's own campaign;
  - (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.

#### **Campaign contributions through fundraising functions**

- 13.01** (1) An organization or an individual, other than an eligible individual, must not pay a charge per individual for a fundraising function.
- (2) If an eligible individual makes a payment of greater than \$50 for one or more charges per individual for a fundraising function, the amount of the payment is a campaign contribution by the eligible individual.
- (3) An individual or organization that contravenes subsection (1) commits an offence.

#### **Campaign contributions through loans**

- 13.02** (1) Subject to any applicable regulations, a permissible loan made to a candidate or elector organization is not a campaign contribution, but
- (a) the loan 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*], and
  - (b) if the loan is made by an eligible individual, it must be treated as if it were a campaign contribution for the purpose of determining whether the eligible individual exceeds an applicable campaign contribution limit.
- (2) Despite subsection (1), the unpaid amount of a permissible loan made by an eligible individual to a candidate or elector organization is a campaign contribution in the calendar year in which the loan is made if
- (a) that part of the loan remains unpaid for 6 months after it becomes due and no legal proceedings to recover the loan have been commenced by the eligible individual, or
  - (b) the eligible individual forgives that part of the loan.
- (3) Despite subsection (1), the unpaid amount of a permissible loan made by a savings institution to a candidate or elector organization is a campaign contribution in the calendar year in which the loan is made if the savings institution does not make commercially reasonable efforts to collect or enforce that part of the loan.

- (4) In the circumstances described in subsection (3), section 28 [*dealing with prohibited campaign contributions*] applies as if the unpaid amount of the loan were a campaign contribution made or accepted in contravention of this Act or the regulations under this Act.
- (5) For certainty, nothing in subsection (2) or (3) affects the rights of a creditor in relation to a permissible loan that becomes a campaign contribution under those subsections.

#### **Election expenses of candidates and elector organizations**

- 14 (1) Subject to this section and any applicable regulations, an election expense in relation to an election is the value of property or services used in an election campaign.
- (2) As applicable,
- (a) 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 permissible 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) 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.

### **What are election period and campaign period expenses**

**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.

### **Valuation rules for campaign contributions, election period expenses and campaign period expenses**

- 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.

## **Division 2 — Campaign Accounting**

### **Each candidate must have a financial agent**

- 17 (1) A candidate must have a financial agent.

- (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.

#### **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.
- (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) [Repealed 2017-21-6.]
  - (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;
  - (g.1) making payments on a permissible loan;
  - (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;
  - (a.1) a permissible loan;
  - (b) any other deposits permitted by regulation.
- (7) A candidate or financial agent who contravenes this section commits an offence.

**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,
  - (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.

#### **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) [Repealed 2017-21-7.]
  - (c) making a transfer or payment under section 23 *[campaign transfers between candidates and elector organizations]*;
  - (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;
  - (f.1) making payments on a permissible loan;
  - (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;
  - (a.1) a permissible loan;
  - (b) any other deposits permitted by regulation.
- (7) An elector organization or financial agent who contravenes this section commits an offence.



**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.

**Recording requirements for candidates and elector organizations**

- 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.

(1.1) Without limiting subsection (1), the financial agent must record the following in relation to a permissible loan made to the candidate or elector organization, as applicable:

- (a) if the loan is made by an eligible individual, the full name and residential address of the eligible individual;
- (b) if the loan is made by a savings institution, the name of the savings institution;
- (c) the amount of the loan;
- (d) the date the loan is made;
- (e) the date the loan is due;
- (f) the rate of interest, if any, charged for the loan;
- (g) if the loan is made by a savings institution, the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed;
- (h) any other information prescribed by regulation.

(1.2) Without limiting subsection (1), if the financial agent for an elector organization or a financial agent for a candidate must comply with section 30.05 [*campaign contribution limits — elector organization and endorsed candidates*], the financial agent must record the following:

- (a) the date the financial agent for an elector organization returned a campaign contribution to a contributor under section 30.05 (5) (a), the amount of the campaign contribution and the full name of the contributor;
- (b) the date the financial agent for an elector organization paid an amount equal to the value of a campaign contribution to a contributor under section 30.05 (5) (b), the amount paid and the full name of the contributor;
- (c) the date the financial agent for an elector organization paid an amount of a permissible loan to a lender under section 30.05 (5) (c), the amount of the permissible loan paid and, if the lender is an eligible individual, the full name of the lender;
- (d) the date the financial agent for a candidate returned a campaign contribution to a contributor under section 30.05 (7) (a), the amount of the campaign contribution and the full name of the contributor;
- (e) the date the financial agent for a candidate paid an amount equal to the value of a campaign contribution to a contributor under section 30.05 (7) (b), the amount paid and the full name of the contributor;

- (f) the date the financial agent for a candidate paid an amount of a permissible loan to a lender under section 30.05 (7) (c), the amount of the permissible loan paid and, if the lender is an eligible individual, the full name of the lender;
- (g) any other information prescribed by regulation.

(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.

#### **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 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 must be returned to the candidate from the campaign account of the elector organization.

(6) [Repealed 2017-21-9.]

(7) An elector organization that contravenes subsection (5) commits an offence.

#### **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;

(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.

#### **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.

### **Division 3 — Rules in Relation to Campaign Contributions and Election Expenses**

#### **Restrictions on making campaign contributions**

**26 (0.1)** An organization or an individual, other than an eligible individual, must not make a campaign contribution.

**(1)** An eligible individual 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) [Repealed 2017-21-10.]

**(1.1)** An eligible individual must not make campaign contributions in a calendar year that, in total, exceed an applicable campaign contribution limit.

- (2) 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.
- (2.01) An individual or organization must not make a campaign contribution indirectly by providing money, non-monetary property or services to an eligible individual
  - (a) for the eligible individual to make as a campaign contribution, or
  - (b) as consideration for that eligible individual making a campaign contribution.
- (3) An individual or organization that contravenes this section commits an offence.

#### **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.
- (1.01) A financial agent or an individual authorized under subsection (1) must not accept
  - (a) a campaign contribution from an organization or an individual, other than an eligible individual, or
  - (b) campaign contributions from an eligible individual that exceed an applicable campaign contribution limit.
- (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.

#### **Restrictions on making loans for campaign use**

- 27.01** (1) Subject to this section, an individual or organization must not make a loan to a candidate or elector organization for campaign use.
- (2) A savings institution or an eligible individual must not make a loan, other than a permissible loan, to a candidate or elector organization for campaign use.
- (3) An eligible individual must not make a permissible loan to a candidate or elector organization for campaign use in an amount that would bring the total value of campaign contributions and permissible loans made by the eligible individual to an amount greater than an applicable campaign contribution limit.
- (4) For certainty, this section applies whether the permissible loan is made or accepted before or after the start of a campaign period.
- (5) An individual or organization that contravenes this section commits an offence.

**Restrictions in relation to accepting loans for campaign use**

- 27.02** (1) A candidate or elector organization must not accept a loan, other than a permissible loan, for campaign use.
- (2) A candidate or elector organization must not accept a permissible loan for campaign use from an eligible individual if the amount of the loan would bring the total value of campaign contributions and permissible loans made by the eligible individual to an amount greater than an applicable campaign contribution limit.
- (3) If a candidate, elector organization or financial agent for a candidate or elector organization becomes aware that the candidate or elector organization, as applicable, has accepted a loan in contravention of subsection (1) or (2), the financial agent must, within 30 days after the candidate, elector organization or financial agent becomes aware of the contravention,
- (a) return the loan to the lender, or
  - (b) pay to the lender an amount equal to the value of the loan.
- (4) If subsection (3) applies, the financial agent for the candidate or elector organization must record the following for each loan:
- (a) the circumstances in which the loan was accepted;
  - (b) the information required under section 22 (1.1) *[recording requirements for loans]*;
  - (c) when and how the loan was dealt with in accordance with subsection (3) of this section;
  - (d) any other information prescribed by regulation.
- (5) For certainty, this section applies whether the loan is made or accepted before or after the start of a campaign period.



- (6) A financial agent, candidate or elector organization that contravenes this section commits an offence.

### **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.

### **Campaign contribution information that must be recorded**

**29 (1)** 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) unless it is an anonymous campaign contribution, the full name, mailing address and, if it is different, residential address of the contributor;
- (d) whether the campaign contribution is an anonymous campaign contribution;
- (e) [Repealed 2017-21-13.]
- (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 (d) of this section;
- (b.1) if the contribution was made by an organization, the name of the organization;
- (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.

#### **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
  - (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.

#### **Division 4 — Campaign Contribution Limits for 2017 and 2018**

##### **Campaign contribution limits for 2017 and 2018**

- 30.01 (1) Subject to any applicable regulations, in relation to the 2018 general local election, for each of 2017 and 2018, the campaign contribution limit is \$1 200 for a candidate who is not endorsed by an elector organization in relation to an election campaign of the candidate.
- (2) Subject to any applicable regulations, in relation to the 2018 general local election, for each of 2017 and 2018, the campaign contribution limit is \$1 200 for any one elector organization and all the candidates endorsed by the elector organization in relation to an election campaign of the elector organization.

##### **Campaign contributions — elector organizations and endorsed candidates**

- 30.02 Section 30.05 [*campaign contributions — elector organizations and endorsed candidates*] applies in relation to an applicable campaign contribution limit for 2017 and 2018.

#### **Division 5 — Campaign Contribution Limits**

##### **Application of Division**

- 30.03 As an exception to section 1 [*elections to which this Act applies*], this Division applies to one or more of the following:
- (a) an election prescribed by regulation;
  - (b) an election prescribed by regulation in an election area prescribed by regulation;
  - (c) an election prescribed by regulation for all the election areas in the geographic area associated with a jurisdiction prescribed by regulation.

##### **Campaign contribution limits for 2019 and subsequent years**

- 30.04 (1) In this section, "base year" means 2019 or a subsequent calendar year for which a campaign contribution limit is established under subsection (2) or (3).
- (2) Subject to any applicable regulations, the campaign contribution limit for a base year is, for a candidate who is not endorsed by an elector organization in relation to an election campaign of the candidate, an amount prescribed by regulation or determined in accordance with the regulations.
- (3) Subject to any applicable regulations, the campaign contribution limit for a base year is, for any one elector organization and all the candidates endorsed by the

elector organization in relation to an election campaign of the elector organization, an amount prescribed by regulation or determined in accordance with the regulations.

- (4) Subject to any applicable regulations, for a calendar year other than a base year, the BC chief electoral officer must establish the campaign contribution limits for that year by
  - (a) determining the ratio between the consumer price index at January 1 of the base year and the consumer price index at January 1 of the year in which the limit applies, and
  - (b) applying the ratio to adjust the amount prescribed or determined under subsection (2) and (3) that is to apply for that year.
- (5) For the purpose of establishing a campaign contribution limit under subsection (4), the BC chief electoral officer 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.
- (6) As soon as practicable after January 1 of each year, the BC chief electoral officer must
  - (a) have the campaign contribution limits established under subsection (4) published in the Gazette, and
  - (b) make that information publicly available on an Elections BC authorized internet site.

### **Campaign contributions — elector organizations and endorsed candidates**

**30.05 (1)** In this section, "excess campaign contributions" means

- (a) permissible loans made by an eligible individual, and
- (b) campaign contributions

that are accepted by an elector organization and the candidates endorsed by the elector organization and that, in total, exceed an applicable campaign contribution limit.

- (2) As soon as practicable after an elector organization endorses a candidate in an election, the financial agent for the candidate must provide to the financial agent for the elector organization the following information in relation to the election campaign of the candidate for that election:
  - (a) the amount and date of each campaign contribution accepted by the candidate;

- (b) the full name of the contributor of each campaign contribution accepted by the candidate, unless the contributor is an anonymous contributor;
  - (c) the amount and date of each permissible loan made by an eligible individual and accepted by the candidate;
  - (d) the full name of the eligible individual who made the permissible loan;
  - (e) any other information prescribed by regulation.
- (3) As soon as practicable after receiving the information under subsection (2), the financial agent for the elector organization must review the information.
- (4) If, after the review under subsection (3) or at any other time after an elector organization endorses a candidate, the financial agent for the elector organization becomes aware that there are excess campaign contributions, the financial agent for the elector organization must comply with subsection (5) and, if applicable, subsection (6).
- (5) If there are excess campaign contributions, the financial agent for the elector organization must do one or more of the following:
  - (a) return to one or more contributors one or more campaign contributions accepted by the elector organization;
  - (b) pay to one or more contributors an amount equal to the value of one or more campaign contributions accepted by the elector organization;
  - (c) pay to one or more lenders an amount of one or more permissible loans made to and accepted by the elector organization.
- (6) If, after complying with subsection (5), the financial agent for the elector organization determines that there continue to be excess campaign contributions, the financial agent for the elector organization must, as soon as practicable, notify the financial agent for one or more candidates of the excess campaign contributions.
- (7) As soon as practicable after receiving a notification under subsection (6), a financial agent for a candidate must do one or more of the following to ensure that there are no excess campaign contributions:
  - (a) return to one or more contributors one or more campaign contributions accepted by the candidate;
  - (b) pay to one or more contributors an amount equal to the value of one or more campaign contributions accepted by the candidate;
  - (c) pay to one or more lenders an amount of one or more permissible loans made to and accepted by the candidate.
- (8) A financial agent who contravenes this section commits an offence.

## **Part 3 — Third Party Advertising**

### **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.

#### **Sponsorship contributions generally**

- 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) the unpaid amount of a debt, other than a debt arising from a loan, 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.
- (2.1) If the unpaid amount of a debt referred to in subsection (1) (d) of this section
  - (a) is payable to an organization or an individual, other than an eligible individual, and
  - (b) becomes a sponsorship contribution under that subsection,section 35 *[dealing with prohibited sponsorship contributions]* applies as if the unpaid amount of the debt were a sponsorship contribution made or accepted in contravention of this Act or the regulations under this Act.
- (3) Subject to any applicable regulations, the value of the following is not a sponsorship contribution:
  - (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.

### **Sponsorship contributions through loans**

- 32.01 (1) Subject to any applicable regulations, a permissible loan to a third party sponsor is not a sponsorship contribution.
- (2) Despite subsection (1), the unpaid amount of a permissible loan made by an eligible individual to a third party sponsor is a sponsorship contribution if
- (a) that part of the loan remains unpaid for 6 months after it becomes due and no legal proceedings to recover the loan have been commenced by the eligible individual, or
  - (b) the eligible individual forgives that part of the loan.
- (3) Despite subsection (1), the unpaid amount of a permissible loan made by a savings institution to a third party sponsor is a sponsorship contribution if the savings institution does not make commercially reasonable efforts to collect or enforce the loan.
- (4) In the circumstances described in subsection (3), section 35 *[dealing with prohibited sponsorship contributions]* applies as if the unpaid amount of the loan were a sponsorship contribution made or accepted in contravention of this Act or the regulations under this Act.

- (5) For certainty, nothing in subsection (2) or (3) affects the rights of a creditor in relation to a permissible loan that becomes a sponsorship contribution under those subsections.

### **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.

## **Division 2 — Rules in Relation to Sponsorship Contributions and Sponsored Advertising**

### **Restrictions on making sponsorship contributions**

- 34** (0.1) An organization or an individual, other than an eligible individual, must not make a sponsorship contribution.
- (1) An eligible individual 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) [Repealed 2017-21-17.]

(1.1) An individual or organization must not make a sponsorship contribution indirectly by providing money, non-monetary property or services to an eligible individual

(a) for the eligible individual to make as a sponsorship contribution, or

(b) as consideration for that eligible individual making a sponsorship contribution.

(2) An individual or organization that contravenes this section commits an offence.

#### **Restrictions on making loans for sponsorship use**

34.01 (1) Subject to this section, an individual or organization must not make a loan to a third party sponsor for sponsorship use.

(2) A savings institution or an eligible individual must not make a loan, other than a permissible loan, to a third party sponsor for sponsorship use.

(3) For certainty, this section applies whether the permissible loan is made or accepted before or after the start of a campaign period.

(4) An individual or organization that contravenes this section commits an offence.

#### **Restrictions in relation to accepting sponsorship contributions**

34.02 (1) A third party sponsor must not accept a sponsorship contribution from an organization or an individual, other than an eligible individual.

(2) A third party sponsor must not accept

(a) a sponsorship contribution for which the information required to be recorded under section 36 [*records of sponsorship contributions and sponsored advertising*] 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.

- (3) A third party sponsor that contravenes this section commits an offence.

### Restrictions in relation to accepting loans for sponsorship use

- 34.03** (1) A third party sponsor must not accept a loan, other than a permissible loan, for sponsorship use.
- (2) If a third party sponsor becomes aware that it has accepted a loan in contravention of subsection (1), the third party sponsor must, within 30 days after becoming aware of the contravention,
- (a) return the loan to the lender, or
  - (b) pay to the lender an amount equal to the value of the loan.
- (3) If subsection (2) applies, the third party sponsor must maintain records of the following for each loan:
- (a) the circumstances in which the loan was accepted;
  - (b) the information required under section 36 (2.1) [*records of sponsorship contributions — loans*];
  - (c) when and how the loan was dealt with in accordance with subsection (2) of this section;
  - (d) any other information prescribed by regulation.
- (4) For certainty, this section applies whether the loan is made or accepted before or after the start of a campaign period.
- (5) A third party sponsor that contravenes this section commits an offence.

### Dealing with prohibited sponsorship contributions

- 35** (1) [Repealed 2017-21-19.]
- (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.

### **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) unless it is an anonymous sponsorship contribution, the full name, mailing address and, if it is different, residential address of the contributor;
- (d) whether the sponsorship contribution is an anonymous sponsorship contribution;
- (e) [Repealed 2017-21-20.]
- (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;
- (b) to the extent possible, the information required under subsection (1) (a) to (d) of this section;
  - (b.1) if the contribution was made by an organization, the name of the organization;
- (c) when and how the sponsorship contribution was dealt with in accordance with section 35;
- (d) any other information required by regulation.

**(2.1)** The sponsor must maintain records of the following in relation to a permissible loan made to the sponsor:

- (a) if the loan is made by an eligible individual, the full name and residential address of the eligible individual;

- (b) if the loan is made by a savings institution, the name of the savings institution;
  - (c) the amount of the loan;
  - (d) the date the loan is made;
  - (e) the date the loan is due;
  - (f) the rate of interest, if any, charged for the loan;
  - (g) if the loan is made by a savings institution, the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed;
  - (h) any other information prescribed 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.

### **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.

#### **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) 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.

**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.

**(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.

#### **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.

#### **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 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.

## **Division 4 — Third Party Advertising Limits**

### **Third party advertising limits — general local election**

- 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,



- for a local trust area trustee,
- (D) 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]*,

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.

### Limits and adjustments to reflect changes in consumer price index

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.

### Specific third party advertising limits to be made publicly available in advance of general local election

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.

### Third party advertising limits — by-election

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.

### Prohibition against third party advertising exceeding third party advertising limits

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.

#### **Prohibition against attempting to circumvent third party advertising limits**

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.

#### **Attribution of value of directed advertising**

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.

### **Part 4 — Non-Election Assent Voting Advertising and Other Assent Voting Advertising Rules**

#### **Application of third party advertising rules to non-election assent voting advertising**

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.

#### **Assent voting advertising by local government**

- 43** Part 3 [*Third Party 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.

## **Part 5 — Transparency Requirements for Local Elections and Assent Voting**

### **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.

### **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 British Columbia.
- (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 against 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.

## **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
  - (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.

**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*].

**Notice of failure to file within no-penalty fee period**

- 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.

#### **Candidate disclosure statement — information and other requirements**

- 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 and the residential address of each significant contributor but not the mailing address, if different;
  - (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) property and services to which section 13 (6) (b) or (c) *[exclusions from campaign contributions that must be disclosed]* applies;
  - (f.1) the information referred to in section 22 (1.1) *[recording requirements for loans]*;
  - (f.2) any amount outstanding on a loan;
  - (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:

- transfers of property and provision of services as referred to in section 13 (6) (a) *[campaign transfers between candidates and elector organizations]*;
- (A) 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.

#### **Elector organization disclosure statement — information and other requirements**

- 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;
  - (e) campaign contributions received by the elector organization, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;
  - (e.1) the information referred to in section 22 (1.1);
  - (e.2) any amount outstanding on a loan;

- (f) [Repealed 2017-21-22.]
- (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.

### 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 and the residential address of each significant contributor but not the mailing address, if different;
    - (c.1) the information referred to in section 36 (2.1) *[records of sponsorship contributions — loans]*;
    - (c.2) any amount outstanding on a loan;
    - (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.]

#### **Non-election assent voting advertising disclosure statement — information and other requirements**

- 52 (1) 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 and the residential address of each significant contributor but not the mailing address, if different;
- (c.1) the information referred to in section 36 (2.1);
- (c.2) any amount outstanding on a loan;
- (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.]

#### **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.

#### **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;
- (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.

## 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, 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.

## 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.

## 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.

### **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) make the information in the statement or report, other than a mailing address or residential address of a significant contributor, publicly available on an Elections BC authorized internet site, and
  - (b) have a copy of the statement or report, other than a mailing address or residential address of a significant contributor, 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.

#### **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).
- (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.

#### Disqualification lists to be maintained

**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].*

(2) The disqualification lists under subsection (1) must be available for public inspection at the Elections BC office during its regular office hours.

### **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.

### **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) may make the information otherwise publicly available, including by making it available on an Elections BC authorized internet site.

### 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.

## Part 5.1 — Expense Limits

### Division 1 — Establishment of Expense Limits for Elections

#### Expense limits — general local election

- 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) 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.
- (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.

### Limits and adjustments to reflect changes in consumer price index

**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 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.

### Specific expense limits to be made publicly available in advance of general local election

**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.

### Expense limits — by-election

**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.

## Division 2 — General Restrictions in Relation to Expense Limits

**Prohibition against exceeding expense limits**

- 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
  - (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.

**Prohibition against incurring campaign period expenses if expense limits will be exceeded**

- 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.

### **Division 3 — Campaign Financing Arrangements between Candidates and Elector Organizations**

#### **Written campaign financing arrangement required**

- 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
- (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.

#### **Attribution of elector organization expenses to candidate expense limits**

- 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.

#### **Prohibition against incurring campaign period expenses unless campaign financing arrangement is in place**

- 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 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.

#### **Amendment to and termination of campaign financing arrangement**

- 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.

#### **Effect of endorsement relationship ending**

- 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.

## **Part 6 — Penalties and Court Orders for Relief**

### **Division 1 — Penalties for Failure to Comply with Disclosure Requirements**

#### **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 penalties apply*].
- (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.

#### Penalties for false or misleading disclosure

- 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.

- (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.

#### **Endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information**

- 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.

## **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;
- (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).

### **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.

### **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.
- (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 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.

### **Division 3 — Expense Limit Penalties**

#### **Penalties for exceeding expense limits or amount available**

**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:
    - (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.

### **Monetary penalties for exceeding expense limits or amount available**

**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]*.

#### **Disqualification if monetary penalties unpaid**

- 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 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.

#### **Division 4 — Court Orders for Relief in Relation to Exceeding Expense Limits or Amount Available**

##### **Application for relief in relation to exceeding expense limits or amount available**

**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;
  - (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.

**Special rules respecting applications for relief in relation to candidates exceeding expense limits**

**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.

**Court relief powers respecting exceeding expense limits or amount available**

**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, 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.

**Court relief powers respecting exceeding expense limits or amount available — monetary penalties**

**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.

#### **Individual relief from monetary penalty liability of responsible principal officials**

- 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) 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.

### **Division 5 — Third Party Advertising Limits — Penalties and Court Orders for Relief**

#### **Penalties for exceeding third party advertising limits**

- 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:
- (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.

#### **Application for relief in relation to exceeding third party advertising limits**

**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).

#### **Court relief powers respecting exceeding third party advertising limits**

**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;
- (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.

#### **Individual relief from liability of responsible principal officials**

- 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.

### **Division 6 — General Provisions in Relation to Court Orders for Relief**

#### **Extension of time before penalties apply**

- 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) 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.

#### **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.

#### **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.

## 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 *[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) 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.

(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.

(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.
- (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.
- (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.
- (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.

## Part 7 — Enforcement

### Division 1 — Elections BC Responsibilities and Powers

#### Report to local authority respecting disqualification of elected candidate

- 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) (a) *[candidate penalties for failure to disclose]*,
  - (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]*.

#### **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).

#### **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.

#### **Additional specific powers to require information**

**76** 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.

#### **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 Advertising]*,
- (b) section 42 *[application of third party 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 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.

#### **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.

### **Enforcement of monetary penalties**

- 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.

### **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.

## **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.

### 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 Attorney General for a determination of whether to approve prosecution.

### 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 contrary, is proof of the matter certified.

### 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.

#### **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.

#### **Higher penalty offences**

- 85** (1) This section applies to the offences under the following provisions:
- (a) section 57 *[offence for failure to file 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.

#### **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.

### **Part 8 — Administration and Other Matters**

## 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.

### 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.

### 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)** 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.

#### **Late filing extensions in extraordinary circumstances**

- 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.

#### **Retention of disclosure records**

- 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.

#### **Provision of information between Elections BC and local authorities**

- 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) 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.

## 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;
  - (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.

### **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.

### **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.

## **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 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.

### 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) 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.

### Information updating obligations

- 98 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.

### Population

- 98.1 (1) Subject to subsection (2), for the purposes of this Act and the regulations under this Act, the population of an election area or the geographic area associated with a jurisdiction 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 or the geographic area associated with a jurisdiction
- (a) if the population of an election area or the geographic area associated with a jurisdiction has not been established by a Census of Canada, or

(b) in other prescribed special circumstances.

## 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*] 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](#).

### Power to make regulations — general

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, geographic areas associated with a jurisdiction, election areas, elected offices, elections, assent voting, candidates, organizations, sponsors, circumstances, things or other matters, and
- (b) make different provisions, including exceptions, for those classes.

**Power to make regulations — campaign contribution limits**

**100.01** (1) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting campaign contribution limits, including, without limitation, but subject to subsection (3), as follows:

- (a) for the purposes of section 30.03 [*application of Division*], prescribing the election, jurisdiction, election area or geographic area associated with a jurisdiction to which Division 5 [*Campaign Contribution Limits*] of Part 2 [*Candidate and Elector Organization Campaign Financing*] applies;
- (b) for the purposes of section 30.04 [*campaign contribution limits for 2019 and subsequent years*],
  - (i) prescribing the amounts of the campaign contribution limits, or
  - (ii) respecting how an amount of a campaign contribution limit is determined, including prescribing that an amount is determined on the basis of
    - (A) prescribed population ranges, or
    - (B) a prescribed formula that takes into account the population of an election area or the geographic area associated with a jurisdiction;
- (c) respecting amounts of campaign contribution limits, and the application of the campaign contribution limits, for a candidate referred to in section 4 (2) [*candidate running in multiple elections*];
- (d) respecting amounts of campaign contribution limits, and the application of the campaign contribution limits, for an elector organization referred to in section 5 (2) [*endorsing in multiple jurisdictions*].

(2) In making a regulation under subsection (1), the Lieutenant Governor in Council may do one or more of the following:

- (a) establish rules respecting
  - (i) how campaign contribution limits apply or are determined in the calendar year in which an applicable campaign contribution limit is prescribed,

- (ii) how campaign contributions made in the calendar year in which an applicable campaign contribution limit is prescribed before the date the applicable campaign contribution limit is prescribed are dealt with, including whether they are included in determining if an eligible individual exceeds the applicable campaign contribution limit for that calendar year,
    - (iii) how permissible loans are dealt with, including if and how they are included for the purpose of determining if an eligible individual exceeds an applicable campaign contribution limit, and
    - (iv) how loans made or accepted and debts arising before the date an applicable campaign contribution limit is prescribed are dealt with;
  - (b) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of more effectively determining and applying campaign contribution limits;
  - (c) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in determining or applying campaign contribution limits.
- (3) A regulation under sections 30.03 and 30.04 may be made only on the recommendation of the minister responsible.

#### **Power to make regulations — third party advertising limits**

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.

#### **Power to make regulations — expense limits**

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).
- (3) A regulation under section 63.01 may be made only on the recommendation of the minister responsible.

### 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, on March 27, 2014, being the day after the date of First Reading
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(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

1 (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]*;

"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;

"applicable campaign contribution limit" means a campaign contribution limit that is established

(a) under section 30.01 *[campaign contribution limits for 2017 and 2018]*, or

(b) under section 30.04 *[campaign contribution limits for 2019 and subsequent years]* and applies to an election prescribed under section 30.03 *[application of Division]*;

"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 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 any of the following sections:

- (a) section 13 *[campaign contributions to candidate and elector organization generally]*,
- (b) section 13.01 *[campaign contributions through fundraising functions]*,
- (c) section 13.02 *[campaign contributions through loans]*,

**"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;

**"campaign period"** means the period applicable in relation to an election under section 10 (2) *[what is a campaign period]*;

**"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]*;

**"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]*;

**"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;

**"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) 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]*;

**"eligible individual"** means an individual who is

- (a) a resident of British Columbia, and
- (b) a Canadian citizen or a permanent resident as defined in the *Immigration and Refugee Protection Act* (Canada);

**"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;

**"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;

**"fundraising function"** 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;

**"general local election"** includes the elections that are held at the same time as a general local election under the *Local Government Act*;

**"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;

**"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);

**"loan"**, in relation to a loan made by an eligible individual, includes an interest free loan;

**"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
- (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;

**"permissible loan"** means a loan that is made to a candidate or elector organization for campaign use or to a third party sponsor or assent voting advertising sponsor for sponsorship use

(a) by a savings institution at a rate of interest that is not less than the prime rate of the principal banker to the government on the date the loan is received, or

(b) by an eligible individual;

**"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 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
- (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;

**"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 eligible individual who
  - (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 eligible individual who
  - (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 *[sponsorship contributions generally]* or 32.01 *[sponsorship contributions through loans]* to a third party sponsor or assent voting advertising sponsor;

**"sponsorship use"** means,

- (a) in relation to a contribution or permissible loan 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 or permissible loan 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]*;

**"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) 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;

**"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.
- (2) For the purposes of the definition of "eligible individual", the rules set out in section 67 [*rules for determining residence*] of the *Local Government Act* apply to determine if an individual is resident in British Columbia.

### 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.

### 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.

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

## **LOCAL GOVERNMENT ACT**

### **[RSBC 2015] CHAPTER 1**

*Deposited with Clerk of the Legislative Assembly on December 16, 2015*

## **Part 3 — Electors and Elections**

### **Division 18 — Election Offences**

#### **Vote buying**

**161**

- (1) In this section, "**inducement**" includes money, gift, valuable consideration, refreshment, entertainment, office, placement, employment and any other benefit of any kind.
- (2) A person must not pay, give, lend or procure inducement for any of the following purposes:
- (a) to induce a person to vote or refrain from voting;
  - (b) to induce a person to vote or refrain from voting for or against a particular candidate;
  - (c) to reward a person for having voted or refrained from voting as described in paragraph (a) or (b);
  - (d) to procure or induce a person to attempt to procure the election of a particular candidate, the defeat of a particular candidate or a particular result in an election;
  - (e) to procure or induce a person to attempt to procure the vote of an elector or the failure of an elector to vote.
- (3) A person must not accept inducement
- (a) to vote or refrain from voting,
  - (b) to vote or refrain from voting for or against a particular candidate, or
  - (c) as a reward for having voted or refrained from voting as described in paragraph (a) or (b).
- (4) A person must not advance, pay or otherwise provide inducement, or cause inducement to be provided, knowing or with the intent that it is to be used for any of the acts prohibited by this section.
- (5) A person must not offer, agree or promise to do anything otherwise prohibited by this section.
- (6) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.

## Intimidation

- 162** (1) In this section, "**intimidate**" means to do or threaten to do any of the following:
- (a) use force, violence or restraint against a person;
  - (b) inflict injury, harm, damage or loss on a person or property;
  - (c) otherwise intimidate a person.
- (2) A person must not intimidate another person for any of the following purposes:
- (a) to persuade or compel a person to vote or refrain from voting;
  - (b) to persuade or compel a person to vote or refrain from voting for or against a particular candidate;
  - (c) to punish a person for having voted or refrained from voting as described in paragraph (a) or (b).
- (3) A person must not, by abduction, duress or fraudulent means, do any of the following:
- (a) impede, prevent or otherwise interfere with a person's right to vote;
  - (b) compel, persuade or otherwise cause a person to vote or refrain from voting;
  - (c) compel, persuade or otherwise cause a person to vote or refrain from voting for a particular candidate.
- (4) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.

## Other election offences

- 163** (1) In relation to nominations, a person must not do any of the following:
- (a) contravene section 87 (4) [*unqualified candidate consenting to nomination*];
  - (b) before or after an election, purport to withdraw a candidate from an election without authority to do so or publish or cause to be published a false statement that a candidate has withdrawn;
  - (c) before or after an election, purport to withdraw the endorsement of a candidate by an elector organization except as provided in section 95 (b) [*withdrawal of endorsement on ballot*].
- (2) In relation to voting, a person must not do any of the following:
- (a) vote at an election when not entitled to do so;
  - (b) contravene section 124 (1) [*each elector may vote only once*] regarding voting more than once in an election;
  - (c) obtain a ballot in the name of another person, whether the name is of a living or dead person or of a fictitious person;
  - (d) contravene section 123 (2) [*requirement to preserve secrecy of the ballot*] regarding the secrecy of the ballot.

(3) In relation to ballots and ballot boxes, a person must not do any of the following:

- (a) without authority supply a ballot to another person;
- (b) without authority print or reproduce a ballot or a paper that is capable of being used as a ballot;
- (c) without authority take a ballot out of a place where voting proceedings are being conducted;
- (d) put in a ballot box, or cause to be put in a ballot box, a paper other than a ballot that the person is authorized to deposit there;
- (e) interfere with voting under section 112 [*use of voting machines*] contrary to the applicable bylaw and regulations;
- (f) without authority destroy, take, open or otherwise interfere with a ballot box or ballots.

(4) In relation to voting proceedings, a person must not do any of the following at or within 100 metres of a building, structure or other place where voting proceedings are being conducted at the time:

- (a) canvass or solicit votes or otherwise attempt to influence how an elector votes;
- (b) display, distribute, post or openly leave a representation of a ballot marked for a particular result in the voting;
- (c) post, display or distribute
  - (i) election advertising, or
  - (ii) any material that identifies a candidate or elector organization, unless this is done with the authorization of the chief election officer;
- (d) carry, wear or supply a flag, badge or other thing indicating that the person using it is a supporter of a particular candidate, elector organization or result in the voting.

(5) In relation to any matter or proceeding to which this Part applies, a person must not do any of the following:

- (a) provide false or misleading information when required or authorized under this Part to provide information;
- (b) make a false or misleading statement or declaration when required under this Part to make a statement or declaration;
- (c) inspect or access under this Part
  - (i) a list of registered electors,
  - (ii) nomination documents,
  - (iii) disclosure statements or supplementary reports, or
  - (iv) other election materials referred to in section 143 [*delivery of election materials to chief election officer*],

or use the information from any of them, except for purposes authorized under this Act;

- (d) be present at a place where voting or counting proceedings are being conducted, unless authorized under this Part to be present;
- (e) interfere with, hinder or obstruct an election official or other person in the exercise or performance of his or her powers, duties or functions under this Part or the [Local Elections Campaign Financing Act](#).

(6) A person who is an election official must not contravene this Part with the intention of affecting the result or validity of an election.

## **Prosecution of organizations and their directors and agents**

- 164** (1) An act or thing done or omitted by an officer, director, 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 Part, an officer, director, 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 Part 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.

## **Time limit for starting prosecution**

- 165** The time limit for laying an information to commence a prosecution respecting an offence under this Part is one year after the date on which the act or omission that is alleged to constitute the offence occurred.

## **Penalties**

- 166** (1) A person who contravenes section 161 [*vote buying*] or 162 [*intimidation*] is guilty of an offence and is liable to one or more of the following penalties:
- (a) a fine of not more than \$10 000;
  - (b) imprisonment for a term not longer than 2 years;
  - (c) disqualification from holding office in accordance with subsection (2) of this section for a period of not longer than 7 years.
- (2) Disqualification under subsection (1) (c) is disqualification from holding office as follows:
- (a) on a local government;
  - (b) on the council of the City of Vancouver or on the Park Board established under section 485 of the [Vancouver Charter](#);
  - (c) as a trustee under the [Islands Trust Act](#);
  - (d) as a trustee on a board of education, or as a regional trustee on a francophone education authority, under the [School Act](#).

(3) A person or unincorporated organization who contravenes section 163 [*other election offences*] is guilty of an offence and is liable to one or both of the following penalties:

(a) a fine of not more than \$5 000;

(b) imprisonment for a term not longer than one year.

(4) Any penalty under this Division is in addition to and not in place of any other penalty provided in this Part.

(5) A person or unincorporated organization is not guilty of an offence under this Part if the person or organization exercised due diligence to prevent the commission of the offence.



## 2022 Municipal Election

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### Excerpt from City of Campbell River Consolidated Sign Bylaw No. 3309

“Political Sign” means a *sign* containing only messages relating to a public election or referendum.

#### 6.8 Political Campaign Signs

- a) Political Campaign *Signs* may have up to four (4) faces. The *sign* area of any one face shall not exceed 2.97m<sup>2</sup> (32 sq. ft.). The *sign* shall not exceed 2.13 m (7 ft) height.
- b) Political Campaign *Signs* for the purposes of a local government or school district election shall not be erected prior to the start of the nomination period September 4, 2018 and shall be removed not later than seven (7) days following the date of the election (October 27, 2018).
- c) Political Campaign *Signs* for the purposes of a federal or provincial election shall not be erected prior to an election writ being issued and shall be removed not later than seven (7) days following the date of the election.
- d) Political Campaign *Signs* for the purposes of a federal, provincial, local government or school district referendum shall not be erected prior to thirty (30) days before the date of a referendum and shall be removed not later than seven (7) days following the date of the referendum.
- e) Political Campaign *Signs* are not permitted on:
  - i) City or Provincial parks;
  - ii) Crown Lands;
  - iii) road right-of-way medians;
  - iv) on public property located along the east side of Highway 19A between 1st Avenue and Ocean Grove Road.

## 2022 Municipal Election

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### Additional information for Candidates

#### Nominations

1) Public access to nomination documents

As per legislation, Nomination documents (Form C2) are available for public inspection at the local authority offices during regular office hours, from the time the documents are received until 30 days after the official election results are declared. A person is entitled to receive a copy of the nomination documents, free of charge.

2) Challenge of Nomination

A challenge of nomination can only be made by:

- a person who is an elector of the municipality, regional district electoral area, or trustee electoral area for which the election is being held,
- another nominee in the same election, or
- the chief election officer.

A challenge must be filed between the time nomination documents are delivered and 4:00 pm on the 4th day after the nomination period ends (known as “the challenge period”).

Application must be made to the Provincial Court (not the BC Supreme Court) and the challenge may only be made on one or more of the following bases:

- the person is not qualified to be nominated or elected,
- the nomination was not made in accordance with LGA s.86 to s.89, and/or
- the usual name of the nominee written in the nomination documents is not in fact the usual name of the person.

The chief election officer must challenge the nomination of any person whose name appears on the candidate disqualification list.

The document filed with the court to commence a challenge must set out the facts for the challenge and be supported by an affidavit. The person making the challenge must immediately notify the chief election officer and the challenged nominee. Within 24 hours of filing the application with the court, the person making the challenge must serve the chief election officer and the challenged nominee with:

- copies of the document filed with the court,
- the accompanying affidavit, and
- a notice stating the time set for the hearing.

## 2022 Municipal Election

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Within 72 hours of the end of the challenge period, the court must consider the challenge and issue an order:

- confirming that the person is a candidate or declaring that the person is no longer a candidate; or
- declaring that the person is or is not entitled to have the usual name indicated in the nomination documents on the ballot.

The court may make an order indicating how the costs of a challenge are to be paid (i.e., by whom). The court's decision on a challenge is final and cannot be appealed.

### Candidate withdrawal

A candidate can withdraw by delivering a signed withdrawal to the chief election officer at any time up until 4:00 p.m. on the 29th day before general voting day. If the chief election officer is satisfied with the document's authenticity, he or she must accept the withdrawal. After this deadline, a candidate can withdraw only by:

- delivering a signed request to the chief election officer, and
- receiving approval of the Minister.

### Candidate Representatives

1) Each candidate can appoint:

- one official agent who represents the candidate from the time of appointment until the election's validity or final results are determined; and
- scrutineers who represent the candidate by observing the conduct of voting and counting proceedings for the election

Candidate representative appointments must:

- be in writing,
- include the name and address of the appointee,
- be signed by the candidate, and
- be delivered to the chief election officer or a designate as soon as possible after the appointment has been made.

The candidate can authorize his or her official agent to appoint scrutineers.

An appointment of a candidate representative can only be rescinded in the same way it was made. The rescinding document must be delivered to the chief election officer or a designate.

### DECLARATION OF CANDIDATES

Friday, September 9, 2022

The Chief Election Officer will declare all persons nominated for elected office immediately following the close of the Nomination Period on Friday, September 9, 2022 at 4:00 p.m. The declarations will be posted on the City's website at: [www.campbellriver.ca/your-city-hall/elections](http://www.campbellriver.ca/your-city-hall/elections)

### ELECTION RESULTS

The unofficial results will be posted as soon as possible following the close of polls on the City's website at [www.campbellriver.ca](http://www.campbellriver.ca).

City Hall Council Chambers will be open to the public following the close of polls with a live feed of the city website, for those who wish to gather for the election results

However, please note that it is expected that the results may take longer than prior years due to an anticipated increase in mail-in ballots.

The official election results will be declared by the Chief Election Officer at noon on Wednesday, October 19<sup>th</sup> and will be made available through media release on the city's website [www.campbellriver.ca](http://www.campbellriver.ca)



# ELECTOR ORGANIZATION GUIDE

TO LOCAL ELECTIONS IN B.C.

2022



# Purpose of Elector Organizations

## What are elector organizations?

Elector organizations are organizations that endorse or intend to endorse a candidate(s) in general local elections. Elector organizations may also be known as “civic political parties.”

In the 2018 general local elections, elector organizations operated in approximately 13 communities in B.C., primarily in the Lower Mainland.

## What do elector organizations do?

Fundamentally, elector organizations endorse candidates. Elector organizations may 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.

### **Elector Organizations Must be Registered**

Only elector organizations registered with Elections BC can file endorsement documents, receive campaign contributions and incur election expenses. For more information visit [Elections BC online](#).

The deadline for elector organizations to register with Elections BC is **August 2, 2022**.

Election campaigns for elector organizations are generally a connected series of actions designed to elect a candidate or a group of candidates to a municipal council, regional district board, board of education, specified parks board, local community commission or Islands Trust local trust committee.

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, in newspapers and magazines;
- social media (e.g., Facebook, Twitter, YouTube);
- brochures, signs, posters, billboards;
- mail inserts and newsletters; and,
- bumper stickers, buttons and displays and/or exhibitions.

Elector organizations and candidates each direct their own separate election campaign; however, an endorsed candidate may decide not to run their own election campaign and instead rely solely on the elector organization to run campaign activities on the candidate's behalf.

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

## Registration

New campaign financing rules came into effect on **December 1, 2021**. Elector organizations are required to register with Elections BC to endorse a candidate in an election, receive a campaign contribution or incur an election expense. Only those elector organizations registered with Elections BC can endorse candidates, receive campaign contributions and incur election expenses.

For more information about how to register an elector organization read Elections BC's [\*Guide to Elector Organization Registration\*](#).



# Membership

## Who are the members of an elector organization?

Members of an elector organization are eligible resident and non-resident property electors of the jurisdiction where the general local election is being held. Members may also be subject to other requirements of the elector organization.

## How many members are in an elector organization?

An elector organization must have a membership of at least 50-electors (resident and/or non-resident property electors) at the time it registers with Elections BC. The elector organization must not be disqualified from endorsing a candidate(s) under the *Local Elections Campaign Financing Act*.

### Resident Elector

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 immediately before registering to vote; be a resident of the municipality or electoral area, as determined in accordance with section 67 of the *Local Government Act*; 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.

### Non-Resident Property Elector

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 immediately before registering to vote; have owned real 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.

## How does an elector organization determine membership?

Many elector organizations request that prospective members fill out a membership form and pay a one-time or monthly fee to the organization – although this is not a requirement under the *Local Government Act*.

Elector organizations typically use the information collected from membership forms to make a reasonable determination of which individuals are eligible electors in the jurisdiction where the general local election is being held.

At a minimum, the information elector organizations collect must include: the names and addresses of the members; and, for members who are non-resident property electors, the addresses of the properties in relation to which they are eligible to vote.

### Privacy and Personal Information

Elector organizations are subject to the *Personal Information Protection Act* (PIPA). Under PIPA, elector organizations must establish a policy regarding the use and disclosure of personal information and instruct any prospective members about that policy prior to collecting their personal information.

## Are elector organizations required to provide a membership list to the Chief Election Officer?

**No.** However, an elector organization may be required to provide the list of its members when registering with Elections BC. An elector organization may also be required to provide the list of its members to the Provincial Court when the elector organization's endorsement of a candidate is challenged.

# Qualifications and Structure

## How are elector organizations qualified to endorse candidates?

Elector organizations that register with Elections BC and have a membership of 50 eligible electors at the time of endorsement are qualified to endorse a candidate(s).

## How are elector organizations structured?

An elector organization tends to have a somewhat formalized structure because of the 50-elector membership requirement, the organization's ability to endorse a candidate on the ballot and because of the campaign financing disclosure requirements set out in the *Local Elections Campaign Financing Act* that it must follow.

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

# Representatives

## What representatives are elector organizations required to have?

Elector organizations must appoint at least two responsible principal officials and a financial agent – an individual can fill the role of both the financial agent and a responsible principal official.

The responsible principal officials and the financial agent must be appointed prior to the elector organization submitting a registration application to Elections BC. The elector organization must also file the [Appointment of Financial Agent](#) form with Elections BC.

## **What duties do responsible principal officials have in an elector organization?**

Responsible principal officials act as the elector organization's representatives – they are often the organization's president or chief officer. Under the *Local Elections Campaign Financing Act*, one of these responsible principal officials must be designated to act as the *authorized principal official*.

Responsible principal officials, including the authorized principal official, can be held legally responsible and liable for the elector organization's actions. These officials' obligations continue after general local elections, whether the elector organization continues to exist or not.

## **What contact information are responsible principal officials required to provide?**

Responsible principal officials must submit specific contact information to Elections BC upon registration as outlined in Elections BC's [elector organization registration forms](#).

An elector organization must file a notice with Elections BC within 60 days if its contact information changes after registration. A notice to update information must be made in writing and must be signed by the elector organization's authorized principal official.

## What duties does the authorized principal official have in an elector organization?

The authorized principal official is the person who appoints the financial agent and makes candidate endorsements, on the elector organization's behalf. The authorized principal official is also responsible for retaining the elector organization's campaign financing records.

The authorized principal official must retain records of the elector organization's campaign financing transactions, including campaign contributions, permissible loans, election expenses and transfers, until five years after general voting day for the election to which the material and records relate.

## What responsibilities does the financial agent have in an elector organization?

The financial agent is legally responsible for ensuring that the financial aspects of the elector organization comply with the *Local Elections Campaign Financing Act*.

An elector organization may not have more than one financial agent at a time. However, a financial agent can be the financial agent for more than one elector organization or candidate during general local elections.

A financial agent must be appointed before any campaign-related transactions occur and be in accordance with Elections BC's [elector organization registration requirements](#).

The financial agent has a wide range of financial responsibilities, including:

- opening and depositing contributions to, and paying election-related expenses from, an elector organization's campaign account;

- recording campaign contributions, permissible loans and election expenses;
- completing campaign financing arrangements;
- reviewing campaign contribution and permissible loan amounts in relation to an endorsed candidate's campaign;
- returning campaign contributions and amounts of permissible loans that exceed contribution limits; and,
- filing required financial reports and disclosure statements with Elections BC.

### Financial Disclosure

An elector organization disclosure statement must be submitted to Elections BC. 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 not to be qualified to endorse a candidate.

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

For more information about the financial agent's role and campaign financing rules read Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents\*](#).

## Are elector organizations allowed to appoint scrutineers?

**No.** Under the *Local Government Act*, only candidates are entitled to appoint scrutineers.

# Candidate Endorsement

## **What is an endorsement on a ballot?**

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

## **How do elector organizations choose which candidate(s) to endorse?**

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.

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

## **How many candidates can an elector organization endorse?**

An elector organization can endorse as many candidates as it deems appropriate to fulfill its objectives; however, it cannot endorse more candidates for a particular office than there are positions to be filled.

## Can an elector organization endorse candidates in multiple elections at the same time?

**Yes.** For example, an elector organization can endorse candidates for municipal council elections and regional district board elections at the same time.

## Can a candidate be endorsed by more than one elector organization?

**No.** A candidate may only be endorsed by one elector organization.

## How do elector organizations choose a ballot endorsement mark?

There are no specific rules related to how an elector organization chooses its 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.

The Chief Election Officer has the discretion to accept or refuse an elector organization's endorsement mark. The 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.

Elector organizations may use the same endorsement mark from one general local 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.



## Does a candidate have to consent to be endorsed on the ballot?

**Yes.** The endorsed candidate's consent is required before the Chief Election Officer can place the endorsement mark on the ballot. Each endorsed candidate is required to give their signed consent to the endorsement on the elector organization's endorsement documents submitted to the Chief Election Officer and Elections BC.

## How do elector organizations make an endorsement?

An elector organization may endorse a candidate(s) and have that endorsement included on the ballot when they submit endorsement documents in writing to the Chief Election Officer and Elections BC before the nomination period ends. The endorsement documents must include the following:

- the full name of the candidate to be endorsed by the elector organization and, if applicable, the usual name that is to be used on the ballot;
- the legal name of the organization, if applicable;
- the usual name of the organization, if this is different from its legal name or if it has no legal name;
- any abbreviations, acronyms and other names used by the elector organization;
- the contact information of the authorized principal official of the organization; and,
- the consent of the candidate to the endorsement.

The elector organization's name, abbreviation or acronym, will appear on the ballot beside their endorsed candidate's name.

## **Elector Organization Registration**

The authorized principal official must provide the name of each jurisdiction for which the elector organization intends to endorse a candidate in an election when registering the elector organization with Elections BC.

### **Can an endorsement be withdrawn?**

**Yes.** An elector organization or candidate may withdraw an endorsement up to 29 days before general voting day.

### **How is an endorsement withdrawn?**

An elector organization may withdraw a candidate endorsement by delivering a written withdrawal signed by the authorized principal official to the Chief Election Officer.

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

### **Can an endorsement by an elector organization be challenged?**

**Yes.** An eligible elector, another candidate for office or the Chief Election Officer can challenge a candidate's endorsement by an elector organization. The basis for the challenge may happen when the endorsement documents are believed to be incorrect, or the elector organization is not otherwise qualified to make an endorsement on the ballot.

Challenges to a candidate's endorsement must be made through an application to the [Provincial Court](#).

# Campaign Financing and Election Advertising

## What campaign financing rules apply to elector organizations?

The *Local Elections Campaign Financing Act* sets out the campaign financing rules for elector organizations.

These rules are administered and enforced by Elections BC and include recording and disclosing:

- campaign contributions;
- permissible loans;
- election expenses; and,
- transfers and other income and expenditures.

Elector organization are also required to submit campaign financing disclosure statements and file annual financial reports with Elections BC.

For more information about the campaign financing disclosure process read Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents\*](#). This guide is intended to help elector organizations and their financial agents to understand their responsibilities and legal obligations under the *Local Elections Campaign Financing Act*.

## Do elector organizations have their own campaign period expense limits?

**No.** Under the required campaign financing arrangement, endorsed candidates may sign over a portion of their expense limit for the elector organization to spend during the campaign period.

An elector organization must attribute campaign period expenses to each endorsed candidate and

disclose the expenses separately for each endorsed candidate.

An elector organization must also file annual financial reports with Elections BC detailing its finances, including campaign contributions received and all expenditures incurred. For more information about expense limits and campaign financing arrangements read Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents\*](#).

### **Pre-campaign Period**

The pre-campaign period set out in the *Local Elections Campaign Financing Act* has been established to lengthen the time election advertising is regulated from 29 to 89 days. This means that during the pre-campaign period beginning on **July 18, 2022** and ending **September 16, 2022** election advertising, such as billboards or commercials, must include sponsorship information.

### **Campaign Period**

The campaign period set out in the *Local Elections Campaign Financing Act* starts on **September 17, 2022** and ends when voting closes at 8:00 p.m. local time on **October 15, 2022**. This means that during the campaign period, election advertising, such as billboards or commercials must include sponsorship information.

## **Do contribution limits apply to elector organization campaigns?**

**Yes.** The *Local Elections Campaign Financing Act* and the [\*Local Elections Campaign Financing Regulation\*](#) set contribution limits for the election campaigns of candidates and elector organizations.

Individuals who wish to contribute to a candidate or elector organization are legally obligated to follow the rules outlined in the *Local Elections Campaign Financing Act*. For more information about [campaign contribution limits](#) visit Elections BC online.

## What election advertising rules apply to elector organizations?

The *Local Elections Campaign Financing Act* sets out the election advertising rules for elector organizations. These rules are administered and enforced by Elections BC.

Election advertising is any transmission of a communication to the public in the pre-campaign or campaign periods that directly or indirectly promotes or opposes a candidate or an elector organization.

In the campaign period, election advertising also includes a communication that takes a position on an issue associated with a candidate or elector organization.

For more information about what constitutes election advertising, sponsorship information, and campaign restrictions, read Elections BC's [\*Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents\*](#).

## Third Party Sponsors

Third party sponsors in general local elections must:

- register with Elections BC before conducting any advertising;
- include their name and contact information on all advertising during the pre-campaign period and the campaign period;
- be independent and not sponsor advertising on behalf of, or together with, a candidate or elector organization;
- not spend more than the allowable [expense limits](#); and,
- file a disclosure statement with Elections BC.

For the 2022 general local elections, third party advertising rules will apply during the pre-campaign period beginning on **July 18, 2022** and ending on **September 16, 2022** and the campaign period beginning on **September 17, 2022** and ending on **October 15, 2022**. Third party sponsors must disclose their advertising expenses within 90 days after general voting day.

### Advertising Rules

New rules for third party sponsors are in effect for the 2022 general local elections. There are limits placed on sponsorship contributions made by eligible individuals to third party sponsors. For more information about [third party advertising rules](#) visit Elections BC online.

## Elector Organizations vs. Third Party Sponsors

### What are the differences between elector organizations and third party sponsors?

Elector organizations and third party sponsors are both subject to rules and requirements under the *Local Elections Campaign Financing Act*. However, there are key differences between these two types of general local elections participants.

#### ELECTOR ORGANIZATIONS:

- file endorsement documents with the Chief Election Officer and Elections BC and endorse candidates by having the elector organization's name, abbreviation or acronym noted beside an endorsed candidate's name on the ballot;

- must have 50-members who are eligible electors of the jurisdiction where the election is being held to qualify as an elector organization and endorse a candidate(s) on the ballot;
- can work with candidates during their campaigns and undertake campaign activities, including advertising, on the candidate's behalf;
- may share their endorsed candidates' expense limits; and,
- receive campaign contributions.

### **THIRD PARTY SPONSORS:**

- must ensure that all their activities and advertising are completely independent from candidates and elector organizations;
- cannot endorse a candidate(s) on the ballot;
- are not subject to specific membership requirements;
- are subject to different rules than candidates and elector organizations; and,
- must make a solemn declaration upon registration with Elections BC.

## **Further Information**

Local government mailing addresses, telephone numbers, email addresses and websites are available online from CivicInfoBC at:  
[www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)

### **General Local Elections 101**

For more information about general local elections in B.C. read: *General Local Elections 101* brochure. The brochure is available from local governments throughout B.C. and online at: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections).

For answers to legislative **questions about municipal or regional district elections**, please contact:

**Ministry of Municipal Affairs**

Governance and Structure Branch

Phone: 250 387-4020

Email: [LGgovernance@gov.bc.ca](mailto:LGgovernance@gov.bc.ca)

Website: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

For answers to **questions about elector organization registration, election advertising, third party sponsors or campaign financing disclosure**, please contact:

**Elections BC**

Phone: 250 387-5305

Toll-free: 1 800 661-8683 / TTY 1 888 456-5448

Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: [electoral.finance@elections.bc.ca](mailto:electoral.finance@elections.bc.ca)

Website: <https://elections.bc.ca>

For answers to **questions about school trustee elections**, please contact:

**Ministry of Education and Childcare**

Education Policy Branch

Phone: 250 387-8037

Email: [EDUC.Governance.Legislation@gov.bc.ca](mailto:EDUC.Governance.Legislation@gov.bc.ca)

Website: <https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/legislation-policy/school-trustee-election-procedures>

Full text of the *Local Government Act*, *Local Election Campaign Financing Act*, *Community Charter*, *Vancouver Charter*, *School Act*, and *Offence Act* can be found online at: [www.bclaws.ca](http://www.bclaws.ca)

## Disclaimer

In the event that there is inconsistency between this brochure and the *Local Government Act*, the *Local Elections Campaign Financing Act*, or any other Act, the legislation shall prevail.



