



CANDIDATE'S GUIDE

TO LOCAL GOVERNMENT ELECTIONS IN B.C.
2014



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Key Contacts

Ministry of Community, Sport and Cultural Development

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

Ministry of Community, Sport and Cultural Development

Governance and Structure Branch

PO Box 9839 Stn. Prov. Govt.

Victoria, BC V8W 9T1

Phone: 250 387-4020

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

Elections BC

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

Elections BC

In Victoria call: 250 387-5305

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

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

Website: www.elections.bc.ca

Ministry of Education

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

Ministry of Education

Knowledge Management and Accountability Division

PO Box 9146 Stn. Prov. Govt.

Victoria, BC V8W 9H1

Phone: 250 356-1404

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

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

Enquiry BC

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

Enquiry BC

In Victoria call: 250 387-6121

In Vancouver call: 604 660-2421

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

Outside B.C.: 604 660-2421

Email address: EnquiryBC@gov.bc.ca

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

Municipal and Regional District Information

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

CivicInfoBC

Phone: 250 383-4898

Email address: info@civicinfo.bc.ca

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

Other Resources

BC Laws

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

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

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

Elections Legislation

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

Crown Publications Inc.

563 Superior Street
Victoria, BC V8V 1T7
Phone: 250 387-6409
Fax: 250 387-1120
Toll Free: 1 800 663-6105
E-mail address: crownpub@gov.bc.ca
Website: www.crownpub.bc.ca/default.aspx

Educational Materials

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

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

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

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

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

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

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

- School Trustee Election Procedures in British Columbia

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

Disclaimer

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

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

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

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

New Elections Legislation – Shared Roles and Responsibilities

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

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

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

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

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

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

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

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

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

Introduction

The next general
local election is
November 15, 2014.

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

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

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

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

Local governments have roles that include:

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

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

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

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

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

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

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

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

Local Government Elections Generally

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

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

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

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

Voting Opportunities

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

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

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

General Voting Day

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

Advance Voting

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

See Appendix B for other key election dates.

Special Voting

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

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

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

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

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

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

Mail Ballot Voting

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

Key Participants

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

Electors

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

A resident elector must:

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

A non-resident property elector must:

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

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

Candidates

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

Financial Agents

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

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

Third Party Sponsors

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

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

Third party advertising

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

CAMPAIGN ORGANIZERS

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

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

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

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

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

Elector Organizations

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

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

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

Volunteers

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

Key Election Administrators

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

Election Officials

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

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

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

Elections BC

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

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

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

B.C. CHIEF ELECTORAL OFFICER

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

About Being an Elected Official

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

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

Term of Office

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

Time Commitment

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

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

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

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

Remuneration

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

Obligation to Vote

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

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

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

Ongoing Financial Disclosure

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

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

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

Privacy

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

The Ethics of Elected Office

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

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

Conflict of Interest and Other Ethical Standards

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

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

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

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

CONFLICT OF INTEREST

Local Government Act
section 787.1

Community Charter,
sections 100-109

Vancouver Charter,
sections 145.2-145.9

CONTRACTUAL CONFLICT?

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

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

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

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

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

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

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

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

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

Influence

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

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

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

Gifts

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

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

Confidentiality

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

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

Elected Officials and Local Government Staff

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

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

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

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

Who May Run For Office

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

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

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

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

Local Government Employees

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

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

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

Local Government Contractors

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

B.C. Public Service Employees

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

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

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

Federal Employees

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

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

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

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

Volunteers

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

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

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

Who May Not Run For Office

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

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

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

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

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

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

Nomination Period and Declaration of Candidates

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

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

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

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

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

See Appendix B for other key election dates.

Who May Nominate

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

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

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

Endorsement by Elector Organization

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

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

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

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

Nomination Packages

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

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

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

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

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

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

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

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

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

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

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

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

SOLEMN DECLARATIONS

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

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

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

Nomination Deposits

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

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

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

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

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

Challenge of Nomination

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

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

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

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

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

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

Withdrawing a Nomination

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

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

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

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

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

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

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

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

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

What are Election Campaigns?

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

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

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

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

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

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

CAMPAIGN PERIOD AND ELECTION PROCEEDINGS PERIOD

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

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

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

Candidate Campaigns

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

Elector Organization Campaigns

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

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

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

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

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

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

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

Key Campaign Activities

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

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

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

LIST OF REGISTERED ELECTORS (VOTER'S LIST)

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

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

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

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

Canvassing

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

Telephone Banks

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

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

Events

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

Advertising

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

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

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

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

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

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

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

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

	Signs Signs play a significant role in election advertising. Candidates may have supporters display signs on their behalf in windows, on lawns, or post signs in other public places throughout the jurisdiction. Local governments have the authority to regulate the size, placement, maintenance and removal of signs and other forms of public advertising – the rules may be quite different between local governments. The Ministry of Transportation and Infrastructure regulates sign placement along Provincial highways, medians, bridges and along major roadways. Contact the local government or local Ministry of Transportation and Infrastructure office before placing election campaign signs on medians, bridges or along major roads.
Sponsorship information must be included on election advertising during the election proceedings period.	Sponsorship Information Election advertising (signs, billboards, print ads, radio and television spots, Internet sites, Facebook pages, Twitter pages and YouTube pages and videos) must include information about who sponsored the advertisement during the election proceedings period. Generally, the election advertising sponsor is the person or organization that <i>paid</i> for the advertising or that is <i>liable</i> to pay for the advertising. Election advertising sponsored by a candidate must include the financial agent's name and a B.C. telephone number or a B.C. mailing address or email address at which the financial agent can be reached. Each advertisement must also include a statement confirming that the advertisement was authorized by the candidate's financial agent.
	Third Party Advertising Third party advertising undertaken by third party sponsors is election advertising, other than election advertising undertaken by a candidate or elector organization as part of their election campaign.
A third party sponsor is an individual or organization that conducts election advertising independent from a candidate or elector organization campaign.	Third party advertising includes advertising for or against a candidate or elector organization and advertising on an issue with which a candidate or elector organization is associated – such as funding for a local recreation centre or preserving parkland. There are two types of third party advertising: directed advertising; and, issue advertising. Advertising that is specifically related to a candidate or an elector organization and names the candidate, includes the candidate's image or likeness or identifies the candidate by voice or physical description is considered directed advertising.
	Advertising about a public policy issue, such as preserving parkland or building a new recreation centre, is considered issue advertising. Candidates may be subject to third party advertising rules when they have sponsored advertising during the election proceedings period in a jurisdiction other than the one in which they are running for office. Independence Candidates and their election campaigns <i>must</i> be independent from third party advertising undertaken by a third party sponsor. Third party sponsors and candidates <i>must not</i> coordinate their advertising.

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

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

Registration

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

Recording and Disclosing

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

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

Offences and Penalties

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

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

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

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

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

Offences

Vote-buying

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

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

Intimidation

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

Campaigning near a voting place

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

Providing or distributing false information

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

Contravening voting provisions

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

Penalties

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

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

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

Election Officials' Authority

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

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

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

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

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

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

Elections BC Officials' Authority

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

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

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

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

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

Candidate Representatives

Local Government Act – sections 81 and 82

Vancouver Charter – sections 53 and 54

Local Elections Campaign Financing Act – section 17

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

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

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

Financial Agent

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

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

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

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

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

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

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

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

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

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

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

Official Agent

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

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

Scrutineers

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

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

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

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

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

Voting Times

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

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

Counting Ballots

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

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

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

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

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

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

Conduct at Voting Places

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

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

Candidate Conduct

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

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

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

Scrutineer Conduct

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

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

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

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

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

After General Voting Day

Local Government Act – sections 134–147 and 210

Community Charter – section 120 and 124

Vancouver Charter – sections 140 and 143

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

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

Announcing Results

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

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

Judicial Recount

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

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

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

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

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

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

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

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

Breaking Ties

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

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

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

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

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

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

Invalid Election

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

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

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

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

Oath of Office

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

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

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

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

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

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

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

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

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

Taking Office

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

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

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

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

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

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

General Campaign Financing Requirements and Restrictions

Appointing a Financial Agent

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

Campaign Accounts

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

Campaign Contributions and Election Expenses

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

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

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

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

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

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

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

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

Recording and Disclosing

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

Disclosure Statements

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

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

Filing Requirements

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

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

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

Campaign Financing Offences and Penalties

Offences

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

Penalties

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

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

Automatic Penalties

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

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

Disqualification List

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

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

Glossary

Sections 97-98 of the
Local Government Act

Sections 69-70 of the
Vancouver Charter

Sections 157-159 of the
Local Government Act

Sections 129-131 of the
Vancouver Charter

Section 1 of the *School Act*

Section 30(2) of the
School Act

address for service

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

advance voting opportunity

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

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

assent voting

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

B.C. Chief Electoral Officer

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

board

See entry for "regional district board".

board of education

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

by-election

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

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

campaign account

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

campaign contribution

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

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

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

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

campaign financing records

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

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

Section 37 of the
Local Government Act

Section 10 of the
Vancouver Charter

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

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

Section 88 of the *Local
Government Act*

Section 60 of the *Vancouver
Charter*

Section 22 of the *Local
Elections Campaign
Financing Act*

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

Section 33 of the
Local Government Act

Section 7 of the
Vancouver Charter

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

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

Sections 41-43 of the
Local Government Act

Sections 14-16 of the
Vancouver Charter

campaign organizers

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

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

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

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

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

campaign period

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

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

candidate

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

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

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

candidate disclosure statement

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

chief election officer

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

corporate officer

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

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

Section 148 of the
Community Charter

Section 198 of the
Local Government Act

council

See entry for “municipal council”.

councillor

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

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

Section 115 of the
Community Charter

directed advertising

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

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

disclosure statement

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

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

Section 37 of the
Local Government Act

Section 12 of the
Vancouver Charter

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

Section 83 of the
Local Government Act

Section 55 of the
Vancouver Charter

Section 14 of the *Local
Elections Campaign
Financing Act*

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

election bylaw

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

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

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

election campaign

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

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

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

election expense

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

election proceedings period

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

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

Elections BC

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

elector

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

elector organization

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

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

electoral area director

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

endorsement

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

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

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

financial agent

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

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

Sections 49-51 of the
Local Government Act

Sections 22-24 of the
Vancouver Charter

Section 79 of the
Local Government Act

Section 51 of the
Vancouver Charter

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

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

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

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

financial disclosure statement

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

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

general local election

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

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

general voting day

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

Islands Trust

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

Islands Trust Council

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

Islands Trust local trustee

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

issue advertising

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

jurisdiction

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

late filing deadline

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

local community commission

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

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

local community commissioner

See entry for "local community commission".

local election

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

market value

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

mayor

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

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

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

Section 116 of the
Community Charter

Sections 114-121 of the
Community Charter

money

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

municipal council

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

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

municipal director

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

municipality

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

Sections 7-32 of the
Local Government Act

non-resident property elector

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

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

Section 51 of the
Local Government Act

Section 24 of the
Vancouver Charter

park board

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

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

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

park board commissioners

See entry for "park board".

referenda

See entry for "assent voting".

regional district

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

regional district board

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

resident elector

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

On voting day, a resident elector must:

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

responsible principal official

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

school board

See entry for “board of education”.

school trustee

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

scrutineer

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

solemn declaration

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

Sections 173-174 of the
Local Government Act

Section 50 of the
Local Government Act

Section 23 of the
Vancouver Charter

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

Section 1 of the *School Act*

Section 97 of the
*Local Elections Campaign
Financing Act*

Section 32 of the
*Local Elections Campaign
Financing Act*

sponsorship contribution

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

sponsorship information

Identifies the required information about election advertising sponsors, including:

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

Section 44 of the
*Local Elections Campaign
Financing Act*

supplementary report

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

Section 54 of the
*Local Elections Campaign
Financing Act*

third party advertising

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

Section 11 of the
*Local Elections Campaign
Financing Act*

third party sponsor

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

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

volunteer

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

Appendix A: Local Election Partner Roles and Responsibilities

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

Appendix A: Local Election Partner Roles and Responsibilities

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

Appendix B: Key Election Dates

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

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

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

Elections BC

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

Elections BC

In Victoria call: 250 387-5305

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

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

www.elections.bc.ca

Municipal and Regional District Information

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

CivicInfoBC

Phone: 250 383-4898

Email address: info@civicinfo.bc.ca

www.civicinfo.bc.ca/11.asp

