

This Act is Current to June 11, 2014

This Act has "Not in Force" sections. See the [Table of Legislative Changes](#).

## **LOCAL ELECTIONS CAMPAIGN FINANCING ACT**

### **[SBC 2014] CHAPTER 18**

#### ***Contents***

##### **Part 1 – General**

###### **Division 1 – Application and Interpretation**

- 1 Elections to which this Act applies
- 2 Assent voting to which this Act applies
- 3 Definitions and other interpretation rules

###### **Division 2 – Key Concepts**

- 4 What is the election campaign of a candidate
- 5 What is the election campaign of an elector organization
- 6 When elections, or elections and assent voting, are considered to be held at the same time
- 7 What is election advertising
- 8 What is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising
- 9 Who is the sponsor of election advertising or non-election assent voting advertising
- 10 What is the campaign period and the election proceedings period for an election and what is the assent voting proceedings period for non-election assent voting
- 11 What is third party advertising
- 12 Types of third party advertising – issue advertising and directed advertising

##### **Part 2 – Candidate and Elector Organization Campaign Financing**

###### **Division 1 – General Concepts: Campaign Contributions and Election Expenses**

- 13 Campaign contributions to candidate or elector organization
- 14 Election expenses of candidates and elector organizations
- 15 What are election proceedings period expenses
- 16 Valuation rules for campaign contributions and election expenses

###### **Division 2 – Campaign Accounting**

- 17 Each candidate must have a financial agent
- 18 Requirement for candidate campaign account
- 19 Each elector organization must have a financial agent
- 20 Requirement for elector organization campaign account
- 21 Responsible principal officials of elector organization
- 22 Recording requirements, including records of campaign contributions, election expenses and transfers
- 23 Campaign transfers between candidates and elector organizations
- 24 What happens if a candidate has surplus campaign funds

25 What happens if an elector organization has surplus campaign funds

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

26 Restrictions on making campaign contributions

27 Restrictions in relation to accepting campaign contributions

28 Dealing with prohibited campaign contributions

29 Campaign contribution information that must be recorded

30 How payment in relation to election expenses may be made

## **Part 3 – Third Party Election Advertising**

### **Division 1 – General**

31 Independence requirements for third party sponsors

32 What are sponsorship contributions

33 Valuation rules for third party advertising and sponsorship contributions

### **Division 2 – Rules in Relation to Sponsorship Contributions and Sponsored Advertising**

34 Restrictions on making sponsorship contributions

35 Dealing with prohibited sponsorship contributions

36 Records of sponsorship contributions and sponsored advertising

### **Division 3 – Registration of Third Party Sponsors**

37 Prohibition against sponsoring third party advertising if not registered

38 Application for registration – individual as third party sponsor

39 Application for registration – organization as third party sponsor

40 Responsible principal officials of third party sponsor that is an organization

41 Registration by BC chief electoral officer

## **Part 4 – Non-Election Assent Voting Advertising and Other Assent Voting Advertising Rules**

42 Application of third party election advertising rules to non-election assent voting advertising

43 Assent voting advertising by local government

## **Part 5 – Transparency Requirements for Local Elections and Assent Voting**

### **Division 1 – Sponsorship of Election Advertising and Assent Voting Advertising**

44 Advertising must include sponsorship information

45 Restrictions on general voting day advertising

### **Division 2 – Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors**

46 Disclosure statements required for candidates, elector organizations and advertising sponsors

47 Time limits for filing disclosure statements – filing on time, late filing on payment of penalty fee, compliance deadline

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

49 Candidate disclosure statement – information and other requirements

50 Elector organization disclosure statement – information and other requirements

51 Third party disclosure statement – information and other requirements

52 Non-election assent voting advertising sponsor disclosure statement – information and other requirements

53 Other requirements in relation to disclosure statements

54 Requirement for supplementary report

55 Required declarations

56 Disclosure requirements are subject to court orders for relief

57 Offence for failure to file by compliance deadline

### **Division 3 – Public Access to Information**

58 Public access to disclosure information – Elections BC responsibilities

59 Public access to disclosure information – local authority responsibilities

60 Disqualification lists to be maintained

61 Reports to local authority respecting non-compliance

62 Other information to be publicly available

63 Restrictions on use of personal information

## **Part 6 – Penalties for Failure to Comply with Disclosure Requirements**

### **Division 1 – Disqualification Penalties for Failure to Comply with Disclosure Requirements**

64 Disqualification penalties for failure to disclose

65 Disqualification penalties for false or misleading disclosure

### **Division 2 – Court Orders for Relief in Relation to Disclosure Requirements**

66 Application for relief in relation to disclosure requirements

67 Special rules respecting applications for relief that are related to candidate disclosure requirements

68 Court relief powers respecting disclosure requirements

69 Extension of time before disqualification penalties apply

70 Address for service on other parties

71 BC chief electoral officer authority in relation to applications and appeals

72 Appeals and final determinations

## **Part 7 – Enforcement**

### **Division 1 – Elections BC Responsibilities and Powers**

73 Report to local authority respecting disqualification of elected candidate

74 Reviews, investigations and audits by BC chief electoral officer

75 Complaints regarding contraventions of this Act

76 Additional specific powers to require information

77 Solemn declaration regarding sponsorship may be required

78 Powers in relation to non-compliant advertising

79 Court injunctions on application of BC chief electoral officer

### **Division 2 – Offences**

80 General rules and defence of due diligence

81 BC chief electoral officer authority in relation to prosecutions

82 Time limit for starting prosecution

83 Prosecution of organizations and their directors and agents

84 General offence in relation to false or misleading information

85 Higher penalty offences

86 Lower penalty offences

## **Part 8 – Administration and Other Matters**

### **Division 1 – Responsibilities and Authorities**

87 Role of the BC chief electoral officer

88 Administrative matters

89 Minor corrections to disclosure statements and supplementary reports

- 90 Late filing extensions in extraordinary circumstances
- 91 Retention of disclosure records
- 92 Provision of information between Elections BC and local authorities

#### **Division 2 – Technical Advisory Committee**

- 93 Technical Advisory Committee
- 94 Role of advisory committee
- 95 Advisory committee meetings

#### **Division 3 – Miscellaneous**

- 96 Address for service requirements and delivery of notices
- 97 Solemn declarations
- 98 Information updating obligations

#### **Division 4 – Orders and Regulations**

- 99 Ministerial orders in special circumstances
- 100 Power to make regulations
- 101 Commencement and application

### **Schedule**

## **Part 1 – General**

### **Division 1 – Application and Interpretation**

#### **Elections to which this Act applies**

- 1 (1) This Act applies to the following elections:
  - (a) an election under the *Local Government Act* for a mayor;
  - (b) an election under the *Local Government Act* for a councillor;
  - (c) an election under the *Local Government Act* for an electoral area director on a regional district board;
  - (d) an election under the *Vancouver Charter* for the mayor;
  - (e) an election under the *Vancouver Charter* for a councillor;
  - (f) an election under the *Vancouver Charter* for a Park Board member;
  - (g) an election under the *Islands Trust Act* for a local trust area trustee;
  - (h) an election under the *School Act* for a trustee on a board of education;
  - (i) other elections prescribed by regulation.

(2) In relation to the paragraph of subsection (1) referred to in column 1 of the following table, for an election for the class of office referred to in

column 2 of the table, the jurisdiction in relation to the election is that referred to in column 3 of the table and the local authority in relation to the election is that referred to in column 4 of the table:

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

### **Assent voting to which this Act applies**

2 (1) This Act also applies to the following:

- (a) voting under Part 4 [*Assent Voting*] of the *Local Government Act* or Part II [*Assent Voting*] of the *Vancouver Charter*;
- (b) voting to which provisions of either of those Parts apply.

(2) The local authority in relation to assent voting is the local authority of the jurisdiction for which the assent voting is being held.

### **Definitions and other interpretation rules**

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

## **Division 2 – Key Concepts**

### **What is the election campaign of a candidate**

4 (1) An election campaign of a candidate is a campaign, undertaken by or on behalf of the candidate in relation to an election in which the individual is or intends to be a candidate, for any of the following purposes:

- (a) to promote, directly or indirectly, the election of the candidate;

(b) to oppose, directly or indirectly, the election of any other candidate in the same election;

(c) to promote, directly or indirectly, the selection of the candidate for endorsement by an elector organization;

(d) to promote, directly or indirectly, the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement;

(e) to oppose, directly or indirectly, an elector organization that is endorsing any other candidate in the same election;

(f) to oppose, directly or indirectly, the selection of another individual for endorsement, in relation to the same election, by the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement.

(2) If an individual is a candidate in relation to multiple elections that are being held at the same time, election campaigning of the candidate in relation to each of those elections is considered for purposes of this Act to be a separate election campaign.

### **What is the election campaign of an elector organization**

**5** (1) An election campaign of an elector organization is a campaign, undertaken by or on behalf of the elector organization in relation to one or more elections, being held at the same time for the same jurisdiction, in which the elector organization is endorsing or intends to endorse a candidate, for any of the following purposes:

(a) to promote, directly or indirectly, the elector organization;

(b) to promote, directly or indirectly, the election of a candidate endorsed or intended to be endorsed by the elector organization;

(c) to oppose, directly or indirectly, the election of a candidate in the same election who is not endorsed by the elector organization;

(d) to oppose, directly or indirectly, another elector organization in relation to the same election or another election for the same jurisdiction that is being held at the same time;

(e) to oppose, directly or indirectly, the selection of an individual to be endorsed by another elector organization in relation to an election referred to in paragraph (d).

(2) If an elector organization is endorsing candidates or intends to endorse candidates in elections for more than one jurisdiction that are being held at the same time, election campaigning of the elector organization in relation to each of the jurisdictions is considered for purposes of this Act to be a separate election campaign.

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

- 6 (1) Elections are considered to be held at the same time if
- (a) the elections are part of a general local election, or
  - (b) in the case of other elections, the general voting day established for the elections is the same day.
- (2) An election is considered to be held at the same time as assent voting if the general voting day established for the election is the same as the general voting day established for the assent voting.

### **What is election advertising**

- 7 (1) Subject to subsection (2), election advertising is the transmission to the public by any means, during the election proceedings period for an election, of any of the following:
- (a) a communication that promotes or opposes, directly or indirectly,
    - (i) the election of a candidate, or
    - (ii) an elector organization that is endorsing a candidate or is an established elector organization, including a communication that takes a position on an issue with which the candidate or elector organization is associated;
  - (b) assent voting advertising that is election advertising under section 8 (3) [*assent voting advertising that is election advertising*];
  - (c) any other communications prescribed by regulation.
- (2) Subject to any applicable regulations, election advertising does not include the following:
- (a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;

- (b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be an election or assent voting;
- (c) the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization;
- (d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging, of his or her personal views;
- (e) any other transmissions prescribed by regulation.

**What is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising**

- 8 (1) Subject to subsection (5), assent voting advertising is the transmission to the public by any means, during the following applicable period, of a communication that promotes or opposes, directly or indirectly, a particular result in the assent voting:
- (a) in the case of assent voting that is relevant to an election, the election proceedings period for that election;
  - (b) in the case of other assent voting, the assent voting proceedings period.
- (2) Assent voting is relevant to an election if the assent voting is being held
- (a) at the same time as the election, and
  - (b) for the same jurisdiction as that election or for a voting area that is all or part of the same jurisdiction.
- (3) Assent voting advertising that is relevant to an election is election advertising.
- (4) Assent voting advertising that is not relevant to an election is non-election assent voting advertising.
- (5) Subject to any applicable regulations, assent voting advertising does not include the following:
- (a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;



- (b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be assent voting;
- (c) the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization;
- (d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging, of his or her personal views;
- (e) any other transmissions prescribed by regulation.

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

9 (1) Subject to subsection (2) and any applicable regulations, the sponsor of election advertising or non-election assent voting advertising is whichever of the following is applicable:

- (a) if the service of transmitting the communication to the public is provided without charge
  - (i) as a campaign contribution, or any other form of contribution, to a candidate or elector organization, or
  - (ii) as a sponsorship contribution, or any other form of contribution, to a third party sponsor in relation to election advertising or to an assent voting advertising sponsor in relation to non-election assent voting advertising,the individual or organization to which the service is provided;
- (b) if the service of transmitting the communication to the public is provided with charge, the individual or organization that pays or is liable to pay for the communication to be transmitted;
- (c) if neither (a) nor (b) applies, the individual or organization that transmits the communication to the public.

(2) If the individual or organization that would otherwise be the sponsor within the meaning of subsection (1) is acting on behalf of another individual or organization, that other individual or organization is the sponsor.

**What is the campaign period and the election proceedings period for an election and what is the assent voting proceedings period for non-election assent voting**

**10** (1) The campaign period in relation to an election is the period that

(a) begins, as applicable,

(i) in the case of an election that is part of a general local election, at the start of the calendar year in which the election is held,

(ii) in the case of a by-election, on the day of the vacancy in local authority office that is to be filled by the by-election, or

(iii) in the case of any other election, on the date specified by or determined under the regulations, and

(b) ends at the end of the election proceedings period for the election.

(2) The election proceedings period in relation to an election is the period that

(a) begins on the 46th day before general voting day for the election, and

(b) ends, in the case of an election by voting, at the close of general voting for the election and, in the case of an election by acclamation, at the end of general voting day.

(3) The assent voting proceedings period in relation to non-election assent voting is the period that

(a) begins on the 30th day before general voting day for the assent voting, and

(b) ends at the close of general voting for the assent voting.

**What is third party advertising**

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

(a) by a candidate as part of the candidate's election campaign, or

(b) by an elector organization as part of the elector organization's election campaign.

**Types of third party advertising – issue advertising and directed advertising**

**12** (1) Subject to any applicable regulations, third party advertising is issue advertising if

(a) it is a communication respecting an issue of public policy, including, for certainty, an assent voting issue, and

(b) it is not specifically related to any candidate or elector organization.

(2) Directed advertising is third party advertising that is not issue advertising.

(3) Third party advertising is specifically related to a candidate if

(a) the communication names the candidate, includes an image or likeness of the candidate or identifies the candidate by voice or physical description, or

(b) any other circumstances prescribed by regulation apply.

(4) Third party advertising is specifically related to an elector organization if

(a) the communication names the elector organization or includes a logo or likeness of a logo used by the elector organization, or

(b) any other circumstances prescribed by regulation apply.

## **Part 2 — Candidate and Elector Organization Campaign Financing**

### **Division 1 — General Concepts: Campaign Contributions and Election Expenses**

#### **Campaign contributions to candidate or elector organization**

**13** (1) Subject to this section and any applicable regulations, the following are campaign contributions:

(a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to a candidate or elector organization for campaign use;

(b) if property or services are provided at less than market value to a candidate or elector organization for campaign use, the difference between the market value of the property or services at the time provided and the amount charged;

- (c) if
  - (i) a candidate or elector organization offers property or services for the purpose of obtaining funds for campaign use, and
  - (ii) the property or services are acquired from the candidate or elector organization at greater than market value,  
the difference between the market value of the property or services at the time acquired and the amount charged;
- (d) the amount of any money, but not the value of any non-monetary property or services, provided by a candidate for use in the candidate's own campaign;
- (e) the amount of any money, but not the value of any non-monetary property or services, provided by an elector organization as permitted under section 26 (2) [*restrictions on elector organization campaign contributions*] for use in its own campaign;
- (f) the amount of any money provided to an elector organization by an individual who is seeking endorsement by that elector organization, other than money provided by way of transfer under section 23 (4) (b) [*candidate transfers before endorsement*];
- (g) membership fees for an established elector organization;
- (h) an unpaid amount in relation to an election expense, if
  - (i) the candidate or elector organization is liable for payment in relation to the election expense,
  - (ii) any part of that debt remains unpaid for 6 months after the debt has become due, and
  - (iii) no legal proceedings to recover the debt have been commenced by the creditor;
- (i) any other provision of property or services prescribed by regulation.

(2) For certainty, this section applies to the provision of property or services to a candidate or elector organization whether the provision was before or after the start of a campaign period.

(3) For certainty, nothing in subsection (1) (h) affects the rights of a creditor in relation to a debt that becomes a campaign contribution under that subsection.

(4) For purposes of this Act, property or services are considered to be provided for campaign use if they are provided

(a) to a candidate for use in the election campaign of the candidate or towards the election expenses of such a campaign, or

(b) to an elector organization for use in an election campaign of the elector organization or towards the election expenses of such a campaign.

(5) Subject to any applicable regulations, the value of the following is not a campaign contribution:

(a) services provided by a volunteer;

(b) non-monetary property of a volunteer that is provided or used in relation to services of the individual;

(c) property or services provided by an election official, or by the BC chief electoral officer, in the official capacity of the election official or BC chief electoral officer;

(d) publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program;

(e) broadcasting time provided, without charge, as part of a bona fide public affairs program;

(f) producing, promoting or distributing a publication for no less than its market value, if the publication was planned to be sold whether or not there was to be an election;

(g) any other property or services prescribed by regulation.

(6) Subject to any applicable regulations, the value of the following is not a campaign contribution, but must be disclosed in accordance with the requirements under Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 [*Transparency Requirements for Local Elections and Assent Voting*]:

(a) in relation to transfers of property or provision of services between a candidate and an elector organization,

(i) transfers from campaign accounts under section 23 [*campaign transfers between candidates and elector organizations*],

- (ii) the provision of non-monetary property or services by a candidate to the elector organization that is endorsing the candidate, and
  - (iii) the provision of non-monetary property or services by an elector organization to a candidate who is endorsed by the elector organization;
- (b) in relation to the provision of property or services by the jurisdiction for which an election is being held,
- (i) payment under section 24 (5) (a) [*candidate surplus carried over to next election*] to a candidate in the election, or
  - (ii) the provision to a candidate in the election of free election advertising transmission, if the transmission is made available on an equitable basis to all other candidates in the election;
- (c) any other provision of property or services prescribed by regulation.

### **Election expenses of candidates and elector organizations**

**14** (1) Subject to this section and any applicable regulations, an election expense is the value of property or services used in an election campaign during the campaign period for the election.

(2) As applicable,

(a) the value of property or services used as referred to in subsection (1) in the election campaign of a candidate is an election expense of the candidate, and

(b) the value of property or services used as referred to in subsection (1) in the election campaign of an elector organization is an election expense of the elector organization.

(3) For purposes of this Act, if a candidate sponsors assent voting advertising that is relevant to the election in which the individual is a candidate, the assent voting advertising is considered to be election advertising sponsored by the candidate as part of the candidate's election campaign and its value is an election expense of the candidate.

(4) For purposes of this Act, if an elector organization sponsors assent voting advertising that is relevant to an election in which the organization is endorsing a candidate, the assent voting advertising is considered to be election advertising sponsored by the elector organization as part of the

elector organization's election campaign and its value is an election expense of the elector organization.

(5) Subject to any applicable regulations, the value of the use of the following is not an election expense:

- (a) property or services that are excluded from being campaign contributions under section 13 (5) [*exclusions from campaign contributions*];
- (b) if applicable, the nomination deposit of a candidate;
- (c) services provided by a candidate in relation to that individual's election campaign;
- (d) goods produced by a candidate from property of the candidate;
- (e) goods produced by an individual as a volunteer from property of the individual;
- (f) any other property or services prescribed by regulation.

### **What are election proceedings period expenses**

**15** (1) Subject to this section and any applicable regulations, an election proceedings period expense in relation to an election is the value of property or services used during the election proceedings period for the election such that this value is an election expense.

(2) Subject to any applicable regulations, the value of the following is not an election proceedings period expense, but must be disclosed in accordance with Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 [*Transparency Requirements for Local Elections and Assent Voting*]:

- (a) personal expenses in relation to a candidate within the meaning of subsection (3);
- (b) legal or accounting services provided to comply with this Act and the regulations under this Act;
- (c) services provided by a financial agent in that capacity;
- (d) the cost of any communication that an elector organization transmits exclusively to its members;
- (e) property and services used exclusively for the day-to-day administration of an elector organization office that operates on a continuing basis outside of election proceedings periods for

elections, including salaries and wages paid by the elector organization to permanent staff of the elector organization;

(f) interest on a loan to a candidate or elector organization for election expenses;

(g) any other expenses prescribed by regulation.

(3) The following expenses, if they are reasonable, are personal expenses in relation to a candidate:

(a) payments for care of a child or other family member for whom the candidate is normally directly responsible;

(b) the cost of the candidate travelling to, within or from the jurisdiction area;

(c) the cost of lodging, meals and incidental charges in relation to the candidate while travelling as referred to in paragraph (b);

(d) expenses in relation to any disability of the candidate, including the costs in relation to any individual required to assist the candidate in performing the functions necessary for seeking election;

(e) any other expenses in relation to candidates prescribed by regulation.

(4) For certainty, an election expense that is not an election proceedings period expense remains an election expense for purposes of this Act.

### **Valuation rules for campaign contributions and election expenses**

**16** (1) The rules in this section apply for the purpose of determining the value of a campaign contribution or election expense unless otherwise expressly provided under this Act.

(2) The value of any property or services is

(a) the price paid for the property or services, or

(b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.

(3) In the case of property that is a capital asset, the value of the property is the market value of using the property.

(4) Subject to subsection (5), the value of election advertising sponsored by

(a) a candidate as part of the candidate's election campaign, or



(b) an elector organization as part of the elector organization's election campaign

is the value of the property and services used in preparing the communication and transmitting it to the public.

(5) The value of the transmission of the following election advertising sponsored by a candidate is deemed to be nil:

(a) election advertising referred to in section 13 (6) (b) (ii) [*free equitable advertising by jurisdiction*];

(b) election advertising transmitted without charge if such transmission without charge is also made available on an equitable basis to all other candidates in the election;

(c) other election advertising prescribed by regulation.

(6) The value of shared election expenses must be attributed to the participating candidates in accordance with the regulations.

## **Division 2 – Campaign Accounting**

### **Each candidate must have a financial agent**

**17** (1) A candidate must have a financial agent.

(2) A candidate may appoint an individual as financial agent in accordance with this section, but, if no financial agent is appointed, the candidate is his or her own financial agent.

(3) A candidate may not have more than one financial agent at the same time.

(4) The appointment of a financial agent for a candidate must

(a) be made in writing,

(b) include

(i) the full name of the individual appointed,

(ii) the effective date of the appointment, and

(iii) the required contact information for the individual,

(c) be signed by the candidate, and

(d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.

(5) If the nomination documents for a candidate identify an appointed financial agent for a candidate, the candidate must deliver the following to the local election officer before the end of the nomination period:

- (a) a copy of the financial agent's appointment;
- (b) a copy of the financial agent's consent to act;
- (c) any other information or material required by regulation.

(6) A candidate or the candidate's financial agent must, as soon as practicable, provide updated information and material in accordance with the applicable requirements under subsections (4) and (5) if there is any change in who is the financial agent for the candidate or in other information or material that is required to be provided under this section.

(7) Updated information or material required under subsection (6) must be provided as follows:

- (a) to the local election officer, if the change occurs before the declaration of the results of the election;
- (b) to the BC chief electoral officer, if the change occurs after the declaration of those results.

(8) For certainty,

- (a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and
- (b) the financial agent for a candidate may also be the official agent for the candidate.

(9) A financial agent appointed for a candidate is not personally liable for any liability of the candidate in relation to the election campaign of the candidate unless the liability is personally guaranteed by the financial agent.

(10) A candidate who contravenes this section commits an offence.

### **Requirement for candidate campaign account**

**18** (1) A candidate must have at least one campaign account for the candidate's election campaign, established in accordance with this section, if any of the circumstances described in subsection (2) apply.

(2) The financial agent for the candidate must open one or more campaign accounts at a savings institution by the earliest of the following:

- (a) as soon as practicable after the financial agent receives a campaign contribution of money;

(b) before receiving a transfer of money under section 23 [*campaign transfers between candidates and elector organizations*];

(c) before receiving payment of money under section 24 (5) (a) [*candidate surplus carried over to next election*];

(d) before becoming liable for payment in relation to an election expense or intended election expense of the candidate.

(3) A campaign account under this section

(a) must be in the name of the election campaign of the candidate,

(b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and

(c) must not receive deposits other than those required or permitted under this section.

(4) The financial agent must ensure that

(a) all campaign contributions, transfers and payments received as referred to in subsection (2) (a) to (c) are deposited into a campaign account of the candidate,

(b) the only amounts deposited into a campaign account of the candidate are amounts permitted to be deposited under this section,

(c) all payments referred to in subsection (2) (d) are paid, directly or by reimbursement, from a campaign account of the candidate, and

(d) a campaign account of the candidate is not used for any purpose other than one permitted under this section.

(5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:

(a) if applicable, payment of the candidate's nomination deposit;

(b) if the candidate has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;

(c) if the candidate has separate campaigns for different jurisdictions as referred to in section 4 (2) [*candidate running in multiple elections*], making a transfer from a campaign account

for one of those campaigns to a campaign account for another of those campaigns;

(d) making a transfer of money under section 23 [*campaign transfers between candidates and elector organizations*];

(e) making payments referred to in or authorized under section 24 [*what happens if a candidate has surplus campaign funds*];

(f) making payments required under section 28 [*dealing with prohibited campaign contributions*];

(g) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the candidate's campaign;

(h) any other purpose permitted by regulation.

(6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the candidate:

(a) interest on amounts on deposit in the campaign account;

(b) any other deposits permitted by regulation.

(7) A candidate or financial agent who contravenes this section commits an offence.

### **Each elector organization must have a financial agent**

**19** (1) An elector organization must have an individual appointed as financial agent for the organization in accordance with this section by the earliest of the following:

(a) before accepting a campaign contribution;

(b) before incurring an election expense;

(c) before becoming liable for payment in relation to an election expense or intended election expense;

(d) before accepting a transfer from a candidate under section 23 [*campaign transfers between candidates and elector organizations*].

(2) An elector organization may not have more than one financial agent at the same time.

(3) The appointment of a financial agent for an elector organization must

(a) be made in writing,

(b) include

- (i) the full name of the individual appointed,
  - (ii) the effective date of the appointment, and
  - (iii) the required contact information for the individual,
- (c) be signed by the authorized principal official of the elector organization, and
- (d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.

(4) An elector organization that is proposing to endorse a candidate must deliver the following to the local election officer before the end of the applicable nomination period:

- (a) a copy of the financial agent's appointment;
- (b) a copy of the financial agent's consent to act;
- (c) any other information or material required by regulation.

(5) If the individual appointed as financial agent resigns, dies or no longer has the capacity to act as financial agent, the elector organization must appoint a new financial agent as soon as possible.

(6) An elector organization or the elector organization's financial agent must, as soon as practicable, provide updated information and material in accordance with the applicable requirements under subsections (3) and (4) if there is any change in who is the financial agent for the elector organization or in other information or material that is required to be provided under this section.

(7) Updated information or material required under subsection (6) must be provided as follows:

- (a) to the local election officer, if the change occurs before the end of general voting day for the applicable election or elections;
- (b) to the BC chief electoral officer, if the change occurs after that general voting day.

(8) For certainty,

- (a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and

(b) a responsible principal official of an elector organization may be the financial agent for the organization.

(9) A financial agent for an elector organization is not personally liable for any liability of the elector organization in relation to the election campaign of the elector organization unless the liability is personally guaranteed by the financial agent.

(10) For certainty, the individual most recently appointed as financial agent for an elector organization has the responsibilities of that position under this Act.

(11) An elector organization that contravenes this section commits an offence.

### **Requirement for elector organization campaign account**

**20** (1) An elector organization must have at least one campaign account for each election campaign of the elector organization, established in accordance with this section, if any of the circumstances described in subsection (2) apply.

(2) The financial agent for the elector organization must open one or more campaign accounts at a savings institution by the earliest of the following:

- (a) as soon as practicable after the financial agent receives a campaign contribution of money;
- (b) before receiving a transfer of money to the elector organization under section 23 [*campaign transfers between candidates and elector organizations*];
- (c) before becoming liable for payment in relation to an election expense or intended election expense of the elector organization.

(3) A campaign account under this section

- (a) must be in the name of the election campaign of the elector organization,
- (b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and
- (c) must not receive deposits other than those required or permitted under this section.

(4) The financial agent must ensure that

- (a) all campaign contributions and transfers received as referred to in subsection (2) (a) or (b) are deposited into a campaign account of the elector organization,
- (b) the only amounts deposited into a campaign account of the elector organization are amounts permitted to be deposited under this section,
- (c) all payments referred to in subsection (2) (c) are paid, directly or by reimbursement, from a campaign account of the elector organization, and
- (d) a campaign account of the elector organization is not used for any purpose other than one permitted under this section.

(5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:

- (a) if the elector organization has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;
- (b) if the elector organization has separate campaigns for different jurisdictions as referred to in section 5 (2) [*elector organization endorsing candidates in more than one jurisdiction*], making a transfer from a campaign account for one of those campaigns to a campaign account for another of those campaigns;
- (c) making a transfer or payment under section 23 [*campaign transfers between candidates and elector organizations*];
- (d) making payments and transfers referred to in and payments under section 25 [*what happens if an elector organization has surplus campaign funds*];
- (e) making payments required under section 28 [*dealing with prohibited campaign contributions*];
- (f) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the elector organization's campaign;
- (g) any other purpose permitted by regulation.

(6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the elector organization:

- (a) interest on amounts on deposit in the campaign account;
- (b) any other deposits permitted by regulation.

(7) An elector organization or financial agent who contravenes this section commits an offence.

### **Responsible principal officials of elector organization**

**21** (1) From the earlier of the appointment of a financial agent and the time of filing endorsement documents for a candidate until all obligations applicable under this Act to the elector organization have been fulfilled, an elector organization

(a) must have at least 2 principal officials of the elector organization who have consented to be responsible principal officials of the organization, and

(b) must have one of those responsible principal officials designated as the authorized principal official who is to

(i) make declarations required under this Act or other local elections legislation in relation to the elector organization, and

(ii) retain records as required under section 22.

(2) For the endorsement documents of an elector organization to be accepted for filing, the elector organization must provide the following to the local election officer before the end of the nomination period:

(a) the name, required contact information and address for service of the authorized principal official of the elector organization;

(b) the name, mailing address and address for service of each of the other responsible principal officials of the elector organization;

(c) signed consents of the responsible principal officials to act as responsible principal officials and, as applicable, as the authorized principal official of the elector organization.

(3) The updating obligations under section 19 (6) and (7) [*updating obligations in relation to financial agent*] apply in relation to any change in who are the responsible principal officials of an elector organization, in who is the authorized principal official of an elector organization or in other information or material that is required to be provided under subsection (2).



(4) For certainty, the individual identified as the authorized principal official of an elector organization in the most recent information and material provided under subsection (2) or (3), as applicable, has the responsibilities of that position under this Act.

(5) An elector organization that contravenes this section commits an offence.

### **Recording requirements, including records of campaign contributions, election expenses and transfers**

**22** (1) The financial agent for a candidate or elector organization must record and maintain records sufficient to allow compliance with the disclosure requirements under this Act.

(2) Without limiting subsection (1), the financial agent must record the following:

(a) for each campaign contribution received by the candidate or elector organization, the information required under section 29 [*campaign contribution information that must be recorded*];

(b) for each transfer between accounts of the candidate or elector organization under section 18 (5) (b) [*transfer between candidate accounts*] or 20 (5) (a) [*transfer between elector organization accounts*], the accounts involved in the transfer and the amount and date of the transfer;

(c) for each transfer from the candidate or elector organization under section 23 [*campaign transfers between candidates and elector organizations*], the amount, date and recipient of the transfer;

(d) for each transfer received by the candidate or elector organization under section 23 [*campaign transfers between candidates and elector organizations*], the amount, date and source of the transfer;

(e) for each provision of property or services under section 13 (6) (a) (ii) [*candidate provision to elector organization*], received by an elector organization, the candidate providing the property or services, the description of the property or services and the date the property or services are provided;

(f) for each provision of property or services under section 13 (6) (a) (iii) [*elector organization provision to candidate*], received by a candidate, the elector organization providing the

property or services, a description of the property or services and the date the property or services are provided;

(g) any other information required by regulation.

(3) The recording, maintenance and retention of records under this section and related receipts must be done in accordance with any requirements established by regulation.

(4) The records and material required under this section must be retained as follows:

(a) records and material for a candidate must be retained in British Columbia

(i) by the financial agent until all disclosure requirements under this Act in relation to the candidate have been fulfilled, and

(ii) after those disclosure requirements have been fulfilled, by the candidate until 5 years after general voting day for the election to which the records and material relate;

(b) records and material for an elector organization must be retained in British Columbia

(i) by the financial agent until all elector organization disclosure requirements under this Act in relation to the applicable elections have been fulfilled, and

(ii) after those disclosure requirements have been fulfilled, by the authorized principal official of the elector organization until 5 years after general voting day for the election or elections to which the records and material relate.

(5) A financial agent, candidate or authorized principal official that contravenes this section commits an offence.

### **Campaign transfers between candidates and elector organizations**

**23** (1) A candidate who is endorsed by an elector organization may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.

(2) An elector organization that endorses a candidate may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate.

(3) For certainty, a transfer between a candidate and an endorsing elector organization under subsection (1) or (2) may be made after the end of the election proceedings period for the election.

(4) If a candidate is seeking endorsement by an elector organization,

(a) the elector organization may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate, and

(b) the candidate may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.

(5) If an amount is transferred under subsection (4) (b) and the candidate is not endorsed by the elector organization, an amount equal to the amount transferred may be returned to the candidate from the campaign account of the elector organization.

(6) If subsection (5) applies, but

(a) the amount referred to in that subsection is not returned to the candidate, and

(b) the candidate is never declared to be a candidate,

the candidate must, in accordance with the regulations, provide to the elector organization information respecting the campaign contributions received by the candidate and records of those campaign contributions as required to be maintained under section 29 [*campaign contribution information that must be recorded*].

(7) A candidate who contravenes subsection (6) commits an offence.

### **What happens if a candidate has surplus campaign funds**

**24** (1) This section applies if, after an election, there is a balance remaining in a campaign account of a candidate after

(a) payment of liabilities in relation to the candidate's election expenses and any other reasonable expenses incidental to the candidate's election campaign, and

(b) any transfers under section 23 [*campaign transfers between candidates and elector organizations*].

(2) If the candidate made one or more campaign contributions of money to his or her election campaign, to the extent that the total balance

remaining in the campaign accounts of the candidate after payments or transfers referred to in subsection (1) permits this, the financial agent may pay an amount equal to those campaign contributions to the candidate.

(3) If, after any payment under subsection (2), the total balance remaining in the campaign accounts of the candidate is less than \$500, the financial agent must pay the balance to the candidate or in accordance with the directions of the candidate.

(4) If, after any payment under subsection (2), the total balance remaining in the campaign accounts of the candidate is \$500 or more, the financial agent must pay the balance as soon as practicable to the jurisdiction in relation to which the election was held.

(5) Funds received by a jurisdiction under subsection (4), including accumulated interest, must be held in trust by the jurisdiction to be dealt with as follows:

(a) if the candidate referred to in that subsection is declared a candidate in an election for that jurisdiction in the next general local election, or in a by-election for the jurisdiction called before that time, the jurisdiction must pay the funds to the financial agent for the candidate for use in the election;

(b) if the funds are not paid out under paragraph (a), the funds cease to be trust funds and become funds of that jurisdiction for use in the discretion of the local authority.

(6) A financial agent who contravenes this section commits an offence.

### **What happens if an elector organization has surplus campaign funds**

**25** If there is a balance remaining in a campaign account of an elector organization after an election and after

(a) the payment of the elector organization's election expenses and any other reasonable expenses incidental to the elector organization's election campaign, and

(b) any transfers under section 23 (2) [*campaign transfers from elector organization to endorsed candidates*],

the financial agent may pay the balance to the elector organization or in accordance with the directions of the elector organization.

## **Division 3 — Rules in Relation to Campaign Contributions and Election Expenses**

## Restrictions on making campaign contributions

26 (1) An individual or organization must not do any of the following:

(a) make a campaign contribution to a candidate or elector organization other than by making it to the financial agent or an individual authorized in writing by the financial agent to receive such contributions;

(b) make an anonymous campaign contribution that has a value of more than \$50;

(c) make a number of anonymous campaign contributions to the same candidate in relation to one or more election campaigns of the candidate for elections that are being held at the same time if, in total, the campaign contributions would be equal in value to more than \$50;

(d) make a number of anonymous campaign contributions to the same elector organization in relation to one or more election campaigns of the elector organization for elections that are being held at the same time if, in total, the campaign contributions would be equal in value to more than \$50;

(e) make a campaign contribution, other than an anonymous campaign contribution that is permitted under this Act, without disclosing to the individual receiving the campaign contribution the information required to be recorded under section 29 [*campaign contribution information that must be recorded*];

(f) make a campaign contribution with money, non-monetary property or services of another individual or organization;

(g) make a campaign contribution indirectly by giving money, non-monetary property or services to an individual or organization

(i) for the individual or organization to make as a campaign contribution, or

(ii) as consideration for that individual or organization making a campaign contribution.

(2) Except as permitted by regulation, an elector organization must not make a campaign contribution of money to its own campaign or to the campaign of a candidate who is or is intended to be endorsed by the elector organization.

(3) An individual or organization that contravenes this section commits an offence.

**Restrictions in relation to accepting campaign contributions**

- 27** (1) A candidate or elector organization must not accept campaign contributions except through
- (a) the financial agent for the candidate or elector organization, or
  - (b) an individual authorized in writing by that financial agent.
- (2) A financial agent or individual authorized as referred to in subsection (1) must not accept
- (a) a campaign contribution for which the information required to be recorded under section 29 [*campaign contribution information that must be recorded*] has not been provided, or
  - (b) any other campaign contribution that the individual or organization has reason to believe is made in contravention of this Act or the regulations under this Act.
- (3) If an individual authorized as referred to in subsection (1) becomes aware that a campaign contribution may have been made in contravention of this Act or the regulations under this Act, the individual must inform the financial agent as soon as practicable.
- (4) An individual or organization that contravenes this section commits an offence.

**Dealing with prohibited campaign contributions**

- 28** (1) If a financial agent becomes aware that a campaign contribution was made or accepted in contravention of this Act or the regulations under this Act, the financial agent must, within 30 days after the financial agent becomes aware of the contravention,
- (a) return the campaign contribution to the contributor, or
  - (b) pay to the contributor an amount equal to the value of the campaign contribution.
- (2) If a financial agent is not able to comply with subsection (1), the financial agent must, as soon as practicable, deal with the campaign contribution as follows:
- (a) in the case of a contribution of money, pay to the BC chief electoral officer an amount equal to the value of the contribution;
  - (b) in any other case, either

- (i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or
- (ii) deal with the contribution in accordance with the directions of that officer.

(3) An amount to be paid under this section must be paid from a campaign account of the applicable candidate or elector organization.

(4) A financial agent who contravenes this section commits an offence.

### **Campaign contribution information that must be recorded**

**29** (1) Subject to subsection (2) and any applicable regulations, the financial agent for a candidate or elector organization must record the following for each campaign contribution made to the candidate or elector organization:

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

(2) If section 28 [*dealing with prohibited campaign contributions*] applies in relation to a campaign contribution, the financial agent must maintain records of the following for each such contribution:

- (a) the circumstances in which the contribution was received;
- (b) to the extent possible, the information required under subsection (1) (a) to (e) of this section;
- (c) when and how the contribution was dealt with in accordance with section 28;
- (d) any other information required by regulation.

(3) A financial agent who contravenes this section commits an offence.

### **How payment in relation to election expenses may be made**

**30** (1) Subject to any applicable regulations, an individual or organization must not make a payment in relation to an election expense or intended election expense of a candidate or elector organization except as permitted under subsection (2) or (3).

(2) An individual may make a payment referred to in subsection (1) in relation to the election campaign of a candidate if

(a) the payment is either

- (i) made out of a campaign account of the candidate, or
- (ii) reimbursed from a campaign account of the candidate on the production of receipts, and

(b) the individual making the payment is

- (i) the candidate,
- (ii) the financial agent for the candidate, or
- (iii) an individual authorized in writing by that financial agent.

(3) An individual may make a payment referred to in subsection (1) in relation to the election campaign of an elector organization if

(a) the payment is either

- (i) made out of a campaign account of the elector organization, or
- (ii) reimbursed from a campaign account of the elector organization on the production of receipts, and

(b) the individual making the payment is

- (i) the financial agent for the elector organization, or
- (ii) an individual authorized in writing by that financial agent.

(4) An individual or organization that contravenes subsection (1) commits an offence.

## **Part 3 — Third Party Election Advertising**

### **Division 1 — General**

#### **Independence requirements for third party sponsors**

**31** (1) Subject to this section, an individual or organization must not sponsor third party advertising on behalf of or together with a candidate or elector



organization in relation to the election campaign of the candidate or elector organization.

(2) A candidate may, as a third party sponsor, sponsor election advertising that is not an election expense of the candidate.

(3) An elector organization may, as a third party sponsor, sponsor election advertising that is not an election expense of the elector organization.

(4) An individual or organization that contravenes this section commits an offence.

### **What are sponsorship contributions**

**32** (1) Subject to this section and any applicable regulations, the following are sponsorship contributions:

(a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to an individual or organization for sponsorship use;

(b) if property or services are provided at less than market value to an individual or organization for sponsorship use, the difference between the market value of the property or services at the time provided and the amount charged;

(c) if

(i) a third party sponsor offers property or services for the purpose of obtaining funds for sponsorship use, and

(ii) the property or services are acquired from the third party sponsor at greater than market value,

the difference between the market value of the property or services at the time acquired and the amount charged;

(d) an unpaid amount in relation to the preparation or transmission of third party advertising sponsored by a third party sponsor, if

(i) the third party sponsor is liable for payment in relation to that preparation or transmission,

(ii) any part of that debt remains unpaid for 6 months after the debt has become due, and

(iii) no legal proceedings to recover the debt have been commenced by the creditor;

(e) the provision to a third party sponsor of property or services prescribed by regulation.

(2) For certainty, nothing in subsection (1) (d) affects the rights of a creditor in relation to a debt that becomes a sponsorship contribution under that subsection.

(3) Subject to any applicable regulations, the value of the following is not a sponsorship contribution:

(a) property and services that are deemed to have a nil value under section 33 (5) [*advertising expenses deemed to have nil value*];

(b) any other property or services prescribed by regulation.

### **Valuation rules for third party advertising and sponsorship contributions**

**33** (1) Unless otherwise expressly provided under this Act, the rules in this section apply for the purpose of determining the value of third party advertising or a sponsorship contribution.

(2) The value of any property or services is

(a) the price paid for the property or services, or

(b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.

(3) In the case of property that is a capital asset, the value of the property is the market value of using the property.

(4) Subject to subsection (5), the value of third party advertising is the value of property and services used in preparing the communication and transmitting it to the public.

(5) The value of the following property and services used as referred to in subsection (4) is deemed to be nil:

(a) services provided by an individual, as the third party sponsor or as a volunteer;

(b) any other property or services prescribed by regulation.

## **Division 2 — Rules in Relation to Sponsorship Contributions and Sponsored Advertising**

### **Restrictions on making sponsorship contributions**

**34** (1) An individual or organization must not do any of the following:

(a) make an anonymous sponsorship contribution that has a value of more than \$50;

(b) make a number of anonymous sponsorship contributions to the same third party sponsor in relation to one or more elections that are being held at the same time if, in total, the sponsorship contributions would be equal in value to more than \$50;

(c) make a sponsorship contribution, other than an anonymous sponsorship contribution that is permitted under this Act, without disclosing to the third party sponsor receiving the sponsorship contribution the information required to be recorded under section 36 [*records of sponsorship contributions and sponsored advertising*];

(d) make a sponsorship contribution with money, non-monetary property or services of another individual or organization;

(e) make a sponsorship contribution indirectly by giving money, non-monetary property or services to an individual or organization

(i) for that individual or organization to make as a sponsorship contribution, or

(ii) as consideration for that individual or organization making a sponsorship contribution.

(2) An individual or organization that contravenes this section commits an offence.

### **Dealing with prohibited sponsorship contributions**

**35** (1) A third party sponsor must not accept

(a) a sponsorship contribution for which the information required to be recorded under section 36 is not provided, or

(b) any other sponsorship contribution that the sponsor has reason to believe is made in contravention of this Act or the regulations under this Act.

(2) If a third party sponsor becomes aware that a sponsorship contribution was made or accepted in contravention of this Act or the regulations under this Act, the third party sponsor must, within 30 days after becoming aware of the contravention,

(a) return the sponsorship contribution to the contributor, or

(b) pay to the contributor an amount equal to the value of the sponsorship contribution.

(3) If a third party sponsor is not able to comply with subsection (2), the third party sponsor must, as soon as practicable, deal with the sponsorship contribution as follows:

- (a) in the case of a sponsorship contribution of money, pay to the BC chief electoral officer an amount equal to the value of the sponsorship contribution;
- (b) in any other case, either
  - (i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or
  - (ii) deal with the contribution in accordance with the directions of that officer.

(4) An individual or organization that contravenes this section commits an offence.

### **Records of sponsorship contributions and sponsored advertising**

**36** (1) Subject to subsection (2) and any applicable regulations, for each sponsorship contribution received by a third party sponsor, the individual or organization must maintain records of the following information:

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

(2) If section 35 [*dealing with prohibited sponsorship contributions*] applies in relation to a sponsorship contribution, the sponsor must maintain records of the following for each such sponsorship contribution:

- (a) the circumstances in which the sponsorship contribution was received;

(b) to the extent possible, the information required under subsection (1) (a) to (e) of this section;

(c) when and how the sponsorship contribution was dealt with in accordance with section 35;

(d) any other information required by regulation.

(3) A third party sponsor must maintain records and material respecting the sponsored third party advertising that are sufficient to meet the reporting requirements under this Act.

(4) The records and material required under this section must be retained in British Columbia

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

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

until 5 years after general voting day for the election to which the records and material relate.

(5) The recording, maintenance and retention of records and material under this section and related receipts must be done in accordance with any requirements established by regulation.

(6) An individual or organization that contravenes this section commits an offence.

### **Division 3 – Registration of Third Party Sponsors**

#### **Prohibition against sponsoring third party advertising if not registered**

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

(2) An individual or organization that contravenes subsection (1) commits an offence.

#### **Application for registration – individual as third party sponsor**

**38** (1) An individual who wishes to register as a third party sponsor must submit to the BC chief electoral officer an application for registration that complies with the requirements under this Division.

(2) The application for registration must include the following information:

(a) the full name of the applicant and, if this is different, the usual name of the individual;

(b) the name of the sponsor and the mailing address, telephone number or email address that are to be used by the sponsor for the purpose of compliance with section 44 [*advertising must include sponsorship information*];

(c) the required contact information for the individual;

(d) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the individual;

(e) any other information required by regulation.

(3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

(4) In order to be accepted, an application for registration must be accompanied by a solemn declaration of the applicant that, to the best of the knowledge and belief of the applicant, the following are true:

(a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 31 [*independence requirements for third party sponsors*];

(b) the applicant is not prohibited under this Act from sponsoring third party advertising;

(c) the information provided in the application is complete and accurate;

(d) the applicant

(i) understands the requirements and restrictions that apply to the applicant under this Act, and

(ii) intends to fully comply with all of those requirements and restrictions;

(e) any other matter prescribed by regulation.

(5) The third party sponsor must, as soon as practicable, provide updated information and material to the BC chief electoral officer in accordance with the requirements under subsections (2) and (3) if there is any change in the information or material that is required to be provided to the BC chief electoral officer under this section.

(6) A third party sponsor that contravenes subsection (5) commits an offence.

**Application for registration – organization as third party sponsor**

**39** (1) An organization that wishes to register as a third party sponsor must submit to the BC chief electoral officer an application for registration that complies with the requirements under this Division.

(2) The application for registration must include the following information:

- (a) the full name of the organization and any abbreviations, acronyms and other names used by the organization;
- (b) the name of the sponsor and the mailing address, telephone number or email address that are to be used by the sponsor for the purpose of compliance with section 44 [*advertising must include sponsorship information*];
- (c) a mailing address and telephone number at which the organization can be contacted;
- (d) an email address at which the organization can be contacted, unless the organization does not have such an address;
- (e) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the organization;
- (f) the name, required contact information and address for service of the authorized principal official of the organization;
- (g) the name, mailing address and address for service of each of the other responsible principal officials of the organization;
- (h) any other information required by regulation.

(3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

(4) In order for an application for registration to be accepted, the organization must provide the following to the BC chief electoral officer:

- (a) signed consents of the responsible principal officials to act as responsible principal officials of the organization;
- (b) a solemn declaration in accordance with subsection (5) of the authorized principal official of the organization.

(5) For purposes of subsection (4) (b), the authorized principal official of the applicant organization must make a solemn declaration that, to the best of the knowledge and belief of that official, the following are true:

- (a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 31 *[independence requirements for third party sponsors]*;
- (b) the applicant is not prohibited under this Act from sponsoring third party advertising;
- (c) the information provided in the application is complete and accurate;
- (d) the individual making the declaration is the authorized principal official of the applicant;
- (e) the applicant
  - (i) understands the requirements and restrictions that apply to the applicant under this Act, and
  - (ii) intends to fully comply with all of those requirements and restrictions;
- (f) any other matter prescribed by regulation.

(6) The third party sponsor must, as soon as practicable, provide updated information and material to the BC chief electoral officer in accordance with the requirements under subsections (2), (3) and (4) (a) if there is any change in who is the authorized principal official of the organization, in who are the responsible principal officials of the organization or in any other information or material that is required to be provided to the BC chief electoral officer under this section.

(7) A third party sponsor that contravenes subsection (6) commits an offence.

### **Responsible principal officials of third party sponsor that is an organization**

- 40** (1) From the time of applying for registration until all obligations applicable under this Act to the organization have been fulfilled, a third party sponsor that is an organization
- (a) must have at least 2 principal officials of the organization who have consented to be responsible principal officials of the organization, and
  - (b) must have one of those responsible principal officials designated as the authorized principal official who is to
    - (i) make declarations required under this Act or other local elections legislation in relation to the organization, and



(ii) retain records and material as required under section 36 [*records of sponsorship contributions and sponsored advertising*].

(2) An organization that contravenes subsection (1) commits an offence.

### **Registration by BC chief electoral officer**

**41** (1) Subject to this section, as soon as practicable after receiving an application in accordance with this Division, the BC chief electoral officer must register the applicant as a third party sponsor and notify the applicant of this registration.

(2) Subsection (1) does not apply if the BC chief electoral officer has reason to believe that any of the following apply:

- (a) the applicant is prohibited under this Act from sponsoring third party advertising;
- (b) the application for registration does not meet the requirements under this Division;
- (c) information in the required solemn declaration is false;
- (d) any other circumstances prescribed by regulation apply.

(3) The BC chief electoral officer may refuse to register an applicant under a name that, in the opinion of that officer,

- (a) is likely to be confused with a name, abbreviation or acronym of a candidate, elector organization or registered third party sponsor, or
- (b) in the case of an application by an organization, is likely to be confused with a name, abbreviation or acronym used by another organization.

(4) If the BC chief electoral officer refuses to register an applicant, that officer must provide the applicant with reasons for the refusal and an opportunity to provide further information for a reconsideration of the decision.

(5) Registration under this Division is effective only for the election or elections in relation to which the application for registration was made.

## **Part 4 — Non-Election Assent Voting Advertising and Other Assent Voting Advertising Rules**

## **Application of third party election advertising rules to non-election assent voting advertising**

- 42** (1) Subject to any exceptions provided by this Act and any applicable regulations,
- (a) Part 3 [*Third Party Election Advertising*], and
  - (b) any other provisions of this Act or the regulations that apply in relation to that Part,
- apply to non-election assent voting advertising during an assent voting proceedings period as if the assent voting advertising were third party advertising during an election proceedings period.
- (2) For certainty, Part 7 [*Enforcement*] applies in relation to provisions that are made applicable under this Part in relation to non-election assent voting advertising.

## **Assent voting advertising by local government**

- 43** Part 3 [*Third Party Election Advertising*] and Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 do not apply to assent voting advertising sponsored by the local government of the jurisdiction for which the assent voting is being held.

# **Part 5 — Transparency Requirements for Local Elections and Assent Voting**

## **Division 1 — Sponsorship of Election Advertising and Assent Voting Advertising**

### **Advertising must include sponsorship information**

- 44** (1) Subject to any applicable regulations, an individual or organization must not sponsor election advertising or assent voting advertising, or transmit such advertising to the public, unless the advertising
- (a) identifies,
    - (i) in the case of advertising sponsored by a candidate or elector organization as part of the candidate's or elector organization's campaign, the name of the financial agent, or
    - (ii) in any other case, the name of the sponsor,

- (b) indicates that it was authorized by the identified financial agent or sponsor,
  - (c) gives a telephone number, email address or mailing address at which the financial agent or sponsor may be contacted regarding the advertising,
  - (d) if applicable, indicates that the sponsor is a registered third party sponsor or assent voting advertising sponsor under this Act, and
  - (e) meets any other requirements established by regulation.
- (2) If information is required to be provided under subsection (1),
- (a) any telephone number given must have a British Columbia area code,
  - (b) any mailing address given must be within British Columbia, and
  - (c) the sponsor must make available an individual to be responsible for answering questions from individuals who are directed to the telephone number, email address or mailing address.
- (3) The information required under subsection (1) must be provided
- (a) in English or in a manner that is understandable to readers of English, and
  - (b) if all or part of the election advertising is in a language other than English, in the other language or in a manner that is understandable to readers of that other language.
- (4) For certainty, in the case of advertising that is sponsored in combination by multiple sponsors, the requirements of this section apply in relation to each sponsor.
- (5) An individual or organization that contravenes this section commits an offence.

### **Restrictions on general voting day advertising**

- 45** (1) An individual or organization must not sponsor or agree to sponsor election advertising or non-election assent voting advertising that is or is to be transmitted to the public on general voting day, whether the transmission is within British Columbia or outside British Columbia.
- (2) An individual or organization must not transmit election advertising or non-election assent voting advertising to the public on general voting day.

(3) Subject to section 153 (4) [*prohibition on certain activities within 100 metres of voting proceedings on general voting day*] of the *Local Government Act* and section 125 (4) of the *Vancouver Charter*, subsections (1) and (2) of this section do not apply in respect of the following election advertising or non-election assent voting advertising:

- (a) communication on the internet, if the communication was transmitted to the public on the internet before general voting day and was not changed before the close of general voting;
- (b) communication by means of signs, posters or banners;
- (c) communication by the distribution of pamphlets;
- (d) any other election advertising or non-election assent voting advertising prescribed by regulation.

(4) An individual or organization that contravenes this section commits an offence.

## **Division 2 — Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors**

### **Disclosure statements required for candidates, elector organizations and advertising sponsors**

**46** (1) A disclosure statement in accordance with this Division must be filed with the BC chief electoral officer as follows:

- (a) for each individual who was declared to be a candidate in an election, a candidate disclosure statement respecting the election is required;
- (b) for each elector organization that endorsed one or more candidates in relation to one or more elections for a jurisdiction that were held at the same time, an elector organization disclosure statement respecting those elections is required;
- (c) for each individual or organization that sponsored third party advertising or registered under Division 3 [*Registration of Third Party Sponsors*] of Part 3, a third party disclosure statement respecting the activities of the sponsor in relation to the applicable elections is required;
- (d) for each individual or organization that sponsored non-election assent voting advertising or registered under Division 3 of Part 3 as it applies in relation to that advertising, an assent voting advertising disclosure statement respecting the activities

of the sponsor in relation to the applicable assent voting is required.

(2) For certainty, the following apply in relation to the obligations under subsection (1):

(a) a candidate disclosure statement is required even if the individual has no election expenses, receives no campaign contributions, is acclaimed, withdraws from the election or is declared by a court to no longer be a candidate;

(b) an elector organization disclosure statement is required even if the elector organization has no election expenses, receives no campaign contributions, withdraws its endorsement of a candidate or is declared by a court to not be qualified to endorse a candidate;

(c) a third party disclosure statement is required

(i) even if the individual or organization registered but did not in fact sponsor any third party advertising, and

(ii) if the individual or organization did sponsor third party advertising, even if the individual or organization did not apply to register or did apply but was refused registration;

(d) an assent voting advertising disclosure statement is required

(i) even if the individual or organization registered but did not in fact sponsor any non-election assent voting advertising, and

(ii) if the individual or organization did sponsor non-election assent voting advertising, even if the individual or organization did not apply to register or did apply but was refused registration.

(3) The following apply in relation to what is to be disclosed in a single disclosure statement:

(a) in relation to a candidate referred to in section 4 (2) [*candidate running in multiple elections*], a separate candidate disclosure statement must be filed in relation to each election in which the individual was a candidate;

(b) in relation to an elector organization referred to in section 5 (2) [*endorsing in multiple jurisdictions*], a separate elector organization disclosure statement must be filed in relation to

each jurisdiction in which the organization endorsed a candidate;

(c) in relation to an individual or organization that sponsored third party advertising in relation to multiple elections being held at the same time, a single disclosure statement must be filed in relation to all those elections;

(d) in relation to an individual or organization that sponsored non-election assent voting advertising in relation to multiple assent voting events being held at the same time, a separate disclosure statement must be filed in relation to each jurisdiction for which the assent voting was held.

### **Time limits for filing disclosure statements – filing on time, late filing on payment of penalty fee, compliance deadline**

**47** (1) A disclosure statement must be filed

(a) within 90 days after general voting day for the election or assent voting to which it relates, or

(b) if applicable, within the period established under section 90 [*late filing extensions in extraordinary circumstances*],

in order to avoid a late filing penalty fee.

(2) If a disclosure statement is not filed within the applicable time period under subsection (1), it may be filed within 120 days after general voting day for the election or assent voting on payment to the BC chief electoral officer of a late filing penalty fee of \$500.

(3) For certainty, if separate disclosure statements are required under section 46 (3) [*disclosure statement coverage*], a late filing penalty fee applies in relation to each disclosure statement.

(4) The compliance deadline for filing a disclosure statement is the later of

(a) the late filing deadline for the disclosure statement, and

(b) if applicable, the last date for filing the disclosure statement as established by a court order for relief under section 68 [*court relief powers respecting disclosure requirements*].

### **Notice of failure to file within no-penalty fee period**

**48** (1) If a disclosure statement is not filed before the end of the time period under section 47 (1) [*time limit for filing without penalty fee*], the BC chief electoral officer must, as soon as practicable, give notice as follows:

- (a) in relation to a candidate disclosure statement, to the candidate and the financial agent;
- (b) in relation to an elector organization disclosure statement, to the elector organization, the financial agent, and the responsible principal officials of the elector organization;
- (c) in relation to a third party sponsor or assent voting advertising sponsor disclosure statement, to the sponsor and, if the sponsor is an organization, to the responsible principal officials of the organization.

(2) The notice under subsection (1) must include the following information:

- (a) that the disclosure statement was not filed within the time for filing without payment of a late filing penalty fee;
- (b) the date of the late filing deadline and the late filing penalty fee that must be paid;
- (c) the penalties that may apply under this Act for failure to file the disclosure statement;
- (d) that an application may be made to the Supreme Court for relief under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6;
- (e) any other information prescribed by regulation.

### **Candidate disclosure statement – information and other requirements**

**49** (1) The financial agent for the candidate must file the candidate disclosure statement, and the candidate must ensure that the financial agent files the disclosure statement as required.

(2) Subject to any applicable regulations, a candidate disclosure statement must include information respecting the following, provided in accordance with the regulations:

- (a) the individuals who were at any time financial agents of the candidate, the campaign accounts of the candidate, and other matters respecting compliance with Part 2 [*Candidate and Elector Organization Campaign Financing*];
- (b) election expenses of the candidate;
- (c) election proceedings period expenses of the candidate;

(d) campaign contributions received by the candidate, including information respecting identification of significant contributors other than the mailing address of an individual;

(e) amounts, other than campaign contributions and election expenses, deposited into or paid from a campaign account of the candidate or transferred between campaign accounts of the candidate;

(f) property and services to which section 13 (6) (b) or (c) *[exclusions from campaign contributions that must be disclosed]* applies;

(g) if section 24 *[what happens if a candidate has surplus campaign funds]* applies, the amount of the balance remaining in the campaign accounts of the candidate and how the surplus has been dealt with;

(h) if applicable, that the candidate was a third party sponsor during the election proceedings period for the election;

(i) if applicable, other matters for which information is required by regulation.

(3) In addition to the requirements under subsection (2), a disclosure statement for a candidate who was endorsed by an elector organization, or who sought endorsement from an elector organization, must include information respecting the following, provided in accordance with the regulations:

(a) transfers of property and provision of services as referred to in section 13 (6) (a) *[campaign transfers between candidates and elector organizations]*;

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

### **Elector organization disclosure statement – information and other requirements**

**50** (1) The financial agent for the elector organization must file the elector organization disclosure statement, and the responsible principal officials of the elector organization must ensure that the financial agent files the disclosure statement as required.

(2) Subject to any applicable regulations, an elector organization disclosure statement must include information respecting the following, provided in accordance with the regulations:



- (a) the candidates endorsed by the elector organization;
- (b) the individuals who were at any time financial agents of the elector organization, the campaign accounts of the elector organization, and other matters respecting compliance with Part 2 [*Candidate and Elector Organization Campaign Financing*];
- (c) election expenses of the elector organization;
- (d) election proceedings period expenses of the elector organization;
- (e) campaign contributions received by the elector organization, including information respecting identification of significant contributors other than the mailing address of an individual;
- (f) if section 23 (6) [*campaign transfers from individual who was never declared as a candidate*] applies, campaign contributions received by the candidate, including information respecting identification of significant contributors other than the mailing address of an individual;
- (g) amounts, other than campaign contributions and election expenses, deposited into or paid from a campaign account of the elector organization or transferred between campaign accounts of the elector organization;
- (h) transfers of property and provision of services as referred to in section 13 (6) (a) [*campaign transfers between candidates and elector organizations*];
- (i) property and services to which section 13 (6) (c) [*other exclusions from campaign contributions that must be disclosed*] applies;
- (j) the amount of any balance remaining in the campaign accounts of the elector organization before any surplus was dealt with;
- (k) if applicable, that the elector organization was a third party sponsor during the election proceedings period for the election or elections to which the elector organization disclosure statement relates;
- (l) any other matters for which information is required by regulation.

### **Third party disclosure statement – information and other requirements**

**51** (1) The third party sponsor must file the third party disclosure statement and, if the sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.

(2) Subject to subsection (3) and any applicable regulations, the disclosure statement for the sponsor must include information respecting the following, provided in accordance with the regulations:

- (a) the sponsored third party advertising;
- (b) the sponsor's own funds used in relation to sponsoring that advertising;
- (c) the sponsorship contributions received by the sponsor, including information respecting identification of significant contributors other than the mailing address of an individual;
- (d) any other matters for which information is required by regulation.

(3) If the total value of third party advertising sponsored by an individual or organization in relation to elections being held at the same time is less than \$500, the disclosure statement for the sponsor must include information respecting the advertising as required by regulation.

(4) If an individual or organization sponsored directed third party advertising in relation to elections for multiple jurisdictions being held at the same time, the statement must separately disclose that advertising in relation to each jurisdiction to which the directed advertising was specifically related.

(5) Subject to any applicable regulations, if third party advertising is sponsored by 2 or more third party sponsors acting in combination, the total value of that advertising must be disclosed by each participating sponsor.

### **Non-election assent voting advertising sponsor disclosure statement – information and other requirements**

**52** (1) The assent voting advertising sponsor must file the assent voting advertising disclosure statement and, if the sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.

(2) Subject to subsection (3) and any applicable regulations, the disclosure statement for the sponsor must include information respecting the following, provided in accordance with the regulations:

- (a) the sponsored non-election assent voting advertising;
- (b) the sponsor's own funds used in relation to sponsoring that advertising;
- (c) the sponsorship contributions received by the sponsor, including information respecting identification of significant contributors other than the mailing address of an individual;
- (d) any other matters for which information is required by regulation.

(3) If, in relation to all assent voting covered by the disclosure statement, the total value of non-election assent voting advertising sponsored by an individual or organization is less than \$500, the disclosure statement for the sponsor must include information respecting that advertising as required by regulation.

(4) Subject to any applicable regulations, if non-election assent voting advertising is sponsored by 2 or more sponsors acting in combination, the total value of that advertising must be disclosed by each participating sponsor.

### **Other requirements in relation to disclosure statements**

**53** In addition to all other requirements established by this Division, a disclosure statement must be in a form approved by the BC chief electoral officer and, as applicable, must

- (a) be filed in accordance with the regulations,
- (b) comply with any other requirements established by regulation, and
- (c) be accompanied by any other information or material required by regulation.

### **Requirement for supplementary report**

**54** (1) A supplementary report in accordance with this Division must be filed with the BC chief electoral officer as follows:

- (a) if advice referred to in paragraph (b) has not been given, 30 days after an individual who is responsible for filing a disclosure statement, or for ensuring that a disclosure statement is filed, becomes aware
  - (i) that any of the required information disclosed in the disclosure statement, or in a previous supplementary

report in relation to that disclosure statement, has changed, or

(ii) that the disclosure statement or a previous supplementary report did not completely and accurately disclose the information required to be included;

(b) if the BC chief electoral officer advises an individual referred to in paragraph (a) of concerns that circumstances referred to in that paragraph may apply and subsequently gives written notice to the individual or organization that a supplementary report is required, 30 days after that written notice is given.

(2) Notice of the requirement for a supplementary report must be given as follows:

(a) in the case of a requirement under subsection (1) (a), the individual who becomes aware of that requirement must notify the other individuals to whom that subsection applies;

(b) if written notice is given under subsection (1) (b), the BC chief electoral officer must also notify

(i) the other individuals to whom that subsection applies, and

(ii) in the case of a supplementary report in relation to a candidate or elector organization, the designated local authority officer.

(3) A supplementary report must include the following:

(a) a report of the changed, added or corrected information, as applicable;

(b) a statement of the circumstances that have led to the filing of the supplementary report;

(c) any other information or material required by regulation.

(4) A supplementary report must be in a form approved by the BC chief elector officer and, as applicable, must

(a) be filed in accordance with the regulations,

(b) comply with any other requirements established by regulation, and

(c) be accompanied by any other information or material required by regulation.

(5) Responsibilities in relation to filing a supplementary report under this section are the same as for the applicable disclosure statement and, for these purposes, the following apply:

- (a) section 49 (1) [*candidate disclosure responsibilities*];
- (b) section 50 (1) [*elector organization disclosure responsibilities*];
- (c) section 51 (1) [*third party disclosure responsibilities*];
- (d) section 52 (1) [*non-election assent voting advertising sponsor disclosure responsibilities*].

(6) The compliance deadline for filing a supplementary report is the later of

- (a) the end of the applicable 30-day period established under subsection (1) (a) or (b), and
- (b) if applicable, the last date for filing the supplementary report as established by a court order for relief under section 68 [*court relief powers respecting disclosure requirements*].

### **Required declarations**

**55** (1) Subject to subsection (3), a disclosure statement or supplementary report must include a signed declaration of each of the individuals referred to in subsection (2), that, to the best of the knowledge and belief of the individual making the declaration, the statement or report, as applicable, completely and accurately discloses the information required under this Act.

(2) As applicable, declarations of the following individuals are required for the purposes of subsection (1):

- (a) in the case of a disclosure statement or supplementary report in relation to a candidate, declarations of the candidate and the financial agent for the candidate are required;
- (b) in the case of a disclosure statement or supplementary report in relation to an elector organization, declarations of the financial agent and the authorized principal official for the elector organization are required;
- (c) in the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor who is an individual, a declaration of the individual is required;

(d) in the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor that is an organization, a declaration of the authorized principal official for the organization is required.

(3) If an application has been commenced under section 66 [*application for relief in relation to disclosure requirements*], in relation to the disclosure statement or supplementary report, a declaration under subsection (1) may be modified to indicate the deficiencies in the report for which relief is being sought in the application.

### **Disclosure requirements are subject to court orders for relief**

**56** The disclosure requirements in relation to a disclosure statement or supplementary report are subject to any applicable court order for relief under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6.

### **Offence for failure to file by compliance deadline**

**57** (1) This section applies if a required disclosure statement or supplementary report in accordance with this Division is not filed by the compliance deadline.

(2) In the case of a disclosure statement or supplementary report in relation to a candidate, the candidate commits an offence and the financial agent for the candidate commits an offence.

(3) In the case of a disclosure statement or supplementary report in relation to an elector organization, the elector organization commits an offence and the financial agent for the elector organization commits an offence.

(4) In the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor, the sponsor commits an offence.

## **Division 3 – Public Access to Information**

### **Public access to disclosure information – Elections BC responsibilities**

**58** (1) Subject to this Part and any applicable regulations, until at least 5 years after general voting day for the election or assent voting to which a disclosure statement or supplementary report relates, the BC chief electoral officer must

- (a) make the information in the statement or report publicly available on an Elections BC authorized internet site, and
- (b) have a copy of the statement or report available for public inspection at the Elections BC office during its regular office hours.

(2) Information must be made available under subsection (1) as follows:

- (a) in the case of information in a disclosure statement that is filed before the end of the period for filing without payment of a late filing penalty fee, as soon as practicable after the end of that period;
- (b) in any other case, as soon as practicable after the BC chief electoral officer receives the disclosure statement or supplementary report.

(3) If a disclosure statement or supplementary report includes personal information of an individual that is not required under this Act to be included, the BC chief electoral officer

- (a) is authorized to collect that information,
- (b) may make, but is not required to make, the information available under subsection (1), and
- (c) for purposes of subsection (1) (b), may obscure or delete the information or provide for inspection a copy of the statement or report that does not include that information.

(4) Subject to section 63 [*restrictions on use of personal information*], on request and on payment of the reasonable costs of preparation or reproduction, a member of the public may obtain from the BC chief electoral officer

- (a) a record of the information made available under subsection (1) (a), or
- (b) a copy of a record available for inspection under subsection (1) (b).

(5) If an individual wishes to access, inspect or obtain a copy or other record under this section, the BC chief electoral officer may, before providing this service, require the individual to

- (a) satisfy the officer that any purpose for which personal information is to be used is permitted by section 63, and
- (b) provide a signed statement that
  - (i) the individual, and

(ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record will not use personal information included in the copy or other record except for a purpose permitted under this Act.

### **Public access to disclosure information – local authority responsibilities**

**59** (1) Subject to this Part, the local authority for a jurisdiction must make at least one of the following available to the public without charge at the local authority offices during its regular office hours:

(a) internet access to information that is related to the jurisdiction and is required to be publicly available under section 58 (1) (a) [*public access to disclosure information – Elections BC responsibilities*];

(b) a copy of that information available for public inspection.

(2) Subject to subsection (3), the local authority for a jurisdiction must, on request, provide a copy or other record of information referred to in subsection (1).

(3) A local authority may, by bylaw, impose a fee for providing a copy or other record under subsection (2).

(4) If a bylaw under subsection (3) applies, the local authority must make available to the public, on request, a report respecting how the fee was determined.

(5) If an individual wishes to access, inspect or obtain a copy or other record of information under this section, a local authority official of the jurisdiction may, before providing this service, require the individual to

(a) satisfy the official that any purpose for which personal information is to be used is permitted by section 63 [*restrictions on use of personal information*], and

(b) provide a signed statement that

(i) the individual, and

(ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record

will not use personal information included in the copy or other record except for a purpose permitted under this Act.



### **Disqualification lists to be maintained**

**60** (1) The BC chief electoral officer must make the following disqualification lists publicly available on an Elections BC authorized internet site:

(a) in relation to candidate disqualification, the individuals who are subject to disqualification penalties under section 64 (2) [*failure to disclose*] or 65 [*conviction for false or misleading disclosure*] and the jurisdiction to which the disqualifications relate;

(b) in relation to elector organization disqualification, the organizations that are subject to disqualification penalties under section 64 (3) [*failure to disclose*] or 65 [*conviction for false or misleading elector disclosure*] and the jurisdiction to which the disqualifications relate;

(c) in relation to third party sponsor or assent voting advertising sponsor disqualification, the individuals and organizations that are subject to disqualification penalties under section 64 (4) [*failure to disclose*] or 65 [*conviction for false or misleading disclosure*].

(2) The disqualification lists under subsection (1) must be available for public inspection at the Elections BC office during its regular office hours.

### **Reports to local authority respecting non-compliance**

**61** (1) The BC chief electoral officer must, as soon as practicable, notify the designated local authority officer of a jurisdiction respecting the following in relation to an election or assent voting for the jurisdiction:

(a) any notices given under section 48 [*notice of failure to file within no-penalty fee period*] in relation to a disclosure statement for a candidate or elector organization;

(b) any individuals or organizations that become subject to disqualification penalties referred to in section 60 (1) (a) or (b) [*disqualification lists – candidate or elector organization disqualification*].

(2) As soon as practicable after being notified under subsection (1), the designated local authority officer must prepare a report respecting the notice, and the report must be presented at an open meeting of the local authority.

### **Other information to be publicly available**

**62** (1) The BC chief electoral officer must, as soon as practicable, make the following publicly available:

(a) in relation to a candidate, the name and mailing address of the financial agent for the candidate as provided in the nomination documents or, if applicable, in updated information under section 17 (6) *[change in financial agent]*;

(b) in relation to an elector organization,

(i) the name and mailing address of the financial agent for the elector organization as provided under section 19 *[each elector organization must have a financial agent]*, and

(ii) the name of the authorized principal official of the elector organization as provided under section 21 *[responsible principal officials of elector organization]*;

(c) in relation to a registered third party sponsor or assent voting advertising sponsor,

(i) the full name of the sponsor,

(ii) the information that is to be included under section 38 (2) (b) *[sponsor information to be provided in advertising by individual]* or 39 (2) (b) *[sponsor information to be provided in advertising by organization]*, as applicable, and

(iii) in the case of a sponsor that is an organization, the name of the authorized principal official of the organization as provided under section 40 *[responsible principal officials of sponsor that is an organization]*.

(2) The BC chief electoral officer must keep information referred to in subsection (1) publicly available through the election proceedings period or assent voting proceedings period, as applicable, for the election or assent voting to which the information relates and may then continue to make the information publicly available for the period that officer considers appropriate.

(3) For purposes of this section, the BC chief electoral officer

(a) must have the information referred to in subsection (1) available for public inspection at the Elections BC office during its regular office hours, and

(b) may make the information otherwise publicly available, including by making it available on an Elections BC authorized internet site.

### **Restrictions on use of personal information**

**63** (1) Where this Act requires or authorizes the disclosure, public inspection or other use of or access to records containing personal information, the personal information may be used only as follows:

(a) for purposes of this Act or other local elections legislation;

(b) for purposes of

(i) Division 6 [*Conflict of Interest*] or 7 [*Challenge of Council Member Qualification for Office*] of Part 4 of the *Community Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than municipal councils,

(ii) sections 142.1 to 142.3 and 145.2 to 145.92 of the *Vancouver Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than the Council of the City of Vancouver,

(iii) Part 5 [*Conflict of Interest*] of the *School Act*, or

(iv) a conflict of interest provision of another enactment as prescribed by regulation;

(c) for purposes authorized by the *Freedom of Information and Protection of Privacy Act*.

(2) An individual or organization that uses personal information from records referred to in subsection (1), other than as permitted under that subsection, commits an offence.

(3) To the extent of any inconsistency or conflict with the *Freedom of Information and Protection of Privacy Act*, this Act applies despite that Act.

## **Part 6 — Penalties for Failure to Comply with Disclosure Requirements**

### **Division 1 — Disqualification Penalties for Failure to Comply with Disclosure Requirements**

#### **Disqualification penalties for failure to disclose**

**64** (1) Subject to a court order for relief under section 68 (1) (c) [*relief from obligation to file*], the penalties under this section apply to a candidate, elector organization, third party sponsor or assent voting advertising sponsor for which a disclosure statement or supplementary report in accordance with Part 5 [*Transparency Requirements for Local Elections and Assent Voting*] has not been filed by the compliance deadline.

(2) The following penalties apply in relation to the failure to file a candidate disclosure statement or supplementary report:

(a) in the case of a candidate who was declared elected, the candidate ceases to hold office on the local authority and the seat of the member becomes vacant;

(b) in all cases, the candidate is disqualified until after the next general local election from being nominated for, elected to or holding office on a local authority.

(3) The following penalties apply in relation to the failure to file an elector organization disclosure statement or supplementary report:

(a) the elector organization is disqualified from endorsing a candidate until after the next general local election;

(b) the elector organization is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.

(4) The following penalties apply in relation to the failure to file a third party disclosure statement or supplementary report, or an assent voting advertising sponsor disclosure statement or supplementary report:

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

(b) the sponsor is prohibited from accepting sponsorship contributions until after the next general local election.

(5) Subject to any applicable regulations, a candidate, elector organization, third party sponsor or assent voting advertising sponsor becomes subject to the penalties under this section as follows:

(a) if no application for relief under section 66 [*application for relief in relation to disclosure requirements*] in relation to the disclosure statement or supplementary report is made in accordance with that section, on the day after the compliance deadline for the disclosure statement or supplementary report;

(b) if an application referred to in paragraph (a) has been commenced, on the later of

- (i) 42 days after the compliance deadline, and
- (ii) if applicable, the date set by court order under section 69 [*extension of time before disqualification penalties apply*].

(6) An individual or organization that contravenes a prohibition that applies under this section commits an offence.

(7) For certainty,

(a) the obligation to file a disclosure statement or supplementary report continues even after the candidate, elector organization, third party sponsor or assent voting advertising sponsor becomes subject to the penalties under this section, and

(b) the penalties under this section apply whether or not a prosecution for an offence under section 57 [*offence for failure to file by compliance deadline*] has been commenced.

### **Disqualification penalties for false or misleading disclosure**

**65** (1) If a candidate, elector organization, third party sponsor or assent voting advertising sponsor is convicted of an offence under section 84 [*general offence in relation to false or misleading information*] in relation to a disclosure statement or supplementary report, the following penalties apply at the time of conviction:

(a) in relation to a candidate, the candidate is subject to the penalties that apply under section 64 (2) [*candidate disqualification penalties for failure to disclose*];

(b) in relation to an elector organization, the organization is subject to the penalties that apply under section 64 (3) [*elector organization disqualification penalties for failure to disclose*];

(c) in relation to a third party sponsor or assent voting advertising sponsor, the sponsor is subject to the penalties that apply under section 64 (4) [*sponsor disqualification penalties for failure to disclose*].

(2) An individual or organization that contravenes a prohibition that applies under subsection (1) commits an offence.

(3) If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.

(4) In the case of a candidate who is subject to penalties under subsection (1), section 72 (2) and (3) [*candidate disqualification ends*] applies if the conviction is overturned on the final determination of an appeal.

## **Division 2 — Court Orders for Relief in Relation to Disclosure Requirements**

### **Application for relief in relation to disclosure requirements**

**66** (1) An application to the Supreme Court for relief from disclosure requirements under this Act may be made in accordance with this Division.

(2) An application under this section may be made as follows:

(a) for relief in relation to a candidate disclosure statement or supplementary report, the application may be made by the candidate or the financial agent for the candidate;

(b) for relief in relation to an elector organization disclosure statement or supplementary report, the application may be made by the elector organization, the financial agent for the elector organization or a responsible principal official of the organization;

(c) for relief in relation to a third party disclosure statement or supplementary report, or an assent voting advertising disclosure statement or supplementary report, the application may be made,

(i) in the case of a sponsor who is an individual, by the individual, and

(ii) in the case of a sponsor who is an organization, by the organization or a responsible principal official of the organization.

(3) The time limit for filing the petition for an application under this section is the compliance deadline for the disclosure statement or supplementary report to which the application relates.

(4) The petition for an application must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:

(a) in all cases, on the BC chief electoral officer;

(b) in the case of an application in relation to a candidate,

(i) on the individuals referred to in subsection (2) (a), and

- (ii) if the candidate was declared elected, on the jurisdiction in relation to which the election was held;
- (c) in the case of an application in relation to an elector organization, on the organization and individuals referred to in subsection (2) (b);
- (d) in the case of an application in relation to a third party sponsor or assent voting advertising sponsor, on the organization and individuals referred to in subsection (2) (c).

### **Special rules respecting applications for relief that are related to candidate disclosure requirements**

**67** (1) In the case of an application for relief in relation to a candidate disclosure statement or supplementary report, no later than 14 days after the petition is filed, the applicant must set down the matter for hearing by the Supreme Court.

(2) The following apply in relation to an application referred to in subsection (1):

- (a) the applicant must take all reasonable steps to have the application heard as soon as practicable;
- (b) the applicant must provide notice of the date the application is set down for hearing and any adjournments to
  - (i) the jurisdiction in relation to which the election was held, and
  - (ii) the BC chief electoral officer;
- (c) when deciding whether to grant relief under section 68, the court must consider whether the applicant acted diligently to have the application heard as soon as practicable.

### **Court relief powers respecting disclosure requirements**

**68** (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:

- (a) changing the compliance deadline by extending the time period for filing the disclosure statement or supplementary report;
- (b) ordering that the disclosure statement or supplementary report need not comply with specified disclosure requirements;
- (c) ordering that the disclosure statement or supplementary report need not be filed.

(2) The authority to provide relief under subsection (1) includes authority to do the following:

(a) in relation to an order under subsection (1) (a) respecting a disclosure statement, order

(i) that the extension of time for filing the disclosure statement is subject to payment of the late filing penalty fee, or

(ii) that the disclosure statement may be filed without paying the late filing penalty fee;

(b) in relation to an order under subsection (1) respecting a candidate disclosure statement, provide relief in relation to forfeiture of any applicable nomination deposit;

(c) in any case, make any additional order the court considers appropriate to secure compliance with Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 to the extent the court considers reasonable in the circumstances.

(3) In relation to candidate disclosure requirements, the court may provide relief under this section only if satisfied that the candidate exercised due diligence to ensure that the applicable disclosure requirements were met.

(4) In relation to elector organization disclosure requirements, the court may provide relief under this section only if satisfied that the following individuals exercised due diligence to ensure that the applicable disclosure requirements were met:

(a) in relation to a disclosure statement for the elector organization, the individuals who were responsible principal officials of the organization at any time during the period

(i) beginning on the day on which the organization filed endorsement documents, and

(ii) ending on the day after the compliance deadline for filing the disclosure statement;

(b) in relation to a supplementary report for the elector organization, the individuals who were responsible principal officials of the organization at any time during the period

(i) beginning on the day on which the organization filed endorsement documents, and

(ii) ending on the day after the compliance deadline for filing the supplementary report.



(5) In relation to disclosure requirements for a third party sponsor or assent voting advertising sponsor who is an individual, the court may provide relief under this section only if satisfied that the sponsor exercised due diligence to ensure that the applicable disclosure requirements were met.

(6) In relation to disclosure requirements for a third party sponsor or assent voting advertising sponsor that is an organization, the court may provide relief under this section only if satisfied that the individuals who were responsible principal officials of the organization at any time during the period

(a) beginning on the day on which the organization became subject to the requirement to register under Part 3 [*Third Party Election Advertising*], and

(b) ending on the day after the compliance deadline for filing the disclosure statement or supplementary report exercised due diligence to ensure that the applicable disclosure requirements were met.

### **Extension of time before disqualification penalties apply**

**69** (1) Subject to subsection (2), the Supreme Court may extend the date when a penalty would otherwise apply under section 64 (5) (b) (i) [*penalties apply 42 days after the compliance deadline*].

(2) The court may not make an order extending the time unless

(a) the candidate, elector organization, third party sponsor or assent voting advertising sponsor has not yet become subject to the penalty or penalties for which an extension is requested,

(b) an application for relief under this Division has been filed, served and set down for hearing as required under this Division but has not yet been decided, and

(c) the court is satisfied that the applicant has acted diligently to have the application heard as soon as practicable.

(3) A decision by the court under this section is final and may not be appealed.

### **Address for service on other parties**

**70** If requested by an individual or organization that intends to apply for relief under this Division, the BC chief electoral officer must provide to the individual or organization the address for service of the individuals and

organizations that are required to be served with the petition for the application.

### **BC chief electoral officer authority in relation to applications and appeals**

**71** (1) The BC chief electoral officer may set down an application under this Division for hearing by filing a request with the court registry and serving the request on the applicant and any other parties to the application as follows:

(a) in the case of an application that may affect the qualification of a candidate who was declared elected to hold office, at any time for the purpose of ensuring that the entitlement of that candidate to continue to hold office as a member of the local authority is decided expeditiously;

(b) in any case, if the BC chief electoral officer considers that the applicant is not having the application heard as soon as practicable.

(2) Subsection (1) applies whether or not the BC chief electoral officer is a party to the application and whether or not the applicant has set down the application for hearing.

(3) The BC chief electoral officer may appeal an order of the court under this Division, whether or not that officer was a party to the application.

### **Appeals and final determinations**

**72** (1) Penalties under this Act may not be stayed pending determination of an appeal of an order under this Division.

(2) For certainty, if

(a) a candidate, elector organization, third party sponsor or assent voting advertising sponsor has become subject to disqualification penalties under section 64 [*disqualification penalties for failure to disclose*], and

(b) on the final determination of an application under section 66 [*application for relief in relation to disclosure requirements*], the court provides relief from the disclosure requirements and, as applicable, there is compliance with the court order,

the candidate, elector organization, third party sponsor or assent voting advertising sponsor ceases to be disqualified under section 64.

(3) If a candidate to whom subsection (2) applies was declared elected before becoming disqualified under section 64 and the term of office for which the candidate was elected has not ended,

(a) the candidate is entitled to take office for any unexpired part of the term if not otherwise disqualified, and

(b) if the candidate exercises this right, the individual currently holding the office ceases to hold office.

## **Part 7 — Enforcement**

### **Division 1 — Elections BC Responsibilities and Powers**

#### **Report to local authority respecting disqualification of elected candidate**

**73** If an elected member of a local authority becomes subject to a penalty under

(a) section 64 (2) [*candidate disqualification penalties for failure to disclose*], or

(b) section 65 [*disqualification penalties for false or misleading disclosure*],

the BC chief electoral officer must provide a report to the local authority that the member has become disqualified to hold office and that the seat of the member has become vacant.

#### **Reviews, investigations and audits by BC chief electoral officer**

**74** (1) The BC chief electoral officer must conduct periodic reviews of the financial affairs and accounts of candidates, elector organizations, third party sponsors and assent voting advertising sponsors in relation to general compliance with this Act and the regulations under this Act.

(2) In addition to general reviews under subsection (1), the BC chief electoral officer may do any of the following:

(a) conduct an investigation of the financial affairs of a candidate, elector organization, third party sponsor or assent voting advertising sponsor in relation to compliance with this Act and the regulations under this Act;

(b) conduct an audit of the accounts of an individual or organization referred to in paragraph (a);

(c) conduct an investigation of any matter that the BC chief electoral officer considers might constitute an offence under this Act or might be a contravention of a provision of Parts 2 to 7 of this Act or of a regulation under this Act;

(d) conduct an investigation of a complaint received by the BC chief electoral officer regarding non-compliance by an individual or organization referred to in paragraph (a) or the financial agent for such an individual or organization.

(3) For purposes of this section, the BC chief electoral officer or a representative of the BC chief electoral officer may inspect and make copies of the records of an individual or organization referred to in subsection (1).

(4) Section 276 (3) to (6) [*investigations and audits by chief electoral officer*] of the *Election Act* applies in relation to the authority under subsection (3).

### **Complaints regarding contraventions of this Act**

**75** (1) If the BC chief electoral officer receives a complaint alleging that a provision of this Act or a regulation under this Act has been contravened, the BC chief electoral officer must consider whether to investigate the matter.

(2) The BC chief electoral officer must refuse to investigate if, in the view of the BC chief electoral officer, the complaint appears to be frivolous, vexatious or obviously unfounded.

(3) If a complaint is made in writing and the BC chief electoral officer decides not to conduct an investigation, the BC chief electoral officer must notify the complainant in writing of the reasons for this decision.

### **Additional specific powers to require information**

**76** For the purposes of administering compliance with this Act and the regulations under this Act, the BC chief electoral officer has the following powers in addition to all others provided under this Act:

- (a) to require the following to provide a supplementary report:
  - (i) a candidate or the financial agent for a candidate;
  - (ii) an elector organization or the financial agent for an elector organization;
  - (iii) a third party sponsor;
  - (iv) an assent voting advertising sponsor;

(b) to require an individual or organization referred to in paragraph (a) to provide further information respecting compliance with this Act and the regulations under this Act;

(c) to require a local authority to provide to the BC chief electoral officer the originals or copies, as requested by the BC chief electoral officer, of records received or obtained by a local authority under this Act or other local elections legislation, or created by a local authority official in relation to this Act or other local elections legislation, including records that include personal information.

### **Solemn declaration regarding sponsorship may be required**

**77** (1) For the purposes of administering compliance with the requirements under this Act in relation to

(a) Part 3 [*Third Party Election Advertising*],

(b) section 42 [*application of third party election advertising rules to nonelection assent voting advertising*], or

(c) Division 1 [*Sponsorship of Election Advertising and Assent Voting Advertising*] of Part 5 [*Transparency Requirements for Local Elections and Assent Voting*],

the BC chief electoral officer may require an individual to provide a solemn declaration in accordance with this section.

(2) A solemn declaration under this section may be required in relation to one or more of the following, as requested by the BC chief electoral officer:

(a) whether the individual identified under section 44 (1) (a) [*advertising must include sponsorship information*] is or is not the sponsor of the election advertising or non-election assent voting advertising, or is or is not the financial agent for the sponsor;

(b) the individual's compliance with the requirements referred to in subsection (1);

(c) if the individual is a financial agent for an elector organization, compliance by the elector organization with the requirements referred to in subsection (1);

(d) if the individual is a responsible principal official of an elector organization or an organization that is a registered

sponsor, compliance by the elector organization or sponsor with the requirements referred to in subsection (1);

(e) any other matter the BC chief electoral officer considers will assist in determining whether there has been compliance with the requirements referred to in subsection (1).

(3) An individual who does not provide a solemn declaration in accordance with this section when required to do so commits an offence.

### **Powers in relation to non-compliant advertising**

**78** (1) An individual authorized by the BC chief electoral officer may, subject to any restrictions or conditions specified by that officer, do one or more of the following in relation to election advertising or non-election assent voting advertising that is transmitted or sponsored in contravention of this Act or a regulation under this Act:

(a) order an individual or organization to correct, discontinue, remove or destroy the election advertising or non-election assent voting advertising;

(b) cover the election advertising or non-election assent voting advertising, or otherwise obscure it from view;

(c) remove, or remove and destroy, the election advertising or non-election assent voting advertising.

(2) Subject to this section, the authority under subsection (1) includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.

(3) The authority under subsection (2) may be used to enter into a place that is occupied as a private dwelling only if the occupier consents or the entry is made under the authority of a warrant under this or another Act.

(4) On being satisfied on oath or affirmation that access to property is necessary for purposes of this section, a justice may issue a warrant authorizing an individual named in the warrant to enter on or into property and take action as authorized by the warrant.

(5) An individual or organization that does not comply with an order under subsection (1) (a) commits an offence.

### **Court injunctions on application of BC chief electoral officer**

**79** (1) On application of the BC chief electoral officer, the Supreme Court may grant an injunction

(a) requiring an individual or organization to comply with this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has not complied or is likely not to comply with the Act or regulation, or

(b) restraining an individual or organization from contravening this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has contravened or is likely to contravene the Act or regulation.

(2) An order granting an injunction under subsection (1) may be made without notice to others if it is necessary to do so in order to protect the public interest.

(3) A contravention of this Act or a regulation under this Act may be restrained under subsection (1) whether or not a penalty or other remedy has been provided under this Act.

## **Division 2 – Offences**

### **General rules and defence of due diligence**

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

(2) Any penalty under this Part is in addition to and not in place of any other penalty to which an individual or organization may be liable under this Act in respect of the same matter.

(3) An individual or organization is not guilty of an offence under this Act if the individual or organization exercised due diligence to prevent the commission of the offence.

### **BC chief electoral officer authority in relation to prosecutions**

**81** (1) A prosecution for an offence under this Act may not be commenced without the approval of the BC chief electoral officer.

(2) If the BC chief electoral officer is satisfied that there are reasonable grounds to believe that an individual or organization has contravened this Act or a regulation under this Act, the BC chief electoral officer may refer the matter to the Criminal Justice Branch of the Ministry of Justice for a determination of whether to approve prosecution.

### **Time limit for starting prosecution**

**82** (1) The time limit for laying an information to commence a prosecution respecting an offence under this Act is one year after the facts on which the information is based first came to the knowledge of the BC chief electoral officer.

(2) A document purporting to have been issued by the BC chief electoral officer, certifying the day on which the BC chief electoral officer became aware of the facts on which an information is based, is admissible without proof of the signature or official character of the individual appearing to have signed the document and, in the absence of evidence to the contrary, is proof of the matter certified.

### **Prosecution of organizations and their directors and agents**

**83** (1) An act or thing done or omitted by an officer, director, principal official, employee or agent of an organization within the scope of the individual's authority to act on behalf of the organization is deemed to be an act or thing done or omitted by the organization.

(2) If an organization commits an offence under this Act, an officer, director, principal official, employee or agent of the organization who authorizes, permits or acquiesces in the offence commits the same offence, whether or not the organization is convicted of the offence.

(3) A prosecution for an offence under this Act may be brought against an unincorporated organization in the name of the organization and, for these purposes, an unincorporated organization is deemed to be a person.

### **General offence in relation to false or misleading information**

**84** (1) An individual or organization that does any of the following commits an offence:

(a) provides false or misleading information when required or authorized under this Act to provide information;

(b) makes a false or misleading statement or declaration when required under this Act to make a statement or declaration.

(2) In the case of false or misleading information in a disclosure statement or supplementary report, the candidate, elector organization, third party sponsor or assent voting advertising sponsor for which the disclosure statement or supplementary report is filed commits an offence.

### **Higher penalty offences**

**85** (1) This section applies to the offences under the following provisions:



(a) section 57 [*failure to file disclosure statement or supplementary report by compliance deadline*];

(b) section 84 [*general offence in relation to false or misleading information*];

(c) any provision of the regulations prescribed for purposes of this section.

(2) An individual who commits an offence to which this section applies is liable to a fine of not more than \$10 000 or imprisonment for a term not longer than 2 years, or both.

(3) An organization that commits an offence to which this section applies is liable to a fine of not more than \$20 000.

### **Lower penalty offences**

**86** (1) This section applies to offences under this Act other than offences to which section 85 applies.

(2) An individual who commits an offence to which this section applies is liable to a fine of not more than \$5 000 or imprisonment for a term not longer than one year, or both.

(3) An organization that commits an offence to which this section applies is liable to a fine of not more than \$10 000.

## **Part 8 — Administration and Other Matters**

### **Division 1 — Responsibilities and Authorities**

#### **Role of the BC chief electoral officer**

**87** (1) The BC chief electoral officer is responsible for administering compliance with this Act and the regulations under this Act in relation to candidates, elector organizations, financial agents, third party sponsors, assent voting advertising sponsors and other individuals and organizations regulated under this Act.

(2) In relation to the responsibilities under subsection (1), the BC chief electoral officer must

(a) conduct general reviews of election and assent voting financing matters that are dealt with under this Act and of their administration under this Act, and

(b) after each general local election, prepare a report respecting that officer's role in administering compliance with this Act and the regulations under this Act in relation to that general local election and any other elections or assent voting held since the last report under this section.

(3) The BC chief electoral officer must make a report under this section publicly available on an Elections BC authorized internet site.

### **Administrative matters**

**88** (1) Section 10 [*general staff of the chief electoral officer*] of the *Election Act* applies to the BC chief electoral officer in relation to that officer's duties of office under this Act.

(2) The BC chief electoral officer may delegate in writing to an individual appointed under section 10 (1) [*Elections BC employees*] of the *Election Act* the authority to exercise any power and perform any duty assigned to the BC chief electoral officer under this Act, subject to any limits or conditions imposed by the BC chief electoral officer.

(3) All necessary expenses required for the BC chief electoral officer to perform that officer's duties of office under this Act must be paid out of the general fund of the consolidated revenue fund.

(4) The BC chief electoral officer must approve all amounts to be paid under the authority of this section, with this approval authority subject to any applicable regulations.

(5) Amounts that are to be paid to the BC chief electoral officer under this Act and are received by that officer must be paid into the consolidated revenue fund.

### **Minor corrections to disclosure statements and supplementary reports**

**89** (1) Subject to this section and any applicable regulations, if, in reviewing a disclosure statement or supplementary report, the BC chief electoral officer becomes aware of an error or omission that the BC chief electoral officer considers does not materially affect the substance of the statement or report, that officer may correct the error or omission.

(2) A correction under this section may be made only with

(a) the consent of the candidate, elector organization, third party sponsor or assent voting advertising sponsor in relation to which the disclosure statement or supplementary report was filed, or

(b) in the case of a disclosure statement or supplementary report for a candidate or elector organization, with the consent of the financial agent.

### **Late filing extensions in extraordinary circumstances**

**90** (1) Subject to this section and any applicable regulations, the BC chief electoral officer may, on request, make an order extending the time period for filing a disclosure statement without payment of a late filing penalty fee that would otherwise apply.

(2) An extension order under this section may not extend the time period for filing the disclosure statement to a time later than 120 days after general voting day for the election or assent voting to which the disclosure statement relates.

(3) The BC chief electoral officer may make an order under this section only if satisfied, having regard to the purposes of this Act,

(a) that it is appropriate to provide the extension, and

(b) that the disclosure statement cannot be filed within the time period that would otherwise apply by reason of an emergency or other extraordinary circumstance.

### **Retention of disclosure records**

**91** (1) The BC chief electoral officer must retain the disclosure statements and supplementary reports under this Act until at least 5 years after general voting day for the election or assent voting to which they relate.

(2) The minister responsible for the administration of the *Document Disposal Act* may require that the records referred to in subsection (1) be given into the custody of the archives of the government after the end of the applicable retention period under that subsection.

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

### **Provision of information between Elections BC and local authorities**

**92** (1) As soon as practicable after an individual is declared to be a candidate, the local election officer must provide the following to the BC chief electoral officer:

(a) the full name of the candidate;

(b) if applicable, the usual name of the candidate proposed to be used on the ballot;

- (c) the jurisdiction in relation to which and the office for which the individual is a candidate;
- (d) the mailing address for the candidate as provided in the nomination documents;
- (e) a copy of the information and material provided under section 73.1 (1) [*other information to be provided by candidate*] of the *Local Government Act* or section 45.1 (1) of the *Vancouver Charter*, as applicable, or the information provided in that material;
- (f) if applicable, the name of the elector organization that is endorsing the candidate;
- (g) other information as required by regulation.

(2) As soon as practicable after receiving the endorsement documents for an elector organization, the local election officer must provide the following to the BC chief electoral officer:

- (a) a copy of the statement provided under section 73.4 (1) (a) [*endorsement documents*] of the *Local Government Act* or section 45.4 (1) (a) of the *Vancouver Charter*, as applicable, or the information provided in that statement;
- (b) a copy of the information and material provided under section 73.5 [*additional elector organization information*] of the *Local Government Act* or section 45.5 of the *Vancouver Charter*, as applicable, or the information provided in that material;
- (c) other information as required by regulation.

(3) If the local election officer receives updated information respecting any of the information or material to be provided to the BC chief electoral officer under this section, that local election officer must ensure that the updated information is provided to the BC chief electoral officer as soon as practicable.

(4) The local election officer must provide the following to the BC chief electoral officer as soon as practicable:

- (a) the names of the candidate or candidates declared elected in an election for the jurisdiction;
- (b) other information or material as required by regulation.

(5) If applicable, the BC chief electoral officer must provide to the applicable designated local authority officer information or material as required by regulation.

## Division 2 — Technical Advisory Committee

### Technical Advisory Committee

**93** (1) The Technical Advisory Committee is established consisting of the individuals appointed under subsection (2).

(2) Subject to subsection (4), the following individuals may be appointed as members of the advisory committee:

(a) a representative appointed by the Union of British Columbia Municipalities;

(b) a representative appointed by the Local Government Management Association;

(c) a representative appointed by the British Columbia School Trustees Association;

(d) a staff member of Elections BC appointed by the BC chief electoral officer;

(e) a staff member of the ministry of the minister responsible for the administration of this Act, appointed by the Inspector of Municipalities;

(f) a staff member of the ministry of the minister responsible for the administration of the *Election Act*, appointed by the Deputy Attorney General;

(g) a staff member of the ministry of the minister responsible for the administration of the *School Act*, appointed by the deputy minister of that ministry;

(h) any other representative appointed as provided by regulation.

(3) Subject to subsection (4), a member of the advisory committee may designate another individual to attend a committee meeting in the member's place and that individual may act in the member's place at that meeting.

(4) The following are not eligible to be appointed under subsection (2) or designated under subsection (3):

(a) an individual elected or appointed as a member of a local authority;

(b) an individual elected as a member of the Legislative Assembly;

(c) an individual appointed as a member of the Executive Council.

(5) An individual may be reappointed to the advisory committee.

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

### **Role of advisory committee**

**94** (1) The role of the advisory committee is to be a forum for discussing matters of common interest to the represented authorities respecting the administration and application of this Act and the regulations under this Act.

(2) Without limiting subsection (1), the advisory committee is to be a forum for discussing the following:

(a) the development and provision of public information and education respecting this Act and the regulations under this Act;

(b) the development and provision of information and training for local authority officials respecting the administration of this Act and the regulations under this Act;

(c) the provision of specific advice to participants in the election or assent voting process respecting the application of this Act and the regulations under this Act;

(d) the forms for disclosure statements and supplementary reports to be considered for approval by the BC chief electoral officer.

### **Advisory committee meetings**

**95** (1) Subject to this Division, the advisory committee may make rules governing its practices and procedures.

(2) Meetings of the advisory committee may be called at any time by the chair of the committee.

(3) If requested in writing by 2 or more members of the advisory committee, the chair of the committee must call a meeting of the committee as soon as practicable.

(4) A meeting of the advisory committee may be conducted using electronic or other communications facilities, and a member participating in a meeting using such facilities is deemed to be present at the meeting.

(5) The cost of a committee member attending a meeting, other than the cost of the representative of the BC chief electoral officer, is not part of the administrative costs incurred by that officer under this Act.

(6) The advisory committee must make available to the public, on request, a summary of the proceedings of a meeting of the committee.

### **Division 3 – Miscellaneous**

#### **Address for service requirements and delivery of notices**

**96** (1) In relation to a requirement under this Act or other local elections legislation for an individual or organization to provide an address for service at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization, the individual or organization satisfies this requirement by providing a mailing address or email address as the address for service.

(2) In addition to the required address under subsection (1), the individual or organization may provide one or more of the following as an additional address for service:

- (a) an email address in addition to the mailing address;
- (b) a mailing address in addition to the email address;
- (c) a fax number;
- (d) any other form of address prescribed by regulation.

(3) In relation to a requirement or authority under this Act or other local elections legislation to

- (a) serve a notice or other communication on an individual or organization that has provided an address for service, or
- (b) give a notice or other communication to such an individual or organization,

that service or notice may be made by sending the record to the most recent address for service provided by the individual or organization.

(4) If a notice or other communication is sent in accordance with subsection (3), the communication is deemed to have been received by the individual or organization to which it was sent as follows:

- (a) if the communication is sent by ordinary or registered mail to the mailing address provided as an address for service, on the 5th day after it is mailed;

(b) if the communication is sent by email to the email address provided as an address for service, on the 3rd day after it is sent;

(c) if the communication is sent by fax to the fax number provided as an address for service, on the 3rd day after it is faxed;

(d) if the communication is sent to a form of address prescribed by regulation, as provided by the regulations.

(5) Where this Act requires or permits service of a notice or other communication on a jurisdiction, the service is effected if the communication is served on the designated local authority officer for the jurisdiction.

(6) For certainty, this section provides additional means of service and does not affect other means of service authorized by law.

### **Solemn declarations**

**97** (1) If a solemn declaration is required to be provided under this Act, the declaration must be

(a) made on oath or by solemn affirmation,

(b) made before an individual authorized to take the oath or solemn affirmation, and

(c) signed by the individual making the oath or solemn affirmation and by the individual taking it.

(2) The following individuals are authorized to take a solemn declaration required under this Act:

(a) a commissioner for taking affidavits for British Columbia;

(b) the BC chief electoral officer or a delegate authorized under section 88 (2) [*delegation to Elections BC staff*];

(c) a local election officer or a delegate authorized by such an officer under other local elections legislation.

(3) If applicable, the solemn declaration must be made in a form prescribed by regulation.

### **Information updating obligations**

**98** The obligations under this Act to provide updated information and material to the BC chief electoral officer end when all disclosure and record retention obligations under this Act in relation to the candidate, elector



organization, third party sponsor or assent voting advertising sponsor, as applicable, have been fulfilled.

## **Division 4 — Orders and Regulations**

### **Ministerial orders in special circumstances**

**99** (1) If the minister responsible in relation to an election or assent voting considers it necessary because of special circumstances respecting

- (a) the election or assent voting, or
- (b) a candidate, elector organization, third party sponsor or assent voting advertising sponsor,

that minister may make any order the minister considers appropriate to achieve the purposes of this Act.

(2) Without limiting subsection (1), but subject to subsection (3), an order under this section may provide an exception to or modification of this Act or a regulation under this Act, including extending a time period or establishing a new date in place of a date set under this Act and giving any other directions the minister considers appropriate in relation to this.

(3) An order under this section may not provide relief

- (a) that could be provided under section 90 [*late filing extensions in extraordinary circumstances*], or
- (b) that could be provided by a court order for relief, or that could have been provided by such a court order if an application had been made within the applicable time limit under this Act.

(4) For certainty, the authority under this section may be exercised in relation to circumstances described in section 80 [*withdrawal, death or incapacity of candidate*] of the [Local Government Act](#) or section 52 of the [Vancouver Charter](#), but is additional to the authority under those sections, section 155 [*minister orders in special circumstances*] of the [Local Government Act](#) or section 127 of the [Vancouver Charter](#).

### **Power to make regulations**

**100** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the [Interpretation Act](#).

(2) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations as follows:

- (a) respecting any matter for which regulations are contemplated by this Act;

(b) defining any word or expression used but not defined in this Act, including, for certainty, defining a word or expression to which section 2 (1) [*other definitions that apply to this Act*] of the Schedule to this Act applies;

(c) in relation to elections prescribed under section 1 (1) (i) [*other elections to which this Act applies*], prescribing the office, jurisdiction, local authority, election area, jurisdiction area and applicable legislation in relation to a prescribed election;

(d) in relation to section 42 [*application of third party advertising rules to non-election assent voting advertising*], in addition to the authority under subsection (4) of this section, making any other regulations the Lieutenant Governor in Council considers necessary or advisable in relation to the application of Part 3 [*Third Party Election Advertising*] and the regulations under that Part to non-election assent voting advertising;

(e) in relation to the application of this Act and regulations under this Act to by-elections or elections by acclamation, making any regulations the Lieutenant Governor in Council considers necessary or advisable in relation to the application of this Act or the regulations under this Act to such elections, including regulations as referred to in subsection (4);

(f) in relation to section 93 (2) (h) [*other members of the advisory committee*], providing for additional members of the advisory committee and establishing who is to appoint an additional member.

(3) A regulation under this Act may confer a discretion on the BC chief electoral officer.

(4) Where this Act contemplates that a provision of the Act may be subject to regulations, the authority to make the contemplated regulations includes authority to do any or all of the following:

(a) provide exceptions to the provision;

(b) establish limits on the application of the provision;

(c) modify the rules, or the effect of the rules, that would otherwise apply under the provision;

(d) establish rules that operate in place of or as an alternative to the provision;

(e) establish conditions in relation to the operation of an exception, limit, modification or rule established under this subsection.

(5) A regulation under this Act may

(a) establish different classes of jurisdictions, election areas, elected offices, elections, assent voting, candidates, organizations, sponsors, circumstances, things or other matters, and

(b) make different provisions, including exceptions, for those classes.

### Commencement and application

**101** (1) The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 <b>Provisions of Act</b>	Column 2 <b>Commencement</b>
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 34 and 35	In relation to anonymous sponsorship contributions, on March 27, 2014, being the day after the date of First Reading

(2) This Act does not apply in relation to elections referred to in section 1 [*elections to which this Act applies*], or voting referred to in section 2 [*assent voting to which this Act applies*], held before the 2014 general local election.

## Schedule

### Definitions and Interpretation

#### Definitions

**1** In this Act:

**"address for service"**, in relation to an individual or organization, means an address provided in accordance with section 96 [*address for service requirements and delivery of notices*] as an address at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization;

**"advisory committee"** means the Technical Advisory Committee under section 93 [*Technical Advisory Committee*];

**"assent voting"** means voting to which this Act applies under section 2 [*assent voting to which this Act applies*];

**"assent voting advertising"** means assent voting advertising within the meaning of section 8 [*what is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising*];

**"assent voting advertising disclosure statement"** means a disclosure statement required under section 46 (1) (d) [*disclosure statements for assent voting advertising sponsors*];

**"assent voting advertising sponsor"** means

- (a) an individual or organization that sponsors non-election assent voting advertising,
- (b) an individual or organization that registers under Division 3 [*Registration of Third Party Sponsors*] of Part 3 [*Third Party Election Advertising*] as it applies to non-election assent voting advertising, and
- (c) in relation to obligations applicable under this Act to an individual or organization as an assent voting advertising sponsor, an individual or organization that was an assent voting advertising sponsor;

**"assent voting proceedings period"** means the period applicable in relation to non-election assent voting under section 10 (3) [*what is the assent voting proceedings period*];

**"authorized principal official"** means,

- (a) in relation to an elector organization, the responsible principal official designated as required under section 21 (1) (b) [*principal official authorized to make declarations for elector organization*], or
- (b) in relation to a third party sponsor or assent voting advertising sponsor that is an organization, the responsible principal official designated as required under section 40 (1) (b) [*principal official authorized to make declarations for organization*];

**"BC chief electoral officer"** has the same meaning as "chief electoral officer" in the [Election Act](#);

**"campaign account"** means an account established under section 18 [*requirement for candidate campaign account*] or 20 [*requirement for elector organization campaign account*];

**"campaign contribution"** means a campaign contribution within the meaning of section 13 [*campaign contributions to candidate or elector organization*];

**"campaign period"** means the period applicable in relation to an election under section 10 (1) [*what is an election proceedings period*];

**"candidate"** includes

- (a) an individual who intends to become a candidate in an election,
- (b) an individual who is seeking or intends to seek endorsement by an elector organization in relation to an election, and
- (c) in relation to obligations applicable under this Act to an individual as a candidate, an individual who was a candidate;

**"candidate disclosure statement"** means a disclosure statement required under section 46 (1) (a) [*candidate disclosure statement*];

**"compliance deadline"** means the applicable compliance deadline under section 47 (4) [*compliance deadline for filing disclosure statements*] or 54 (6) [*compliance deadline for filing supplementary report*];

**"contributor class"**, in relation to a campaign contribution provided to a candidate or elector organization or in relation to a sponsorship contribution provided to a third party sponsor or assent voting advertising sponsor, means the class of contributor as described in the following classes:

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

**"court order for relief"** means a court order under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6;

**"declared"**, in relation to a candidate, means declared as a candidate under section 74 [*declaration of candidates*] of the *Local Government Act* or section 46 of the *Vancouver Charter*;

**"designated local authority officer"**, in relation to a matter, means

(a) the local authority official assigned responsibility for the matter by the local authority, or

(b) if no such assignment has been made, whichever of the following is applicable:

(i) in relation to a municipality other than the City of Vancouver, the municipal corporate officer;

(ii) in relation to the City of Vancouver or the Vancouver Park Board, the City Clerk;

(iii) in relation to a regional district, the regional district corporate officer;

(iv) in relation to the Islands Trust, the secretary;

(v) in relation to a board of education, the secretary treasurer;

(vi) in relation to any other jurisdiction, the official designated by regulation;

**"directed advertising"** means directed advertising within the meaning of section 12 [*types of third party advertising – issue advertising and directed advertising*];

**"disclosure requirements"** means the applicable requirements and obligations under Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 in relation to a disclosure statement or supplementary report;

**"disclosure statement"** means a disclosure statement required under section 46 [*disclosure statements required for candidates, elector organizations and advertising sponsors*];

**"election"** means an election to which this Act applies under section 1 [*elections to which this Act applies*];

**"election advertising"** means election advertising within the meaning of section 7 [*what is election advertising*];

**"election campaign"** means, as applicable,

- (a) an election campaign of a candidate within the meaning of section 4 [*what is the election campaign of a candidate*], or
- (b) an election campaign of an elector organization within the meaning of section 5 [*what is the election campaign of an elector organization*];

**"election expense"** means an election expense within the meaning of section 14 [*election expenses of candidates and elector organizations*];

**"election proceedings period"** means the period applicable in relation to an election under section 10 (2) [*what is an election proceedings period*];

**"election proceedings period expense"** means an election proceedings period expense within the meaning of section 15 [*what are election proceedings period expenses*];

**"Elections BC"** means the office administered by the BC chief electoral officer under the [Election Act](#);

**"Elections BC authorized internet site"** means an internet site

- (a) maintained by Elections BC, or
- (b) authorized by the BC chief electoral officer to be used for purposes of this Act;

**"elector organization"** includes

- (a) an organization that intends to endorse a candidate in an election, and
- (b) in relation to obligations applicable under this Act to an organization as an elector organization, an organization that was an elector organization;

**"elector organization disclosure statement"** means a disclosure statement required under section 46 (1) (b) [*disclosure statements for elector organizations*];

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

**"financial agent"** means,

(a) in relation to a candidate, the financial agent under section 17 *[each candidate must have a financial agent]*,

(b) in relation to an elector organization, the financial agent under section 19 *[each elector organization must have a financial agent]*, and

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

**"general local election"** includes the elections that are held at the same time as a general local election under the [Local Government Act](#);

**"incurring an election expense"** means using property or services in such a manner that the value of the property or services is an election expense;

**"issue advertising"** means issue advertising within the meaning of section 12 *[types of third party advertising – issue advertising and directed advertising]*;

**"jurisdiction"** means,

(a) in relation to an election, the applicable jurisdiction referred to in section 1 *[elections to which this Act applies]* for which the election is being held, and

(b) in relation to assent voting, the jurisdiction for which the assent voting is being held;

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

**"late filing deadline"** means the late filing deadline as established under section 47 (2) *[filing up to 120 days after general voting day on payment of penalty fee]*;

**"late filing penalty fee"** means the applicable penalty fee under section 47 (2);

**"local authority"** means the local authority of a jurisdiction to which this Act applies under section 1 *[elections to which this Act applies]* or 2 *[assent voting to which this Act applies]*;

**"local authority offices"** means,

(a) in relation to a local government, the local government offices, and



(b) in relation to another form of local authority, the location of the regular office of the designated local authority officer;

**"local election officer"**, in relation to a jurisdiction, means

- (a) the chief election officer for the jurisdiction, or
- (b) if at the applicable time no individual is appointed as that official, the designated local authority officer;

**"local elections legislation"** means

- (a) this Act and the regulations under this Act,
- (b) the enactments referred to in sections 1 [*elections to which this Act applies*] and 2 [*assent voting to which this Act applies*] and the regulations under those enactments, as they apply in relation to elections or assent voting to which this Act applies, and
- (c) any other prescribed enactment as it applies in relation to elections or assent voting to which this Act applies;

**"local government"** includes the council of the City of Vancouver;

**"market value"**, in relation to property or services, means the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time;

**"minister responsible"** means,

- (a) in relation to an election, the minister responsible for the enactment under which the applicable local authority is established or continued, and
- (b) in relation to assent voting, the minister responsible for the enactment under which the assent voting is required or authorized to be held;

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

**"non-election assent voting advertising"** means non-election assent voting advertising within the meaning of section 8 (4) [*non-election assent voting advertising*];

**"organization"** means a corporation or an unincorporated organization;

**"personal election expenses"** means personal expenses in relation to a candidate within the meaning of section 15 (3) [*exclusions from election proceedings period expenses*];

**"personal information of an individual"** means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*;

**"principal official"**, in relation to an organization, means,

(a) in the case of an organization that is a corporation, a director of the corporation, and

(b) in the case of an organization that is not a corporation, a director or a principal officer of the organization or, if there are no directors or principal officers, a principal member of the organization;

**"property"** means property or the use of property, as applicable;

**"provided without compensation"** means provided without compensation by way of donation, advance, deposit, discount or otherwise;

**"registered"**, in relation to a third party sponsor or non-election assent voting advertising sponsor, means registered under Division 3 [*Registration of Third Party Sponsors*] of Part 3 [*Third Party Election Advertising*];

**"required contact information"**, in relation to an individual, means all of the following:

(a) a mailing address for the individual;

(b) a telephone number at which the individual can be contacted;

(c) an email address at which the individual can be contacted, unless the individual does not have such an address;

**"responsible principal official"** means,

(a) in relation to an elector organization, an individual identified under section 21 [*responsible principal officials of elector organization*] as a responsible principal official of the organization, and

(b) in relation to a third party sponsor or assent voting advertising sponsor that is an organization, an individual identified under section 40 [*responsible principal officials of*

*sponsor that is an organization]* as a responsible principal official of the organization;

**"shared election expense"** means

(a) election advertising sponsored by 2 or more candidates acting in combination, such that a portion of the total value of the election advertising is an election expense of each candidate participating in the sponsorship, or

(b) the use of property or services other than election advertising by 2 or more candidates, acting in combination, such that a portion of the total value of the property or services is an election expense of each candidate participating in that use;

**"significant contributor"** means,

(a) in relation to campaign contributions, an individual or organization that

(i) makes a campaign contribution having a value of \$100 or more, or

(ii) makes multiple campaign contributions to the same candidate or elector organization such that the total value of the campaign contributions to that candidate or elector organization is \$100 or more, and

(b) in relation to sponsorship contributions, an individual or organization that

(i) makes a sponsorship contribution having a value of \$100 or more, or

(ii) makes multiple sponsorship contributions to the same individual or organization such that the total value of the sponsorship contributions to that individual or organization is \$100 or more;

**"solemn declaration"** means a declaration on oath or by solemn affirmation in accordance with section 97 [*solemn declarations*];

**"specifically related"**, in relation to election advertising, means specifically related within the meaning of section 12 [*types of third party advertising– issue advertising and directed advertising*];

**"sponsor"**, in relation to election advertising or non-election assent voting advertising, means the individual or organization that is the

sponsor within the meaning of section 9 [*who is the sponsor of election advertising or nonelection assent voting advertising*];

**"sponsorship contribution"** means a sponsorship contribution within the meaning of section 32 [*what are sponsorship contributions*] to a third party sponsor or assent voting advertising sponsor;

**"sponsorship use"** means,

(a) in relation to a contribution to an individual or organization that is or becomes a third party sponsor, use in relation to sponsorship of third party advertising by the individual or organization, and

(b) in relation to a contribution to an individual or organization that is or becomes an assent voting advertising sponsor, use in relation to sponsorship of non-election assent voting advertising by the individual or organization;

**"supplementary report"** means a supplementary report required under section 54 [*requirement for supplementary report*];

**"third party advertising"** means election advertising that is third party advertising within the meaning of section 11 [*what is third party advertising*];

**"third party disclosure statement"** means a disclosure statement required under section 46 (1) (c) [*disclosure statements for third party sponsors*];

**"third party sponsor"** means

(a) an individual or organization that sponsors or intends to sponsor third party advertising,

(b) an individual or organization that registers as a third party sponsor under Division 3 [*Registration of Third Party Sponsors*] of Part 3, and

(c) in relation to obligations applicable under this Act to the individual or organization as a third party sponsor, an individual or organization that was a third party sponsor;

**"volunteer"** means an individual who provides services for no remuneration or material benefit, but does not include

(a) an individual who is employed by an employer, if the employer makes the services available at the employer's expense, or

(b) an individual who is self-employed, if the services provided by the individual are normally sold or otherwise charged for by the individual.

### **How this Act applies in relation to other legislation**

**2** (1) Subject to the definitions under this Act,

(a) the definitions in the *Community Charter* and the *Local Government Act* apply to this Act in relation to elections to which Part 3 [*Electors and Elections*] of the *Local Government Act* applies and in relation to assent voting to which Part 4 [*Assent Voting*] of that Act applies, and

(b) the definitions in the *Vancouver Charter* apply to this Act in relation to elections to which Part I [*Electors and Elections*] of the *Vancouver Charter* applies and in relation to assent voting to which Part II [*Assent Voting*] of that Act applies.

(2) So far as the terms defined can be applied, the definitions under this Act extend to all enactments in relation to election and assent voting matters that are dealt with by this Act.

### **References to other Acts**

**3** Where this Act or a regulation under this Act refers to the *Community Charter*, *Local Government Act* or *Vancouver Charter*, or a provision of one of those Acts, the reference extends to an election, assent voting or other matter under another enactment to which the referenced Act or provision applies.