

Fall | 2013

White Paper on Local Government Elections Reform



Ministry of
Community, Sport and
Cultural Development

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Contents

Minister’s Message.....	1	Part II: Local Elections Campaign	
Executive Summary	2	Financing Act	14
Part I: Reforming Local Government		Navigating the Act	14
Elections	3	Part 1 - General	15
Local Government Elections		Part 2 – Campaign Financing	16
Task Force	3	Part 3 – Campaign Financing Disclosure by	
Acting on Task Force		Candidates	17
Recommendations	4	Part 4 – Campaign Financing Disclosure by	
The White Paper on Local Government		Elector Organizations	18
Elections Reform	6	Part 5 – Sponsorship of Election	
Implications for Participants in Local		Advertising	19
Government Elections	6	Part 6 – Third Party Election	
Candidates	7	Advertising	19
Elector Organizations	8	Part 7 – Assent Voting Advertising	
Third Party Advertising	9	that is Not Election Advertising	20
Assent Voting Advertising	10	Part 8 – Court Orders for Relief	21
Elections BC	11	Part 9 – Enforcement	22
Educational Materials for Local Government		Part 10 - Transparency	22
Elections Participants	12	Part 11 – Administration and	
Consequential Amendments to the LGA	12	Other Matters	23
Next Steps.....	13	Appendix 1- Task Force	
Invitation to Comment	13	Recommendations.....	25
		Appendix 2 - Draft <i>Local Elections</i>	
		<i>Campaign Financing Act</i> and Draft	
		Consequential Amendments to the <i>Local</i>	
		<i>Government Act</i>	29



Minister's Message

As the Minister of Community, Sport and Cultural Development, I am pleased to present the **White Paper on Local Government Elections Reform**.

The changes proposed in this document are the most significant in nearly two decades, and are in keeping with the recommendations of the joint Provincial and Union of British Columbia Municipalities (UBCM) Local Government Elections Task Force. The Task Force undertook considerable consultation, receiving hundreds of submissions and meeting with key stakeholders. I appreciate the dedication and time taken by Task Force members and all respondents throughout the Task Force process.

While certain election issues generated diverse views, there was clear consensus around the desirability to make improvements in five key areas:

- Accountability
- Transparency
- Accessibility
- Compliance and Enforcement
- Education and Advice

In response, a significant legislative package (the draft *Local Elections Campaign Financing Act*) has been developed. This was a complex task that had to carefully consider the unique aspects of local government elections. It had to find a way to provide a structure for elections that run simultaneously across the province in communities of vastly different sizes and for multiple offices in multiple jurisdictions. In addition, consideration had to be given to the elector organizations that play a significant role in some municipalities.

The provincial government is committed to introducing legislation that, if passed, will enable the proposed changes to have effect for the 2014 local government elections.

Given the scope and magnitude of the proposed changes, and the intention to implement them in a local government elections year, government is taking a phased approach. Phase I consists of changes proposed for 2014 that focus on accountability, transparency, compliance and enforcement, and education and advice. Phase II will focus on accessibility (specifically, election expense limits), with a view to implementation for the 2017 local government elections. Election expense limits will be explored through a separate stakeholder outreach process. This will allow us more time to work with key stakeholders to ensure that changes meet the intention of the Task Force recommendations.

As a former councillor myself, I believe that these changes will create a more robust local elections framework and enhance voter confidence in the system. I welcome your feedback about the workability and clarity of the proposed new *Local Government Elections Financing Act* outlined in this White Paper. Please submit your comments by October 23, 2013 so that they can be considered as we move forward to finalize this phase of local government elections reform.

Sincerely,

Coralee Oakes
Minister of Community, Sport and Cultural Development

Executive Summary

The purpose of this White Paper is to provide election participants with advance knowledge of proposed campaign finance changes well in advance of the 2014 local elections. The intended changes reflect the recommendations of the joint Provincial and Union of BC Municipalities (UBCM) Local Government Elections Task Force (Task Force).

The Task Force process involved extensive stakeholder consultation and public input that resulted in a report to government in May 2010. The creation of a separate act dealing with campaign finance rules for local government elections was specifically recommended by the Task Force.

The proposed *Local Elections Campaign Financing Act* (LECFA) separates the rules that directly regulate election participants from the more procedural rules that apply generally to local government administration of elections. It includes proposed improvements that take significant steps to ensure accountability, enhance transparency, strengthen compliance and enforcement, and expand education and advice. The draft Act represents a balance between the Task Force's implementation principles and the need to create a comprehensive and practical system that will work for all participants in local government elections. Throughout development of the proposed LECFA, considerable attention has been paid to developing a system that is workable for elections participants and does not create barriers to participation.

Due to their scope and complexity, local government election rules will be modernized in two phases:

1. Government will put forward legislation in the Spring of 2014 to introduce the proposed new LECFA, which will implement all Task Force recommendations except expense limits.
2. A stakeholder outreach process on expense limits will be initiated in November 2013 to inform the development of further legislative changes for the 2017 elections. The Task Force felt that expense limits would increase accessibility by levelling the playing field among candidates.

This White Paper outlines the first phase of government's response to create a more robust local government elections campaign finance system. Part I of the White Paper highlights the anticipated impacts on local government elections participants, including:

- Disclosure and registration by third party advertisers;
- Sponsorship information requirements for all election advertising;
- Requirements for all campaign finance disclosure statement to be filed 90 days after an election rather than 120 days;
- Banning anonymous contributions; and,
- Enabling a key role for Elections BC in the compliance and enforcement of campaign finance rules in local government elections.

Part II of the White Paper provides an overview of the proposed LECFA and describes what is covered by each Part and Division of the Act. The draft LECFA and elements of the consequentially amended *Local Government Act* are appended to the White Paper.

Mechanisms for providing comments on the clarity and workability of the proposed LECFA are provided on page 13 – comments can be submitted until October 23, 2013.

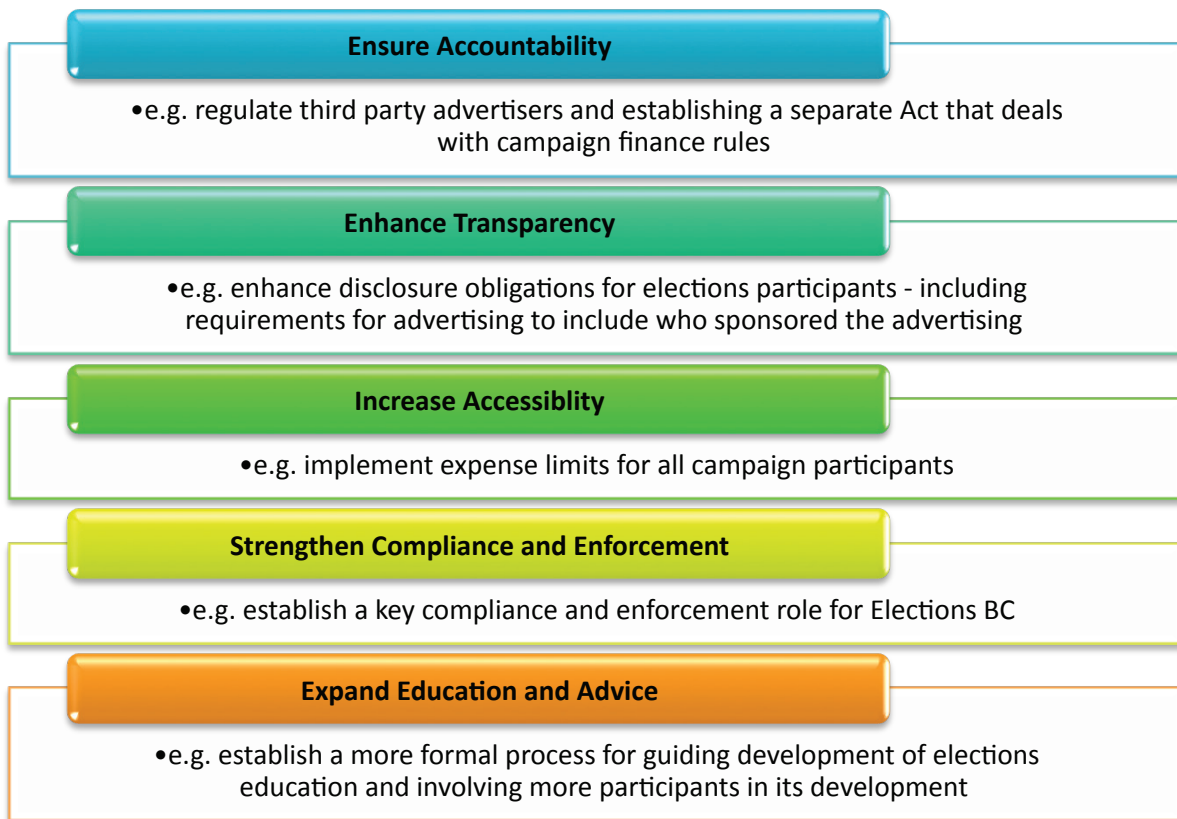
Part I: Reforming Local Government Elections

Local Government Elections Task Force

The joint provincial-UBCM Local Government Elections Task Force (Task Force) was formed in 2009 to recommend improvements to the local government elections process. Task Force members – from the provincial government and the UBCM – reviewed written opinions from individuals, local governments and organizations across BC to explore “gaps” in the current local government election rules. The Task Force’s Terms of Reference outlined a number of specific issues that needed to be considered – campaign finance rules were a particular area of interest.

Task Force Recommendations

The Task Force delivered its report to government in May 2010. This report made 31 recommendations¹ in five key areas:



¹ Appendix 1 lists all 31 Task Force recommendations. See http://www.localelectiontaskforce.gov.bc.ca/taskforce_report.html for the full Task Force Report.

Task Force Principles

The Task Force used the following principles to guide its work and develop recommendations²:

- *Consistency* with provincial and federal election rules, where practical;
- *Flexibility* to accommodate particular attributes of local government elections and balance *consistency* with the unique needs of local governments;
- *Transparency, accessibility, fairness and honesty* are hallmarks of democratic elections, to be preserved and promoted;
- *Efficiency* of the elections process, both in cost and operational resources needed; and,
- *Balance* among the interests of local government, the provincial government and the public.

Acting on Task Force Recommendations

The majority of the Task Force recommendations required a legislative response from government. The Task Force acknowledged that translating the underlying objectives of its recommendations would require extensive policy work, legal analysis and legislative drafting. They recognized that the changes would look:

“...somewhat different in implementation than they do as recommendations. What matters is that the intent or objectives of the recommendations be met in the way that works most effectively to ensure that local elections are fair, honest, accessible and transparent, and that those involved in local elections are accountable and informed.”³

In July 2010, government announced its commitment to develop legislation to act on the changes recommended by the Task Force. In April 2011, government communicated both to UBCM and to the public that it would work to implement changes in time for the 2014 local elections.

Legislative drafting and consultation with partners and stakeholders has resulted in the proposed new *Local Elections Campaign Financing Act* (LECFA) that, if passed, will improve BC’s local government elections campaign finance framework. The proposed legislation enhances the *Local Government Act* (LGA)⁴ and the current campaign finance system, regulates third party advertising, and introduces a new role for Elections BC in local government elections.

The complexity of the task

The unique nature of local government elections requires additional and sometimes more complex rules than provincial or federal campaign finance rules. This is due to several factors:

² Report of the Local Government Elections Task Force, p. 7

³ Report of the Local Government Elections Task Force, p.29

⁴ Most local governments are covered by the LGA. The Vancouver Charter provides the legislation for Vancouver. Generally, where the LGA is referenced in this White Paper, parallel provisions exist in the Vancouver Charter.

- Local government elections for approximately 1,660 representatives to over 250 government bodies are held for and by separate jurisdictions all across the province at the same time (e.g. elections for municipal councillors, electoral area directors, boards of education trustees, Islands Trust trustees).
- Local governments conduct elections simultaneously for several offices within the same jurisdiction (e.g. mayor and councillors) and may conduct elections for different jurisdictions (e.g. councillors and board of education trustees).
- The campaign finance system must be practical and work ‘on the ground’ in communities that range in size from 200 people to over 600,000 people.
- The campaign finance system must also take into account the role of elector organizations (EOs). While EOs endorse candidates in only a handful of municipalities, they are active and play a significant role in several of BC’s largest cities. Furthermore, EOs vary considerably and may be created for a single election or operate in multiple sequential local government elections.

As it developed the campaign finance framework proposed in the new Act, the Province sought to balance the Task Force’s guiding principles against comprehensiveness and practicality to create a system that works for all participants in local government elections.

A Phased Approach

Due to their scope and complexity, it is proposed that changes to local government campaign finance rules be implemented in two phases.



First, the proposed LECFA will be put forward for consideration by the Legislature in the spring of 2014 to implement Task Force recommendations related to transparency, accountability, compliance and enforcement, and education and advice. If passed, these changes will have effect for the 2014 local government elections.

Second, changes to expense limits will be developed to respond to Task Force recommendations about accessibility. Introducing changes to expense limits in an election year would be a significant challenge for elections participants. A stakeholder outreach process on expense limits will be initiated in November 2013 with a view to implementing new rules for the 2017 local government elections.

The White Paper on Local Government Elections Reform

The purpose of this White Paper is to provide election participants with advance knowledge of the proposed campaign finance changes before the 2014 local government elections.

It outlines the first phase of government's response to the Task Force recommendations. While local government elections are typically well-executed, there are opportunities to improve accountability, transparency, compliance and enforcement, and education and awareness. The proposed legislative changes set out in this paper will help create a more robust local government elections campaign finance system.

Part I of the White Paper highlights the anticipated impacts on participants, and provides an overview of the next steps in the process. The proposed legislative package for 2014 will focus on enhanced disclosure and compliance and enforcement. In addition, a Technical Advisory Committee will be established to provide a forum for administrative partners to discuss the practical applications of the proposed Act.

Part II of the White Paper provides an overview of the proposed LECFA and describes what is covered by each Part and Division of the Act. The complete draft LECFA and some key amendments to the LGA are appended to the White Paper.

Why a New Act?

The creation of a separate Act dealing with campaign finance rules in local government elections was specifically recommended by the Task Force. The proposed LECFA separates the rules that directly regulate campaign participants from the more procedural rules that apply generally to local government. This separation is intended to provide an obvious regulatory source for election participants to more fully understand their obligations.

In addition, the new Act focuses on rules that will clarify the terms of Elections BC's recommended role in enforcement of campaign finance rules in local government elections.

Implications for Participants in Local Government Elections

One of the key objectives of the new Act is to make it easier for participants in local government elections to understand their campaign finance responsibilities and to improve their ability to meet their obligations. While the proposed new Act is a lengthy document, much of its content is consistent with existing requirements. Many of the changes elaborate on existing rules, making them easier to understand and apply. Other changes create new requirements in order to address gaps.

What is a White Paper?

A White Paper is used to indicate Government's direction prior to the introduction of legislation. White Papers can also be used as an educational tool.

The tables on the following pages provide an overview of where the new Act is the same as the existing requirements; where current provisions of the LGA are enhanced; and, where new requirements or administrative measures are being introduced.

Candidates

Element	Current LGA ⁵	Proposed LECFA
Campaign Finance		
Must have a financial agent (if don't appoint, candidate is the financial agent)	✓	✓
Must have a campaign account under specified circumstances	✓	✓
Must record information about contributions	✓	✓
Prohibition on anonymous contributions	✗	✓
Must record elections expenses for the calendar year	✓	✓
Must record specified campaign period expenses	✗	✓
Election expenses can only be incurred by financial agent or authorized individuals	✓	✓
Disclosure		
Disclosure statements required (new standardized form)	✓ (at day 120)	✓ (at day 90)
30-day late filing of disclosure statements on payment of \$500	✓	✓
Disclosure statements must be filed	✓ (with local govt)	✓ (with EBC*)
Total amount of contributions and expenses must be recorded and significant contributors identified (\$100 or more)	✓	✓
Disclosure statements detail campaign period expenses	✗	✓
Disqualification for failure to file disclosure statement	✓	✓
Disqualification list maintained	✓	✓ (by EBC)
Disclosure reports made publicly available	✓	✓ (by EBC)



⁵ Most local governments are covered by the LGA. The Vancouver Charter provides the legislation for Vancouver. Generally, where the LGA is referenced in this White Paper, parallel provisions exist in the Vancouver Charter.

Element	Current LGA ⁵	Proposed LECFA
Supplementary reports required for changes to information in disclosure statements	✓	✓
Supplementary reports may be required by EBC	✗	✓
Disqualification for failure to file supplementary report	✗	✓
May apply for court relief in relation to disclosure requirements	✓	✓
Election advertising must have sponsorship identification, authorization statement, and contact details	✗	✓

*EBC = Elections BC



Elector Organizations

Element	Current LGA	Proposed LECFA
Campaign Finance		
Must have a financial agent	✓	✓
Must have a campaign account under specified circumstances	✓	✓
Must record information about contributions	✓	✓
Prohibition on anonymous contributions	✗	✓
Must record elections expenses for the calendar year	✓	✓
Must record campaign period expenses	✗	✓
Election expenses can only be incurred by financial agent or authorized individuals	✓	✓
Disclosure		
Disclosure statements required (new standardized form)	✓ (at day 120)	✓ (at day 90)
30-day late filing of disclosure statements on payment of \$500	✓	✓
Disclosure statements must be filed	✓ (with local govt)	✓ (with EBC*)
Total amount of contributions and expenses must be recorded and significant contributors identified (\$100 or more)	✓	✓
Disclosure statements detail campaign period expenses	✗	✓



Element	Current LGA	Proposed LECFA
Disqualification for failure to file disclosure statement	✓	✓
Disqualification list maintained	✓	✓ (by EBC)
Disclosure reports made publicly available	✓	✓ (by EBC)
Supplementary reports required for changes to information in disclosure statements	✓	✓
Supplementary reports may be required by EBC	✗	✓
Disqualification for failure to file supplementary report	✗	✓
May apply for court relief in relation to disclosure requirements	✓	✓
Election advertising must have sponsorship identification, authorization statement, and contact details	✗	✓



*EBC = Elections BC

Third Party Advertising



Part 6 of the proposed Act introduces new provisions to provide a clear framework for third party advertising. Third party advertising is election advertising other than election advertising that is:

- sponsored by a candidate as part of his/her election campaign; or,
- sponsored by an elector organization as part of its election campaign.

Element	Current LGA	Proposed LECFA
Campaign finance		
Third party advertising sponsors must register with EBC before sponsoring any election advertising	✗	✓
Election advertising must have sponsorship identification, authorization statement and contact details	✗	✓
Must record information about sponsorship contributions and election advertising	✗	✓
Prohibition on anonymous sponsorship contributions	✗	✓
Disclosure		
Disclosure statements must be filed with EBC at day 90 (new standardized form)	✗	✓

Total amount of sponsorship contributions and value of third party advertising disclosed and significant contributors identified (\$100 or more)	x	✓
30-day late filing on payment of \$500	x	✓
Disqualification for failing to file a disclosure statement	x	✓
Supplementary reports required for changes to information in disclosure statements	x	✓
Supplementary reports may be required by EBC	x	✓
Disqualification for failing to file a supplementary report	x	✓
May apply for court relief in relation to disclosure requirements	x	✓

Assent Voting Advertising



“Other voting”⁶ refers to voting on a bylaw, referendum or other matter that needs the agreement (or assent) of the electors. “Other voting” is referred to as “assent voting” in the proposed LECFA. Assent voting may take place outside of general local government elections or a by-election. Assent voting advertising is a message that promotes or opposes, directly or indirectly, the results of the assent voting.

Under Part 7 of the proposed LECFA, individuals and organizations that sponsor assent voting advertising will be subject to new requirements that mirror the requirements for third party advertisers.

Element	Current LGA	Proposed LECFA
Campaign finance		
Assent voting sponsors must register with EBC before sponsoring any assent voting advertising	x	✓
Assent voting advertising must have sponsorship identification, authorization statement and contact details	x	✓
Must record information about contributions and assent voting advertising	x	✓
Prohibition on anonymous contributions	x	✓

⁶ See also: http://www.localelectiontaskforce.gov.bc.ca/library/Campaign_Finance_Rules_For_Other_Voting_Discussion_Paper.pdf for additional information and examples of the nature of Other Voting.

Element	Current LGA	Proposed LECFA
Disclosure		
Disclosure statements must be filed with EBC at day 90 (new standardized form)	✘	✓
Total amount of contributions and value of assent voting advertising disclosed along with significant contributors identified (\$100 or more)	✘	✓
30-day late filing on payment of \$500	✘	✓
Disqualification for failing to file a disclosure statement	✘	✓
Supplementary reports required for changes to information in disclosure statements	✘	✓
Supplementary reports may be required by EBC	✘	✓
Disqualification for failing to file a supplementary report	✘	✓
May apply for court relief in relation to disclosure requirements	✘	✓

Elections BC



Elections BC (EBC) will assume primary responsibility for ensuring compliance with campaign finance rules under the proposed LECFA.

Element	Current Legislation	Proposed LECFA
Disclosure role (disclosure statements filed with EBC)	✘	✓
Register third party sponsors during elections	✘	✓
Register assent voting sponsors during assent voting that takes place outside of an election	✘	✓
May undertake investigations and audits	✘	✓
Compliance tools include ordering supplementary reports and applying for injunctions	✘	✓
Responsible for approving prosecutions for offences under the proposed LECFA	✘	✓
Part of Technical Advisory Committee	✘	✓

Local chief electoral officers (local CEOs) will continue to have an “on-the-ground” enforcement role.

Educational Materials for Local Government Elections Participants

In previous general local government election years, the Ministry produced a suite of educational materials that included guides for voters, candidates, and other election participants, web-based advisory materials, and on-demand advice via telephone and e-mail. For the 2014 general local election, the Ministry will work with UBCM, Elections BC, LGMA and other local election partners to build on its existing educational program to ensure local governments, election participants, and the public receive effective, accurate information regarding the local government election process.

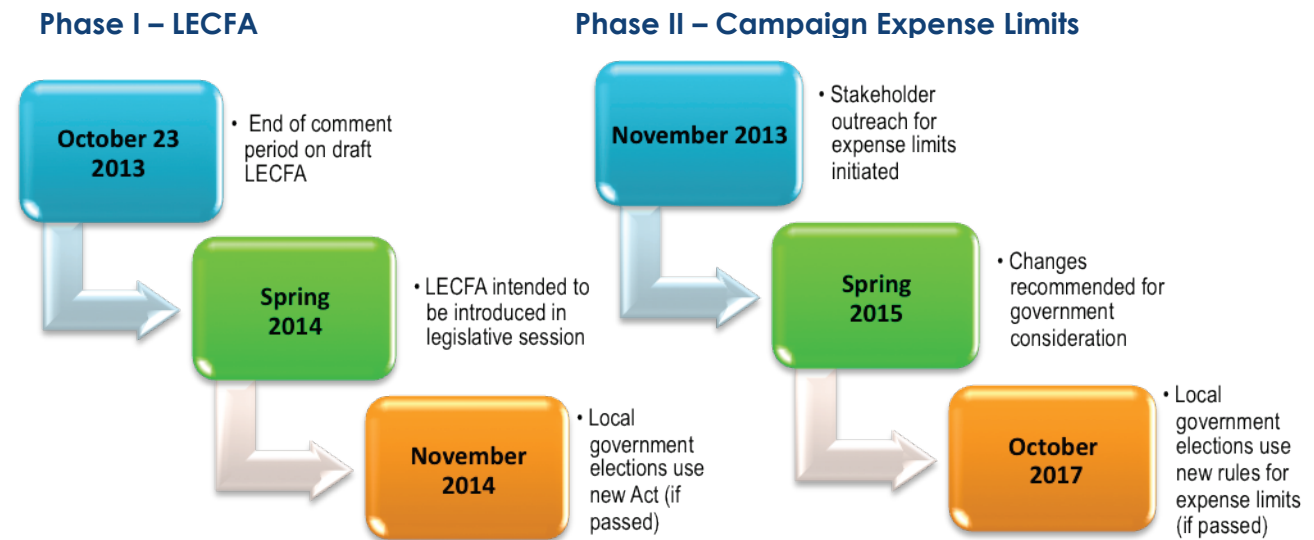
Consequential Amendments to the LGA

Development of the new Act requires consequential amendments to other local elections legislation, including the LGA. The proposed changes are minor in scope but help to ensure that LECFA operates as intended. Proposed consequential amendments to the LGA's nomination and endorsement provisions are appended to the White Paper. Similar consequential amendments are contemplated for the *Vancouver Charter*.

The proposed consequential amendments update contact information that candidates, elector organizations and financial agents must provide to local chief election officers with their nomination and endorsement documents (e.g. requiring candidate email addresses). This modernizes existing contact requirements and facilitates communication between candidates and election administration authorities. Another change simplifies requirements for elector organization membership. Currently, elector organizations must have a membership of 50 or more for at least 60 days prior to endorsing candidates. With the proposed changes, elector organizations would only be required to have 50 members at the time when the elector organization endorses candidates. Finally, changes to solemn declaration requirements would implement the Task Force's recommendation to require candidates to make a solemn declaration when filing nomination papers, attesting that the candidate understands the requirements for running for office and the requirements regarding campaign financing provisions.

Next Steps

The proposed LECFA is intended to be introduced during the Spring 2014 legislative session. If passed, its provisions will take effect for the local government elections in November 2014.



Invitation to Comment

The draft LECFA is included as an appendix to this White Paper. The development of this proposed legislation has involved extensive policy and legal analysis to set its basic structure and intent.

Your **input about the clarity and workability** of its provisions will help us finalize the new Act.

You can **submit your comments until October 23, 2013** via:

Website: www.localgovelectionreform.gov.bc.ca

Email: localgovelectionreform@gov.bc.ca

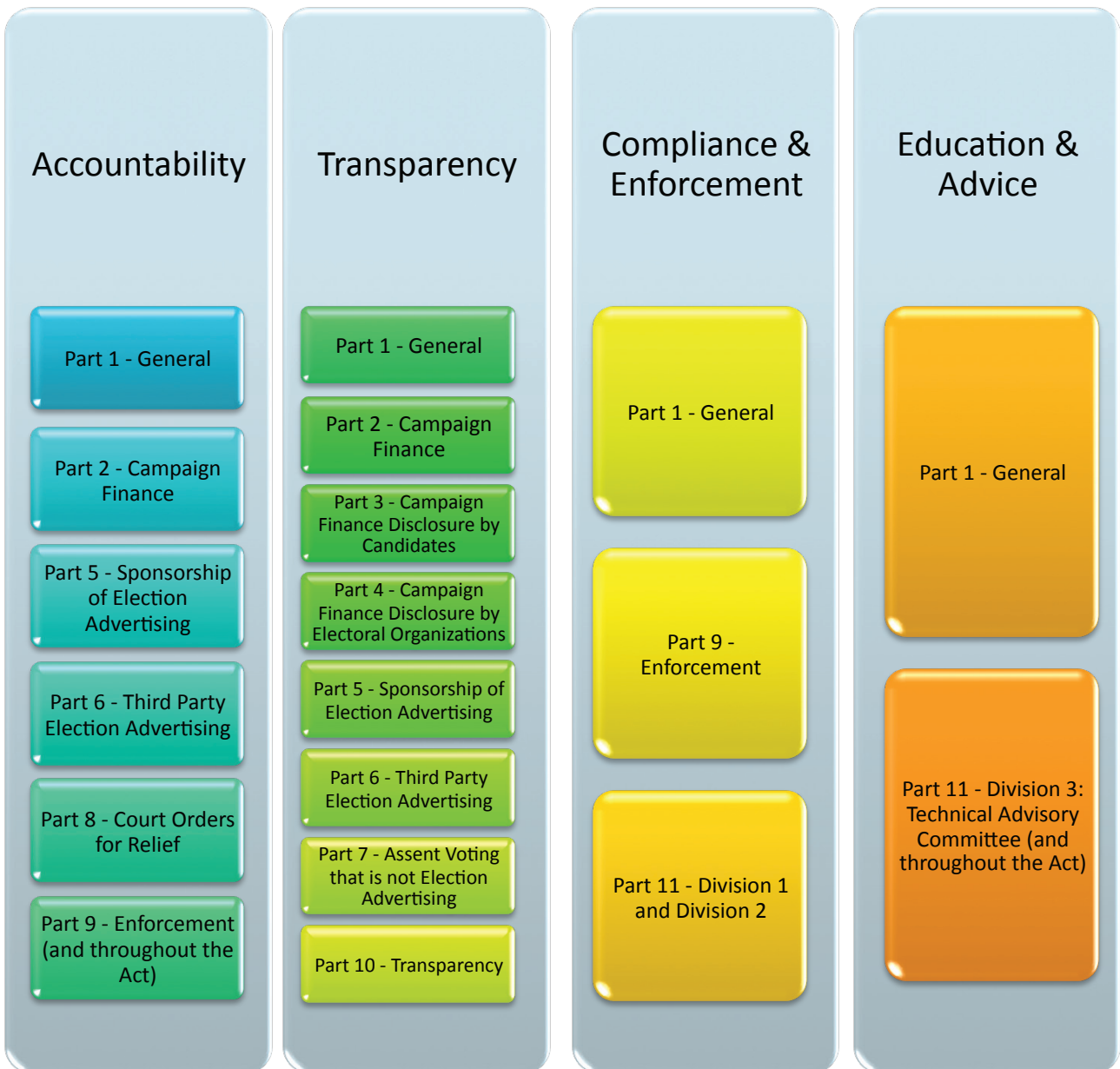
Mail: Local Government Elections Reform
Ministry of Community, Sport and Cultural Development
PO Box 9847 STN PROV GOVT,
Victoria BC, V8W 9T2

Part II: Local Elections Campaign Financing Act

This Part provides an overview of each Part of the proposed LECFA. The complete draft Act is attached along with key consequential amendments to the LGA.

Navigating the Act

The proposed Act consists of 11 Parts. These Parts correspond to the key areas identified by the Task Force as follows:



Part 1 - General

Overview: This Part establishes the types of elections and other voting to which the new Act applies, and defines key concepts.

Division 1 sets out the elections and assent voting that are covered by the new Act . Under the new Act, “other voting” as defined in the LGA is referred to as “assent voting”. The same elections that are currently subject to local government campaign finance rules under the LGA will be subject to the campaign finance rules under the new Act.

This Part also identifies the office, jurisdiction and local authority in relation to each election. Identifying specific offices, jurisdictions and local authorities is important for understanding certain roles, responsibilities and restrictions that are included in the Act.

Division 2 establishes key concepts necessary for understanding the new Act. One of the key concepts is the definition of election campaign. Both the LGA and the new Act define “election campaign”- this is important for interpreting other parts of the Act. In the new Act (and in the current LGA), knowing what constitutes the election campaign of a candidate or elector organization is necessary to determine what an election expense is (e.g. an election expense is generally the value of property and services used in an election campaign). The definition of “election campaign” is also relevant to requirements dealing with restrictions on the use of a campaign account. Under the LGA and the new Act, such accounts can generally only be used for the purposes of an election campaign, although the new Act permits specified non-campaign uses of a campaign account (e.g. making permitted transfers and required payments).

Under the new Act, election campaigns are linked to jurisdictions. This means that a candidate running in more than one jurisdiction, or an elector organization endorsing candidates from more than one jurisdiction, will be required to have separate campaigns for each jurisdiction.

This Division also defines election advertising. While the LGA also contains a definition of election advertising, it is only used to prohibit election advertising on general voting day. Under the new Act, the definition of election advertising applies more broadly to the activities of candidates, elector organizations and third party advertisers. The approach to election advertising under the new Act is consistent with the approach taken in the provincial *Election Act*.

Part 2 – Campaign Financing

Overview: This Part establishes rules intended to ensure **transparency and accountability** of the campaign finance activities of candidates and elector organizations. This Part defines campaign contributions and election expenses and the rules for determining their value. It also covers rules for making and accepting campaign contributions and restrictions on incurring election expenses. Many of the concepts contained in Part 2 of the new Act (e.g. identifying and valuing campaign contribution and election expenses and requirements for financial agents and campaign accounts) are consistent with existing requirements under the LGA.

Division 1 defines campaign contributions and election expenses and how they are valued. The general concepts are consistent with the current LGA provisions. Campaign contributions are generally the amount of any money, or the value of other property or services, provided to a candidate or elector organization for campaign use. Election expenses are generally the value of property or services used in an election campaign.

Under the new Act, candidates and elector organizations will still be required to record election expenses during the calendar year of the election. However, the new Act will establish a 46-day campaign period. During this period, election expenses will have to be identified separately in the disclosure report as campaign period expenses.

Other changes:

- Clarify the ability of elector organizations to contribute money to their own campaigns (e.g. can only occur as permitted).
- Provide that monetary transfers between candidates and elector organizations are not election expenses or campaign contributions (transfers are a new concept in local elections campaign finance legislation but are authorized in the provincial *Election Act* – see Division 2 of this Part).
- Clarify the treatment of membership dues to established elector organizations (e.g. those that have a continuing purpose related to the election of candidates endorsed by the organization).
- Clarify the treatment of volunteer services and volunteer property that is used in relation to a volunteer’s services.

Division 2 sets out campaign accounting rules that are generally consistent with existing rules under the LGA. Candidates and elector organizations will still need to have financial agents and campaign accounts. Under the LGA, campaign accounts must be opened before or just after specified events. This is still required under the new Act with minor changes (e.g. accounts must be opened prior to receiving a transfer or prior to receiving the return of a candidate surplus from a local government). The use of

campaign accounts remains generally limited to the purposes of the campaign although the new act clarifies that campaign accounts may be used for certain non-campaign purposes (e.g. transfers, making specified payments and refunds).

Elector organizations will still be required to identify key individuals from the organization who have specified administrative responsibilities (although the terminology is changing from chief officials under the LGA to responsible or designated principal officials under the new Act).

The financial agent’s obligation to record and maintain appropriate records of expenses and contributions is also found in this Part as are the rules for handling surplus campaign funds.

This Division authorizes elector organizations and their endorsed candidates to make transfers to each other. Transfers are not campaign contributions or election expenses but must be recorded and disclosed. The new Act clarifies how transfers are to be treated. The approach taken is consistent with the approach taken in the provincial *Election Act*.

Division 3 establishes rules for contributions and expenses, including the records that must be kept for contributions. Under the LGA, only specified individuals (candidates, financial agents, or individuals authorized in writing by the financial agent) are allowed to incur election expenses for a candidate or elector organization. This stays the same under the new Act.

Many of the rules about making and accepting campaign contributions under the LGA have been incorporated into the new Act (e.g. contributions must be accepted only by authorized individuals, cannot be made indirectly or with the property of another). However, there are some changes. For example, making or accepting anonymous contributions is not allowed under the new Act.

Part 3 – Campaign Financing Disclosure by Candidates

Overview: This Part sets out disclosure obligations to ensure the **transparency** of the campaign finance activities of candidates. While the current LGA time limits for filing disclosure statements have been reduced by 30 days under the new Act, the general approach remains the same. Disclosure statements must be filed before the applicable deadlines and must be updated via supplementary reports in specified circumstances.

Division 1 sets out candidate requirements for filing disclosure statements. Under the new Act, candidates will file disclosure statements with Elections BC within 90 days (down from the current 120 days under the LGA). The late filing deadline is now 120 days after general voting day (down from 150 days in the LGA). A new compliance deadline has been added that will trigger certain compliance tools and penalties. The compliance deadline is the later of the late filing deadline (120 days after general voting day) or the last day for filing in accordance with a court order for relief.

The information that must be included in disclosure statements for candidates under the new Act will

generally be the same as those currently filed under the LGA. However, there will be some changes to disclosure obligations to reflect new requirements (e.g. separate accounting and disclosure of campaign period expenses).

The current LGA has a requirement to file supplementary reports if the financial agent or the candidate becomes aware that information in a previous report has changed or if a previous report was incomplete or inaccurate. This is included in the new Act. In addition, Elections BC will have a new authority to require that a supplementary report be filed.

Division 2 sets out the penalties candidates will face if they fail to meet their disclosure obligations. Under the LGA, candidates that fail to file a disclosure statement may be subject to the loss of their seat (if elected) and disqualification until after the next general local election. This approach continues under the new Act. In addition, candidates who do not file supplementary reports as required may be subject to the same penalties (e.g. loss of seat and disqualification). Similar administrative penalties may apply in relation to filing false or misleading information but only if a candidate has first been convicted of filing such information.

Part 4 – Campaign Financing Disclosure by Elector Organizations

Overview: This Part sets out disclosure obligations to ensure the **transparency** of the campaign finance activities of elector organizations. As with the deadlines applicable to candidates, the current LGA time limits applicable to elector organizations for filing disclosure statements have been reduced by 30 days under the new Act. Previously reported disclosure information must be updated or corrected in supplementary reports in specified circumstances.

Division 1 sets out elector organization requirements for filing disclosure statements. The filing deadlines for elector organizations under the new Act are the same as for candidates.

The information that must be included in disclosure statements for elector organizations under the new Act will generally be consistent with the LGA. However, there will be some changes to reflect new requirements (e.g., disclosure of campaign period expenses). Elector organizations that endorse candidates from more than one jurisdiction will be required to file separate disclosure statements for each jurisdiction because each jurisdiction represents a separate campaign.

The requirement for elector organizations to file supplementary reports under the new Act is the same as for candidates.

Division 2 sets out the penalties related to elector organization disclosure obligations. Currently under the LGA, elector organizations that fail to file disclosure statements may be subject to disqualification from endorsing candidates, accepting campaign contributions, and incurring election expenses until after the next general local election. This approach continues under the new Act. In addition, elector organizations that fail to file supplementary reports may be subject to the same penalties (e.g.

disqualification). Similar administrative penalties may apply in relation to filing false or misleading information but only if an elector organization has first been convicted of filing such information.

Part 5 – Sponsorship of Election Advertising

Overview: This Part enhances the **transparency and accountability** of election advertising. It establishes that (unless exempted) all election advertising must include sponsorship information including the name of the sponsor, or the financial agent of the candidate or elector organization, as applicable.

This Part establishes the new requirement that election advertising must include specified sponsorship information. Election advertising cannot be sponsored or transmitted unless it contains the required sponsorship information (e.g., the name of the sponsor or applicable financial agent and contact information).

Part 6 – Third Party Election Advertising

Overview: This Part establishes rules to ensure **transparency and accountability** of the activities of third party advertising sponsors, including rules about valuing third party advertising and making and accepting sponsorship contributions. Under the new Act, all third party advertising sponsors must be registered and must file disclosure statements to avoid being subject to administrative penalties. The regulation of third party sponsors as an identifiable group in local government elections is new. The approach taken in the proposed Act is consistent with the approach taken in the provincial *Election Act*.

Division 1 sets out rules in relation to sponsorship contributions including making and accepting contributions. In addition, rules are established for valuing third party advertising and for keeping records of sponsorship contributions.

Division 2 creates a requirement that all third party advertising sponsors register with Elections BC prior to sponsoring third party advertising. Like elector organizations, organizations that sponsor third party advertising must identify key individuals who have specified administrative responsibilities.

Division 3 sets out the disclosure obligations for sponsors of third party advertising. Under the new Act individuals and organizations that sponsor third party advertising totalling \$500 or more will be required to provide a more detailed disclosure statement than those who sponsor less than \$500. The applicable time limits for disclosure are the same as for candidates and elector organizations (90 days/120 days). Third party advertising sponsors are also required to file supplementary reports if the information disclosed in a previous report has changed or if a previous report was incomplete or inaccurate. As for candidates and elector organizations, Elections BC has authority to require that a supplementary report is filed by a third party sponsor. Third party sponsors that fail to file disclosure statements or supplementary reports as required may be subject to disqualification penalties.

Part 7 – Assent Voting Advertising that is Not Election Advertising

Overview: This Part enhances **transparency** by establishing rules for assent voting advertising that is not election advertising. Under the proposed Act, individuals and organizations that sponsor assent voting advertising for assent voting that occurs outside of an election will be subject to new requirements, such as registration with Elections BC. The requirements for sponsors of assent voting advertising mirror the requirements for sponsors of third party advertising.

This Part establishes rules for sponsors of assent voting advertising that is not election advertising (e.g. when the assent voting occurs outside of general local elections or outside of a by-election). The rules will apply to the 30-day period before the general voting day for the assent voting.

This Part also applies Part 5 - *Sponsorship of Election Advertising* and Part 6 - *Third Party Election Advertising* to sponsors of assent voting advertising. As such, the rules for sponsors of assent voting advertising are the same as the rules for third party advertising sponsors. For example, sponsors of assent voting advertising will be required to include sponsorship information on the advertising. Like third party advertising sponsors, all sponsors of assent voting advertising will be required to register with Elections BC. Rules about sponsorship contributions will also apply to sponsors of assent voting advertising.

Part 7 also creates disclosure obligations for assent voting advertising sponsors. The time limits for disclosure statements reflect those established for third party advertisers in an election (90 days/120 days). Sponsors of assent voting advertising totalling more than \$500 will be required to provide a more detailed disclosure statement than those who sponsor less than \$500. Assent voting advertisers also need to file supplementary reports if information disclosed in a previous report has changed or if a previous report was incomplete or inaccurate. Elections BC has authority to require that a supplementary report be filed by an assent voting advertising sponsor. Assent voting advertising sponsors that do not file the required disclosure statements, or supplementary reports, may be subject to disqualification penalties.

Part 8 – Court Orders for Relief

Overview: This Part enhances **accountability** by defining the circumstances in which candidates, elector organizations, third party advertising sponsors, and assent voting advertising sponsors may obtain court relief from disclosure requirements. The new Act establishes that candidates, elector organizations, third party advertising sponsors, and assent voting advertising sponsors may generally apply for court relief from disclosure requirements up to 120 days after general voting day. The court must be satisfied that court relief applicants exercised due diligence to fulfill the applicable disclosure requirements before it will provide relief.

Candidates generally may seek court relief up to 120 days after general voting day. Several rules under the new Act are different from the current court relief rules in the LGA. For example, candidates will be required to take reasonable steps to ensure their application is heard in a timely manner. Candidates may be granted relief from disclosure requirements if they have exercised due diligence in relation to those requirements, as opposed to good faith in the LGA. The relief that courts may provide includes extending the time for filing the disclosure statement or filing without paying a monetary penalty.

Elector organizations that apply for court relief from disclosure requirements may be granted relief if the responsible principal officials have exercised due diligence in relation to their disclosure requirements. Court relief may be sought by the elector organization, the financial agent, or elector organization responsible principal officials.

Third party advertising sponsors that apply for court relief from disclosure requirements may be granted relief if their officials have exercised due diligence. Court relief may be sought by an individual who sponsors third party advertising or, in an organization, the responsible principal officials.

Assent voting advertising sponsors may also apply for court relief from disclosure requirements. The court relief rules for assent voting advertising sponsors mirror the rules for third party advertising sponsors.

General provisions for court orders for relief are also covered in this Part. Authority is provided for the court to extend the time when penalties may apply to a candidate under certain circumstances. It also provides authority for Elections BC to request that a candidate’s application for court relief be heard.

Finally, Part 8 establishes that penalties continue to apply if a candidate, elector organization, third party advertising sponsor, or assent voting advertising sponsor appeals a decision by the court. If a candidate is provided with relief and complies with any terms given by the court, the disqualification penalties no longer apply.

Part 9 – Enforcement

Overview: This Part enhances **accountability** by establishing roles, responsibilities, and powers for compliance and enforcement of the proposed Act. Under the new Act, Elections BC will have key responsibilities for ensuring that local government elections participants comply with relevant provisions.

Division 1 establishes some of Elections BC’s powers and duties under the new Act. Elections BC will have a suite of compliance and enforcement powers that are consistent with its enforcement powers and tools under the provincial *Election Act*. These powers include the ability to:

- Conduct periodic investigations of the financial affairs of regulated participants, and these investigations may include audits;
- Conduct investigations into any matter that might constitute a contravention of the *Election Act*; and,
- Apply to the court for an injunction, or request a warrant to search and seize records.

Division 2 sets out rules governing the prosecution of offences under the new Act. Under the new Act, the time limit for beginning a prosecution is one year after the facts of an alleged contravention become known to the BC chief electoral officer. This is a change from the current limit of 6 months from when the alleged contravention took place. Elections BC’s role in relation to offences is similar to its role under the provincial *Election Act*. For example, the BC chief electoral officer must approve any prosecution of an offence.

The maximum penalties that may be imposed for offences under the new Act are set out in Division 2. There are different monetary penalties for individuals and organizations. Offences for failure to file disclosure statements and supplementary reports, and providing false or misleading information have higher penalties than other offences listed in the proposed Act.

Part 10 - Transparency

Overview: This Part enhances **transparency** by establishing rules and requirements about public access to appropriate campaign finance information.

This Part sets out the rules for providing public access to campaign finance information (e.g. disclosure statements and supplementary reports) and establishes rules for the protection of privacy, requirements for obtaining access to records, and rules for making copies of available records. Elections BC will have a key role in providing public access to campaign finance disclosure statements. Local governments will also provide access to campaign finance information about their jurisdiction at the local government’s offices.

This Part also specifies duties for Elections BC that are necessary to ensure the new Act's unique administrative arrangements function properly. Currently under the LGA, the Inspector of Municipalities maintains a list of individuals and organizations who have been disqualified for failing to file disclosure statements. This list helps local governments and the public determine whether nominated candidates are eligible to run in local government elections. Under the new Act, Elections BC will maintain the disqualification list and will notify local governments of any individuals or organizations who have been disqualified.

Part 11 – Administration and Other Matters

Overview: This Part sets out key responsibilities for the administration of the new Act. Since both Elections BC and local authorities have responsibilities under the new Act, the provisions in this Part clarify their respective roles and provide for information sharing where necessary. The Technical Advisory Committee established under this Part is intended to enhance the administration of the new Act and improve education and advice. This Part also sets out the Minister's authority to make orders in special circumstances.

Division 1 establishes Elections BC's mandate and general administrative responsibilities. For example, Elections BC will have the authority to hire temporary staff for local elections. These administrative powers are generally consistent with Elections BC's powers under the *Election Act*. However, some provisions within this division address the unique administrative relationships established by the new Act. For example, Elections BC will be required to notify a local government when a candidate from that jurisdiction is disqualified and added to the disqualification list.

Division 2 sets out the administrative responsibilities that local authorities will have under the new Act. Local authorities' responsibilities under the new Act are primarily related to the sharing of certain information. For example, as part of the nomination process, candidates must provide their name, address, telephone number and other contact information to their local government. Local authorities must make sure that the contact information provided by candidates and elector organizations to local CEOs is forwarded to Elections BC. Elections BC will then use that contact information to communicate with candidates for compliance and enforcement purposes.

Division 3 creates a Technical Advisory Committee (TAC). The TAC will be a committee of representatives from key agencies (e.g. Elections BC, the Local Government Management Association, Ministry of Community, Sport and Cultural Development). The TAC will serve as a forum for discussing matters of common interest among the committee's participants, including development and provision of information, education, and specific advice to elections participants. This body will help ensure that the new Act's unique administrative structure operates effectively and that key agencies have the opportunity to communicate with each other in an efficient manner.

Division 4 establishes general rules for certain obligations under the new Act. For example, it specifies that, whenever an address for service is required under the new Act, *either* a mailing address or an email address can be provided. This will help ensure that obligations to provide an address for service or a solemn declaration can be met using contemporary technology such as electronic communications.

Division 5 provides authority for the Minister to make orders in special circumstances.

Appendix 1- Task Force Recommendations

Summary of Recommendations by Topic Area⁷

Campaign Finance

Expense limits

- Implement expense limits for all campaign participants (e.g. candidates, elector organizations and third party advertisers)
- Development of the expense limits should be guided by some key considerations:
 - Expense limits should be high enough for campaign participants to mount reasonable campaigns and express their views, but not so high as to allow a few participants to dominate election discourse
 - Expense limits need to work in different-sized communities (i.e. formula cannot be based only on an amount per number of electors or population)
 - Expense limits for elector organizations should have a neutral effect on decisions to create elector organizations or not (i.e. formula should be based on the number of candidates supported)

Contribution limits

- Ban anonymous contributions
- Do not implement general contribution limits or restrictions

Election Advertising

- Require all election advertising to disclose who sponsored (paid for) the advertising
- Sponsorship information should be in English and the language of the advertisement
- Make it an offence to publish ads without required sponsorship information
- Explore establishing some automatic (administrative) penalties in relation to election advertising (e.g. for failing to comply with the proposed requirement for advertising to include sponsorship information)

Third party advertisers

- Establish that third party advertisers must register and must disclose what they spent on ads and who contributed to them (possibly for advertising expenditures over a certain threshold)
- Prohibit advertising by unregistered third parties
- Explore establishing some automatic (administrative) penalties for failure to comply with third party advertising rules, such as exceeding expense limits or failing to file a disclosure statement.

⁷ Report of the Local Government Elections Task Force, pp. 31 – 34

- Continue to regulate people or organizations (currently referred to as “campaign organizers”) that undertake election campaigns that support (or operate in place of) a candidate or elector organization’s campaign and conduct political activity such as collecting campaign contributions.

Other voting (referendums)

- Apply “third party advertising” rules for election campaigns to referendums by requiring
 - individuals and groups taking out referendum-related advertisements to register
 - advertisements to include sponsorship information
 - disclosure of contributions received and expenses incurred by registered third party advertisers to be made after the referendum

Public financing

- Do not implement public financing (tax credits or rebates for campaign contributions or campaign expenses)

Campaign finance disclosure

- Require campaign finance disclosure statements to be submitted no later than 90 days after general voting day
- Require campaign finance disclosure information to be published online and made centrally accessible through Elections BC
- Develop standard campaign finance disclosure statement forms
- Require local governments to use best efforts to provide notice of the remaining 30 day late filing period to those candidates who have not filed at the end of initial filing period
- Make the rules for disclosing volunteer and candidate “in kind” contributions consistent with the provincial rules

Separate Act

- Establish a separate Act dealing with campaign finance rules in local elections

Enforcement processes and outcomes

Roles and responsibilities of local Chief Elections Officers (CEOs)

- Provide local Chief Election Officers with additional powers for enforcement during the campaign; for example, to
 - enforce rules against election-day advertising (e.g. provide clear authority for Chief Election Officers to enter on private property to remove unauthorized campaign signs on election day)
 - seek injunctions in order to enforce rules, such as stopping unauthorized advertising
- Clarify the status of the local Chief Election Officer by statutorily establishing that position as impartial

Offence Act

- Override *Offence Act* limitation for investigation of an alleged local elections offence, extending it to one year instead of the current six months
- Specify that the one year period starts from when the alleged contravention is brought to the attention of local elections administrators enforcers

Candidate responsibilities

- Require candidates to make a solemn declaration when filing nomination papers, attesting that the candidate understands the requirements for running for office; for example, requirements to
 - appoint a financial agent
 - open a separate bank account for campaign finances
 - file a campaign finance disclosure statement within 90 days
 - meet eligibility criteria

Role of the provincial Chief Election Officer

- Establish a key role for Elections BC in enforcing campaign finance rules in local elections, focusing on:
 - Publication and compliance review of campaign finance disclosure statements;
 - Provision of guidance on campaign finance rules during elections;
 - Response to campaign finance queries and complaints after elections;
 - Management of preliminary investigations and, when required, referral to the appropriate law enforcement bodies.
- Continue a role for local government in enforcing campaign finance rules, focusing on local Chief Election Officers as frontline contacts and responders on certain compliance issues that arise during a campaign.
- Build mechanisms to clearly define the responsibilities and relationships of those involved in campaign finance enforcement; support collaborative development of training and education materials, standard forms and provision of guidance; and provide Elections BC and local governments with the authority they need to effectively fulfill their roles.

Election cycle

- Extend the term of office for local elected officials to four years⁸

⁸ UBCM subsequently passed a resolution to retain a three year term of office. The provincial government has agreed not to change the term of office.

Corporate vote

- Do not establish a corporate vote
- The Task Force recommends exploring non-electoral approaches to addressing the concerns of businesses. Local governments and businesses have shared interests in ensuring a competitive property tax climate to encourage investment and support a sustainable, strong and diversified tax base for communities. The Task Force recommends that the UBCM, the Province and business groups work together to recognize the issues expressed to the task force, and to encourage effective local ways to engage with business, further strong relationships and foster a competitive business climate.

Other agreed upon matters

Candidate eligibility of employees

- Clarify that volunteers who receive no direct monetary compensation are not considered to be “employees” for the purposes of determining eligibility to run for, and hold, elected office while continuing to volunteer

Education and advice

- Strengthen commitment to collaborative local elections education
 - Establish a more formal process for guiding development of elections education
 - Involve more participants - organizations such as LGMA, UBCM, Elections BC, Ministries of Education and Community and Rural Development and LGLA.
 - Ensure all involved commit staff and/or financial resources to education and advice
- Provide education and advice
 - On **new topics** resulting from implementation of Task Force recommendations (e.g. third party advertising rules)
 - For **new audiences** (e.g. candidates’ financial agents, third party advertisers, other campaign participants)
 - In **new ways** (e.g. webinars, “candidate schools,” advice line for election administrators on general voting day)
- Enhance education and advice in a phased approach
 - Focus first on materials to assist in understanding of new rules, roles and responsibilities for the 2011 elections⁹
 - Expand to cover other issues based on feedback from 2011 elections

⁹ As changes were not implemented for the 2011 local government elections, this now applies to the 2014 elections.

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**Appendix 2 - Draft *Local Elections Campaign Financing Act*
and Draft Consequential Amendments to the *Local Government Act***



LOCAL ELECTIONS CAMPAIGN FINANCING ACT

INDEX

Part 1 – General

Division 1 – Application and Interpretation

- 1.01 Elections to which this Act applies
- 1.02 Assent voting to which this Act applies
- 1.03 Definitions and other interpretation rules

Division 2 – Key Concepts

- 1.04 What is the election campaign of a candidate
- 1.05 What is the election campaign of an elector organization
- 1.06 What is election advertising
- 1.07 What is third party advertising
- 1.08 Types of third party advertising: issue advertising and directed advertising
- 1.09 What is assent voting advertising
- 1.10 Who is the sponsor of election advertising or non-election assent voting advertising
- 1.11 When elections, or elections and assent voting, are considered to be held at the same time

Part 2 – Campaign Financing

Division 1 – General Concepts: Campaign Contributions and Election Expenses

- 2.01 Campaign contributions to candidate or elector organization
- 2.02 Election expenses of candidates and elector organizations
- 2.03 What are campaign period expenses
- 2.04 Valuation rules for campaign contributions and election expenses

Division 2 – Campaign Accounting

- 2.05 Each candidate must have a financial agent
- 2.06 Requirement for candidate campaign account
- 2.07 Each elector organization must have a financial agent
- 2.08 Requirement for elector organization campaign account
- 2.09 Responsible principal officials and designated principal official for elector organization
- 2.10 Information updating obligations
- 2.11 Records of campaign contributions, election expenses and other matters
- 2.12 Campaign transfers between candidates and elector organizations
- 2.13 What happens if a candidate has surplus campaign funds
- 2.14 What happens if an elector organization has surplus campaign funds

Division 3 – Rules in Relation to Campaign Contributions and Election Expenses

- 2.15 Restrictions on making campaign contributions
- 2.16 Restrictions in relation to accepting campaign contributions
- 2.17 Dealing with prohibited campaign contributions
- 2.18 Campaign contribution information that must be recorded
- 2.19 How payment in relation to election expenses may be made

Part 3 – Campaign Financing Disclosure by Candidates

Division 1 – Disclosure Requirements for Candidates

- 3.01 Disclosure statements required for candidates
- 3.02 Time limits for filing disclosure statements
 - filing on time, late filing on payment of penalty fee, compliance deadline
- 3.03 Information and other requirements for candidate disclosure statement

- 3.04 Notice of failure to file within no-penalty fee period
- 3.05 Requirements for candidate supplementary reports
- 3.06 Compliance deadline for filing supplementary report
- 3.07 Required declarations

Division 2 – Penalties in Relation to Candidate Disclosure Requirements

- 3.08 Candidate disqualification penalties for failure to disclose
- 3.09 Candidate disqualification penalties for false or misleading disclosure

Part 4 – Campaign Financing Disclosure by Elector Organizations

Division 1 – Disclosure Requirements for Elector Organizations

- 4.01 Disclosure statements required for elector organizations
- 4.02 Time limits for filing disclosure statements
 - filing on time, late filing on payment of penalty fee, compliance deadline
- 4.03 Information and other requirements for elector organization disclosure statement
- 4.04 Notice of failure to file within no-penalty fee period
- 4.05 Requirements for elector organization supplementary reports
- 4.06 Compliance deadline for filing supplementary report
- 4.07 Required declarations

Division 2 – Penalties in Relation to Elector Organization Disclosure Requirements

- 4.08 Elector organization disqualification penalties for failure to disclose
- 4.09 Elector organization disqualification penalties for false or misleading disclosure

Part 5 – Sponsorship of Election Advertising

- 5.01 Election advertising must include sponsorship information
- 5.02 No indirect sponsorship of election advertising
- 5.03 Solemn declaration regarding sponsorship may be required

Part 6 – Third Party Election Advertising

Division 1 – General

- 6.01 Independence requirements for third party sponsors
- 6.02 What are sponsorship contributions
- 6.03 Restrictions on making sponsorship contributions
- 6.04 Dealing with prohibited sponsorship contributions
- 6.05 Records of sponsorship contributions and sponsored advertising
- 6.06 Valuation rules for third party advertising and sponsorship contributions

Division 2 – Registration of Third Party Sponsors

- 6.07 Prohibition against sponsoring third party advertising if not registered
- 6.08 Application for registration: individual as third party sponsor
- 6.09 Application for registration: organization as third party sponsor
- 6.10 Responsible principal officials and designated principal official
 - for third party sponsor that is an organization
- 6.11 Registration by BC chief electoral officer
- 6.12 Information updating obligations

Division 3 – Disclosure Requirements for Third Party Sponsors

- 6.13 Disclosures statements required for third party sponsors
- 6.14 Time limits for filing disclosure statements
 - filing on time, late filing on payment of penalty fee and compliance deadline
- 6.15 Information and other requirements for third party disclosure statements
- 6.16 Notice of failure to file within the no-penalty fee period
- 6.17 Requirements for filing supplementary reports
- 6.18 Compliance deadline for filing supplementary report

- 6.19 Required declarations
- 6.20 Third party sponsor disqualification penalties for failure to disclose
- 6.21 Third party sponsor disqualification penalties for false or misleading disclosure

Part 7 – Assent Voting Advertising That Is Not Election Advertising

- 7.01 Application of Act to non-election assent voting advertising
- 7.02 Application of election advertising rules
- 7.03 Offences in relation to non-election assent voting advertising

Part 8 – Court Orders for Relief

- 8.01 Relief in relation to candidate disclosure requirements under Part 3
- 8.02 Relief in relation to elector organization disclosure requirements under Part 4
- 8.03 Relief in relation to third party disclosure requirements under Part 6
- 8.04 Relief in relation to non-election assent voting advertising disclosure requirements
- 8.05 Extension of time before candidate disqualification penalties apply
- 8.06 BC chief electoral officer may set down application for hearing
- 8.07 Address for service on other parties
- 8.08 Appeal of relief decision
- 8.09 Effect of final determination on candidate disqualification penalties and seat vacancy

Part 9 – Enforcement

Division 1 – Elections BC Responsibilities and Powers

- 9.01 Reports to local authority respecting disqualification of elected candidates
- 9.02 Reviews, investigations and audits by BC chief electoral officer
- 9.03 Additional specific powers to require information
- 9.04 Complaints regarding contraventions of this Act
- 9.05 Powers in relation to non-compliant advertising
- 9.06 Court injunctions on application of BC chief electoral officer

Division 2 – Offences

- 9.07 Section 5 of Offence Act does not apply
- 9.08 Penalties under this Part are in addition to any others under Act
- 9.09 Defence of due diligence
- 9.10 BC chief electoral officer authority in relation to prosecutions
- 9.11 Time limit for starting prosecution
- 9.12 Prosecution of organizations and their directors and agents
- 9.13 General offence in relation to false or misleading information
- 9.14 Higher penalty offences
- 9.15 Lower penalty offences

Part 10 – Transparency

- 10.01 Public access to disclosure information – Elections BC responsibilities
- 10.02 Public access to disclosure information – local authority responsibilities
- 10.03 Disqualification list to be maintained
- 10.04 Other information to be publicly available
- 10.05 Restrictions on use of personal information
- 10.06 General information rules

Part 11 – Administration and Other Matters

Division 1 – Elections BC Responsibilities

- 11.01 Role of the BC chief electoral officer
- 11.02 Administrative matters
- 11.03 Elections BC notice to local authority

- 11.04 Minor corrections to disclosure statements and supplementary reports
- 11.05 Late filing extensions in extraordinary circumstances
- 11.06 Retention of disclosure records

Division 2 – Local Authority Responsibilities

- 11.07 Information to be provided to Elections BC
- 11.08 Local authority report of non-compliance

Division 3 – Technical Advisory Committee

- 11.09 Technical Advisory Committee
- 11.10 Role of advisory committee
- 11.11 Advisory committee meetings

Division 4 – Miscellaneous

- 11.12 Address for service requirements and delivery of notices
- 11.13 Solemn declarations

Division 5 – Orders and Regulations

- 11.14 Minister orders in special circumstances
- 11.15 Regulations
- 11.16 Commencement

Schedule — Definitions and Interpretation

- S-01 Definitions
- S-02 How this Act applies in relation to other legislation
- S-03 References to other Acts
- S-04 Internal description notes

LOCAL ELECTIONS CAMPAIGN FINANCING ACT

PART 1 – GENERAL

Division 1 – Application and Interpretation

1.01 Elections to which this Act applies

- (1) **Elections** — 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 municipal 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 for a board of education;
 - (i) other elections prescribed by regulation.
- (2) **Jurisdiction and local authority in relation to elections** — In relation to the paragraph of subsection (1) referred to in column 1 of the following table, for an election for the class of office referred to in column 2 of the table, the jurisdiction in relation to the election is that referred to in column 3 of the table and the local authority in relation to the election is that referred to in column 4 of the table:

Column 1 Paragraph	Column 2 Office	Column 3 Jurisdiction	Column 4 Local Authority
(a)	Mayor	The municipality	The council
(b)	Councillor	The municipality	The council
(c)	Electoral area director	The regional district	The board
(d)	Mayor	The City of Vancouver	City Council
(e)	Councillor	The City of Vancouver	City Council
(f)	Vancouver Park Board member	The City of Vancouver	The Park Board
(g)	Islands Trust local trust area trustee	The trust council	The trust council
(h)	Board of education trustee	The board of education	The board of education
(i)	Office for prescribed election	As prescribed	As prescribed

1.02 Assent voting to which this Act applies

This Act also applies to the following voting:

- (a) assent voting within the meaning of 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.

1.03 Definitions and other interpretation rules

The Schedule to this Act establishes definitions of terms used in this Act and rules of interpretation that apply in relation to this Act.

Division 2 – Key Concepts

1.04 What is the election campaign of a candidate

- (1) **Election campaign of candidate** — 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 elector organization that is endorsing the candidate or from which the candidate is seeking endorsement;
 - (d) to oppose, directly or indirectly, an elector organization that is endorsing another candidate in the same election;
 - (e) to promote, directly or indirectly, the selection of the candidate for endorsement by an elector organization;
 - (f) to oppose, directly or indirectly, the selection of any other individual to be endorsed by an elector organization in the relation to the same election.
- (2) **Separate campaigns for individual who is a candidate in more than one election** — If an individual is a candidate in relation to more than one election that is 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.
- (3) **Early activities included in campaign** — For certainty, an election campaign includes election campaigning that is undertaken before the individual is nominated as or declared to be a candidate.

1.05 What is the election campaign of an elector organization

- (1) **Election campaign of elector organization** — An election campaign of an elector organization is a campaign, undertaken by or on behalf of the elector organization in relation to an election 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) **Election campaign of elector organization covers all elections for same jurisdiction** — If an elector organization is endorsing or intends to endorse candidates in more than one election being held at the same time for the same jurisdiction, election campaigning of the elector organization in relation to those elections is considered for purposes of this Act to be a single election campaign.
- (3) **Separate campaigns for elector organizations endorsing in more than one jurisdiction** — If an elector organization is endorsing candidates or intends to endorse candidates in more than one jurisdiction in elections being held at the same time, election campaigning of the elector organization in relation to each of those jurisdictions is considered for purposes of this Act to be a separate election campaign.
- (4) **Early activities included in campaign** — For certainty, an election campaign includes election campaigning that is undertaken before the elector organization endorses a candidate.

1.06 What is election advertising

- (1) **General meaning** — 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) an advertising message 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 an advertising message that takes a position on an issue with which the candidate or elector organization is associated;
 - (b) if the election is part of a general local election, assent voting advertising in relation to assent voting that is being held at the same time as the general local election;
 - (c) if the election is not part of a general local election, assent voting advertising in relation to assent voting that is being held
 - (i) at the same time as the election, and

- (ii) for the same jurisdiction as the jurisdiction for which the election is held or for a voting area that is all or part of that jurisdiction;
 - (d) advertising messages of a class prescribed by regulation.
- (2) **Exclusions** — Subject to any exceptions established by regulation, 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 message directly by an individual or organization to their employees, members or shareholders;
 - (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) other advertising messages of a class prescribed by regulation.

1.07 What is third party advertising

Third party advertising is election advertising, other than election advertising sponsored

- (a) by a candidate as part of an election campaign of the candidate, or
- (b) by an elector organization as part of an election campaign of the elector organization.

1.08 Types of third party advertising: issue advertising and directed advertising

- (1) **Issue advertising** — Subject to any exceptions established by regulation, third party advertising is issue advertising if it
 - (a) is an advertising message respecting an issue of public policy including, for certainty, an assent voting issue, and
 - (b) is not specifically related to any candidate or elector organization.
- (2) **Directed advertising** — Directed advertising is third party advertising that is not issue advertising.
- (3) **Third party advertising that is specifically related to a candidate** — Third party advertising is specifically related to a candidate if
 - (a) the advertising names the candidate, includes an image or likeness of the candidate or identifies the candidate by voice or physical description, or
 - (b) other circumstances prescribed by regulation apply.
- (4) **Third party advertising that is specifically related to an elector organization** — Third party advertising is specifically related to an elector organization if
 - (a) the advertising names the elector organization or includes a logo or likeness of a logo used by the elector organization, or

(b) other circumstances prescribed by regulation apply.

1.09 What is assent voting advertising

- (1) **General meaning** — Subject to subsection (2), assent voting advertising is the transmission to the public by any means, during the campaign period for assent voting, of an advertising message that promotes or opposes, directly or indirectly, a particular result in the assent voting.
- (2) **Exclusions** — Subject to any exceptions established by regulation, 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 message directly by an individual or organization to their employees, members or shareholders;
 - (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) the transmission of a message by the jurisdiction for which the assent voting is being held;
 - (f) any other activities prescribed by regulation.

1.10 Who is the sponsor of election advertising or non-election assent voting advertising

- (1) **General rules** — Subject to subsection (2), the sponsor of election advertising or non-election assent voting advertising is whichever of the following is applicable:
 - (a) if the services of transmitting the advertising message to the public are provided without charge as a contribution to a candidate, elector organization, third party sponsor or assent voting sponsor, the individual or organization to which the services are provided;
 - (b) if the services of transmitting the advertising message to the public are provided without charge as referred to in section 2.01 (4) (g) [*free equitable advertising by jurisdiction*], the candidate to which the services are provided;
 - (c) if neither paragraph (a) nor (b) applies, the individual or organization that pays or is liable to pay for the advertising message to be transmitted to the public.
- (2) **Acting on behalf of another** — 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.

1.11 When elections, or elections and assent voting, are considered to be held at the same time

- (1) **Elections being held at same time** — For purposes of this Act, elections are considered to be held at the same time if the general voting day established for the elections is the same day.
- (2) **Elections and assent voting being held at same time** — For purposes of this Act, an election is to be considered held at the same time as assent voting if the general voting day established for the election and the assent voting is the same day.

PART 2 – CAMPAIGN FINANCING

Division 1 – General Concepts: Campaign Contributions and Election Expenses

2.01 Campaign contributions to candidate or elector organization

- (1) **General rules** — 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) if
 - (i) a candidate or elector organization is liable for payment in relation to an 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,
 the unpaid amount;
 - (e) the amount of any money, but not the value of any non-monetary property or services, provided by a candidate for use in the candidate's own campaign;
 - (f) the amount of any money, but not the value of any non-monetary property or services, provided by an elector organization as permitted under section 2.15 (2) [*restrictions on elector organization campaign contributions*] for use in its own campaign;
 - (g) 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 2.12 (4) (b) [*candidate transfers before endorsement*];
 - (h) membership fees for an established elector organization;
 - (i) other provision of property or services to a candidate or elector organization as prescribed by regulation.

- (2) **Debts not affected by contribution rules** — For certainty, nothing in subsection (1) (d) affects the rights of a creditor in relation to a debt that becomes a campaign contribution under that subsection.
- (3) **Exclusions** — Subject to any exceptions established by regulation, 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, other than property acquired by the volunteer for purposes of the election campaign;
 - (c) property or services provided by an election official, or by the BC chief electoral officer, in their official capacity;
 - (d) the publication without charge of 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) 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;
 - (f) any other property or services prescribed by regulation.
- (4) **Exclusions that still must be reported** — Subject to any exceptions established by regulation, the value of the following is not a campaign contribution, but must be reported in accordance with Part 3 [*Campaign Financing Disclosure by Candidates*] or Part 4 [*Campaign Financing Disclosure by Elector Organizations*], as applicable:
- (a) money received under section 2.13 (5) (a) [*candidate surplus carried over to next election*] from the jurisdiction for which the election is being held;
 - (b) money received by transfer under section 2.12 [*campaign transfers between candidates and elector organizations*];
 - (c) the provision of services by a candidate to an elector organization that is or is considering endorsing the candidate;
 - (d) the provision of non-monetary property by a candidate to an elector organization that is or is considering endorsing the candidate, other than property acquired by the candidate for purposes of the election campaign of the candidate or elector organization;
 - (e) the provision of services by an elector organization to a candidate that is endorsed by or is being considered for endorsement by the elector organization;
 - (f) the provision of non-monetary property by an elector organization to a candidate that is endorsed by or is being considered for endorsement by the elector organization, other than property acquired by the elector organization for purposes of the election campaign of the candidate or elector organization;
 - (g) the provision to a candidate, by the jurisdiction for which the election is being held, of free election advertising transmission, if the

transmission is made available on an equitable basis to all other candidates in the election;

- (h) any other property or services prescribed by regulation.
- (5) **Provision for campaign use** — 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 the election campaign of the elector organization or towards the election expenses of such a campaign.

2.02 Election expenses of candidates and elector organizations

- (1) **General rules: use and time** — Subject to this section and any applicable regulations, an election expense is the value of property or services used in an election campaign as follows:
- (a) in the case of a campaign for an election that is part of a general local election, at any time after the start of the calendar year in which the election is held;
 - (b) in the case of a campaign for a by-election, after the date of the vacancy for which the election is being held;
 - (c) in the case of an election not referred to in paragraph (a) or (b), after the date specified by or determined under the regulations.
- (2) **Expenses of candidate and expenses of elector organization** — 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) **Candidate sponsorship of relevant assent voting advertising** — For purposes of this Act, if
- (a) a candidate in an election sponsors assent voting advertising that is election advertising under section 1.06 (1) (b) or (c) [*what is election advertising*], and
 - (b) the assent voting is being held for the same jurisdiction or for a voting area that is all or part of that jurisdiction,
- the assent voting advertising is considered advertising used in the election campaign of the candidate and its value is an election expense of the candidate.
- (4) **Elector organization sponsorship of relevant assent voting advertising** — For purposes of this Act, if
- (a) an elector organization that is endorsing a candidate in an election sponsors assent voting advertising that is election advertising under section 1.06 (1) (b) or (c) [*what is election advertising*], and

(b) the assent voting is being held for the same jurisdiction or for a voting area that is all or part of that jurisdiction,

the assent voting advertising is considered advertising used in the election campaign of the elector organization and its value is an election expense of the elector organization.

- (5) **Exclusions** — Subject to any exceptions established by regulation, 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 2.01 (3) [*exclusions from campaign contributions*];
 - (b) services provided by a candidate in relation to that individual's election campaign and the use of goods produced by the candidate from property of the candidate, other than goods produced from property acquired for purposes of the election campaign;
 - (c) if applicable, the candidate's nomination deposit;
 - (d) goods produced by an individual as a volunteer from property of the individual, other than goods produced from property acquired by the volunteer for purposes of the election campaign;
 - (e) other property or services the use of which is prescribed by regulation as not being an election expense.

2.03 What are campaign period expenses

- (1) **General rule** — Subject to this section, a campaign period expense is the value of property or services used during the campaign period for the election such that this value is an election expense.
- (2) **Exceptions** — The value of the following are not campaign period expenses:
- (a) personal expenses in relation to a candidate within the meaning of subsection (3);
 - (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 for elections, including salaries and wages paid by the elector organization to permanent staff members of the elector organization;
 - (f) interest on a loan to a candidate or elector organization for election expenses;
 - (g) any expenses prescribed by regulation as being excluded from campaign period expenses.
- (3) **Personal expenses that are excluded** — The following expenses, if they are reasonable, are personal 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 jurisdiction area;
 - (c) the cost of lodging, meals and incidental charges in relation to the candidate while travelling as referred to in paragraph (b);
 - (d) election expenses in relation to any disability of the candidate, including the costs in relation to any individual required to assist the candidate in performing the functions necessary for seeking election;
 - (e) any other election expenses in relation to candidates prescribed by regulation as personal expenses.
- (4) **Act still applies to election expenses that are not campaign period expenses —** For certainty, an election expense that is not a campaign period expense remains an election expense for purposes of this Act.

2.04 Valuation rules for campaign contributions and election expenses

- (1) **Application of the rules in this section —** The rules in this section apply for the purpose of determining the value of a campaign contribution or election expense unless otherwise expressly provided under this Act.
- (2) **General valuation rules —** 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) **Value of capital assets —** In the case of property that is a capital asset, the value of the property is the market value of using the property.
- (4) **Value of election advertising —** 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 advertising message and transmitting it to the public.
- (5) **Value of free equitable election advertising —** 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 2.01 (4) (g) [*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 property or services prescribed by regulation.

- (6) **Value of shared expenses** — The value of shared election expenses is to be attributed between the participating candidates and elector organizations in accordance with the regulations.

Division 2 – Campaign Accounting

2.05 Each candidate must have a financial agent

- (1) **Requirement** — A candidate must have a financial agent.
- (2) **Candidate as own financial agent** — 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) **Single financial agent** — A candidate may not have more than one financial agent at the same time.
- (4) **Appointment** — 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) **Delivery to local election officer** — 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 by 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) **Requirement for updated information** — The candidate or financial agent must provide updated information and material in accordance with section 2.10 [*information updating obligations*] if
 - (a) the individual who is the financial agent for a candidate changes, or
 - (b) there is a change in other information or material that is to be provided to the local election officer under this section.
- (7) **Financial agent may have other roles** — 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.

- (8) **Financial agent not personally liable** — 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.
- (9) **Offence** — A candidate who does not comply with this section commits an offence.

2.06 Requirement for candidate campaign account

- (1) **Requirement** — 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) **When account must be opened** — 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 2.12 [*campaign transfers between candidates and elector organizations*];
 - (c) before receiving payment of money under section 2.13 (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) **Name and use of account** — 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 only receive deposits required or permitted under this section.
- (4) **Financial agent responsible for use of account** — 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) **Permitted transfers and payments beyond candidate campaign** — In addition to use for purposes of the election campaign of the candidate, a campaign account under this section may be used for the following purposes:
 - (a) as applicable, payment of the candidate's nomination deposit;

- (b) if the candidate has more than one campaign account in relation to the candidate's election campaign, making a transfer between the campaign accounts;
 - (c) if the candidate has separate campaigns for different jurisdictions as referred to in section 1.04 (2) [*candidate running in more than one election*], making a transfer from a campaign account for one of those campaigns to the campaign account for another of those campaigns;
 - (d) making a transfer of money under section 2.12 [*campaign transfers between candidates and elector organizations*];
 - (e) making payments required under section 2.17 [*dealing with prohibited contributions*];
 - (f) making payments referred to in or authorized under section 2.13 [*candidate's surplus campaign funds*];
 - (g) any other purpose permitted by regulation.
- (6) **Permitted deposits** — In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the candidate:
- (a) interest on amounts on deposit in the campaign account;
 - (b) any other deposits permitted by regulation.
- (7) **Offence** — A candidate or financial agent who does not comply with this section commits an offence.

2.07 Each elector organization must have a financial agent

- (1) **Requirement** — 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 2.12 [*transfer from candidate campaign account*].
- (2) **Single financial agent** — An elector organization may not have more than one financial agent at the same time.
- (3) **Appointment** — 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 designated 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) **Delivery to local election officer** — An elector organization that has endorsed a candidate must deliver the following to the local election officer at the time of filing endorsement documents in relation to the candidate:
 - (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 materials required by regulation.
- (5) **Requirement for updated information** — The elector organization or financial agent must provide updated information and material in accordance with section 2.10 [*information updating obligations*] if
 - (a) the individual who is the financial agent for an elector organization, or
 - (b) there is a change in other information or material that is to be provided to the local election officer under this section.
- (6) **Financial agent may have other roles** — For certainty, an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each.
- (7) **Financial agent not personally liable** — 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
 - (a) the liability is personally guaranteed by the financial agent, or
 - (b) the liability is in relation to a penalty under this Act for which the responsible principal officials of the elector organization may be liable and the financial agent was such a principal official at the applicable time.
- (8) **Offence** — An elector organization that does not comply with this section commits an offence.

2.08 Requirement for elector organization campaign account

- (1) **Requirement** — 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 (3) apply.
- (2) **Separate accounts for each election event** — For certainty, an established elector organization must have separate campaign accounts for elections that are not being held at the same time.
- (3) **When account must be opened** — 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 2.12 [*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.
- (4) **Name and use of account** — 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 (6), and
 - (c) must only receive deposits required or permitted under this section.
- (5) **Financial agent responsible for use of account** — The financial agent must ensure that
- (a) all campaign contributions and transfers received as referred to in subsection (3) (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 (3) (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.
- (6) **Permitted transfers and payments beyond relevant elector organization campaign** — In addition to use for purposes of the election campaign of the elector organization 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 its election campaign, making a transfer between the campaign accounts;
 - (b) if the elector organization has separate campaigns for different jurisdictions as referred to in section 1.05 (3) [*elector organization endorsing candidates in more than one jurisdiction*], making a transfer from a campaign account for one of those campaigns to the campaign account for another of those campaigns;
 - (c) making payments required under section 2.17 [*dealing with prohibited contributions*];
 - (d) making a transfer or payment under section 2.12 [*campaign transfers between candidates and elector organizations*];
 - (e) making payments and transfers referred to in and payments under section 2.14 [*elector organization's surplus campaign funds*];
 - (f) any other purpose permitted by regulation.

- (7) **Permitted deposits** — In addition to the required deposits under subsection (5) (a), the following may be deposited into a campaign account of the elector organization:
 - (a) interest on amounts on deposit in the campaign account;
 - (b) any other deposits permitted by regulation.
- (8) **Offence** — An elector organization or financial agent who does not comply with this section commits an offence.

2.09 Responsible principal officials and designated principal official for elector organization

- (1) **Responsible principal officials must be identified** — From 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 a responsible principal officials of the organization, and
 - (b) must have one of those responsible principal officials designated as and authorized by the elector organization to be the designated 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 2.11 [*records of campaign contributions, election expenses and other matters*].
- (2) **Filing with endorsement documents** — In order 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:
 - (a) the name, required contact information and address for service of the designated principal official of the elector organization;
 - (b) the name, mailing address and address for service of all other responsible principal officials of the elector organization;
 - (c) signed consents of the responsible principal officials to act as responsible principal officials of the elector organization.
- (3) **Requirement for updated information** — An elector organization must provide updated information and material in accordance with section 2.10 [*information updating obligations*] if there is any change
 - (a) in who is a responsible principal official or who is the designated principal official of the elector organization, or
 - (b) in the information or material that is to be provided by an elector organization under this section.
- (4) **Continuing responsibility** — For certainty, the individual identified as the designated principal official of an elector organization in the most recent materials provided, as required under this Act, to the local election officer or the BC chief electoral officer, as applicable, continues to have the

responsibilities of that position even if the elector organization for which the individual is appointed ceases to exist as an organization.

- (5) **Offence** — An elector organization that does not comply with this section commits an offence.

2.10 Information updating obligations

- (1) **Application of section** — If there is a change in information or material required to be provided under
- (a) section 2.05 [*candidate financial agent*],
 - (b) section 2.07 [*elector organization financial agent*], or
 - (c) section 2.09 [*responsible principal officials and designated principal official for elector organization*],
- updated information or material must be provided in accordance with this section.
- (2) **Changes before declaration of candidates** — If the change occurs at any time up until the candidates in the applicable election are declared, the updated information or material must be provided to the local election officer as soon as practicable.
- (3) **Later changes** — If the change occurs after the time referred to in subsection (2), the updated information or material must be provided to the BC chief electoral officer as soon as practicable.
- (4) **Obligation continues** — The updating obligations to which this section applies end when all disclosure and record retention obligations under this Act in relation to the candidate or elector organization have been fulfilled.

2.11 Records of campaign contributions, election expenses and other matters

- (1) **Required records** — The financial agent for a candidate or elector organization must record and maintain records of the following:
- (a) for each campaign contribution made to the candidate or elector organization, the information required under section 2.18 [*campaign contribution information that must be recorded*];
 - (b) for each election expense of the candidate or elector organization, information sufficient to allow compliance with this Act and the regulations under this Act;
 - (c) for each transfer from the candidate or elector organization under section 2.12 [*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 2.12 [*campaign transfers between candidates and elector organizations*], the amount, date and source of the transfer;
 - (e) any other information required by regulation.
- (2) **Time for retaining required records** — The records required by this section must be retained as follows:
- (a) in the case of records for a candidate, the records must be retained

- (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 4 years after general voting day for the election to which the records relate;
- (b) in the case of records for an elector organization, the records must be retained
 - (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 designated principal official of the elector organization until 4 years after general voting day for the election or elections to which the records relate.
- (3) **Regulation requirements** — The recording, maintenance and retention of records under this section must be done in accordance with any requirements established by regulation.
- (4) **Offence** — A financial agent, candidate or elector organization that does not comply with this section commits an offence.

2.12 Campaign transfers between candidates and elector organizations

- (1) **Transfer from candidate to endorsing elector organization** — 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) **Transfer from elector organization to endorsed candidate** — 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) **Transfer may be after end of campaign period** — 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) **Transfers between elector organization and candidate being considered for endorsement** — 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) **Amount returned to candidate who was not endorsed** — If an amount is transferred under subsection (4) (b) and the candidate is not endorsed by

the elector organization, an amount equal to the amount transferred may be paid to the candidate from the campaign account of the elector organization.

- (6) **Candidate obligations if amount not returned** — If subsection (5) applies but the amount referred to in that subsection is not paid to the candidate, that candidate must, in accordance with the regulations, provide to the elector organization information respecting the campaign contributions received by the candidate and records of those campaign contributions as required to be maintained under section 2.18 (1) [*campaign contribution information that must be recorded*].
- (7) **Offence** — A candidate who contravenes subsection (6) commits an offence.

2.13 What happens if a candidate has surplus campaign funds

- (1) **Circumstances in which there are campaign funds remaining** — This section applies if there is a balance remaining in a campaign account of a candidate after an election and after
- (a) the payment of the candidate's election expenses and any other reasonable expenses incidental to the candidate's election campaign, and
 - (b) any transfers under section 2.12 [*campaign transfers between candidates and elector organizations*].
- (2) **Repayment of campaign contributions made by candidate** — If the candidate made one or more campaign contributions of money to his or her election campaign, the financial agent may pay to the candidate an amount equal to all or part of those campaign contributions, to the extent that the total balance in the campaign accounts of the candidate permits this.
- (3) **Payment to candidate if final balance under \$500** — If, after any payment under subsection (2), the total balance in the campaign accounts of the candidate is less than \$500, the financial agent may pay the balance to the candidate or in accordance with the directions of the candidate.
- (4) **Payment to jurisdiction if final balance \$500 or more** — If, after any payment under subsection (2), the total balance 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) **Jurisdiction to hold funds in trust** — 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 a 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) **Offence** — A financial agent who does not comply with this section commits an offence.

2.14 What happens if an elector organization has surplus campaign funds

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 2.12 (2) [*transfer 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

2.15 Restrictions on making campaign contributions

- (1) **General restrictions** — An individual or organization must not do any of the following:
 - (a) make an anonymous campaign contribution;
 - (b) 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;
 - (c) make a campaign contribution without disclosing to the individual receiving the campaign contribution the information required to be recorded under section 2.18 [*campaign contribution information that must be recorded*];
 - (d) make a campaign contribution with money, non-monetary property or services of another individual or organization;
 - (e) make a campaign contribution indirectly by giving money, non-monetary property or services to an individual or organization
 - (i) for that individual or organization to make as a campaign contribution, or
 - (ii) as consideration for that individual or organization making a campaign contribution.
- (2) **Elector organization restrictions** — Except as permitted by regulation, an elector organization must not make a campaign contribution of money to its own campaign or to the campaign of a candidate who is or is intended to be endorsed by the elector organization.
- (3) **Offence** — An individual or organization that contravenes this section commits an offence.

2.16 Restrictions in relation to accepting campaign contributions

- (1) **Restriction on candidate or elector organization acceptance** — A candidate or elector organization must not accept campaign contributions except through their financial agent or an individual authorized in writing by the financial agent.
- (2) **Restriction on others accepting for candidate or elector organization acceptance** — An individual or organization, other than the financial agent or an individual authorized as referred to in subsection (1), must not accept a campaign contribution to a candidate or elector organization.
- (3) **Restriction on accepting if contravention of Act** — An individual or organization must not accept
 - (a) an anonymous campaign contribution or any other campaign contribution for which the information required to be recorded under section 2.18 [*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.
- (4) **Duty to inform financial agent if possible contravention of Act** — 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 possible.
- (5) **Offence** — An individual or organization that contravenes this section commits an offence.

2.17 Dealing with prohibited campaign contributions

- (1) **Dealing with prohibited contributions: general rule** — 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) **Dealing with other contributions** — If a financial agent is not able to comply with subsection (1), as soon as practicable, the financial agent must deal with the campaign contribution as follows:
 - (a) in the case of a campaign contribution of money, pay an amount equal to the value of the campaign contribution to the BC chief electoral officer;
 - (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) **Payment from campaign account** — An amount to be paid under this section must be paid from a campaign account of the applicable candidate or elector organization.
- (4) **Offence** — A financial agent who contravenes this section commits an offence.

2.18 Campaign contribution information that must be recorded

- (1) **Information required in relation to each campaign contribution** — Subject to any exceptions established by regulation, the financial agent for a candidate or elector organization must record the following for each campaign contribution made to the candidate or elector organization:
 - (a) the value of the campaign contribution;
 - (b) the date on which the campaign contribution was made;
 - (c) the full name and mailing address of the contributor, unless it is an anonymous contribution;
 - (d) the contributor class of the contributor;
 - (e) if the contributor is an organization, the full names and mailing addresses of
 - (i) at least 2 individuals who are directors of the organization, or
 - (ii) if there are no directors, at least 2 individuals who are principal officials of the organization;
 - (f) in the case of a campaign contribution to which section 2.17 [*dealing with prohibited contributions*] applies, the circumstances in which the contribution was received and when and how the contribution was dealt with in accordance with that section;
 - (g) any other information required by regulation.
- (2) **Offence** — A financial agent who contravenes this section commits an offence.

2.19 How payment in relation to election expenses may be made

- (1) **General restriction** — Subject to this section, 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.
- (2) **Permitted payments in relation to a candidate campaign** — 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) **Permitted payments in relation to an elector organization campaign** — 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) **Offence** — An individual or organization that contravenes this section commits an offence.

PART 3 – CAMPAIGN FINANCING DISCLOSURE BY CANDIDATES

Division 1 – Disclosure Requirements for Candidates

3.01 Disclosure statements required for candidates

- (1) **Candidate disclosure statements** — A candidate disclosure statement in accordance with this Division must be filed with the BC chief electoral officer for each individual who was declared to be a candidate in an election.
- (2) **Limited financing activity or other circumstances do not affect obligation** — For certainty, a candidate disclosure statement is required even if the individual has no election expenses, receives no campaign contributions, is acclaimed, dies, withdraws from the election or is declared by a court to no longer be a candidate.
- (3) **Separate statements for each jurisdiction** — If an individual is a candidate in relation to more than one election that is being held at the same time, a separate candidate disclosure statement in accordance with this Division must be filed in relation to each jurisdiction.
- (4) **Filing requirement continues** — The obligation to file a candidate disclosure statement continues even after the individual for which the statement is to be filed becomes subject to the applicable penalties under this Part for failure to file the disclosure statement before the compliance deadline.

3.02 Time limits for filing disclosure statements

– filing on time, late filing on payment of penalty fee, compliance deadline

- (1) **Filing on time** — Subject to a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*] or an extension of time provided under section 11.05 [*Elections BC late filing extension in extraordinary circumstances*], a required candidate disclosure statement must be filed within 90 days after general voting day for the election to which it relates in order to avoid a late filing penalty fee.
- (2) **Late filing deadline** — Subject to a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*], if a candidate disclosure statement is not filed within the time period under subsection (1), it may be filed within 120 days after general voting day for that election on payment of a late filing penalty fee of \$500 to the BC chief electoral officer.
- (3) **Late filing penalty applies to each disclosure statement** — For certainty, if separate disclosure statements are required under section 3.01 (3) [*candidate running in more than one jurisdiction*], a late filing penalty fee applies in relation to each disclosure statement.
- (4) **Compliance deadline** — The compliance deadline for filing a candidate 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 8.01 [*relief in relation to candidate disclosure requirements*].

- (5) **Offence** — If a required candidate disclosure statement in accordance with this Division is not filed by the compliance deadline, the candidate commits an offence and the financial agent for the candidate commits an offence.

3.03 Information and other requirements for candidate disclosure statement

- (1) **Compliance obligations** — Subject to a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*], a candidate disclosure statement must comply with the requirements under this Division.
- (2) **Who is responsible for the filing** — The financial agent for the candidate must file the required disclosure statement, and the candidate must ensure that the financial agent files the disclosure statement as required.
- (3) **Information requirements** — Subject to any exceptions established by regulation, a candidate disclosure statement must include information respecting the following, provided in accordance with the regulations:
- (a) compliance with Part 2 [*Campaign Financing*];
 - (b) election expenses of the candidate;
 - (c) campaign period expenses of the candidate;
 - (d) campaign contributions received by the candidate, including identification of significant contributors;
 - (e) amounts, other than campaign contributions and election expenses, deposited into, or transferred or paid from, any campaign account of the candidate;
 - (f) non-monetary property and services received by the candidate that are excluded from being campaign contributions under section under section 2.01 (4) [*exclusions that must be reported*];
 - (g) the amount of any balance remaining in the campaign accounts of the candidate and how any surplus has been dealt with;
 - (h) if applicable, the jurisdictions in relation to which the candidate was a third party sponsor during the campaign period for the election;
 - (i) any other matters for which information is required by regulation.
- (4) **Additional information requirements for endorsed candidates** — In addition to the requirements under subsection (3), a disclosure statement for a candidate who was endorsed by an elector organization must include information respecting the following, provided in accordance with the regulations:
- (a) amounts transferred between campaign accounts of the candidate and campaign accounts of the elector organization;
 - (b) non-monetary property and services received by the candidate from the elector organization or provided by the candidate to the elector organization;

(c) any other matters for which information is required by regulation.

- (5) **Other requirements** — A candidate disclosure statement 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.

3.04 Notice of failure to file within no-penalty fee period

- (1) **Who is to be given notice** — If a candidate disclosure statement is not filed before the end of the time for filing without payment of a late filing penalty fee, the BC chief electoral officer must, as soon as practicable, give notice to the candidate and to the financial agent.
- (2) **Information to be included in notice** — The notice under subsection (1) must include the following information:
- (a) that the candidate 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 penalty fee that must be paid;
 - (c) the penalties under section 3.08 [*disqualification penalties*] for failure to file a candidate disclosure statement;
 - (d) that the financial agent or candidate may apply to the Supreme Court for relief under section 8.01 [*relief in relation to candidate disclosure requirements*];
 - (e) any other information prescribed by regulation.
- (3) **Local authority officer to be notified** — The BC chief electoral officer must notify the designated local authority officer of a jurisdiction respecting any notices under subsection (1) that are given in relation to an election for the jurisdiction.

3.05 Requirements for candidate supplementary reports

- (1) **When supplementary reports are required** — Subject to a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*], the financial agent for a candidate must file with the BC chief electoral officer a supplementary report in accordance with this Division within the following applicable time period:
- (a) if advice referred to in paragraph (b) has not been given, 30 days after the financial agent or candidate becomes aware that
 - (i) any of the information reported as required in the candidate disclosure statement, or in a previous supplementary report under this section, has changed, or
 - (ii) 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 the financial agent of concerns that circumstances referred to in paragraph (a) may apply and subsequently gives written notice to the financial agent that a

supplementary report is required, 30 days after that written notice is given.

- (2) **Notice respecting requirements** — In relation to a supplementary report required under subsection (1), as applicable,
 - (a) whichever of the financial agent or candidate becomes aware of the requirement for a supplementary report under subsection (1) (a) must notify the other of this requirement, and
 - (b) if written notice is given under subsection (1) (b), the BC chief electoral officer must also notify the candidate of the requirement for a supplementary report.
- (3) **Required information** — A supplementary report must include the following:
 - (a) a report of the changed, additional 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) **Other requirements** — As applicable, a supplementary report must be filed in accordance with and comply with any other requirements established by regulation.
- (5) **Candidate also responsible** — The candidate must ensure that the financial agent files a supplementary report as required under this section.

3.06 Compliance deadline for filing supplementary report

- (1) **Compliance deadline** — The compliance deadline for filing a supplementary report for a candidate is the later of
 - (a) the end of the applicable 30-day period established under section 3.05 (1) (a) or (b) [*requirements for filing supplementary reports*], and
 - (b) if applicable, the last date for filing the supplementary report as established by a court order for relief.
- (2) **Offence** — If a required supplementary report in accordance with this Division is not filed by the compliance deadline, the candidate commits an offence and the financial agent for the candidate commits an offence.

3.07 Required declarations

- (1) **Required declarations** — Subject to subsection (2), in order to be accepted for filing, a candidate disclosure statement or supplementary report must be accompanied by
 - (a) a signed declaration of the candidate, and
 - (b) if the candidate has appointed a financial agent, a signed declaration of the financial agent,
 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) **Declaration may be modified if application to court has been made** — If an application has been commenced under section 8.01 [*court order for relief in relation to candidate 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.

Division 2 – Penalties in Relation to Candidate Disclosure Requirements

3.08 Candidate disqualification penalties for failure to disclose

- (1) **Penalties** — Subject to a court order for relief under section 8.01 [*relief in relation to candidate disclosure requirements*], the following penalties apply to a candidate for whom a required candidate disclosure statement or supplementary report in accordance with this Part has not been filed by the compliance deadline:
- (a) 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;
 - (b) in all cases, the candidate is disqualified until after the next general local election from being nominated for, elected to or holding office as a member of a local authority.
- (2) **When penalties apply: general rules** — Subject to subsection (3), a candidate becomes subject to the penalties under this section as follows:
- (a) if no application for relief under section 8.01 [*relief in relation to candidate disclosure requirements*] in relation to the candidate 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,
 - (i) 42 days after the compliance deadline, or
 - (ii) if applicable, on the later date set by court order under section 8.05 [*court extension of time before disqualification penalties apply*].
- (3) **When penalties apply: other circumstances** — If the circumstances described in this subsection apply, a candidate becomes subject to the penalties under this section as follows:
- (a) if an application referred to in subsection (2) (b) is heard and dismissed before the penalties under this section would otherwise apply under subsection (2), on the later of
 - (i) the day after the compliance deadline, and
 - (ii) the day on which the application was dismissed;
 - (b) if the petition for an application referred to in subsection (2) (b) has not been served as required, on the later of
 - (i) the day after the compliance deadline, and
 - (ii) the date by which the petition was required to have been served;

- (c) if an application referred to in subsection (2) (b) has not been set down for hearing as required, on the later of
 - (i) the day after the compliance deadline, and
 - (ii) the date by which the application was required to have been set down for hearing.

- (4) **Filing requirement continues** — For certainty, the obligation to file a candidate disclosure statement or supplementary report continues even after the candidate becomes subject to the penalties under this section.

3.09 Candidate disqualification penalties for false or misleading disclosure

- (1) **Penalties if convicted of offence** — If a candidate is convicted of an offence under section 9.13 [*general offence in relation to false or misleading information*] in relation to a disclosure statement or supplementary report, the candidate is subject to the following penalties:
 - (a) in the case of a candidate who is declared elected, the candidate ceases to hold office as a member of 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 as a member of a local authority.
- (2) **Penalties operate on conviction** — A candidate becomes subject to the penalties under subsection (1) at the time of the conviction.
- (3) **Appeal does not stay penalties** — If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.
- (4) **Effect if conviction overturned on appeal** — Section 8.09 (2) and (3) [*candidate may resume office*] applies if the conviction is overturned on the final determination of an appeal.

PART 4 – CAMPAIGN FINANCING DISCLOSURE BY ELECTOR ORGANIZATIONS

Division 1 – Disclosure Requirements for Elector Organizations

4.01 Disclosure statements required for elector organizations

- (1) **Elector organization disclosure statements** — An elector organization disclosure statement in accordance with this Division must be filed with the BC chief electoral officer for each elector organization that endorsed one or more candidates in relation to an election for a jurisdiction.
- (2) **Limited financing activity or other circumstances do not affect obligation** — For certainty, 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.
- (3) **Separate statements for each jurisdiction** — If an elector organization endorsed candidates in elections for different jurisdictions that were held at the same time, a separate elector organization disclosure statement in accordance with this Division must be filed in relation to each jurisdiction.
- (4) **Filing requirement continues** — The obligation to file an elector organization disclosure statement continues even after the elector organization for which the statement is to be filed becomes subject to the applicable penalties under this Part for failure to file the disclosure statement before the compliance deadline.

4.02 Time limits for filing disclosure statements

– filing on time, late filing on payment of penalty fee, compliance deadline

- (1) **Filing on time** — Subject to a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*] or an extension of time under section 11.05 [*Elections BC late filing extension in extraordinary circumstances*], a required elector organization disclosure statement must be filed within 90 days after general voting day for the election or elections to which it relates in order to avoid a late filing penalty fee.
- (2) **Late filing deadline** — Subject to a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*], if an elector organization disclosure statement is not filed within the time period under subsection (1), it may be filed within 120 days after general voting day for the applicable election or elections on payment of a late filing penalty fee of \$500 to the BC chief electoral officer.
- (3) **Late filing penalty applies to each disclosure statement** — For certainty, if separate disclosure statements are required under section 4.01 (3) [*elector organization endorsing candidates in more than one jurisdiction*], a late filing penalty fee applies in relation to each disclosure statement.
- (4) **Compliance deadline** — The compliance deadline for filing an elector organization 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 8.02 [*relief in relation to elector organization disclosure requirements*].
- (5) **Offence** — If a required elector organization disclosure statement in accordance with this Division is not filed by the compliance deadline, the elector organization commits an offence and the financial agent for the elector organization commits an offence.

4.03 Information and other requirements for elector organization disclosure statement

- (1) **Compliance obligations** — Subject to a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*], an elector organization disclosure statement must comply with the requirements under this Division.
- (2) **Who is responsible for the filing** — The financial agent for the elector organization must file the required disclosure statement, and the responsible principal officials of the elector organization must ensure that the financial agent files the disclosure statement as required.
- (3) **Information requirements** — Subject to any exceptions established by regulation, 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) compliance with Part 2 [*Campaign Financing*];
 - (c) election expenses of the elector organization;
 - (d) campaign period expenses of the elector organization;
 - (e) campaign period expenses of the elector organization attributed to the candidates endorsed by the organization;
 - (f) campaign contributions received by the elector organization, including identification of significant contributors;
 - (g) if section 2.12 (6) [*transfers from individual who was never declared as a candidate*] applies, campaign contributions received by the candidate;
 - (h) amounts, other than campaign contributions and election expenses, deposited into or transferred or paid from any campaign account of the elector organization;
 - (i) non-monetary property and services received by the elector organization from an endorsed candidate or provided by the elector organization to an endorsed candidate;
 - (j) non-monetary property and services received by the elector organization that are excluded from being campaign contributions under section 2.01 (4) [*exclusions that must be reported*];
 - (k) the amount of any balance remaining in the campaign accounts of the elector organization before any surplus was dealt with;

- (l) if applicable, the jurisdictions in relation to which the elector organization was a third party sponsor in relation to elections being held at the same time as the elections to which the elector organization disclosure statement relates;
 - (m) any other matters for which information is required by regulation.
- (4) **Other requirements** — An elector organization disclosure statement 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.

4.04 Notice of failure to file within no-penalty fee period

- (1) **Who is to be given notice** — If an elector organization disclosure statement is not filed before the end of the time for filing without payment of a late filing penalty fee, the BC chief electoral officer must, as soon as practicable, give notice to the following:
- (a) the elector organization;
 - (b) the financial agent;
 - (c) the responsible principal officials of the elector organization.
- (2) **Information to be included in notice** — The notice under subsection (1) must include the following information:
- (a) that the elector organization 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 penalty fee that must be paid;
 - (c) the penalties under sections 4.08 [*elector organization disqualification penalties*] for failure to file the disclosure statement;
 - (d) that the financial agent, the elector organization or a responsible principal official of the elector organization may apply to the Supreme Court for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*];
 - (e) any other information prescribed by regulation.
- (3) **Local authority officer to be notified** — The BC chief electoral officer must notify the designated local authority officer of a jurisdiction respecting any notices under subsection (1) that are given in relation to an election for the jurisdiction.

4.05 Requirements for elector organization supplementary reports

- (1) **Requirements for financial agent to file supplementary report** — Subject to a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*], the financial agent for an elector organization must file with the BC chief electoral officer a supplementary report in accordance with this Division within the following applicable time period:
- (a) if advice referred to in paragraph (b) has not been given, 30 days after the financial agent or elector organization becomes aware that

- (i) any of the information reported as required in the elector organization disclosure statement, or in a previous supplementary report under this section, has changed, or
 - (ii) 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 the financial agent of concerns that circumstances referred to in paragraph (a) may apply and subsequently gives written notice to the financial agent that a supplementary report is required, 30 days after that written notice is given.
- (2) **Required information** — A supplementary report must include the following:
- (a) a report of the changed, additional 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.
- (3) **Other requirements** — As applicable, a supplementary report must be filed in accordance with and comply with any other requirements established by regulation.
- (4) **Responsible principal officials** — The responsible principal officials must ensure that the financial agent files a supplementary report as required under this section.

4.06 Compliance deadline for filing supplementary report

- (1) **Compliance deadline** — The compliance deadline for filing a supplementary report for an elector organization is the later of
- (a) the end of the applicable 30-day period established under section 4.05 (1) (a) or (b) [*requirements for filing supplementary reports*], and
 - (b) if applicable, the last date for filing the supplementary report as established by a court order for relief.
- (2) **Offence** — If a required elector organization supplementary report in accordance with this Division is not filed by the compliance deadline, the elector organization commits an offence and the financial agent for the elector organization commits an offence.

4.07 Required declarations

- (1) **Required declarations** — Subject to subsection (2), in order to be accepted for filing, an elector organization disclosure statement or supplementary report must be accompanied by
- (a) a signed declaration of the financial agent, and
 - (b) a signed declaration of the designated principal official of the elector organization

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) **Declaration may be modified if application to court has been made** — If an application has been commenced under section 8.02 [*court order for relief in relation to elector organization 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.

Division 2 – Penalties in Relation to Elector Organization Disclosure Requirements

4.08 Elector organization disqualification penalties for failure to disclose

- (1) **Disqualification penalties** — Subject to a court order for relief under section 8.02 [*relief in relation to elector organization disclosure requirements*], if a required elector organization disclosure statement or supplementary report in accordance with this Part has not been filed by the compliance deadline, effective on the day after that compliance deadline, the elector organization is subject to the following penalties:
- (a) the organization is disqualified from endorsing a candidate until after the next general local election;
 - (b) the organization is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.
- (2) **Filing requirement continues** — For certainty, the obligation to file an elector organization disclosure statement or supplementary report continues even after the elector organization becomes subject to the penalties under this section.
- (3) **Offence** — An organization that contravenes the prohibition under subsection (1) commits an offence.

4.09 Elector organization disqualification penalties for false or misleading disclosure

- (1) **Penalties if convicted of offence** — If an elector organization is convicted under section 9.13 [*general offences in relation to false or misleading information*] in relation to a disclosure statement or supplementary report, the organization is subject to the following penalties:
- (a) the organization is disqualified from endorsing a candidate until after the next general local election;
 - (b) the organization is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.
- (2) **When penalties apply** — An elector organization becomes subject to the penalties under subsection (1) at the time of the conviction.

- (3) **Appeal does not stay penalties** — If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.
- (4) **Effect if conviction overturned on appeal** — If the conviction is overturned on the final determination of an appeal, the prohibition under subsection (1) ceases to apply.
- (5) **Offence** — An organization that contravenes a prohibition under subsection (1) commits an offence.

PART 5 – SPONSORSHIP OF ELECTION ADVERTISING

5.01 Election advertising must include sponsorship information

- (1) **Required information** — Subject to subsection (2), an individual or organization must not sponsor election advertising, or transmit election 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 their campaign, the name of the financial agent, or
 - (ii) in any other case, the name of the sponsor,
 - (b) if applicable, indicates that the sponsor is a registered third party sponsor under this Act,
 - (c) indicates that it was authorized by the identified financial agent or sponsor,
 - (d) gives a telephone number, email address or mailing address at which the financial agent or sponsor may be contacted regarding the advertising, and
 - (e) meets any other requirements established by regulation.
- (2) **Exceptions** — Subsection (1) does not apply to the extent that
 - (a) the advertising is exempted from the requirements under this section by regulation, or
 - (b) alternative requirements are established by regulation and the advertising complies with those requirements.
- (3) **Advertising sponsored by more than one sponsor** — For certainty, in the case of election advertising that is sponsored in combination by more than one sponsor, the requirements of this section apply in relation to each sponsor.
- (4) **Information details** — 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 that are directed to the telephone number, email address or mailing address.
- (5) **Language requirements** — The information required under subsection (1) must be provided
 - (a) in English, and
 - (b) if all or part of the election advertising is in a language other than English, in the other language or in another manner that is understandable to readers of that other language.
- (6) **Offence** — An individual or organization that contravenes this section commits an offence.

5.02 No indirect sponsorship of election advertising

- (1) An individual or organization must not sponsor election advertising with the property of any other individual or organization or indirectly through any other individual or organization.
- (2) **Offence** — An individual or organization that contravenes this section commits an offence.

5.03 Solemn declaration regarding sponsorship may be required

- (1) **Declaration by individual identified on advertising** — An individual identified under section 5.01 (1) (a) [*election advertising must include sponsorship information*] must, if requested to do so by the local election officer or the BC chief electoral officer, provide to the officer a solemn declaration that, to the best of the knowledge and belief of the individual making the declaration,
 - (a) the individual is or is not, as applicable, the financial agent or sponsor,
 - (b) the individual has not contravened this Part, and
 - (c) if the sponsor is a candidate or elector organization and the individual is the financial agent for the sponsor, to the knowledge and belief of that individual, the sponsor has not contravened this Part.
- (2) **Declaration for organization identified as sponsor on advertising** — If an organization is identified as the sponsor under section 5.01 (1) (a), a principal official of the organization must, if requested to do so by the local election officer or the BC chief electoral officer, provide to the officer a solemn declaration that, to the best of the knowledge and belief of the principal official,
 - (a) the organization is or is not, as applicable, the sponsor, and
 - (b) the organization has not contravened this Part.
- (3) **Declaration if no individual or organization identified on advertising** — In relation to election advertising that does not identify an individual or organization as required by section 5.01 (1) (a), the following individuals must, if requested to do so by the local election officer or the BC chief electoral officer, provide to the officer a solemn declaration as referred to in subsection (1) or (2) of this section:
 - (a) a candidate;
 - (b) the financial agent for a candidate or elector organization;
 - (c) a principal official of an elector organization;
 - (d) any other individual the local election officer or BC chief electoral officer has reason to believe is an individual who could be required to provide a solemn declaration under subsection (1) or (2) if the required sponsorship information had been included.
- (4) **Offence** — An individual who contravenes this section commits an offence.

PART 6 – THIRD PARTY ELECTION ADVERTISING

Division 1 – General

6.01 Independence requirements for third party sponsors

- (1) **Independence from election campaigns required** — Subject to this section, an individual or organization must not sponsor third party advertising unless the sponsor is independent of the election campaign of any candidate or elector organization, and must not sponsor election advertising on behalf of or together with any of these.
- (2) **Candidate as third party sponsor** — A candidate who sponsors third party advertising is not required to be independent of the candidate's own campaign.
- (3) **Elector organization as third party sponsor** — An elector organization that sponsors third party advertising is not required to be independent of the elector organization's own campaign.
- (4) **Offence** — An individual or organization that contravenes this section commits an offence.

6.02 What are sponsorship contributions

- (1) **General rules** — Subject to this section, 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 third party advertising use;
 - (b) if property or services are provided at less than market value to an individual or organization for third party advertising use, the difference between the market value of the property or services at the time provided and the amount charged;
 - (c) if
 - (i) an individual or organization that is or intends to be a third party sponsor offers property or services for the purpose of obtaining funds for third party advertising use, and
 - (ii) the property or services are acquired from the individual or 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) if
 - (i) a third party sponsor is liable for payment in relation to preparation or transmission of third party advertising sponsored by the sponsor,
 - (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,

- the unpaid amount;
 - (e) the provision to an individual or organization for third party advertising use of property or services prescribed by regulation.
- (2) **Debts not affected by contribution rules** — For certainty, nothing in subsection (1) (d) affects the rights of a creditor in relation to a debt that becomes a sponsorship contribution under that subsection.
- (3) **Exclusions** — Subject to any exceptions established by regulation, the value of the following is not a sponsorship contribution:
- (a) property and services that are deemed to have a nil value under section 6.06 (5) [*advertising expenses deemed to have nil value*];
 - (b) any other property or services prescribed by regulation as being excluded.

6.03 Restrictions on making sponsorship contributions

- (1) **Restrictions** — An individual or organization must not do any of the following:
- (a) make an anonymous sponsorship contribution;
 - (b) make a sponsorship contribution without disclosing to the third party sponsor receiving the sponsorship contribution the information required to be recorded under section 6.05 [*records of sponsorship contributions and sponsored advertising*];
 - (c) make a sponsorship contribution with money, non-monetary property or services of another individual or organization;
 - (d) make a sponsorship contribution indirectly by giving money, non-monetary property or services to an individual or organization
 - (i) for that individual or organization to make as a sponsorship contribution, or
 - (ii) as consideration for that individual or organization making a sponsorship contribution.
- (2) **Offence** — An individual or organization that contravenes this section commits an offence.

6.04 Dealing with prohibited sponsorship contributions

- (1) **Restriction on accepting prohibited contributions** — A third party sponsor must not accept
- (a) an anonymous sponsorship contribution or any other sponsorship contribution for which the information required to be recorded under section 6.05 [*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.
- (2) **Dealing with prohibited contributions: general rule** — 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, within 30 days after becoming aware of the contravention, the third party sponsor must

- (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) **Dealing with other contributions** — If a third party sponsor is not able to comply with subsection (2), as soon as practicable, the third party sponsor must deal with the sponsorship contribution as follows:

- (a) in the case of a sponsorship contribution of money, pay an amount equal to the value of the sponsorship contribution to the BC chief electoral officer;
- (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) **Offence** — An individual or organization that contravenes this section commits an offence.

6.05 Records of sponsorship contributions and sponsored advertising

(1) **Records of sponsorship contributions** — Subject to any exceptions established by regulation, for each sponsorship contribution received by an individual or organization that is or intends to be a third party sponsor, the individual or organization must maintain records of the following information:

- (a) the value of the sponsorship contribution;
- (b) the date on which the sponsorship contribution was made;
- (c) the name and mailing address of the contributor;
- (d) the contributor class of the contributor;
- (e) if the contributor is an organization, the full names and mailing addresses of
 - (i) at least 2 individuals who are directors of the organization, or
 - (ii) if there are no directors, at least 2 individuals who are principal officials of the organization;
- (f) any other information required by regulation.

(2) **Records of advertising** — A third party sponsor must maintain records respecting the sponsored third party advertising that are sufficient to meet the reporting requirements under this Act.

(3) **Time for retaining required records** — The records required by this section must be retained

- (a) by the sponsor, in the case of a third party sponsor who is an individual, and

(b) by the designated principal official, in the case of a third party sponsor that is an organization

until 4 years after general voting day for the election to which the records relate.

- (4) **Offence** — An individual or organization that contravenes this section commits an offence.

6.06 Valuation rules for third party advertising and sponsorship contributions

- (1) **Application of the rules in this section** — Unless otherwise expressly provided, the rules in this section apply for the purpose of determining the value of third party advertising or a sponsorship contribution.
- (2) **General valuation rules** — 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) **Value of capital assets** — In the case of property that is a capital asset, the value of the property is the market value of using the property.
- (4) **Third party advertising** — Subject to subsection (5), the value of third party advertising is the value of property and services used in preparing the advertising message and transmitting it to the public.
- (5) **Advertising expenses deemed to have nil value** — The value of the following services and property 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) non-monetary property of an individual, as the third party sponsor or as a volunteer, that is provided or used in relation to services of the individual, other than property acquired by the individual for third party advertising use;
 - (c) goods produced by an individual, as a third party sponsor or as a volunteer, from property of the individual, other than goods produced from property acquired by the sponsor or volunteer for purposes of the third party advertising;
 - (d) other property or services prescribed by regulation.
- (6) **Third party advertising sponsored in combination** — Subject to any exceptions established by regulation, if third party advertising is sponsored by 2 or more third party sponsors acting in combination, the total value of that advertising is to be reported by each participating sponsor.

Division 2 – Registration of Third Party Sponsors

6.07 Prohibition against sponsoring third party advertising if not registered

- (1) **Prohibition** — An individual or organization that is not registered under this Division must not sponsor third party advertising.

- (2) **Offence** — An individual or organization that contravenes this section commits an offence.

6.08 Application for registration: individual as third party sponsor

- (1) **Application to BC chief electoral officer** — 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) **Information requirements** — The application for registration must include the following information:
- (a) the full name of the individual and, if this is different, the usual name of the individual;
 - (b) the required contact information for the individual;
 - (c) 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;
 - (d) the name of the sponsor and the mailing address, telephone number or email address that is to be used by the sponsor for the purpose of compliance with section 5.01 [*election advertising must include sponsorship information*];
 - (e) any other information required by regulation.
- (3) **Solemn declaration required** — 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 6.01 [*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.
- (4) **Other requirements** — 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.
- (5) **Requirement for updated information** — If there is any change in the information or material that is to be provided under this section, the

organization must provide updated information or material in accordance with section 6.12 [*information updating obligations*].

6.09 Application for registration: organization as third party sponsor

- (1) **Application to BC chief electoral officer** — 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) **Information requirements** — 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) a mailing address and telephone number at which the organization can be contacted;
 - (c) an email address at which the organization can be contacted, unless the organization does not have such an address;
 - (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 organization;
 - (e) the sponsor name and the mailing address, telephone number or email address that is to be used by the sponsor for the purpose of compliance with section 5.01 [*election advertising must include sponsorship information*];
 - (f) any other information required by regulation.
- (3) **Other requirements** — An application for registration must be in a form approved by the BC chief electoral officer and must be filed in accordance with and comply with any other requirements established by regulation.
- (4) **Requirement for updated information** — If the information or material provided to the BC chief electoral officer under this section changes, the third party sponsor must provide updated information or material in accordance with section 6.12 [*information updating obligations*].

6.10 Responsible principal officials and designated principal official for third party sponsor that is an organization

- (1) **Responsible principal officials** — 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, and authorized by the organization to be, the designated 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 as required under section 6.05 [*records of sponsorship contributions and sponsored advertising*].
- (2) **Consents and solemn declaration required for registration** — In order for an application for registration of an organization to be accepted, the organization must provide the following to the BC chief electoral officer:
- (a) the name, required contact information and address for service of the designated principal official of the organization;
 - (b) the name, mailing address and address for service of all other responsible principal officials of the organization;
 - (c) signed consents of the responsible principal officials to act as responsible principal officials of the organization;
 - (d) a solemn declaration in accordance with subsection (3) of the designated principal official of the organization.
- (3) **Solemn declaration** — For purposes of subsection (2) (d), the designated 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 6.01 [*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 designated 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.
- (4) **Requirement for updated information** — A third party sponsor that is an organization must provide updated information and material in accordance with section 6.12 [*information updating obligations*] if there is any change
- (a) in who is a responsible principal official or who is the designated principal official of the sponsor, or
 - (b) in the information or material that is to be provided by the third party sponsor under this section.
- (5) **Continuing responsibility** — For certainty, the individual identified as the designated principal official of a third party sponsor in the most recent materials provided, as required under this Act, to the BC chief electoral officer continues to have the responsibilities of that position even if the third party sponsor for which the individual is appointed ceases to exist as an organization.

- (6) **Offence** — An organization referred to in subsection (1) that does not comply with this section commits an offence.

6.11 Registration by BC chief electoral officer

- (1) **Requirement to register if application requirements met** — Subject to this section, on 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) **Exceptions** — 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) other circumstances prescribed by regulation apply.
- (3) **Restriction on name** — 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) **Reasons required if registration refused** — 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) **Effective period of registration** — Registration under this Division is effective only for the election or elections in relation to which the application for registration was made.

6.12 Information updating obligations

- (1) **Information to be provided to BC chief electoral officer** — If there is any change in the responsible principal officials or the designated principal official for a third party sponsor, or in other information or material required to be provided to the BC chief electoral officer under this Division, the third party sponsor must provide updated information or material to that officer as soon as practicable.
- (2) **Obligation continues** — The obligation to update information in accordance with this section ends when all disclosure and record retention obligations under this Act in relation to the third party sponsor have been fulfilled.

Division 3 – Disclosure Requirements for Third Party Sponsors

6.13 Disclosure statements required for third party sponsors

- (1) **Requirement for disclosure statement** — A third party disclosure statement in accordance with this Division must be filed with the BC chief electoral officer
 - (a) by each individual or organization that registered under Division 2 [*Registration of Third Party Sponsors*] of this Part, whether or not the individual or organization in fact sponsored any third party advertising, and
 - (b) by each individual or organization that sponsored third party advertising, even if the individual or organization did not apply to register or did apply but was refused registration.
- (2) **Disclosure statement coverage** — If an individual or organization sponsored third party advertising in relation to more than one election being held at the same time,
 - (a) a single disclosure statement is to be filed in relation to all those elections, and
 - (b) if the individual or organization sponsored directed advertising in relation to one or more of those elections, the statement must separately disclose the directed advertising in relation to each jurisdiction to which the advertising was specifically related.
- (3) **Filing requirement continues** — For certainty, the requirement to file a third party disclosure statement continues even after the individual or organization for which the statement is to be filed becomes subject to the applicable penalties under this Division for failure to file the disclosure statement by the compliance deadline.

6.14 Time limits for filing disclosure statements

– filing on time, late filing on payment of penalty fee and compliance deadline

- (1) **Filing on time** — Subject to a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*] or an extension of time under section 11.05 [*Elections BC late filing extension in extraordinary circumstances*], a required third party disclosure statement must be filed by the third party sponsor within 90 days after general voting day for the election or elections to which it relates in order to avoid a late filing penalty fee.
- (2) **Late filing deadline** — Subject to a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*], if the third party disclosure statement is not filed within the time period under subsection (1), it may be filed within 120 days after general voting day for the election or elections to which it relates on payment of a late filing penalty fee of \$500 to the BC chief electoral officer.
- (3) **Compliance deadline** — The compliance deadline for filing a third party 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 8.03 [*relief in relation to third party disclosure requirements*].
- (4) **Offence** — If a required third party disclosure statement in accordance with this Division is not filed by the compliance deadline, the sponsor commits an offence.

6.15 Information and other requirements for third party disclosure statements

- (1) **Compliance obligations** — Subject to a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*], a third party disclosure statement must comply with the requirements under this Division.
- (2) **Limited disclosure for limited advertising** — If the total value of the third party advertising sponsored by an individual or organization in relation to elections being held at the same time was less than \$500, the disclosure statement for the sponsor must include information respecting that election advertising as required by the regulations.
- (3) **Full disclosure** — Subject to any exceptions established by regulation, a third party advertising disclosure statement for an individual or organization that sponsored third party advertising having a value equal to or greater than \$500 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 the third party advertising;
 - (c) the sponsorship contributions received by the sponsor, including identification of significant contributors;
 - (d) any other matters for which information is required by regulation.
- (4) **Other requirements established by regulation** — A third party disclosure statement 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.

6.16 Notice of failure to file within the no-penalty fee period

- (1) **Requirement to give notice of failure** — If a third party disclosure statement for a registered sponsor is not filed before the end of the time period under section 6.14 (1) [*time limit for filing without penalty fee*], the BC chief electoral officer must, as soon as practicable, give notice of the failure to
- (a) the sponsor, and
 - (b) in the case of a sponsor that is an organization, to the responsible principal officials of the organization.
- (2) **Information to be included in notice** — The notice must include the following information:

- (a) that the third party disclosure statement was not filed within the time for filing without payment of a penalty fee;
- (b) the date of the late filing deadline and the penalty fee that must be paid;
- (c) the penalties under section 6.20 [*third party sponsor disqualification penalties for failure to disclose*] for failure to file the disclosure statement;
- (d) that the sponsor or a responsible principal official of a sponsor that is an organization may apply to the Supreme Court for relief under section 8.03 [*relief in relation to third party disclosure requirements*];
- (e) any other information prescribed by regulation.

6.17 Requirements for filing supplementary reports

- (1) **Time for filing** — Subject to a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*], a third party sponsor must file with the BC chief electoral officer a supplementary report in accordance with this Division within the following applicable time period:
 - (a) if advice referred to in paragraph (b) has not been given, 30 days after the sponsor becomes aware that
 - (i) any of the information reported as required in the third party sponsor disclosure statement, or in a previous supplementary report under this section, has changed, or
 - (ii) 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 the third party sponsor of concerns that circumstances referred to in paragraph (a) may apply and subsequently gives written notice to the sponsor that a supplementary report is required, 30 days after that written notice is given.
- (2) **Required information** — A supplementary report must include the following:
 - (a) a report of the changed, additional or corrected information, as applicable;
 - (b) a statement of the circumstances that have led to the filing of the report;
 - (c) any other information required by regulation.
- (3) **Additional requirements** — As applicable, a supplementary report must be filed in accordance with and comply with any other requirements established by regulation.

6.18 Compliance deadline for filing supplementary report

- (1) **Compliance deadline** — The compliance deadline for filing a supplementary report for a third party sponsor is the later of
 - (a) the end of the applicable 30-day period established under section 6.17 (1) (a) or (b) [*requirements for filing supplementary reports*], and

(b) if applicable, the last date for filing the disclosure statement as established by a court order for relief.

- (2) **Offence** — If a required supplementary report is not filed by the compliance deadline, the third party sponsor commits an offence.

6.19 Required declarations

- (1) **Required declarations** — Subject to subsection (2), in order to be accepted for filing, a third party disclosure statement or supplementary report must be accompanied by a signed declaration of

- (a) the sponsor, in the case of a sponsor who is an individual, or
 (b) the designated principal official, in the case of a sponsor that is an organization,

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) **Declaration may be modified if application to court has been made** — If an application has been commenced under section 8.03 [*relief in relation to third party sponsor 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.

6.20 Third party sponsor disqualification penalties for failure to disclose

- (1) **Penalties for failure to file** — Subject to a court order for relief under section 8.03 [*relief in relation to third party disclosure requirements*], if a required third party disclosure statement or supplementary report in accordance with this Part is not filed by the compliance deadline, effective on the day after that compliance deadline, the third party sponsor is subject to the following penalties:

- (a) the sponsor is prohibited from sponsoring third party advertising or non-election assent voting advertising until after the next general local election;
 (b) the sponsor is prohibited from accepting sponsorship contributions until after the next general local election.

- (2) **Filing requirement continues** — For certainty, the obligation to file a third party disclosure statement or supplementary report continues even after the penalty under this section applies.

- (3) **Offence** — An individual or organization that contravenes a prohibition under subsection (1) commits an offence.

6.21 Third party sponsor disqualification penalties for false or misleading disclosure

- (1) **Penalties if convicted of offence** — If a third party sponsor is convicted under section 9.13 [*general offence in relation to false or misleading information*] in

relation to a disclosure statement or supplementary report, the sponsor is subject to the following penalties:

- (a) the sponsor is prohibited from sponsoring third party advertising or non-election assent voting advertising until after the next general local election;
 - (b) the sponsor is prohibited from accepting sponsorship contributions until after the next general local election.
- (2) **Time when sponsor becomes subject to penalties** — A sponsor becomes subject to the prohibition under subsection (1) at the time of the conviction.
- (3) **Appeal does not stay penalties** — If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.
- (4) **Effect if conviction overturned on appeal** — If the conviction is overturned on the final determination of an appeal, the prohibition under subsection (1) ceases to apply.
- (5) **Offence** — An individual or organization that contravenes a prohibition under subsection (1) commits an offence.

PART 7 – ASSENT VOTING ADVERTISING THAT IS NOT ELECTION ADVERTISING

7.01 Application of Act to non-election assent voting advertising

This Part applies to assent voting advertising that

- (a) is not election advertising, and
- (b) is transmitted to the public during the campaign period for the assent voting, being the period that begins on the 30th day before general voting day for the assent voting and ends at the close of general voting.

7.02 Application of election advertising rules

(1) **Application of Parts 5 and 6** — Subject to this section and any applicable regulations,

- (a) Part 5 [*Sponsorship of Election Advertising*], and
- (b) Part 6 [*Third Party Election Advertising*]

apply to non-election assent voting advertising during the campaign period for the assent voting as if it were election advertising conducted during the campaign period for an election.

(2) **Exemption for local governments** — Part 6 does not apply to assent voting advertising by a local government.

7.03 Offences in relation to non-election assent voting advertising

For certainty, Part 9 [*Enforcement*] applies in relation to provisions that are made applicable under this Part to non-election assent voting advertising.

PART 8 – COURT ORDERS FOR RELIEF

8.01 Relief in relation to candidate disclosure requirements under Part 3

- (1) **Who may apply for relief** — A candidate or the financial agent for a candidate may apply to the Supreme Court in accordance with this section for relief from the disclosure requirements under Part 3 [*Campaign Financing Disclosure by Candidates*].
- (2) **Time limit for making application** — An application under this section may be made only before the compliance deadline for the disclosure statement or supplementary report to which the application relates.
- (3) **Who must be given notice of application** — The petition for the application must be served on all of the following:
 - (a) the BC chief electoral officer;
 - (b) if the candidate was declared elected, the jurisdiction in relation to which the election was held;
 - (c) whichever of the candidate and the financial agent is not the applicant.
- (4) **Time limit for serving petition** — Service required under subsection (3) must be no later than 7 days after the petition is filed in the court registry.
- (5) **Time limit for seeking court date** — No later than 14 days after the petition is filed, the applicant must set down the matter for hearing by the Supreme Court.
- (6) **Special obligation to obtain early hearing** — 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 notice to the jurisdiction in relation to which the election was held and to the BC chief electoral officer of the date the application is set down for hearing and 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.
- (7) **Court relief powers** — Subject to subsection (9), on the hearing of an application under this section, the court may provide relief as follows:
 - (a) changing the compliance deadline by extending the time for filing the disclosure statement or supplementary report;
 - (b) ordering that the disclosure statement or supplementary report need not comply with specific disclosure requirements;
 - (c) ordering that the disclosure statement or supplementary report need not be filed.
- (8) **Related authority** — The authority to provide relief under subsection (7) includes authority to do the following:
 - (a) in relation to an order under subsection (7) (a) respecting a candidate 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 any case, make any additional order the court considers appropriate to secure compliance with Part 3 [*Campaign Financing Disclosure by Candidates*] to the extent the court considers reasonable in the circumstances.
- (9) **Requirements for providing relief** — The court may provide relief under this section only if satisfied that the candidate exercised due diligence to ensure there was compliance with the disclosure requirements applicable in relation to the candidate under Part 3 [*Campaign Financing Disclosure by Candidates*].

8.02 Relief in relation to elector organization disclosure requirements under Part 4

- (1) **Who may apply for relief** — The following organizations and individuals may apply to the Supreme Court in accordance with this section for relief from the disclosure requirements under Part 4 [*Campaign Financing Disclosure by Elector Organizations*]:
- (a) the elector organization to which the disclosure requirements apply;
 - (b) the financial agent of the elector organization;
 - (c) a responsible principal official of the organization.
- (2) **Time limit for making application** — An application under this section may be made only before the compliance deadline for the disclosure statement or supplementary report to which the application relates.
- (3) **Who must be given notice of application** — The petition for the application must be served on all of the following, other than the applicant:
- (a) the BC chief electoral officer;
 - (b) the elector organization;
 - (c) the financial agent for the elector organization;
 - (d) the individuals referred to in subsection (7).
- (4) **Time limit for serving petition** — Service required under subsection (3) must be no later than 7 days after the petition is filed in the court registry.
- (5) **Court relief powers** — Subject to subsection (7), on the hearing of an application under this section, the court may provide relief as follows:
- (a) changing the compliance deadline by extending the time for filing the disclosure statement or supplementary report;
 - (b) ordering that the disclosure statement or supplementary report need not comply with specific disclosure requirements;
 - (c) ordering that the disclosure statement or supplementary report need not be filed.
- (6) **Related authority** — The authority to provide relief under subsection (5) includes authority to do the following:

- (a) in relation to an order under subsection (5) (a) respecting an elector organization 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 any case, make any additional order the court considers appropriate to secure compliance with the disclosure requirements under Part 4 [*Campaign Financing Disclosure by Elector Organizations*] to the extent the court considers reasonable in the circumstances.
- (7) **Requirements for providing relief** — The court may provide relief under subsection (5) in relation to a disclosure statement or supplementary report only if satisfied that the individuals who were responsible principal officials of the elector organization at any time during the period
- (a) beginning on the date on which the organization filed endorsement documents, and
 - (b) ending on the day after the compliance deadline for filing the disclosure statement or supplementary report, as applicable
- exercised due diligence to ensure there was compliance with the applicable disclosure requirements.

8.03 Relief in relation to third party disclosure requirements under Part 6

- (1) **Who may apply for relief** — The following organizations and individuals may apply to the Supreme Court in accordance with this section for relief from the disclosure requirements under Division 3 [*Disclosure Requirements for Third Party Sponsors*] of Part 6 [*Third Party Election Advertising*]:
 - (a) the third party sponsor to which the disclosure requirements apply;
 - (b) if the third party sponsor is an organization, a responsible principal official of the organization.
- (2) **Time limit for making application** — An application under this section may be made only before the compliance deadline for the disclosure statement or supplementary report with respect to which the application relates.
- (3) **Who must be given notice of application** — The petition for the application must be served on all of the following, other than the applicant:
 - (a) the BC chief electoral officer;
 - (b) the sponsor;
 - (c) if the sponsor is an organization, the individuals referred to in subsection (7).
- (4) **Time limit for serving petition** — Service required under subsection (3) must be no later than 7 days after the petition is filed in the court registry.
- (5) **Court relief powers** — Subject to subsection (7), on the hearing of an application under this section, the court may provide relief as follows:
 - (a) changing the compliance deadline by extending the time for filing the disclosure statement or supplementary report;

- (b) ordering that the disclosure statement or supplementary report need not include specific disclosure requirements;
 - (c) ordering that the disclosure statement or supplementary report need not be filed.
- (6) **Related authority** — The authority to provide relief under subsection (5) includes authority to do the following:
- (a) in relation to an order under subsection (5) (a) respecting a third party sponsor 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 any case, make any additional order the court considers appropriate to secure compliance with the disclosure requirements under Part 6 [*Third Party Election Advertising*] to the extent the court considers reasonable in the circumstances.
- (7) **Requirements for providing relief** — The court may provide relief under subsection (5) in relation to a disclosure statement or supplementary report only if satisfied,
- (a) in the case of an application by a sponsor who is an individual, that the individual exercised due diligence to ensure there was compliance with the applicable disclosure requirements, and
 - (b) in the case of an application in relation to a sponsor that is an organization, that all the individuals who were responsible principal officials of the organization at any time during the period
 - (i) beginning at the time at which the organization became subject to the requirement to register under Part 6 [*Third Party Election Advertising*], and
 - (ii) ending on the day after the compliance deadline for filing the disclosure statement or supplementary report, as applicable, exercised due diligence to ensure there was compliance with the applicable disclosure requirements.

8.04 Relief in relation to non-election assent voting advertising disclosure requirements

Subject to any applicable regulations, section 8.03 [*relief in relation to third party disclosure requirements*] applies in relation to disclosure requirements of an assent voting sponsor under Part 7 [*Non-Election Assent Voting Advertising*].

8.05 Extension of time before candidate disqualification penalties apply

- (1) **Court authority to extend time** — Subject to subsection (2), the court may extend the date when a penalty applies under section 3.08 [*candidate disqualification penalties for failure to disclose*].
- (2) **Restriction** — A court may not make an order extending the time unless

- (a) an application for relief under section 8.01 [*relief in relation to candidate disclosure requirements*] has been filed, served and set down for hearing as required under that section, but has not yet been decided,
 - (b) the candidate has not yet become subject to the penalties for which an extension is requested, and
 - (c) the court is satisfied that the applicant has acted diligently to have the application heard as soon as practicable.
- (3) **Extension decision is final** — A decision by the court under this section is final and may not be appealed.

8.06 BC chief electoral officer may set down application for hearing

- (1) **Application of section** — This section applies in relation to an application for court relief under this Part.
- (2) **Authority to have hearing date set** — The BC chief electoral officer may set down the application for hearing by filing a request with the court registry and serving it 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.
- (3) **Chief electoral officer need not be party** — The BC chief electoral officer may set down an application for hearing under this section 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.

8.07 Address for service on other parties

If requested by an individual or organization that is authorized and intends to apply for court relief under this Part, 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 of the application.

8.08 Appeal of relief decision

- (1) **Who may appeal** — The following individuals and organizations may appeal an order of the court under this Part:
- (a) the applicant;
 - (b) the BC chief electoral officer, whether or not that officer was a party to the application.
- (2) **No stay of penalties pending appeal** — Penalties under this Act may not be stayed pending determination of an appeal under subsection (1).

8.09 Effect of final determination on candidate disqualification penalties and seat vacancy

- (1) **Applicable disqualification penalties** — This section applies in relation to a disqualification penalty under section 3.08 [*candidate disqualification penalties for failure to disclose*].
- (2) **Termination of disqualification** — If, on the final determination of an application under this Part,
 - (a) the court provides relief relating to the disqualification penalty, and
 - (b) if applicable, there is compliance with the court order,the candidate ceases to be disqualified under the applicable provision referred to in subsection (1) from being nominated for, elected to or holding office as a member of a local authority.
- (3) **Candidate who was declared elected** — If a candidate to whom subsection (2) applies was declared elected before being disqualified under the applicable provision referred to in subsection (1) and the term of office for which the candidate was elected has not ended,
 - (a) the candidate is entitled to take office for any unexpired part of the term if not otherwise disqualified, and
 - (b) if the candidate exercises this right, the individual currently holding the office ceases to hold office.

PART 9 – ENFORCEMENT

Division 1 – Elections BC Responsibilities and Powers

9.01 Reports to local authority respecting disqualification of elected candidates

- (1) The BC chief electoral officer must provide a report to the applicable local authority respecting any member of the local authority who may be subject to a penalty under any of the following:
 - (a) section 3.08 [*candidate disqualification penalties for failure to disclose*];
 - (b) section 3.09 [*candidate disqualification penalties if convicted of false or misleading disclosure*].
- (2) If a member of a local authority becomes subject to a penalty referred to in subsection (1), the BC chief electoral officer must provide a report to the applicable local authority that the member of the local authority has become disqualified to hold office as a member of the local authority and that the seat of the member has become vacant.

9.02 Reviews, investigations and audits by BC chief electoral officer

- (1) **Compliance reviews** — 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 sponsors in relation to general compliance with this Act and the regulations under this Act.
- (2) **Investigations and audits** — 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 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, if applicable, the financial agent of such an individual or organization.
- (3) **Inspection and copies of records** — 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) **Related authority** — 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).

9.03 Additional specific powers to require information

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, elector organization or the financial agent for a candidate or elector organization;
 - (ii) a third party sponsor;
 - (iii) an assent voting sponsor;
- (b) to require an individual or organization referred to in paragraph (a) to provide further information respecting the individual's or organization's compliance with this Act and the regulations under this Act;
- (c) to require a local authority to provide the BC chief electoral officer with the originals or copies, as requested by the BC chief electoral officer, of records
 - (i) received or obtained by a local authority under this Act or other local elections legislation, or
 - (ii) created by a local authority official in relation to this Act or other local elections legislation,
 including records that include personal information.

9.04 Complaints regarding contraventions of this Act

- (1) **Obligation to deal with complaints** — If the BC chief electoral officer receives a complaint alleging that a provision of this Act or of a regulation under this Act has been contravened, the BC chief electoral officer must
 - (a) consider whether to investigate the matter, or
 - (b) refer the matter to the local authority that is holding or that held the election or assent voting to which the complaint relates, if the BC chief electoral officer considers that a review of the matter by the local authority would be more appropriate.
- (2) **Required referral to local authority** — The BC chief electoral officer must refer any complaint respecting compliance by a local authority official to the applicable local authority.
- (3) **Authority to refuse investigation** — The BC chief electoral officer must refuse to take action under subsection (1) if, in the view of the BC chief electoral officer, the complaint appears to be frivolous, vexatious or obviously unfounded.
- (4) **Response to written complaints** — If a complaint is made in writing and the BC chief electoral officer
 - (a) decides not to conduct an investigation, or
 - (b) refers the matter to a local authority,
 the BC chief electoral officer must notify the complainant in writing of the reasons for this decision.

9.05 Powers in relation to non-compliant advertising

- (1) **Authorization to take action** — 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;
 - (b) enter onto property and cover the election advertising or otherwise obscure it from view;
 - (c) enter on property and remove, or remove and destroy, the election advertising.
- (2) **Entry onto property** — 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) **Restriction for private dwellings** — 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) **Warrant authorizing entry** — 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) **Offence** — An individual or organization that does not comply with an order under subsection (1) (a) commits an offence.

9.06 Court injunctions on application of BC chief electoral officer

- (1) **Application to Supreme Court** — 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) **Injunction may be granted without notice to others** — 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) **Court order available even where there are other remedies** — 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

9.07 Section 5 of *Offence Act* does not apply

Section 5 [*offence to contravene an enactment*] of the *Offence Act* does not apply to this Act or the regulations under this Act.

9.08 Penalties under this Part are in addition to any others under Act

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.

9.09 Defence of due diligence

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.

9.10 BC chief electoral officer authority in relation to prosecutions

- (1) **BC chief electoral officer approval required** — A prosecution for an offence under this Act may not be commenced without the approval of the BC chief electoral officer.
- (2) **Referral to Criminal Justice Branch** — If the BC chief electoral officer is satisfied that there are reasonable grounds to believe that an individual or organization has contravened this Act or a regulation under this Act, the BC chief electoral officer may refer the matter to the Criminal Justice Branch of the Ministry of Justice for a determination of whether to approve prosecution.

9.11 Time limit for starting prosecution

- (1) **Time limit for starting prosecution** — 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) **Evidence respecting time limit** — 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.

9.12 Prosecution of organizations and their directors and agents

- (1) **Organization responsible for actions of its officers and employees** — 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) **Officers and employees responsible for actions of organization** — 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) **Unincorporated organization may be prosecuted** — 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.

9.13 General offence in relation to false or misleading information

- (1) **General offence** — 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) **Disclosure requirements** — In the case of false or misleading information in a disclosure statement or supplementary report, the candidate, elector organization or sponsor for which the disclosure statement or supplementary report is filed commits an offence.

9.14 Higher penalty offences

- (1) **Offences subject to penalties under this section** — This section applies to the offences under the following provisions:
 - (a) section 3.02 (5) [*failure to file candidate disclosure statement*];
 - (b) section 3.06 (2) [*failure to file candidate supplementary report*];
 - (c) section 4.02 (5) [*failure to file elector organization disclosure statement*];
 - (d) section 4.06 (2) [*failure to file elector organization supplementary report*];
 - (e) section 6.14 (4) [*failure to file third party disclosure statement*];
 - (f) section 6.18 (2) [*failure to file third party supplementary report*];
 - (g) section 9.13 [*general offence in relation to false or misleading information*];
 - (h) any provision of the regulations prescribed for purposes of this section.
- (2) **Penalties for individuals** — An individual who commits an offence referred to in subsection (1) is liable to a fine of not more than \$10 000 or imprisonment for a term not longer than two years, or both.
- (3) **Penalties for organizations** — An organization that commits an offence under subsection (1) is liable to a fine of not more than \$20 000.

9.15 Lower penalty offences

- (1) **Offences subject to penalties under this section** — This section applies to offences under this Act other than offences to which section 9.14 [*higher penalty offences*] applies.
- (2) **Penalties for individuals** — An individual who commits an offence under subsection (1) is liable to a fine of not more than \$5 000 or imprisonment for a term not longer than one year, or both.
- (3) **Penalties for organizations** — An organization that commits an offence under subsection (1) is liable to a fine of not more than \$10 000.

PART 10 – TRANSPARENCY

10.01 Public access to disclosure information – Elections BC responsibilities

- (1) **Public information** — Subject to this Division and any applicable regulations, until at least 4 years after general voting day for the election or assent voting to which it relates, the BC chief electoral officer must
 - (a) make the information in a disclosure statement or supplementary report publicly available on an Elections BC authorized internet site, and
 - (b) have a copy of the statement or report, and the relevant required declarations in relation to the statement or report, available for public inspection at the Elections BC office during its regular office hours.
- (2) **When information is to be made available** — 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) **Personal information may be excluded** — If a disclosure statement or supplementary report includes personal information of an individual that is not required to be included under this Act, 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) may, for purposes of subsection (1) (b), obscure or delete the information or provide for inspection a copy of the statement or report that does not include that information.
- (4) **Provision of copies** — Subject to section 10.05 [*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) **Requirements for obtaining access** — If an individual wishes to access, inspect or obtain a copy of a record under this section, the BC chief electoral officer may, before providing the access, inspection access or copy, require the individual to
 - (a) satisfy the officer that any purpose for which personal information is to be used is permitted by section 10.05 [*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 record, will not use personal information included in the record except for a purpose permitted under this Act.

10.02 Public access to disclosure information – local authority responsibilities

- (1) **Public access to Elections BC information** — Subject to this Division, the local authority for the jurisdiction must make one or both of the following available to the public without charge at the local authority offices during regular office hours:
 - (a) internet access to information required to be publicly available under section 10.01 (1) (a) [*public access to disclosure information – Elections BC responsibilities*] that is related to the jurisdiction;
 - (b) a copy of that information available for public inspection.
- (2) **Request for record** — The local authority for a jurisdiction must, on request, provide a record of information referred to in subsection (1).
- (3) **Fees for providing records** — A local authority may, by bylaw, impose a fee for providing a record under subsection (2).
- (4) **Information of how fee determined** — 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) **No other authority for fees** — Subsection (3) does not apply to a local authority that may impose a fee under section 194 [*municipal fees*] of the *Community Charter* or section 363 [*imposition of fees and charges*] of the *Local Government Act*.
- (6) **Requirements for obtaining access** — If an individual wishes to access, inspect or obtain a copy of information under this section, a local authority official of the jurisdiction may, before providing the access, inspection access or copy, require the individual to
 - (a) satisfy the official that any purpose for which personal information is to be used is permitted by section 10.05 [*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 record, will not use personal information included in the record except for a purpose permitted under this Act.

10.03 Disqualification list to be maintained

- (1) **Internet publication** — The BC chief electoral officer must make publicly available on an Elections BC authorized internet site a list of the individuals and organizations that are subject to disqualification penalties under any of the following:

- (a) in relation to candidates,
 - (i) section 3.08 [*candidate disqualification penalties for failure to disclose*], or
 - (ii) section 3.09 [*candidate disqualification penalties if convicted of false or misleading disclosure*];
 - (b) in relation to elector organizations,
 - (i) section 4.08 [*elector organization disqualification penalties for failure to disclose*], or
 - (ii) section 4.09 [*disqualification penalties for false or misleading elector organization disclosure*];
 - (c) in relation to third party sponsors and assent voting sponsors,
 - (i) section 6.20 [*third party sponsor disqualification penalty for failure to disclose*], or
 - (ii) section 6.21 [*third party disqualification penalties for false or misleading disclosure*].
- (2) **Public inspection** — The disqualification list under subsection (1) must be available for public inspection at the Elections BC office during its regular office hours.

10.04 Other information to be publicly available

- (1) **Specific information** — 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 2.05 (6) [*change in financial agent*];
 - (b) in relation to an elector organization,
 - (i) the name and mailing address of the financial agent as provided under section 2.07 [*elector organization must have a financial agent*], and
 - (ii) the name of the designated principal official of the organization as provided under section 2.09 [*responsible principal officials and designated principal official for elector organization*];
 - (c) in relation to a registered third party sponsor,
 - (i) the full name of the sponsor,
 - (ii) the information that is to be included under section 6.08 (2) (d) [*sponsors information to be provided in third party advertising by individual*] or 6.09 (2) (e) [*sponsors information to be provided in third party advertising by organization*], as applicable, and
 - (iii) in the case of a third party sponsor that is an organization, the name of the designated principal official of the organization as provided under section 6.10 [*responsible principal officials and designated principal official for sponsor organization*].

- (2) **Period of public availability** — The BC chief electoral officer must keep information referred to in subsection (1) publicly available through the campaign period for the election or assent voting to which it relates and may then continue to make it publicly available for the period that officer considers appropriate.
- (3) **Public inspection and other means of making information publicly available** — 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 having it available on an Elections BC authorized internet site.

10.05 Restrictions on use of personal information

- (1) **Purposes for which personal information may be used** — Where, under this Act, the disclosure, public inspection or other use of or access to records containing personal information is required or authorized, the personal information may only be used as follows:
 - (a) for purposes of this Act or other local elections legislation;
 - (b) for purposes of
 - (i) Division 6 [*Conflict of Interest*] or Division 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 141, 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*;
 - (d) for other purposes permitted by regulation, subject to any restrictions or requirements established by regulation.
- (2) **Offence** — 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.

10.06 General information rules

- (1) **Collection of personal information** — If an election administration authority is required or authorized under this Act or other local elections legislation to collect personal information, that election administration authority

- (a) may provide the information to another election administration authority, for the other authority to use in relation to exercising a power or performing a duty under local elections legislation, and
 - (b) may authorize another election administration authority to collect the information on behalf of the first election administration authority for use in relation to exercising a power or performing a duty under local elections legislation.
- (2) **Regulations respecting the collection, use and disclosure of personal information** — The Lieutenant Governor in Council make regulations requiring or authorizing the collection, use and disclosure of personal information by election administration authorities for purposes of this Act or other local elections legislation, but not for any other purpose.
- (3) **Relationship with *Freedom of Information and Protection of Privacy Act*** — 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 11 – ADMINISTRATION AND OTHER MATTERS

Division 1 – Elections BC Responsibilities

11.01 Role of the BC chief electoral officer

- (1) **Administration** — 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 sponsors and other individuals and organizations regulated under this Act.
- (2) **Reports and recommendations** — 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) report and make recommendations to the Technical Advisory Committee respecting the results of such reviews.

11.02 Administrative matters

- (1) **Elections BC staff** — 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) **Delegation authority** — 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) **Elections BC expenses** — 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) **Approval required for payments** — 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 received to be transferred to consolidated revenue fund** — Amounts that are to be paid to the BC chief elector officer under this Act and are received by that officer must be paid into the consolidated revenue fund.

11.03 Elections BC notice to local authority

The BC chief electoral officer must notify the applicable local authority officer of the following:

- (a) any requirements for a supplementary report in relation to an election for the jurisdiction;
- (b) any additions to the disqualification list under section 10.03 [*disqualification list to be maintained*] that apply in relation to the jurisdiction;

(c) any other matters prescribed by regulation.

11.04 Minor corrections to disclosure statements and supplementary reports

- (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 sponsor in relation to which the disclosure statement or supplementary was filed, or
 - (b) in the case of a statement or report for a candidate or elector organization, with the consent of the financial agent.

11.05 Late filing extensions in extraordinary circumstances

- (1) **Extension of time for filing without penalty** — Subject to any additional restrictions established by regulation, the BC chief electoral officer, on request, may make an order extending the time for filing a disclosure statement without payment of a late filing penalty fee that would otherwise apply.
- (2) **No extension beyond 120-day filing period** — An order under this section may not extend the time for filing the disclosure statement to a time later than 120 days after general voting day for the election or assent voting to which the disclosure statement relates.
- (3) **Circumstances in which extension may be made** — 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 before the time referred to in subsection (1) by reason of an emergency or other extraordinary circumstance.

11.06 Retention of disclosure records

- (1) **Retention period** — The BC chief electoral officer must retain the disclosure statements and supplementary reports under this Act until at least 4 years after general voting day for the election or assent voting to which they relate.
- (2) **Transfer to provincial archives** — The minister responsible for the administration of the *Document Disposal Act* may require that the records referred to in subsection (1) be given into the custody of the archives of the government after the end of the applicable retention period under that subsection.

- (3) **Notice of retention period end** — For purposes of subsection (2), the chief electoral officer must give notice to the minister before the end of each retention period.

Division 2 – Local Authority Responsibilities

11.07 Information to be provided to Elections BC

- (1) **Candidate information** — As soon as practicable after an individual is declared to be a candidate, the local election officer must ensure that the following information is provided 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 required contact information and address for service of the candidate;
 - (e) if the candidate has appointed a financial agent, the name, required contact information and address for service of the financial agent;
 - (f) if applicable, the name of the elector organization that is endorsing the candidate;
 - (g) any other information required by regulation to be provided.
- (2) **Elector organization information** — As soon as practicable after receiving the endorsement documents for an elector organization, the local election officer must provide a copy of those documents to the BC chief electoral officer.
- (3) **Updated information** — 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) **Other information** — 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) any other information required by regulation to be provided.

11.08 Local authority report of non-compliance

- (1) **What is to be included in the report** — Following an election for a jurisdiction, the designated local authority officer must, as soon as practicable, prepare a report of the following individuals and organizations:
- (a) any candidate or elector organization for which the required disclosure statement is not filed before the late filing penalty fee becomes applicable;

- (b) any candidate or elector organization for which the required disclosure statement is not filed by the compliance deadline for the statement.
- (2) **Report to be presented at open meeting of local authority** — As soon as practicable after it is prepared, a report under subsection (1) must be presented at an open meeting of the local authority.

Division 3 – Technical Advisory Committee

11.09 Technical Advisory Committee

- (1) **Establishment of committee** — The Technical Advisory Committee is established consisting of the individuals appointed under subsection (2).
- (2) **Appointment of members** — 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) a representative appointed as provided by regulation, if applicable.
- (3) **Designated alternates** — 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) **Restrictions on who may serve on the committee** — The following individuals are not eligible to be appointed under subsection (2) or designated under subsection (3):
 - (a) an individual who is elected or appointed as a member of a local authority,
 - (b) an individual who is elected as a member of the Legislative Assembly,
or
 - (c) an individual who is appointed as a member of the Executive Council.
- (5) **Reappointment** — An individual may be reappointed to the advisory committee.

- (6) **Chair and vice-chair** — The members of the advisory committee must elect a chair and vice-chair from among the committee's members.

11.10 Role of advisory committee

- (1) **General role** — 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) **Specific responsibilities** — 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;
 - (b) the development and provision of information and training for local authority officials administering this Act;
 - (c) the provision of specific advice to participants in the election or assent voting process respecting the application of this Act;
 - (d) the process and scope for sharing information and records between election administration authorities;
 - (e) the referral of complaints to local authorities under section 9.04 (1) (b) [*complaints regarding contraventions of this Act – referral of matter to local authority*];
 - (f) the forms for disclosure statements and supplementary reports to be considered for approval by the BC chief electoral officer;
 - (g) reports of the BC chief electoral officer under section 11.01 (2) [*reports and recommendations in relation to general reviews*].

11.11 Advisory committee meetings

- (1) **Meeting rules** — Subject to this Division, the advisory committee may make rules governing its practices and procedures.
- (2) **Meeting called by chair** — Meetings of the advisory committee may be called at any time by the chair of the committee.
- (3) **Meeting called on request** — 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) **Meeting participation** — 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) **Meeting costs** — 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) **Meeting records** — The advisory committee must make available to the public, on request, a summary of the proceedings of a meeting of the committee.

Division 4 – Miscellaneous

11.12 Address for service requirements and delivery of notices

- (1) **Requirements under this Act or other local elections legislation** — This section applies 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.
- (2) **Address must be provided** — To satisfy the requirement referred to in subsection (1), the individual or organization must provide a mailing address or email address as an address for service.
- (3) **Alternative addresses may be provided** — In addition to the required address under subsection (2), 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.
- (4) **Delivery using address for service** — 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.
- (5) **Time when notice considered to have been received** — If a notice or other communication is sent in accordance with subsection (4), 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, in accordance with the regulations.
- (6) **Other means of service** — For certainty, this section provides additional means of service and does not affect other means of service authorized by law.

11.13 Solemn declarations

- (1) **Requirements for solemn declaration** — 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 before whom it is made.
- (2) **Who may take solemn declarations** — 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 11.02 (2) [*delegation to Elections BC staff*];
 - (c) a local election officer or a delegate authorized by such an officer under this Act or other local elections legislation.
- (3) **Prescribed form of declaration** — If applicable, the solemn declaration must be made in a form prescribed by the regulation.

Division 5 – Orders and Regulations

11.14 Minister orders in special circumstances

- (1) **Minister responsible authority** — If the minister responsible in relation to an election or assent voting considers this is necessary because of special circumstances respecting
 - (a) the election or assent voting, or
 - (b) a candidate, elector organization, third party sponsor or assent voting sponsor,
 the minister may make any order the minister considers appropriate to achieve the purposes of this Act.
- (2) **Included powers** — Subject to subsection (3), an order under subsection (1) 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) **Restrictions in relation to relief** — An order under this section may not provide relief
 - (a) that could be provided under section 11.05 [*Elections BC late filing extension in extraordinary circumstances*], or
 - (b) that could be provided by a court order under Part 8 [*Court Orders 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 that Part.
- (4) **Relationship with other election order authority** — For certainty, the authority under this section is additional to the authority under section 155 [*minister*]

orders in special circumstances] of the *Local Government Act* or section 127 of the *Vancouver Charter*.

11.15 Regulations

Without limiting section 41 of the *Interpretation Act*, the Lieutenant Governor in Council may make regulations as required or otherwise contemplated by this Act.

11.16 Commencement

This Act comes into force on the date of Royal Assent, but does not apply in relation to elections that are held before the 2014 general local election.

SCHEDULE — DEFINITIONS AND INTERPRETATION

S-01 Definitions

1 In this Act:

“**address for service**”, in relation to an individual or organization, means an address provided in accordance with section 11.12 [*address for service requirements*] 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 11.09 [*Technical Advisory Committee*];

“**assent voting**” means voting to which this Act applies under section 1.02 [*assent voting to which this Act applies*];

“**assent voting advertising**” means assent voting advertising within the meaning of section 1.09 [*what is assent voting advertising*];

“**assent voting disclosure statement**” means a disclosure statement under Division 3 [*Third Party Advertising Disclosure Requirements*] of Part 6 [*Third Party Election Advertising*] as it applies in relation to assent voting advertising that is not election advertising;

“**assent voting sponsor**” means

- (a) an individual or organization that sponsors non-election assent voting advertising,
- (b) an individual or organization that registers under Division 2 [*Registration of Third Party Sponsors*] of Part 6 [*Third Party Election Advertising*] as it applies to non-election assent voting advertising, and
- (c) in relation to obligations applicable under this Act to an individual or organization as an assent voting sponsor, an individual or organization that was an assent voting sponsor;

“**attributed**” means attributed in accordance with the regulations;

“**BC chief electoral officer**” has the same meaning as “chief electoral officer” in the *Election Act*;

“**campaign account**” means an account established

- (a) under section 2.06 [*requirement for candidate campaign account*] in relation to the election campaign of a candidate, or
- (b) under section 2.08 [*requirement for elector organization campaign account*] in relation to the election campaign of an elector organization;

“**campaign contribution**” means a campaign contribution within the meaning of section 2.01 [*campaign contributions to candidate or elector organization*];

“**campaign period**” means,

- (a) in relation to an election, the period that
 - (i) begins on the 46th day before general voting day for an election, and
 - (ii) ends at
 - (A) the close of general voting for the election in the case of an election by voting, and
 - (B) the end of general voting day in the case of an election by acclamation, and
- (b) in relation to assent voting to which Part 7 [*Assent Voting Advertising That Is Not Election Advertising*] applies, the period referred to in section 7.01 (b) [*application of Act to non-election assent voting advertising*];

“campaign period expense” means a campaign period expense within the meaning of section 2.03 [*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 3.01 [*disclosure statements required for candidates*];

“compliance deadline” means the following:

- (a) in relation to a disclosure statement, the applicable compliance deadline established by
 - (i) section 3.02 (4) [*compliance deadline for candidate disclosure statement*],
 - (ii) section 4.02 (4) [*compliance deadline for elector organization disclosure statement*], or
 - (iii) section 6.14 (3) [*compliance deadline for third party disclosure statement*];
- (b) in relation to a supplementary report, the applicable compliance deadline established by
 - (i) section 3.06 (1) [*compliance deadline for candidate supplementary report*],
 - (ii) section 4.06 (1) [*compliance deadline for elector organization supplementary report*], or
 - (iii) section 6.18 (1) [*compliance deadline for third party supplementary report*];

“contributor class”, in relation to a campaign contribution provided to a candidate or elector organization or in relation to a sponsorship

contribution to a third party sponsor or assent voting sponsor, the class of contributor as described in the following classes:

- (a) individuals;
- (b) corporations;
- (c) unincorporated organizations engaged in business or commercial activity;
- (d) trade unions;
- (e) non-profit organizations;
- (f) other identifiable contributors;
- (g) anonymous contributors;
- (h) any other contributor class established by regulation;

“court order for relief” means a court order under the applicable provision of Part 8 [*Court Orders for Relief*];

“declared”, in relation to a candidate, means declared as a candidate under section 74 [*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;

“designated principal official” means,

- (a) in relation to an elector organization, the responsible principal official designated as required under section 2.09 (1) (b) [*principal official authorized to make declarations for elector organization*], or
- (b) in relation to a third party sponsor or assent voting sponsor that is an organization, the responsible principal official currently designated as required under section 6.19 (1) (b) [*principal official authorized to make declarations for organization*];

“directed advertising” means directed advertising within the meaning of section 1.08 [*types of third party advertising – issue advertising and directed advertising*];

“disclosure requirements” means, as applicable, the requirements under

- (a) Part 3 [*Campaign Financing Disclosure by Candidates*],
- (b) Part 4 [*Campaign Financing Disclosure by Elector Organizations*], or
- (c) Division 3 [*Third Party Advertising Disclosure Requirements*] of Part 6 [*Third Party Election Advertising*]

in relation to a disclosure statement and supplementary report;

“disclosure statement” means, as applicable,

- (a) a candidate disclosure statement,
- (b) an elector organization disclosure statement,
- (c) a third party disclosure statement, or
- (d) an assent voting disclosure statement;

“election” means an election to which this Act applies under section 1.01 [*elections to which this Act applies*];

“election administration authority” means any of the following:

- (a) the BC chief electoral officer;
- (b) the minister responsible for this Act;
- (c) a minister responsible for another enactment that is local elections legislation;
- (d) a local authority;
- (e) a local election officer;
- (f) any prescribed authority;

“election advertising” means election advertising within the meaning of section 1.06 [*what is election advertising*];

“election campaign” means, as applicable,

- (a) an election campaign of a candidate within the meaning of section 1.04 [*what is the election campaign of a candidate*], or
- (b) an election campaign of an elector organization within the meaning of section 1.05 [*what is the election campaign in relation of an elector organization*];

“election expense” means an election expense within the meaning of section 2.02 [*election expenses of candidates and elector organizations*];

“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 or other local elections legislation;

“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 an election financing disclosure statement required under section 4.01 [*disclosure statements required for elector organizations*];

“endorsed” includes, subject to any applicable regulations, an elector organization having filed documents for the purpose of endorsement under

(a) Division 6.1 [*Candidate Endorsement by Elector Organization*] of Part 3 [*Electors and Elections*] of the *Local Government Act*, or

(b) Division 6.1 of Part I of the *Vancouver Charter*;

“established elector organization” means an elector organization that has a continuing purpose related to the election of candidates endorsed by the organization;

“financial agent” means,

(a) in relation to a candidate, the financial agent under section 2.05 [*financial agent for candidate*],

(b) in relation to an elector organization, the financial agent under section 2.07 [*financial agent for elector organizations*], and

(c) in relation to obligations applicable under this Act to an individual as financial agent, an individual who was a financial agent;

“general local election” includes the elections that are held at the same time as a general local election under the *Local Government Act*;

“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;

“issue advertising” means issue advertising within the meaning of section 1.08 [*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 1.01 [*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 conducted;

“jurisdiction area” means the municipality, regional district, trust area, school district or equivalent geographic area for a jurisdiction;

“late filing deadline” means,

(a) in relation to

(i) a candidate disclosure statement,

(ii) an elector organization disclosure statement, or

(iii) a third party disclosure statement,
120 days after general voting day for the election to which the
statement relates, and

(b) in relation to an assent voting disclosure statement, 120 days after
general voting day for the assent voting to which the statement relates;

“late filing penalty fee” means the applicable penalty fee under

(a) section 3.02 (2) [*late filing for candidate disclosure statement*],

(b) section 4.02 (2) [*late filing for elector organization disclosure
statement*], or

(c) section 6.14 (2) [*late filing for third party or assent voting sponsor
disclosure statement*]

for filing a disclosure statement after the time established by this Act for
filing without a penalty fee;

“local authority” means,

(a) in relation to an election, the applicable local authority under
section 1.01 [*elections to which this Act applies*], and

(b) in relation to assent voting, the applicable jurisdiction for the assent
voting;

“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 within the meaning of the
Local Government Act or *Vancouver Charter*, as applicable, 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 1.01 [*elections to which this Act
applies*] and 1.02 [*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” means, in relation to property or services, the lowest price
charged for an equivalent amount of equivalent property or services in the
market area at the relevant time;

“minister responsible”, in relation to an election or assent voting, means the minister responsible for the enactment under which, as applicable,

- (a) the local authority for the applicable jurisdiction is established or continued, or
- (b) the assent voting is required to be conducted;

“money” includes cash, a negotiable instrument, payment by means of credit card and any form of electronic payment or transfer of funds;

“nomination deposit” means an applicable nomination deposit required under

- (a) section 72.1 [*nomination deposits*] of the *Local Government Act*, or
- (b) section 44.1 [*nomination deposits*] of the *Vancouver Charter*;

“non-election assent voting advertising” means assent voting advertising to which Part 7 [*Assent Voting Advertising That Is Not Election Advertising*] applies;

“non-monetary property” means property other than money;

“organization” means a corporation or an unincorporated organization;

“personal election expenses” means personal election expenses in relation to a candidate within the meaning of section 2.03 (3) [*what are campaign period 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;

“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 as a responsible principal official of the organization under section 2.09 [*responsible principal officials for elector organization*], or
- (b) in relation to a third party sponsor or assent voting sponsor that is an organization, an individual identified as a responsible principal official of the organization under section 6.10 [*responsible principal officials for elector organization*];

“shared election expense” means

- (a) election advertising sponsored by
 - (i) two or more candidates,
 - (ii) two or more elector organizations, or
 - (iii) one or more candidates together with one or more elector organizations,
 acting in combination, such that a portion of the total value of the election advertising is an election expense of each candidate or elector organization participating in the sponsorship, or
- (b) the use of property or services other than election advertising by
 - (i) two or more candidates,
 - (ii) two or more elector organizations, or
 - (iii) one or more candidates together with one or more elector organizations,
 acting in combination, such that a portion of the total value of the property or services is an election expense of each candidate or elector organization participating in that use;

“significant contributor” means

- (a) in relation to campaign contributions, an individual or organization that
 - (i) made a campaign contribution having a value of \$100 or more, or
 - (ii) made more than one campaign contribution to the same candidate or elector organization such that the total value of the campaign contributions to that candidate or elector organization is \$100 or more, and
- (b) in relation to sponsorship contributions, an individual or organization that
 - (i) made a sponsorship contribution having a value of \$100 or more, or
 - (ii) made more than one sponsorship contribution to the same individual or organization such that the total value of the sponsorship contributions to that individual or organization is \$100 or more;

“specifically related”, in relation to election advertising, means specifically related within the meaning of section 1.08 [*types of election 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 1.10 [*who is the sponsor of election advertising or non-election assent voting advertising*];

“sponsorship contribution” means a sponsorship contribution within the meaning of section 6.02 [*what are sponsorship contributions*] to a third party sponsor or an assent voting sponsor;

“supplementary report” means a supplementary report required under

- (a) section 3.05 [*requirement for candidate supplementary report*] in relation to a candidate disclosure statement,
- (b) section 4.05 [*requirements for elector organization supplementary report*] in relation to an elector organization disclosure statement, or
- (c) section 6.17 [*requirement for third party supplementary report*] in relation to a third party disclosure statement or an assent voting disclosure statement;

“third party advertising” means election advertising that is third party advertising within the meaning of section 1.07 [*what is third party advertising*];

“third party advertising use”, in relation to a sponsorship contribution to an individual or organization that is or becomes a third party sponsor, means use in relation to the sponsorship of third party advertising by the individual or organization;

“third party disclosure statement” means a disclosure statement under Division 3 [*Disclosure Requirements for Third Party Sponsors*] of Part 6 [*Third Party Advertising*];

“third party sponsor” means

- (a) an individual or organization that sponsors third party advertising, and
- (b) 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;

“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.

S-02 How this Act applies in relation to other legislation

- (1) **Other definitions that apply to this Act** — 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) **Application of definitions in this Act to other enactments** — So far as the terms defined can be applied, the definitions under this Act extend to all enactments relating to election and assent voting matters that are dealt with by this Act.

S-03 References to other Acts

Where this Act or a regulation under this Act refers to the *Local Government Act*, *Community Charter* 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.

S-04 Internal description notes

Use of internal description notes — If, at the beginning of a provision of this Act or the regulations under this Act, there is bold text, ending with a dash, that is or purports to be descriptive of the subject matter of the provision, that text is not part of the provision and must be considered to have been added editorially for convenience of reference only.

Candidate Nomination and Elector Organization Endorsement

Local Government Act provisions as they would be amended
for purposes of the proposed *Local Elections Campaign Financing Act*

Nomination documents

- 72 (1) A nomination for local government office must be in writing and must include the following:
- (a) the full name of the person nominated;
 - (b) the usual name of the person nominated, if the full name of the person is different from the name the person usually uses and the person wishes to have his or her usual name on the ballot instead;
 - (c) the office for which the person is nominated;
 - (d) the residential address of the person nominated, and the mailing address if this is different;
 - (e) the names and residential addresses of the nominators and, if a nominator is a non-resident property elector, the address of the property in relation to which the nominator is such an elector;
 - (f) a statement signed by the nominators that, to the best of their knowledge, the person nominated is qualified under section 66 [*who may hold elected office as a member of a local government*] to be nominated.
- (2) For a nomination to be accepted for filing, the nomination must be accompanied by the following:
- (a) a statement signed by the person nominated consenting to the nomination;
 - (b) a solemn declaration in accordance with subsection (3) of the person nominated, either made in advance or taken by the chief election officer at the time the nomination documents are delivered;
 - (c) as applicable, a signed declaration of the person nominated
 - (i) that the person is acting as his or her own financial agent, or
 - (ii) identifying the person who is appointed under the *Local Elections Campaign Financing Act* to act as that financial agent;
 - (d) the written disclosure required by section 2 (1) of the *Financial Disclosure Act*.
- (3) For the purposes of subsection (2) (b), the person nominated must make a solemn declaration
- (a) that he or she is qualified under section 66 [*who may hold office*] to be nominated for the office,

- (b) that, to the best of the person's knowledge and belief, the information provided in the nomination documents is true,
 - (c) that the person fully intends to accept the office if elected, and
 - (d) that the person
 - (i) is aware of the *Local Elections Campaign Financing Act*,
 - (ii) understands the requirements and restrictions that apply to the person under that Act, and
 - (iii) intends to fully comply with those requirements and restrictions.
- (4) A person must not consent to be nominated knowing that he or she is not qualified to be nominated.

Nomination by delivery of nomination documents

- 73**
- (1) In order to make a nomination,
 - (a) the nomination documents required by section 72, and
 - (b) if applicable, the nomination deposit required under section 72.1 must be received before the end of the nomination period by the chief election officer or a person designated by the chief election officer for this purpose.
 - (2) The obligation to ensure that the nomination documents and nomination deposit are received in accordance with this section rests with the person being nominated.
 - (3) For the purposes of subsection (1), the nomination documents and nomination deposit
 - (a) must be received at the local government offices during its regular office hours, and
 - (b) may be received at other times and places as specified by the chief election officer.
 - (4) Nomination documents may be delivered by hand, by mail or other delivery service, by fax or by email, with originals to follow.
 - (5) If the originals of nomination documents delivered by fax or email are not received by the chief election officer by the end of the 29th day before general voting day, the person nominated is deemed to have withdrawn from being a candidate in the election.
 - (5.1) After receiving nomination documents, the chief election officer must review the list under section 10.03 [*Elections BC to maintain disqualification list*] of the *Local Elections Campaign Financing Act* to determine whether an application must be made under section 73.2 (5) [*challenge required if candidate appears to be disqualified*].
 - (6) Nomination documents delivered to the chief election officer
 - (a) must be available for public inspection in the local government offices during its regular office hours from the time of delivery until 30 days after the declaration of the election results under section 136, and

- (b) if a bylaw under subsection (7) applies, must be made available to the public in accordance with the bylaw.
- (7) A local government may, by bylaw, provide for public access to nomination documents, during all or part of the period referred to in subsection (6) (a), in any manner the local government considers appropriate, including by the Internet or other electronic means.
- (8) A person who inspects or otherwise accesses nomination documents under this section must not use the information included in them except for the purposes of this Act or the *Local Elections Campaign Financing Act*.

Other information to be provided by candidate

- 73.1** (1) A person who is nominated for local government office must, before the end of the nomination period, provide the following to the chief election officer:
- (a) a telephone number at which the person may be contacted;
 - (b) an email address at which the person may be contacted, unless the person does not have such an address;
 - (c) 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 person;
 - (d) if applicable, the information and material required under section 2.05 (5) [*candidate financial agent appointment documents*] of the *Local Elections Campaign Financing Act*;
 - (e) any other information or material required by regulation under section 156 [*election regulations*].
- (2) If the information and materials referred to in subsection (1) are not received by the chief election officer by the end of the nomination period, the person nominated is deemed to have withdrawn from being a candidate in the election.
- (3) If the information or material to be provided to the chief election officer under this section changes, the person nominated must provide updated information to that officer or the designated local government officer as soon as practicable.

Challenge of nomination

- 73.2** (1) A nomination may only be challenged by an application to the Provincial Court in accordance with this section.
- (2) The time period during which a challenge may be made is between the time of the delivery of the nomination documents in accordance with section 73 and 4 p.m. on the fourth day after the end of the nomination period.
- (3) A challenge may be made only by
- (a) a person who is an elector of the municipality or electoral area for which the election is being held,
 - (b) another nominee in the same election, or

- (c) the chief election officer.
- (4) A challenge may only be made on one or more of the following bases:
 - (a) that the person is not qualified to be nominated or elected;
 - (b) that the nomination was not made in accordance with sections 71 to 73;
 - (c) that the usual name given under section 72 (1) (b) in the nomination documents is not in fact the usual name of the person.
- (5) The chief election officer must commence a challenge under this section if, on a review under section 73 (5.1) [*review of disqualification list*], it appears to the chief election officer that a person is disqualified from being nominated.
- (6) The document filed with the court to commence a challenge must briefly set out the facts on which the challenge is based and must be supported by affidavit as to those facts.
- (7) At the time a challenge is commenced, a time must be set for the hearing that is adequate to allow the court to give its decision on the matter within the time limit set by subsection (9).
- (8) The person making a challenge must
 - (a) immediately give notice of the challenge to the chief election officer and the person whose nomination is challenged, and
 - (b) within 24 hours of filing the document commencing the application, serve on these persons that document, the accompanying affidavit and a notice of the time set for the hearing.
- (9) Within 72 hours of the end of the period for commencing a challenge, the court must hear and determine the matter and must issue an order, as applicable,
 - (a) confirming the person as a candidate or declaring that the person is no longer a candidate, or
 - (b) declaring that the person is or is not entitled to have the usual name indicated in the nomination documents used on the ballot.
- (10) The court may order that the costs of a challenge, within the meaning of the Supreme Court Civil Rules, be paid in accordance with the order of the court.
- (11) The decision of the court on a challenge under this section is final and may not be appealed.

Division 6.1 – Candidate Endorsement by Elector Organization

Candidate endorsement by elector organization may be included on ballot

- 73.3** (1) Subject to this section, an incorporated or unincorporated organization may endorse a candidate and have that endorsement included on the ballot for an election if

- (a) the organization makes the endorsement in accordance with section 73.4 [*process for candidate endorsement by elector organization*], and
 - (b) the candidate consents to the endorsement in accordance with that section.
- (2) In order to endorse a candidate, an organization must
 - (a) have a membership that, at the time the solemn declaration under section 73.4 (1) (c) is made, includes at least 50 electors of the municipality or regional district for which the election is being held, and
 - (b) must not be disqualified under this or any other Act from endorsing a candidate.
 - (3) An organization must not endorse more candidates in an election for a particular office than there are positions to be filled for that office.
 - (4) A candidate must not consent to endorsement by more than one organization in relation to the same election for the same office.

Process for candidate endorsement by elector organization

- 73.4** (1) An organization endorses a candidate by filing the following with the chief election officer before the end of the nomination period:
- (a) a statement of
 - (i) the full name of the candidate to be endorsed by the elector organization,
 - (ii) the legal name of the organization, if applicable,
 - (iii) the usual name of the organization, if this is different from its legal name or if it has no legal name,
 - (iv) any abbreviations, acronyms and other names used by the elector organization,
 - (v) subject to the restrictions in subsection (3), which name, abbreviation or acronym the elector organization wishes to have included on the ballot,
 - (vi) the mailing address for the organization and a telephone number at which the organization can be contacted;
 - (vii) an email address at which the organization can be contacted, unless the organization does not have such an address;
 - (b) written consent of the candidate to the endorsement;
 - (c) a solemn declaration in accordance with subsection (2) of the designated principal official of the organization;
 - (d) any other information or material required to be provided by regulation under section 156 [*election regulations*].
- (2) For the purposes of subsection (1) (c), the designated principal official of the organization must make a solemn declaration that, to the best of the knowledge and belief of the official, the organization

- (a) has a membership of at least 50 electors of the municipality or regional district for which the election is being held,
 - (b) is not disqualified from endorsing a candidate,
 - (c) is aware of the *Local Elections Campaign Financing Act*,
 - (d) understands the requirements and restrictions that apply to the organization under that Act,
 - (e) intends to fully comply with those requirements and restrictions, and
 - (f) has authorized the official to make the solemn declaration;
- (3) The name, abbreviation or acronym referred to in subsection (1) (a) (v) must not
- (a) include any matter that is prohibited by section 105 [*what must and must not be included on a ballot*] from being included on the ballot, or
 - (b) be, in the opinion of the chief election officer, so similar to the name, abbreviation or acronym of another elector organization whose endorsement of a candidate appeared on a ballot at the preceding general local election, or at an election after that general local election, as to be confusing to the electors.
- (4) If an organization is filing endorsement documents
- (a) for more than one candidate in the same election, or
 - (b) in more than one election for the same jurisdiction that is being held at the same time,
- a solemn declaration under subsection (1) (c) may be made in relation to any or all of those candidates.
- (5) For the endorsement documents required under subsection (1) to be accepted for filing, the elector organization must provide the following to the chief election officer:
- (a) 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;
 - (b) the information required under section 2.09 [*responsible principal officials and designated principal official for elector organization*] of the *Local Elections Campaign Financing Act*;
 - (c) the information and material required under section 2.07 (4) [*elector organization information respecting financial agent*] of the *Local Elections Campaign Financing Act*;
 - (d) any other information or material required to be included by regulation under section 156 [*election regulations*].
- (6) If the information or material required to be provided to the chief election officer under this section changes, the elector organization must provide updated information or material to that officer or the designated local government officer as soon as reasonably practicable.
- (7) After receiving endorsement documents, the chief election officer must review the list under section 10.03 [*Elections BC to maintain disqualification list*] of the *Local Elections Campaign Financing Act* to

determine whether an application must be made under section 73.6 (5) *[challenge required if organization appears to be disqualified]*.

- (8) Section 73 (6) to (8) *[public access to nomination documents]* applies in relation to endorsement documents.

Withdrawal of endorsement on ballot

- 73.5** An elector organization endorsement must not appear on a ballot if, before 4 p.m. on the 29th day before general voting day,
- (a) the candidate withdraws his or her consent to have the elector organization endorsement appear on the ballot by delivering a signed withdrawal to the chief election officer by that time, or
 - (b) the elector organization withdraws its endorsement of the candidate by delivering to the chief election officer by that time a written withdrawal signed by the designated principal official of the elector organization.

Challenge of elector organization endorsement

- 73.6** (1) An endorsement under this Division may only be challenged by an application to the Provincial Court in accordance with this section.
- (2) The time period during which a challenge may be made is between the time of the filing of the endorsement documents in accordance with section 73.4 and 4 p.m. on the 4th day after the end of the nomination period.
- (3) A challenge may only be made by
- (a) a person who is an elector of the jurisdiction,
 - (b) a person nominated as a candidate in the same election as the election in relation to which the endorsement documents were filed or in another election for the jurisdiction that is being held at the same time, or
 - (c) the chief election officer.
- (4) A challenge may only be made on one or more of the following bases:
- (a) that the organization has not in fact endorsed the candidate named in the endorsement documents;
 - (b) that the organization is not qualified to be an elector organization under section 73.4 *[candidate endorsement by elector organization]*;
 - (c) that the organization is disqualified under
 - (i) section 4.08 *[elector organization disqualification for failure to file disclosure statement or supplementary report]*, or
 - (ii) section 4.09 *[elector organization disqualification for false or misleading disclosure]*
 of the *Local Elections Campaign Financing Act* from endorsing a candidate.
- (5) The chief election officer must commence a challenge under this section if, on a review under section 73.4 (7) *[review of disqualification list]*, it appears

to the chief election officer that the organization named in the endorsement documents is not qualified to endorse a candidate.

- (6) Section 73.2 (6), (7), (10) and (11) [*challenge of nomination*] applies in relation to a challenge under this section.
- (7) The person making a challenge must
 - (a) immediately give notice of the challenge to the chief election officer, the organization whose endorsement is being challenged and the candidates endorsed by that organization, and
 - (b) within 24 hours of filing the document commencing the challenge, serve on these persons that document, the accompanying affidavit and a notice of the time set for the hearing.
- (8) Within 72 hours of the end of the period for commencing a challenge, the court must hear and determine the matter and must issue an order, as applicable,
 - (a) declaring that the organization has not endorsed a candidate, or
 - (b) declaring that the organization named in the endorsement documents is or is not qualified to endorse a candidate.