

**2020 BY-ELECTION**  
**ELECTORAL AREA "G" (HOUSTON RURAL)**  
**NOMINATION PACKAGE**



**SATURDAY, FEBRUARY 29, 2020**



**REGIONAL DISTRICT OF BULKLEY-NECHAKO  
2020 BY-ELECTION  
ELECTORAL AREA “G” (HOUSTON RURAL)  
NOMINATION PACKAGE**

**Forms to be Completed**

1. Candidate Information Release Authorization
2. C1- Candidate Cover Sheet and Checklist Form
3. C2 – Nomination Documents
4. C3 – Other Information Provided by Candidate
5. C4 – Appointment of Candidate Financial Agent (if Candidate is not acting as own Financial Agent)
6. C5 - Appointment of Official Agent (if applicable)
7. C6 - Appointment of Scrutineer (if applicable)  
NOTE: Each candidate may appoint 1 scrutineer for each ballot box in use.  
Extra appointment forms are available on request.
7. Elector Organization Endorsement Package (if applicable)
8. Financial Disclosure Forms
  - also included is a copy of the “Financial Disclosure Act” and Fact Sheet for your reference.

**Information Package**

1. Notice of Nomination
2. Candidate’s Guide to Local Government Elections in B.C.
3. What Every Candidate Needs to Know (additional material: Thinking about Running for Local Office, Foundational Principles of Responsible Conduct, General Local Elections 101, Voter’s Guide)
4. Excerpts from the Local Government Act:
  - Elector Qualifications – Sections 65-67
  - Qualifications for Office – Sections 81-83
  - Nomination Deposits – Section 88
  - Candidates and Representatives – Sections 101-103
  - Election Offences – Sections 161-166
5. Miscellaneous Information
  - Local Government Elections Bylaw No. 1697, 2014
  - RDBN Procedure Bylaw No. 1832, 2018
  - RDBN Directors’ Remuneration Bylaw 1837, 2018
    - RDBN Directors’ Remuneration Amendment Bylaw 1882, 2019
    - RDBN Directors’ Remuneration Amendment Bylaw 1894, 2019
  - RDBN Five Year Financial Plan Bylaw No. 1864, 2019
    - RDBN Five Year Financial Plan Amendment Bylaw 1876, 2019
    - RDBN Five Year Financial Plan Amendment Bylaw 1888, 2019
  - Introduction to Regional Districts: Communities in Partnership
  - Regional District Tool Kit Fact Sheets – Purposes of Regional Districts
  - Staples McDannold Stewart – The Role & Responsibilities of Regional Directors
  - *Local Elections Campaign Financing Act*

**\*\*NOMINATION PERIOD IS FROM 9:00 AM ON TUESDAY, JANUARY 14, 2020  
TO 4:00 P.M. ON FRIDAY, JANUARY 24, 2020\*\***

If you require assistance or would like more information on the nomination process, the election process, or the Regional District of Bulkley-Nechako operations in general, please call the following persons at the Regional District of Bulkley-Nechako office at (250) 692-3195 or 1-800-320-3339.

**Cheryl Anderson, Chief Election Officer**  
**Geraldine Craven, Deputy Chief Election Officer**  
**Wendy Wainwright, Deputy Chief Election Officer**

# REGIONAL DISTRICT OF BULKLEY-NECHAKO

## CANDIDATE INFORMATION RELEASE AUTHORIZATION

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Your nomination documents are available to the public to view as soon as they are submitted. Consent provided with this form simply allows the municipality to provide additional information, as appearing below, to the public and / or media.

The information you choose to share will be posted on websites operated by CivicInfo BC (www.civicinfo.bc.ca). This is the primary source through which the media, the public, provincial ministries, researchers, and others are able to obtain province-wide local election information.

I, \_\_\_\_\_  
(please print name of person nominated)

having submitted nomination documents for election to the office of \_\_\_\_\_, hereby give my consent to share the following information. This information may be shared by email, posting on a website, phone, fax, or by any other means of electronic communication.

<b>Address:</b>	
<b>Phone:</b>	<b>Alternate Phone (e.g. Cell):</b>
<b>Email:</b>	
<b>Website:</b>	<b>Instagram:</b>
<b>Twitter:</b>	<b>Facebook:</b>

### Gender (Check one):

- Female       Male       Other / undisclosed

### Previous Elected Experience (Check one):

- Incumbent. Served on Council *in the same role* between 2014 and 2018.  
 Served on Council *different role* between 2014 and 2018.  
 Served on council before 2014, but not during the past term.  
 No council experience, but has been elected to office elsewhere (school, local, provincial, or federal).  
 None.

\_\_\_\_\_  
(Signature of Candidate)

## CANDIDATE NOMINATION PACKAGE

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

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

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

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

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

### COMPLETION INSTRUCTIONS:

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

As per *Local Elections Campaign Financing Act* requirements, the following forms will be forwarded to Elections BC by the local Chief Election Officer:

- C2 – Nomination Documents (only page 3);
- C3 – Other Information Provided by Candidate; and
- C4 – Appointment of Candidate Financial Agent.

**After election results have been declared, please send any changes to documents previously provided to Elections BC to:**

**Elections BC**  
PO Box 9275 Stn Prov Govt  
Victoria BC V8W 9J6  
Toll-free fax: 1-866-466-0665  
Email: [lecf@elections.bc.ca](mailto:lecf@elections.bc.ca)

## C1 – Candidate Cover Sheet and Checklist Form

PLEASE PRINT IN BLOCK LETTERS

### SECTION A

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

### SECTION B

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

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

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

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

## C2 – Nomination Documents

PLEASE PRINT IN BLOCK LETTERS

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

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

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

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

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

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

**CANDIDATE NOMINATION PACKAGE**

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

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

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

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

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

## C2 – Nomination Documents

PLEASE PRINT IN BLOCK LETTERS

I do solemnly declare as follows:

1. I am qualified under section 81 of the *Local Government Act* to be nominated, elected and to hold the office of

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

2. I am or will be on general voting day for the election, 18 years of age or older.
3. I am a Canadian citizen.
4. I have been a resident of British Columbia, as determined in accordance with section 67 of the *Local Government Act*, for the past six months immediately preceding today's date.
5. I am not disqualified by the *Local Government Act* or any other enactment from being nominated for, being elected to or holding the office, or otherwise disqualified by law.
6. To the best of my knowledge, the information provided in these nomination documents is true.
7. I fully intend to accept the office if elected.
8. I am aware of and understand the requirements and restrictions of the *Local Elections Campaign Financing Act* and I intend to fully comply with those requirements and restrictions.

NOMINEE'S SIGNATURE

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

AT: (LOCATION)

DATE: (YYYY / MM / DD)

I am acting as my own Financial Agent

\_\_\_\_\_  
NOMINEE'S SIGNATURE

I have appointed as my Financial Agent

\_\_\_\_\_  
FINANCIAL AGENT'S NAME (IF APPLICABLE)

### C3 – Other Information Provided by Candidate

PLEASE PRINT IN BLOCK LETTERS

**Office for which individual is a nominee:**

POSITION (E.G. MAYOR, COUNCILLOR, DIRECTOR)	JURISDICTION (E.G. MUNICIPALITY, REGIONAL DISTRICT)	ELECTION AREA (E.G. MUNICIPALITY, REGIONAL DISTRICT ELECTORAL AREA)
NOMINEE'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
USUAL NAME OF PERSON NOMINATED IF DIFFERENT FROM ABOVE AND PREFERRED BY THE PERSON NOMINATED TO APPEAR ON THE BALLOT		
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) AS PROVIDED IN THE NOMINATION DOCUMENTS	CITY/TOWN	POSTAL CODE
ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)	CITY/TOWN	POSTAL CODE
TELEPHONE NUMBER	EMAIL ADDRESS (IF AVAILABLE)	

**Additional Addresses for Service Information**

**OPTIONAL**

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

NAME OF ELECTOR ORGANIZATION ENDORSING THE CANDIDATE (IF APPLICABLE)

<input type="checkbox"/> I am acting as my own Financial Agent	<input type="checkbox"/> I am not acting as my own Financial Agent
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Please ensure that name and mailing address information is the same as that entered on FORM C2 – NOMINATION DOCUMENTS

## C4 – Appointment of Candidate Financial Agent

PLEASE PRINT IN BLOCK LETTERS

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

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

## C5 – Appointment of Candidate Official Agent

PLEASE PRINT IN BLOCK LETTERS

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

## C6 – Appointment of Candidate Scrutineer

PLEASE PRINT IN BLOCK LETTERS

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

## ELECTOR ORGANIZATION ENDORSEMENT PACKAGE

Use the Elector Organization Cover Sheet and Checklist Form E1 to ensure that the Elector Organization Endorsement Package is complete and meets the legislative requirements of the *Local Government Act*, *Local Elections Campaign Financing Act*, *Financial Disclosure Act* and/or *Vancouver Charter*.

The Elector Organization Endorsement Package Cover Sheet and Checklist Form E1 serve as a guide to the forms that must be submitted by the Elector Organization Authorized Principal Official to the local Chief Election Officer as part of the Candidate endorsement process.

Ensure that, for each item checked off on the Checklist Form E1 (Section B), the relevant form is completed and attached.

*The Elector Organization Cover Sheet and Checklist Form E1 are for the local Chief Election Officer's reference only and do not constitute part of the Elector Organization Endorsement Package.*

Completing only the Elector Organization Cover Sheet and Checklist Form E1 **does not** constitute completion of the Elector Organization Endorsement Package, nor does it satisfy the legislative requirements set out in the *Local Government Act*, *Local Elections Campaign Financing Act*, *Financial Disclosure Act* and/or *Vancouver Charter*.

### COMPLETION INSTRUCTIONS:

1. Record the Elector Organization Authorized Principal Official's full name.
2. Record the endorsing Elector Organization's name.
3. Use section B of the Cover Sheet and Checklist Form E1 to identify which forms have been completed and are included in the Elector Organization Endorsement Package.
4. Return the completed package to the local Chief Election Officer.

As per *Local Elections Campaign Financing Act* requirements, the following forms will be forwarded to Elections BC by the local Chief Election Officer:

E3 – Elector Organization Endorsement Documents: Declaration of Elector Organization Authorized Principal Official;

E4 – Consent of Elector Organization Responsible Principal Official(s);

E5 – Other Information Provided by Elector Organization; and

E6 – Appointment of Elector Organization Financial Agent.

**After election results have been declared, please send any changes to documents previously provided to Elections BC to:**

**Elections BC**

PO Box 9275 Stn Prov Govt  
Victoria BC V8W 9J6

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

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

**E1 – Elector Organization Cover Sheet and Checklist Form**

PLEASE PRINT IN BLOCK LETTERS

**SECTION A**

ENDORISING ELECTOR ORGANIZATION'S NAME	GENERAL VOTING DAY (YYYY / MM / DD)
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**SECTION B**

This Elector Organization Endorsement Package includes the following completed forms, appointments, consents and declarations:

- E2 – Elector Organization Endorsement Documents**
- E3 – Elector Organization Endorsement Documents:  
Declaration of Elector Organization Authorized Principal Official**
- E4 – Consent of the Elector Organization Responsible Principal Official(s)**
- E5 – Other Information Provided by Elector Organization**
- E6 – Appointment of Elector Organization Financial Agent**

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

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

## E2 – Elector Organization Endorsement Documents

PLEASE PRINT IN BLOCK LETTERS

ELECTOR ORGANIZATION'S LEGAL NAME (IF APPLICABLE)	USUAL NAME IF DIFFERENT FROM LEGAL NAME OR NO LEGAL NAME	
ABBREVIATION/ACRONYMS/OTHER NAMES USED BY THE ELECTOR ORGANIZATION	NAME, ABBREVIATION OR ACRONYM TO BE INCLUDED ON THE BALLOT	
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

***Please see over for additional space when endorsing more than two candidates.  
Please attach additional endorsement sheets as necessary.***

**ELECTOR ORGANIZATION ENDORSEMENT PACKAGE**

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT
CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)	CANDIDATE'S CONSENT TO ENDORSEMENT (SIGNATURE)

## E3 – Elector Organization Endorsement Documents: Declaration of Elector Organization Authorized Principal Official

PLEASE PRINT IN BLOCK LETTERS

ELECTOR ORGANIZATION'S NAME

As **Authorized Principal Official** for the above named Elector Organization, I do solemnly declare that to the best of my knowledge and belief:

1. The above named Elector Organization has at least 50 members who are electors of the municipality or regional district for which the election is being held.
2. The above named Elector Organization is not disqualified from endorsing candidate(s).
3. The Elector Organization is aware of and understands the requirements and restrictions of the *Local Elections Campaign Financing Act* that apply to the above named Elector Organization and that the Elector Organization intends to fully comply with those requirements and restrictions.
4. I am authorized to make the solemn declaration on behalf of the above named Elector Organization.
5. This solemn declaration is made in relation to the candidate(s) named on Form E2 – Elector Organization Endorsement Documents included in this Endorsement Package.

AUTHORIZED PRINCIPAL OFFICIAL'S SIGNATURE

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

AT: (LOCATION)

DATE: (YYYY / MM / DD)

## E4 – Consent of Elector Organization Responsible Principal Official(s)

PLEASE PRINT IN BLOCK LETTERS

ELECTOR ORGANIZATION'S NAME

I hereby consent to act as the **Authorized Principal Official** and a **Responsible Principal Official** for the above named Elector Organization for the:

GENERAL VOTING DATE: (YYYY / MM / DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
AUTHORIZED/RESPONSIBLE PRINCIPAL OFFICIAL'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)	CITY/TOWN	POSTAL CODE
TELEPHONE NUMBER	EMAIL ADDRESS (IF AVAILABLE)	

**Additional Addresses for Service Information**

**OPTIONAL**

MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE	CITY/TOWN	POSTAL CODE
FAX NUMBER	EMAIL ADDRESS IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE	
AUTHORIZED/RESPONSIBLE PRINCIPAL OFFICIAL'S SIGNATURE	DATE: (YYYY / MM / DD)	

## E4 – Consent of Elector Organization Responsible Principal Official(s)

PLEASE PRINT IN BLOCK LETTERS

I hereby consent to act as a **Responsible Principal Official** for the above named Elector Organization for the:

GENERAL VOTING DATE: (YYYY / MM / DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
RESPONSIBLE PRINCIPAL OFFICIAL'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)	CITY/TOWN	POSTAL CODE

**Additional Addresses for Service Information**

**OPTIONAL**

MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE	CITY/TOWN	POSTAL CODE
FAX NUMBER	EMAIL ADDRESS IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE	
RESPONSIBLE PRINCIPAL OFFICIAL'S SIGNATURE	DATE: (YYYY / MM / DD)	

*If additional Responsible Principal Officials consent to act for the above named Elector Organization please attach additional sheets as necessary.*

## E5 – Other Information Provided by Elector Organization

PLEASE PRINT IN BLOCK LETTERS

JURISDICTION (E.G. MUNICIPALITY, REGIONAL DISTRICT)	ELECTION AREA (E.G. MUNICIPALITY, REGIONAL DISTRICT ELECTORAL AREA)	
ELECTOR ORGANIZATION'S LEGAL NAME (IF APPLICABLE)	USUAL NAME IF DIFFERENT FROM LEGAL NAME OR NO LEGAL NAME	
ABBREVIATION/ACRONYMS/OTHER NAMES USED BY THE ELECTOR ORGANIZATION	NAME, ABBREVIATION OR ACRONYM TO BE INCLUDED ON THE BALLOT	
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
ADDRESS FOR SERVICE (STREET ADDRESS OR EMAIL ADDRESS)	CITY/TOWN	POSTAL CODE
TELEPHONE NUMBER	EMAIL ADDRESS (IF AVAILABLE)	

<b>Additional Addresses for Service Information</b>		<b>OPTIONAL</b>
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER) IF EMAIL WAS PROVIDED AS ADDRESS FOR SERVICE	CITY/TOWN	POSTAL CODE
FAX NUMBER	EMAIL ADDRESS IF MAILING ADDRESS WAS PROVIDED AS ADDRESS FOR SERVICE	

<b>Endorsed Candidate(s):</b>	
CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

*Please see over for additional space and attach additional endorsement sheets as necessary.*

ELECTOR ORGANIZATION ENDORSEMENT PACKAGE

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)	CANDIDATE'S FULL NAME (FIRST, MIDDLE AND LAST NAMES)
USUAL NAME TO BE USED ON THE BALLOT	USUAL NAME TO BE USED ON THE BALLOT

## E6 – Appointment of Elector Organization Financial Agent

PLEASE PRINT IN BLOCK LETTERS

ELECTOR ORGANIZATION'S NAME		
FINANCIAL AGENT'S LAST NAME	FIRST NAME	MIDDLE NAME(S)
<b>is hereby appointed as the Financial Agent for the above named Elector Organization for the:</b>		
GENERAL VOTING DATE: (YYYY / MM / DD)	<input type="checkbox"/> General Local Election	<input type="checkbox"/> By-election
MAILING ADDRESS (STREET ADDRESS/PO BOX NUMBER)	CITY/TOWN	POSTAL CODE
TELEPHONE NUMBER	EMAIL ADDRESS (IF AVAILABLE)	
EFFECTIVE DATE OF APPOINTMENT: (YYYY / MM / DD)		
AUTHORIZED PRINCIPAL OFFICIAL'S SIGNATURE	DATE: (YYYY / MM / DD)	

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

## FINANCIAL DISCLOSURE ACT

The information in this fact sheet applies to you if you have accepted a nomination for election as a Member of the Legislative Assembly (MLA) in British Columbia.

### ABOUT THE ACT

The *Financial Disclosure Act* requires that the following people make disclosures of assets, debts and sources of income:

- A nominee for election to provincial or local government\* office, as a school trustee, or as a director of a francophone education authority.
- An elected local government official.
- An elected school trustee, or director of a francophone education authority.
- An employee designated by a local government, francophone education authority or board of a school district.
- A public employee designated by the Lieutenant Governor in Council.

\*(“local government” includes municipalities, regional districts, and the Islands Trust.)

The intent of the Act is to identify what areas of influence and possible financial benefit an elected official, nominee or designated employee might have by virtue of their office, and to ensure the public has reasonable access to the information.

### WHAT YOU MUST DISCLOSE

It is not necessary to disclose the value of your holdings or the amount of debt owed, but you must disclose:

- The name of each corporation in which you hold one or more shares, including shares held by a trustee on your behalf.
- The name of each creditor to whom you owe a debt, with the following exceptions: residential property debt (mortgage, lease or agreement for sale); money borrowed for household or personal living expenses; or any assets you hold in trust for another person.
- The name of each business or organization located or carrying on business in British Columbia from which you receive financial remuneration. You must also identify your capacity as owner, part-owner, employee, trustee, partner or other (e.g. director of company or society).
- The legal description(s) and address(es) of all land located in British Columbia in which you, or a trustee acting on your behalf, own an interest or have an agreement, which entitles you to obtain an interest. Your personal residence does not need to be disclosed.
- The following information with regard to corporations where you individually, or together with your spouse, child, brother, sister, mother or father, own shares which total more than 30% of votes for electing directors:
  - The name of each corporation and its subsidiaries.
  - The type of business the corporation and its subsidiaries normally conduct.
  - A description and address of land in which the corporation, its subsidiaries or a trustee acting for the corporation, own an interest or have an agreement entitling any of them to acquire an interest.
  - A list of creditors of the corporation, including its subsidiaries (you need not include debts of less than \$5,000 payable in 90 days).
  - list of any other corporations in which the corporation, including its subsidiaries or trustees acting for them, holds one or more shares.

You must include shares held by a trustee on your behalf, but not shares you hold by way of security.

## FILING DISCLOSURE DOCUMENTS

You must use a "Statement of Disclosure" form to make your disclosures under the Act. You can obtain the form from the B.C. Government Web site at: [www.gov.bc.ca](http://www.gov.bc.ca) [type 'Statement of Disclosure Form' in search bar].

You must submit your completed disclosure form with your nomination papers to the Chief Electoral Officer or your District Electoral Officer. If you are elected, you will have further disclosure obligations under the Members' Conflict of Interest Act.

## FREQUENTLY ASKED QUESTIONS

### Q. Do I need to list mutual fund investments?

**A.** The Financial Disclosure Act was written many years ago and does not specifically address mutual fund investments. If you own mutual funds which do not contain corporate shares or interests in land located in British Columbia, you are not required to disclose your investment. If you own mutual funds which do contain corporate shares or interests in land located in British Columbia, your investment should be disclosed either as trusts (if applicable) or to comply with the spirit of the legislation.

### Q. Do I need to list investments held in my RRSPs?

**A.** It depends on the type of investments you hold in your RRSPs. If you hold corporate shares or interests in land located in British Columbia in an RRSP, those investments must be disclosed to the same extent as if you held those investments outside an RRSP. However, if you hold in an RRSP investments which would not be disclosable if you held them directly (e.g. term deposits or GICs), they do not become disclosable because they are held in an RRSP.

### Q. Do I need to list credit card debt for other than ordinary household or personal living expenses?

**A.** Yes, credit card companies for which you owe a debt for other than ordinary household or personal living expenses must be disclosed.

### Q. Do I need to provide information about land holdings outside the province?

**A.** No, unless the land holdings are owned by a corporation in which you individually (including through a trustee), or with family members, own shares (other than by way of security) carrying more than 30% of votes for electing directors.

### Q. What happens if I forget to include something on my form?

**A.** As a nominee for election to provincial office you are required by law to submit a complete disclosure form with your nomination papers. If you have forgotten to include something on your form, you should submit a supplement to your filed disclosure form or complete a new disclosure form and submit to the Chief Electoral Officer as soon as possible.

### Q. Who will have access to the information on my disclosure form?

**A.** Your statement of disclosure form will be available for public inspection during normal business hours.

### Q. How long is the information kept on file?

**A.** Elections BC keeps a copy of the information for one year. Following the close of nominations, the original form is sent to the Clerk of the Legislative Assembly (the disclosure clerk for provincial nominees) and it is kept indefinitely.

## FURTHER INFORMATION?

You should approach your solicitor or your political party's legal counsel if you require additional information on the Financial Disclosure Act and the disclosure form. The Chief Electoral Officer does not administer the Financial Disclosure Act. Neither the Chief Electoral Officer nor the Clerk of the Legislative Assembly (or their staff) are able to provide any assistance or advice regarding completion of the disclosure form.

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### DISCLAIMER

*The purpose of this fact sheet is to help nominees for election to provincial office understand the general requirements of the Financial Disclosure Act. However, nominees should refer to the Act itself for specific interpretations. (The Election Act and Members' Conflict of Interest Act are also recommended as sources of information.)*



## Liabilities – s. 3 (e)

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

<i>creditor's name(s)</i>	<i>creditor's address(es)</i>

## Income – s. 3 (b-d)

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

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

<i>your capacity</i>	<i>name(s) of business(es)/organization(s)</i>

## Real Property – s. 3 (f)

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

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

<i>legal description(s)</i>	<i>address(es)</i>

## Corporate Assets – s. 5

Do you individually, or together with your spouse, child, brother, sister, mother or father, own shares in a corporation which total more than 30% of votes for electing directors? (Include shares held by a trustee on your behalf, but not shares you hold by way of security.)

no  yes

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

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

\_\_\_\_\_ *signature of person making disclosure*

\_\_\_\_\_ *date*

### Where to send this completed disclosure form:

#### Local government officials:

***... to your local chief election officer***

- with your nomination papers, and

***... to the officer responsible for corporate administration***

- between the 1st and 15th of January of each year you hold office, and
- by the 15th of the month after you leave office

#### School board trustees/ Francophone Education Authority directors:

***... to the secretary treasurer or chief executive officer of the authority***

- with your nomination papers, and
- between the 1st and 15th of January of each year you hold office, and
- by the 15th of the month after you leave office

#### Nominees for provincial office:

- with your nomination papers. If elected you will be advised of further disclosure requirements under the *Members' Conflict of Interest Act*

#### Designated Employees:

***... to the appropriate disclosure clerk (local government officer responsible for corporate administration, secretary treasurer, or Clerk of the Legislative Assembly)***

- by the 15th of the month you become a designated employee, and
- between the 1st and 15th of January of each year you are employed, and
- by the 15th of the month after you leave your position

This Act is current to November 27, 2019

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

## **FINANCIAL DISCLOSURE ACT**

### **[RSBC 1996] CHAPTER 139**

#### ***Contents***

- 1 Definitions
- 2 Requirement to make written disclosure
- 3 Contents and filing of written disclosures: Provincial
- 4 Contents and filing of written disclosures: municipal
- 5 Other rules about written disclosures
- 6 Access to written disclosures
- 7 Other disclosure laws
- 8 Proceedings not invalidated
- 9 Offence and penalty
- 10 Procedural matters
- 11 Liability to payment from profit after failure to disclose
- 12 Power to make regulations

#### **Definitions**

**1** In this Act:

**"business"** includes a profession, calling, trade, manufacture, undertaking of any kind and an adventure or concern in the nature of trade, but does not include an office or employment;

**"debt"** does not include

- (a) a mortgage, lease or agreement for sale on land ordinarily occupied by the debtor for, or as incidental to, residential purposes,
- (b) current and ordinary household and personal living expenses, and
- (c) money or other property entrusted to or received by a nominee, municipal official, public employee or municipal employee in trust for another person;

**"disclosure clerk"** means

- (a) for a written disclosure filed by a nominee, the Clerk of the Legislative Assembly,

**"nominee"** means a person referred to in section 2 (1);

**"office"** means the position of a person, other than a corporation, entitling the person to a fixed or ascertainable stipend or remuneration;

**"public employee"** means a person, other than a municipal employee or a judge, who is designated by the Lieutenant Governor in Council and who is

- (a) employed by the government, or any of its boards, agencies or commissions, under the *Public Service Act* or by an order of the Lieutenant Governor in Council,
- (b) employed by or appointed to a board, agency or commission if the employment or appointment requires an order or approval of the Lieutenant Governor in Council, or
- (c) a member of a board, agency or commission established under an Act or by order of the Lieutenant Governor in Council;

**"trust council"** has the same meaning as in the *Islands Trust Act*;

**"written disclosure"** means a written disclosure required to be made and filed under this Act.

### **Requirement to make written disclosure**

- 2 (1) A person who accepts a nomination for election to office as a Provincial or municipal official must make a written disclosure and file it with the person's nomination papers.
- (2) Promptly after receiving a written disclosure under subsection (1), the person receiving it must send it to the appropriate disclosure clerk.
- (3) A person who is a municipal official, public employee or municipal employee must make and file a written disclosure between January 1 and 15 in each year in which the person is an official or employee.
- (4) A person who becomes a public employee or a municipal employee must make and file a written disclosure not later than the 15th day of the month following the month in which the person becomes a public employee or a municipal employee.
- (5) A person who ceases to be a municipal official, public employee or municipal employee, for any reason other than the person's death, must make and file a written disclosure not later than the 15th day of the month following the month in which the person ceases to be an official or employee.
- (6) A person is not required to file more than one written disclosure during any one month.

### **Contents and filing of written disclosures: Provincial**

- 3 A written disclosure made by a nominee or public employee must be filed in the prescribed form with the appropriate disclosure clerk and must specify all of the following:

- (e) description and location of land of which the corporation, a trustee for it, or the subsidiary, owns an interest or has an agreement entitling it to acquire an interest,
  - (f) name of the creditor for each debt of the corporation or subsidiary, except a debt of less than \$5 000 payable in full in less than 90 days, and
  - (g) name of each corporation in which the corporation, a trustee for it, or the subsidiary, holds one or more shares.
- (2) For the purposes of sections 3 and 4 and this section, a person is deemed to be a trustee for a nominee, municipal official, public employee or municipal employee if the person
- (a) holds a share in a corporation or an interest in land either for the benefit of the nominee, municipal official, public employee or municipal employee, or in circumstances where the nominee, municipal official, public employee or municipal employee is liable to pay, under the *Income Tax Act* (Canada), income tax on income received by him or her on the share or land interest, or
  - (b) has entered into an agreement entitling him or her to acquire an interest in land for the benefit of the nominee, municipal official, public employee or municipal employee.
- (3) A nominee, municipal official, public employee or municipal employee may make and file a supplementary written disclosure.

### **Access to written disclosures**

- 6** (1) The disclosure clerk with whom a written disclosure is filed under section 3 or 4 must produce for inspection, on request during normal business hours, the written disclosure filed by a nominee or municipal official.
- (2) Subject to subsections (3) and (4) and sections 9, 10 and 11, a person does not have access to a written disclosure filed by a public employee or municipal employee.
- (3) On receiving a written disclosure by a public employee, the Provincial Secretary must send a copy of it to the member of the Executive Council who, in the Provincial Secretary's opinion, is responsible to the Executive Council for the administration of the Act for which the public employee is employed or appointed.
- (4) On receiving a written disclosure by a municipal employee, the disclosure clerk must send a copy of it to the members of the council, board or trust council responsible for the employment or appointment of the municipal employee.

### **Other disclosure laws**

- 7** This Act is supplementary to and does not affect a duty or obligation to disclose an interest under any other law.

- (3) If an application under subsection (1) is made in respect of a municipal employee, the disclosure clerk, at the request of the court, must send to the court the written disclosure of the municipal employee.
- (4) If the proceedings under this section are against a public employee or municipal employee, the court may make public all or part of the employee's written disclosure.

### **Power to make regulations**

- 12** The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

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**REGIONAL DISTRICT OF BULKLEY-NECHAKO**  
**ELECTORAL AREA "G" (HOUSTON RURAL) BY-ELECTION**

**NOTICE OF NOMINATION**

Public Notice is given to the electors of Electoral Area "G" (Houston Rural) of the Regional District of Bulkley-Nechako that a by-election will be held on Saturday, February 29, 2020 to elect:

One (1) Director for **Electoral Area "G" (Houston Rural)**

Nominations for qualified candidates will be received by the Chief Election Officer or a designated person as follows:

<p><b>By hand, mail or other delivery service:</b>          Regional District of Bulkley-Nechako,          P.O. Box 820, 37-3<sup>rd</sup> Avenue, Burns Lake,          B.C., V0J 1E0</p>	<p>From 9:00 am on Tuesday, January 14, 2020          To 4:00 pm on Friday, January 24, 2020          Excluding statutory holidays and weekends</p>
<p><b>By fax to:</b> (250) 692-3305</p> <p><b>By email to:</b>          wendy.wainwright@rdbn.bc.ca</p>	<p>From 9:00 am on Tuesday, January 14, 2020          To 4:00 pm on Friday, January 24, 2020</p> <p>Originals of faxed or emailed nomination documents must be received by the Chief Election Officer by 4:00 pm on Friday, January 31, 2020.</p>

Nomination documents are available at the Regional District Office, 37-3<sup>rd</sup> Avenue, Burns Lake, B.C. from 8:30 a.m. to 4:30 p.m. Monday to Friday, excluding Statutory holidays and weekends, and may also be picked up at the following Municipal Offices during regular business hours:

- District of Houston, 3367 - 12<sup>th</sup> Street, Houston, B.C., V0J 1Z0
  - Village of Granisle, 1 McDonald Avenue, Granisle, B.C., V0J 1W0
- \*\*Nomination Papers will not be accepted at these Municipal Offices\*\***

**QUALIFICATIONS FOR OFFICE**

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

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

### **CAMPAIGN PERIOD EXPENSE LIMITS**

In accordance with the *Local Elections Campaign Financing Act*, the following expense limit for candidates during the campaign period applies:

Electoral Area Director - **\$5,000.00**

### **THIRD PARTY ADVERTISING LIMITS**

In accordance with the *Local Elections Campaign Financing Act*, the third party advertising limit is **\$750.00**

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

Cheryl Anderson, Chief Election Officer

Geraldine Craven, Deputy Chief Election Officer

Wendy Wainwright, Deputy Chief Election Officer

Phone: 1-800-320-3339 or (250) 692-3195

For further information on **campaign period expense limits and third party advertising limits**, please contact Elections BC:

Toll-free phone: 1-855-952-0280

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

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



# CANDIDATE'S GUIDE

TO LOCAL ELECTIONS IN B.C.

2018



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# Key Contacts

## Ministry of Municipal Affairs and Housing

Contact the Ministry of Municipal Affairs and Housing (Ministry) for answers to questions about the material contained in this guide. Ministry staff can also provide additional information about local elections administration in British Columbia.

### Ministry of Municipal Affairs and Housing

Governance and Structure Branch  
PO Box 9839 Stn. Prov. Govt.  
Victoria, BC V8W 9T1  
Phone: 250 387-4020  
Email: [LGgovernance@gov.bc.ca](mailto:LGgovernance@gov.bc.ca)  
Website: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

## Elections BC

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

### Elections BC

Phone: 250 387-5305  
Toll-free: 1 855 952-0280 / TTY 1 888 456-5448  
Fax: 250 387-3578  
Toll-free Fax: 1 866 466-0665  
Email: [lecf@elections.bc.ca](mailto:lecf@elections.bc.ca)  
Website: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

## Ministry of Education

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

### Ministry of Education

Legislation, Policy and Governance Branch  
PO Box 9146 Stn. Prov. Govt.  
Victoria, BC V8W 9H1  
Phone: 250 387-8037  
Email: [EDUC.Governance.Legislation@gov.bc.ca](mailto:EDUC.Governance.Legislation@gov.bc.ca)  
Website: [www2.gov.bc.ca/gov/content/education-training/administration/legislation-policy/school-trustee-election-procedures](http://www2.gov.bc.ca/gov/content/education-training/administration/legislation-policy/school-trustee-election-procedures)

## Enquiry BC

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

### Enquiry BC

In Victoria call: 250 387-6121

In Vancouver call: 604 660-2421

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

Outside B.C.: 604 660-2421

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

Website: [www2.gov.bc.ca/gov/content/home/contact-us](http://www2.gov.bc.ca/gov/content/home/contact-us)

## Municipal and Regional District Information

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

### CivicInfoBC

Phone: 250 383-4898

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

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

# Other Resources

## BC Laws

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

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

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

## Elections Legislation

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

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

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

## Educational Materials

The Ministry of Municipal Affairs and Housing, Elections BC, Union of B.C. Municipalities, Local Government Management Association, Ministry of Education, and the BC School Trustees Association collaborated to produce educational materials and guides for the 2018 general local elections.

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

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

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

Educational materials developed by Elections BC are available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

- Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents
- Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents
- Guide for Local Elections Third Party Sponsors in B.C.

Educational materials developed by the Ministry of Education are available online at: [www2.gov.bc.ca/gov/content/education-training/administration/legislation-policy/school-trustee-election-procedures](http://www2.gov.bc.ca/gov/content/education-training/administration/legislation-policy/school-trustee-election-procedures)

- School Trustee Election Procedures in British Columbia

Educational materials developed by the BC School Trustees Association are available online at: [www.bcsta.org/content/trustee-elections-2018](http://www.bcsta.org/content/trustee-elections-2018)

- BCSTA Guide to School Trustee Candidates

## Disclaimer

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

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

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

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

# New Elections Legislation – Shared Roles and Responsibilities

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

In 2016, the *Local Elections Campaign Financing Act* was amended to implement election expense limits in general local elections – those provisions are in force for the 2018 general local elections.

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

Elections BC has developed educational materials about campaign financing, election advertising, election expense limits, campaign contribution limits and **third party sponsors**.

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

The Ministry of Municipal Affairs and Housing, Local Government Management Association, Union of B.C. Municipalities, Ministry of Education, the BC School Trustees Association and Elections BC have developed educational materials related to local elections.

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

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

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

Candidates must be familiar with the *Local Elections Campaign Financing Act* and its requirements. The *Local Elections Campaign Financing Act* is available online at BC Laws ([www.bclaws.ca](http://www.bclaws.ca)).

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents*, *Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents*, and *Guide for Local Elections Third Party Sponsors in B.C.* for detailed information and instructions about the campaign financing disclosure process and requirements and rules related to third party sponsors – these guides are available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

# Introduction

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

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

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

Local governments (**municipalities** and **regional districts**) have roles that include:

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

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

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

The *Candidate's Guide to Local Elections in B.C.* (guide) provides those considering running for elected office, **candidates**, election officials, **financial agents** and the general public with comprehensive, detailed information about the local elections process.

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

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

General local elections will be held on **Saturday, October 20, 2018**.

A separate guide for school trustee elections has been published by the Ministry of Education, available online at: [www2.gov.bc.ca/gov/content/education-training/administration/legislation-policy/school-trustee-election-procedures](http://www2.gov.bc.ca/gov/content/education-training/administration/legislation-policy/school-trustee-election-procedures)

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

Elections BC has published the *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents*, the *Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents*, and the *Guide to Local Elections Third Party Sponsors in B.C.* that describe the campaign financing and election advertising rules and disclosure requirements – these guides are available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

# Local Elections Generally

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

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

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

The elections legislation contains provisions that must be consistently applied to all local elections; however, the legislation is also flexible enough that local governments are able to make choices about how to conduct elections in a manner that suits local circumstances (e.g. drawing by lot to break a tie between two or more candidates).

## Voting Opportunities

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

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

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

### General Voting Day

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

### Advance Voting

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

Local governments may set out in their election bylaws whether additional advance voting opportunities will be offered, or in communities of less than 5,000, whether the required additional advance voting opportunity will be waived.

*See Appendix B for other key election dates.*

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

General voting day for the 2018 general local elections is **October 20**.

The required advance voting opportunity for the 2018 general local election is **October 10**.

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

An elector must have been a B.C. resident prior to **April 19, 2018** in order to register to vote on general voting day.

## Special Voting

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

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

## Mail Ballot Voting

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

## Key Participants

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

### Electors

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

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

A resident elector must:

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

A non-resident property elector must:

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

## Candidates

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

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

## Financial Agents

A financial agent is a representative that candidates and elector organizations are legally required to have during an election campaign. A candidate is their own financial agent unless they appoint another individual to the position. The appointment of a financial agent by a candidate must be made in writing and the person must consent to the appointment.

Financial agents have a number of obligations under the *Local Elections Campaign Financing Act*, including maintaining records for campaign contributions, election expenses and other campaign account transactions, and filing required campaign financing disclosure statements with Elections BC.

## Volunteers

**Volunteers** are individuals who provide services, such as preparing and distributing flyers, calling eligible voters, handling logistics and taking on other election campaign-related activities. Candidates and elector organizations may enlist volunteer services. Third party sponsors may also use volunteers to undertake their advertising activities independent of an election campaign. A volunteer must not receive any payment or remuneration for their services.

Contact Elections BC by phone at: 250 387-5305 or elsewhere in B.C. call: 1 855 952-0280 or by email at: [lecf@elections.bc.ca](mailto:lecf@elections.bc.ca) for answers to questions about being a volunteer for an election campaign.

## Third Party Sponsors

A third party sponsor is an individual or organization that sponsors election advertising independently from candidates or elector organizations during the **campaign period**. Third party advertising includes advertising for or against a candidate or elector organization and advertising on an issue with which a candidate or elector organization is associated. Third party sponsors must register with Elections BC.

Refer to Elections BC's *Guide for Local Elections Third Party Sponsors in B.C.* for more information about registration and financial disclosure, available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

## Elector Organizations

Elector organizations are organizations that endorse or intend to endorse a candidate(s) in local elections and that file endorsement documents with the local Chief Election Officer. Elector organizations may be referred to as "civic political parties". Elector organizations may promote a candidate, group of candidates or a point of view during local elections in one or more jurisdictions.

Elector organizations have their name, abbreviation or acronym shown on the ballot beside their endorsed candidate's name. Elector organizations must comply with the campaign financing rules and disclosure requirements under the *Local Elections Campaign Financing Act*.

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

Refer to the *Elector Organization Guide to Local Elections in B.C.* for more information about elector organizations, available online at: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

## Key Election Administrators

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

### Election Officials

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

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

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

### Elections BC

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

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

Refer to Elections BC’s *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents*, *Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents* and *Guide for Local Elections Third Party Sponsors in B.C.* for more information about campaign financing and third party advertising rules, available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

## B.C. CHIEF ELECTORAL OFFICER

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

# About Being an Elected Official

Local Government Act – sections 198-199 and 207  
Community Charter – sections 81, 119 and 123  
Vancouver Charter – sections 9, 139 and 145.1

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

## Term of Office

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

## Time Commitment

Holding local office can represent a significant time commitment. Councils usually hold one meeting every week or two and regional district boards generally hold one meeting each month. Elected officials are expected to be prepared for meetings so that they can participate in an informed way and contribute to collective decision-making.

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

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

## Absences from Meetings

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

## Remuneration

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

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

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

## Obligation to Vote

Every elected official present at a municipal council and regional district board meeting must vote “for” or “against” a motion. The official meeting record will show that those councillors or board members that did not expressly vote “yes” or “no” voted in favour of the motion. The only exception would be when an elected official declared a conflict of interest related to the matter being voted upon – the elected official would then be prohibited from voting and must leave the meeting until after the vote had been taken.

## Ongoing Financial Disclosure

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

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

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

## Privacy

Elected officials perform many of their duties in the public eye. Social media has increased the amount of exposure and feedback elected officials receive. As such, aspects of an elected official's life may become a matter of public interest and may result in a loss of privacy.

## The Ethics of Elected Office

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

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

## Responsible Conduct

How elected officials conduct themselves in their relationships with elected colleagues, local government staff and the public is directly connected to how a community is governed. These three groups play a significant role in helping locally elected officials carry out their collective responsibilities as decision-makers of their communities.

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

The *Financial Disclosure Act* is administered by the Ministry of Attorney General. For more information about ongoing financial disclosure, refer to: [www2.gov.bc.ca/gov/content/governments/organizational-structure/financial-disclosure/municipal-officials](http://www2.gov.bc.ca/gov/content/governments/organizational-structure/financial-disclosure/municipal-officials)

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

Further information about responsible conduct and expectations for B.C.'s locally elected officials is available online at: [www.gov.bc.ca/localgov-elected-officials-conduct](http://www.gov.bc.ca/localgov-elected-officials-conduct)

## Codes of Conduct

Many local governments have created codes of conduct in order to assist elected officials to conduct themselves in an appropriate manner. A code of conduct is a set of rules outlining how elected officials must behave when carrying out their elected duties. Codes of conduct provide guidance in addition to the obligations elected officials have under legislation, bylaws, policies and other legal rules.

Codes of conduct can also promote a positive, ethics-focused organizational culture and create a shared understanding about the roles and responsibilities of locally elected officials and local government staff, and what they can and cannot do.

## Conflict of Interest and Other Ethical Standards

### *Disclosure of Conflict*

The *Community Charter* conflict of interest rules provide that locally elected officials who have a financial (pecuniary) interest in a matter that will be discussed or voted on at a municipal council or regional district board meeting must declare that interest in the matter. Following their declaration, they may not participate in discussions, vote or exercise influence on the matter.

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

### **CONFLICT OF INTEREST**

*Local Government Act*  
section 205

*Community Charter*,  
sections 100-109

*Vancouver Charter*,  
sections 145.2-145.92

Municipal councils or regional district board members who believe they have a financial interest in a matter under discussion, must:

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

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

Given that conflict of interest is complex and dependent on the particular facts in a given circumstance, conflict of interest can only be decided by the courts; ultimately the courts have the expertise to apply the law to the facts of a specific situation. If an elected official were unsure about whether they were in a conflict of interest, it would be best for that elected official to seek independent legal advice.

## CONTRACTUAL CONFLICT?

Aaron Michaels owns Arrow Landscaping, a local gardening and landscaping company – he is also a municipal councillor.

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

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

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

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

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

### ***Inside Influence***

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

### ***Outside Influence***

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

### ***Accepting Gifts***

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

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

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

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

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

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

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

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

### ***Consequences***

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

### ***Confidentiality***

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

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

## Elected Officials and Local Government Staff

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

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

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

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

## Who May Run For Office

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

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

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

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

### Local Government Employees

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

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

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

### Local Government Contractors

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

### B.C. Public Service Employees

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

Prospective candidates must have been a B.C. resident prior to **March 13, 2018** to be eligible to run in the 2018 general local elections.

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

## Federal Employees

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

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

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

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

## Volunteers

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

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

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

## Who May Not Run For Office

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

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

## Nomination Period and Declaration of Candidates

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

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

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

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

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

*See Appendix B: 2018 General Local Elections Key Dates for other key election dates.*

## Who May Nominate

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

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

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

The nomination period for the 2018 general local elections begins at 9 a.m. local time on **September 4** and ends at 4 p.m. local time on **September 14**.

The declaration of candidates for the 2018 general local elections takes place at 4 p.m. local time on **September 14**.

The nomination period for the 2018 general local elections may be extended until 4 p.m. local time on **September 17**.

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

## Endorsement by an Elector Organization

An **elector organization** can endorse a candidate on the ballot by submitting all the required information in the **endorsement** package during the nomination period.

The elector organization must not be disqualified from endorsing candidates, and it must have a membership of at least 50 eligible electors (either resident electors or non-resident property electors) at the time it submits endorsement documents. An elector organization cannot endorse more candidates in an election than there are offices to be filled, and a candidate can only be endorsed by one elector organization.

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

Refer to the *Elector Organization Guide to Local Elections in B.C.* for more information about elector organization endorsements, available online at: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

## Nomination Packages

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

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

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

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

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

- the person's **solemn declaration** that:
  - they are qualified to be nominated for office;
  - the information provided in the nomination documents is true;
  - they fully intend to accept the office if elected; and,
  - they are aware of the *Local Elections Campaign Financing Act*, understand the requirements and restrictions under the Act and intend to comply with the Act.

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

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

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

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

## SOLEMN DECLARATIONS

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

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

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

## Nomination Deposits

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

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

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

Original copies of documents submitted by facsimile or email must be submitted to the local Chief Election Officer by 4 p.m. local time on **September 21** for the 2018 general local elections.

Nomination documents for the 2018 general local elections are available for public inspection until **November 23** if the official election results were declared on **October 24**.

Challenges to nominations for the 2018 general local elections can be submitted until 4 p.m. local time on **September 18**. The Provincial Court is required to hear the challenge and make a ruling by 4 p.m. local time on **September 21**.

Nominees for the 2018 general local elections may withdraw their candidacy until 4 p.m. local time on **September 21**.

## Challenge of Nomination

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

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

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

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

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

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

## Withdrawing a Nomination

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

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

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

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

Campaign financing disclosure statements are not required when a prospective candidate withdraws before the declaration of candidates. Any nomination deposit paid by the prospective candidate is returned after the nomination period ends.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* for more information about campaign financing disclosure, available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

Prospective candidates are not required to file candidate disclosure documents for the 2018 general local elections if they withdraw before 4 p.m. local time on **September 14.**

The election period for the 2018 general local elections begins on **January 1** and ends at midnight on **September 21**.

The campaign period for the 2018 general local elections begins on **September 22** and ends on **October 20**.

## What are Election Campaigns?

An **election campaign** is a connected series of actions (e.g. advertising, meetings and speeches) for the purpose of electing a **candidate** or a group of candidates to a **municipal council** or **regional district board**.

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

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

An election campaign may be undertaken by a candidate or an elector organization during local elections. In some cases, candidates and elector organizations may work together on an election campaign where the elector organization has endorsed the candidate; in other cases, a group of candidates who are not endorsed by an elector organization may choose to work together to share costs.

## ELECTION PERIOD AND CAMPAIGN PERIOD

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

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

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

## Candidate Election Campaigns

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

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* for more information about the election period, campaign period requirements, offences and penalties that apply to candidates, available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

## Elector Organization Election Campaigns

Candidates and elector organizations may form mutually beneficial partnerships in order to realize a similar intended outcome – the election of the candidates endorsed by the elector organization. The elector organization would have its name, abbreviation or acronym appear on the ballot beside the candidate’s name.

Refer to the *Elector Organization Guide to Local Elections in B.C.* for further information about elector organizations, available online at: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

Campaign financing and election advertising rules apply to elector organization election campaigns. Every elector organization must appoint a **financial agent** to ensure the financial aspects of the election campaign are run in accordance with the *Local Elections Campaign Financing Act*.

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

Refer to Elections BC’s *Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents* for more information about the campaign financing rules, offences and penalties that apply to elector organizations, available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

## Third Party Sponsor Advertising

A **third party sponsor** is an individual or organization that conducts election advertising independently from a candidate or elector organization campaign. Candidates and their election campaigns *must* be independent from third party advertising sponsored by a third party sponsor. Third party sponsors and candidates *must not* coordinate their advertising.

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

Refer to Elections BC’s *Guide for Local Elections Third Party Sponsors in B.C.* for more information about the campaign financing rules, offences and penalties that apply to third party sponsors, available online at [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

## Key Election Campaign Activities

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

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

Contact Elections BC by phone at: 250 387-5305 or elsewhere in B.C. call: 1 855 952-0280 or by email at: [lecf@elections.bc.ca](mailto:lecf@elections.bc.ca) for detailed information about campaign financing rules.

## LIST OF REGISTERED ELECTORS (VOTER'S LIST)

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

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

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

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

### Canvassing

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

### Telephone Banks

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

In-person telephone banks (as opposed to auto-dialing robocalls) may also be used by candidates or their representatives during advance and general voting opportunities to contact and remind eligible electors to “get out and vote”.

### In-person Events

Candidates may hold “meet and greet” events (e.g. luncheons or fundraising dinners) where the electorate can listen to their platform or position on specific issues and ask questions.

Local governments, community groups and local media often provide opportunities for candidates to communicate their platform or position on specific issues to the electorate at “all-candidate” forums. Local governments are not obligated to organize, supervise or inform candidates of these events.

### Advertising

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

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

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* for more information about election advertising, available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

### Signs

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

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

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

### Sponsorship Information

There are rules with respect to sponsorship information on election advertising. Please refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* for more information about sponsorship information, available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

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

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

## Local Election Offences

### Vote-buying

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

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

### Intimidation

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

### Campaigning Near a Voting Place

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

### Providing or Distributing False Information

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

### Contravening Voting Provisions

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

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

## Reporting and Enforcement of Local Election Offences

The local Chief Election Officer has the authority to enforce local election rules, such as the challenge of a candidate's nomination or elector eligibility and to maintain order at voting places. Local election officials also have the authority to challenge an elector's ability to vote on the basis that they are not entitled to vote or that they accepted an inducement to vote.

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

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

## Local Election Penalties

Vote-buying, accepting an inducement to vote or intimidating an elector to vote for a particular candidate may result in penalties including fines of up to \$10,000, imprisonment for up to two years and/or disqualification from holding elected office in a local government for up to seven years.

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

- advertising on general voting day;
- falsely withdrawing a candidate or an endorsement;
- fraudulently voting;
- interfering with ballots or ballot boxes;
- canvassing, advertising or otherwise visibly supporting a candidate within 100 metres of a voting place on voting days; or,
- conducting any other activity contrary to the *Local Government Act*.

## Local Election Officials' Authority

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

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

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

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

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

*See Appendix A for information about local elections partner roles and responsibilities.*

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

# Candidate Representatives

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

A **candidate** may appoint an individual or individuals to assist running an **election campaign** and to otherwise represent the candidate when the candidate is unable to appear in person. Each candidate may choose to appoint an official agent and/or **scrutineers**. Every candidate must have a financial agent. They are their own financial agent unless they appoint another individual to the position.

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

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

## Financial Agent

A financial agent is a representative that candidates and elector organizations are legally required to have during an election campaign. A candidate is their own financial agent unless they appoint another individual to the position. The financial agent is responsible for administering election campaign finances in compliance with the *Local Elections Campaign Financing Act*.

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

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

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

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

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* for information about the financial agent's role and responsibilities, available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

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

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

Refer to the *Elector Organization Guide to Local Government Elections in B.C.* for information about elector organization financial agents, available online at: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

## Official Agent

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

Candidates must appoint their official agent in writing and deliver the appointment (including the name and address of the person) to the local Chief Election Officer as soon as practicable after the appointment has been made.

## Scrutineers

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

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

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

## Voting Times

Voting places must be open from 8 a.m. to 8 p.m. local time on **general voting day** and the required **advance voting opportunity** and another advance voting opportunity (date to be determined by the local government) for local governments with populations greater than 5,000.

Local governments may set specific hours for any special voting opportunities or additional advance voting opportunities held during local elections.

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

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

## Counting Ballots

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

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

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

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

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

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

Ballot counting for the 2018 general local elections begins after 8 p.m. local time on **October 20**.

## Conduct at Voting Places

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

### **Candidate Conduct**

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

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

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

### **Scrutineer Conduct**

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

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

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

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

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

# After General Voting Day

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

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

## Announcing Results

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

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

## Judicial Recount

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

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

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

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

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

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

Official election results for the 2018 general local elections must be declared by 4 p.m. local time on **October 24**.

The period to apply for a judicial recount for the 2018 general local elections ends on **October 29**.

A judicial recount for the 2018 general local elections must be completed by **November 2**.

## Breaking Ties

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

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

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

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

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

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

## Invalid Election

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

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

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

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

## Oath of Office

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

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

A petition to invalidate a 2018 general local election must be made by **November 23** if the official election results were declared on **October 24**.

Candidates elected in the 2018 general local elections must make an oath or solemn affirmation by **December 8, 2018** if the official election results were declared on **October 24**.

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

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

## Taking Office

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

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

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

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

Candidates acclaimed in the 2018 general local elections must make an oath of office or solemn affirmation by **December 10**.

The inaugural meeting after the 2018 general local elections must be held by **November 10**.

The term of office for regional district electoral area directors elected in the 2018 general local elections begins on the first Monday after **November 1** following the general local elections - or when the director has made their oath of office or solemn affirmation – whichever is later.

The campaign period for the 2018 general local elections begins on **September 22** and ends on **October 20**.

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

## Campaign Period Expense Limits

In 2016, the *Local Elections Campaign Financing Act* was amended to establish expense limits that would apply to the **campaign period** expenses of candidates and **elector organizations**. The amendments also established spending limits for **third party sponsors**. Expense limits will first be applied for the 2018 general local elections.

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

## Campaign Contribution Limits

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

The new rules apply for the 2018 general local election and are retroactive to October 31, 2017, meaning campaign contributions received on or after October 31, 2017 are subject to the new rules.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* for detailed information regarding the new campaign financing rules, available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

## Elections BC Officials' Authority

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

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

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

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

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

*See Appendix C for questions and answers about Elections BC's role and responsibilities.*

# Glossary

Sections 107-108 of the  
*Local Government Act*

Sections 69-70 of the  
*Vancouver Charter*

Sections 169-171 of the  
*Local Government Act*

Sections 129-131 of the  
*Vancouver Charter*

Section 1 of the *School Act*

Section 30(2) of the  
*School Act*

## ***address for service***

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

## ***advance voting opportunity***

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

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

## ***assent voting***

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

## ***B.C. Chief Electoral Officer***

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

## ***board***

See entry for "regional district board".

## ***board of education***

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

### **by-election**

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

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

### **campaign account**

An account opened at a savings institution by a financial agent to be used exclusively for election campaign purposes. The account must be opened in the candidate or elector organization's name and be separate and distinct from any personal or business accounts.

### **campaign contribution limits**

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

### **campaign period**

The period that begins on the 28<sup>th</sup> day before general voting day and ends at the close of general voting.

### **candidate**

A candidate is a person seeking election as a mayor, councillor, electoral area director, Islands Trust local trustee, local community commissioner or specified parks board commissioner within a municipality, regional district electoral area, Trust area, community commission area or specified parks board jurisdiction. That person must be nominated by eligible electors and declared a candidate by the local Chief Election Officer.

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

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

### **chief election officer**

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

Section 54 of the *Local Government Act*

Section 10 of the *Vancouver Charter*

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

Section 30.01 of the *Local Elections Campaign Financing Act*

Section 47 of the *Local Government Act*

Section 7 of the *Vancouver Charter*

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

Sections 58 and 59 of the *Local Government Act*

Section 14-15 of the *Vancouver Charter*

Section 148 of the  
*Community Charter*

Section 236 of the *Local  
Government Act*

Section 115 of the  
*Community Charter*

Section 56 of the  
*Local Government Act*

Sections 12 of the  
*Vancouver Charter*

### **corporate officer**

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

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

### **council**

See entry for “municipal council”.

### **councillor**

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

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

### **election bylaw**

A bylaw that enables a municipal council or regional district board to make decisions about election administration, including whether:

- voting machines will be used, and if so, the procedures that will govern their use;
- mail ballot voting will be used, and if so, what procedures will govern its use;
- additional advance voting opportunities will be offered, or, in communities of less than 5,000, whether the required additional advance voting opportunity will be waived;
- voter registration will be conducted both on voting day and in advance or on voting day only; and,
- nomination deposits (not to exceed \$100) will be required.

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

### ***election campaign***

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

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

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

### ***election period***

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

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

### ***Elections BC***

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

### ***elector***

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

Sections 64-66 of the *Local Government Act*

Sections 22-24 of the *Vancouver Charter*

### ***elector organization***

Elector organizations are organizations that endorse or intend to endorse a candidate(s) in local elections and that file endorsement documents with the local Chief Election Officer. Elector organizations may be referred to as "civic political parties."

Section 92 of the *Local Government Act*

Section 45.3 of the *Vancouver Charter*

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

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

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

### ***endorsement***

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

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

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

Section 92 of the *Local Government Act*

Section 45.3 of the *Vancouver Charter*

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

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

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

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

Section 5 of the  
*Islands Trust Act*

Section 6 of the  
*Islands Trust Act*

### ***financial agent***

A financial agent is a representative that candidates and elector organizations are legally required to have during an election campaign. A candidate is their own financial agent unless they appoint another individual to that position. A candidate or elector organization may not have more than one financial agent at the same time.

### ***financial disclosure statement***

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

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

### ***general local elections***

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

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

### ***general voting day***

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

### ***Islands Trust***

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

### ***Islands Trust Council***

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

### ***Islands Trust local trustee***

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

### **jurisdiction**

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

### **local community commission**

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

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

### **local community commissioner**

See entry for "local community commission".

### **local elections**

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

### **mayor**

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

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

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

Section 243 of the *Local  
Government Act*

Section 116 of the  
*Community Charter*

Sections 114-121 of the  
*Community Charter*

### ***municipal council***

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

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

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

### ***municipal director***

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

Sections 3-40 of the  
*Local Government Act*

### ***municipality***

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

Section 66 of the  
*Local Government Act*

Section 24 of the  
*Vancouver Charter*

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

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

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

### ***referenda***

See entry for “assent voting”.

Sections 193-194 of the  
*Local Government Act*

### ***regional district***

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

Section 194-205 of the  
*Local Government Act*

### ***regional district board***

The regional district governing body composed of electoral area elected representatives and appointed representatives from the municipal councils within the regional district jurisdiction.

### ***resident elector***

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

On the day of registration, a resident elector must:

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

### ***school board***

See entry for “board of education”.

### ***school trustee***

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

### ***scrutineer***

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

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

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

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

See entry for “specified parks board”.

### ***solemn declaration***

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

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

Election advertising that is not sponsored by a candidate or an elector organization as part of their election campaign. Third party advertising is any transmission of a communication to the public during the campaign period that directly or indirectly promotes or opposes a candidate or an elector organization, including a communication that takes a position on an issue associated with a candidate or elector organization.

Section 65 of the  
*Local Government Act*

Section 23 of the  
*Vancouver Charter*

Section 1 of the *School Act*

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

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

Sections 485-497A of the  
*Vancouver Charter*

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

Section 97 of the  
*Local Elections Campaign  
Financing Act*

Section 11 of the  
*Local Elections Campaign  
Financing Act*

***third party sponsor***

A third party sponsor is an individual or organization that sponsors or intends to sponsor election advertising independently from candidates or elector organizations during the campaign period. Third party sponsors must register with Elections BC.

***volunteer***

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

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

# Appendix A: Local Election Partner Roles and Responsibilities

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

# Appendix A: Local Election Partner Roles and Responsibilities

LOCAL ELECTION PARTNER ROLES AND RESPONSIBILITIES	
WHO	ROLES / RESPONSIBILITIES
<b>Ministry of Municipal Affairs and Housing</b>	Provide election education guides, webinars, videos and presentations to candidates, elector organizations, local government staff, other election participants and the general public
	Provide information and support by telephone or email to candidates, local government staff, other election participants and the general public about local elections administration
<b>Ministry of Education</b>	Provide board of education trustee manual to candidates, school district administrators, local government staff and the general public
	Provide information and support by telephone and email to candidates, school district administrators, local government staff and the general public about local elections legislation
<b>BC School Trustees Association</b>	Produce and distribute elections educational material about school trustees and boards of education roles and responsibilities
<b>Local Government Management Association</b>	Provide election education manuals and workshops to local government election officials
	Provide information and support by telephone and email to local government election officials about local elections administration
<b>Union of B.C. Municipalities</b>	Develop election educational material for locally elected officials

# Appendix B: 2018 General Local Elections Key Dates

2018 GENERAL LOCAL ELECTIONS KEY DATES		
ACTION OR DEADLINE	DATE	ACT/S.#
<b>Start of Election Period</b>	<b>January 1, 2018</b>	LECFA: s.10(1)(a)(i)
Candidate B.C. Residency Deadline	March 13, 2018	LGA: s.81(1)(c)
Candidate B.C. Residency Deadline (Extended)	March 16, 2018	LGA: s.81(1)(c)
Elector Residency Deadline	April 19, 2018	LGA: s.65(1)(c) & s.66(1)(d)
Election Bylaw Adoption Deadline	July 9, 2018	LGA: s.56
Start of Period for Notice of End of Advance Elector Registration	July 29, 2018	LGA: s.71(5)
Start of Period for Notice of Nominations	August 5, 2018	LGA: s.85(1)
Start of Period for Notice of List of Registered Electors	August 5, 2018	LGA: s.77(6)
Election Bylaw Adoption Deadline – Board of Education	August 6, 2018	SA: s.45(6)
End of Period for Notice of Close of Advance Elector Registration	August 21, 2018	LGA: s.71(5)
End of Period for Notice of Nominations	August 28, 2018	LGA: s.85(1)
End of Period for Notice of List of Registered Electors	August 28, 2018	LGA: s.85(1) & s.77(6)
End of Advance Elector Registration	August 28, 2018	LGA: s.71(4)
Last Day for Withdrawal of Non-resident Property Elector Consent	August 28, 2018	LGA: s.66(8)
Adoption of Provincial Voters List	August 29, 2018	LGA: s.76
<b>Start of Nomination Period</b>	<b>September 4, 2018</b>	LGA: s.84(1)
Start of Challenge to Nomination and Endorsement Period	September 4, 2018	LGA: s.91 & s.96
Start of Inspection of List of Registered Electors Period	September 4, 2018	LGA: s.77(3)
Start of Objections to Elector Registration Period	September 4, 2018	LGA: s.79(2)
Start of Period for Notice of Required Advance Voting	September 10, 2018	LGA: s.107(5)
<b>End of Nomination Period</b>	<b>September 14, 2018</b>	LGA: s.84(1) & s.89(5)
Declaration of Candidates	September 14, 2018	LGA: s.97(1) & s.97(2)

# Appendix B: 2018 General Local Elections Key Dates

2018 GENERAL LOCAL ELECTIONS KEY DATES		
ACTION OR DEADLINE	DATE	ACT/S.#
End of Period of Objections to Elector Registrations	September 14, 2018	LGA: s.79(2)
End of Extended Nomination Period	September 17, 2018	LGA: s.97(2)
End of Challenge to Nomination and Endorsement Period	September 18, 2018	LGA: s.91 & s.96
Elector Local Residency/Ownership Deadline	September 19, 2018	LGA: s.65(1)(d) & s.66(1)(e)
Start of Period for Notice of Election	September 20, 2018	LGA: s.99(1)
Nomination Documents Originals to local Chief Election Officer Deadline	September 21, 2018	LGA: .89(5)
<b>Candidate Nomination Withdrawal Deadline</b>	<b>September 21, 2018</b>	LGA: s.101(1)
Elector Organization Endorsement Withdrawal Deadline	September 21, 2018	LGA s. 95
<b>End of Election Period (12:00 Midnight)</b>	<b>September 21, 2018</b>	LECFA: s.10(1)
<b>Start of Campaign Period (12:01 am)</b>	<b>September 22, 2018</b>	LECFA: s.10(2)
Declaration of Election by Voting or Acclamation	September 24, 2018	LGA: s.98(2) & s.98(3)
End of Period for Notice of Required Advance Voting	October 3, 2018	LGA: s.107(5)
<b>Required Advance Voting Opportunity</b>	<b>October 10, 2018</b>	LGA: s.107(1)
End of Period for Notice of Election	October 13, 2018	LGA: s.99(1)
<b>General Voting Day</b>	<b>October 20, 2018</b>	LGA: s.52
Mail Ballot Voting Deadline	October 20, 2018	LGA: s.110(9)
Announcement of Preliminary Election Results	October 20, 2018	LGA: s.144(1)
End of Period for Inspection of List of Electors	October 20, 2018	LGA: s.77(3)
<b>End of Campaign Period</b>	<b>October 20, 2018</b>	LECFA: s.10(2)
Determination of Official Election Results	October 22, 2018	LGA: s.145
Start of Advance Registration for Next Election	October 22, 2018	LGA: s.71(4)
Last Day for Declaration of Official Election Results by Voting	October 24, 2018	LGA: s.146(1)
Last Day for Declaration of Official Election Results by Acclamation	October 24, 2018	LGA: s.158(1)
Start of Period to Apply for Judicial Recount	October 24, 2018	LGA: s.148(3)

# Appendix B: 2018 General Local Elections Key Dates

2018 GENERAL LOCAL ELECTIONS KEY DATES		
ACTION OR DEADLINE	DATE	ACT/S.#
Start of Public Inspection of Voting Day Materials	October 24, 2018	LGA: s.160(3)
End of Period to Apply for Judicial Recount	October 29, 2018	LGA: s.148(3)
Start of Period to Make Oath of Office	October 30, 2018	LGA: s.147(1)
Start of Period to Hold First Council Meeting	November 1, 2018	CC: s.124(2)(g)
Deadline for Completion of Judicial Recount	November 2, 2018	LGA: s.149(1)
First Day to Hold Runoff Election	November 3, 2018	LGA s.151 & s.152
End of Period to Hold First Council Meeting	November 10, 2018	CC: s.124(2)(g)
End of Period for Public Inspection of Nomination Documents	November 23, 2018	LGA: s.89(7)
End of Public Inspection of Voting Day Materials	November 23, 2018	LGA: s.160(3)
End of Period for Application to the Supreme Court to Invalidate Election	November 23, 2018	LGA: s.153(3)
Last Day for Chief Election Officer to Submit Election Report	November 23, 2018	LGA: s.158(1)
End of Period to Make Oath of Office (by Voting)	December 8, 2018	LGA: s.202(1)(a) & s.202(1)(b); CC: s.120(1)(a) & s.120(1)(b)
End of Period to Make Oath of Office (by Acclamation)	December 10, 2018	LGA: s.202(1)(a) CC: s.120(1)(a) SA: s.50(1)(a)
Start of Period to Destroy Election Material	December 20, 2018	LGA: s.160(8)
End of Period for Runoff Election	December 22, 2018	LGA: s.152
End of Period to File Campaign Financing Disclosure Statement with Elections BC	January 18, 2019	LECFA: s.47(1), s.56 & s.90
End of Period for Late Filing of Campaign Financing Disclosure Statement with Elections BC	February 19, 2019	LECFA: s.47(2) & s.56

## Definitions:

- a) CC – means *Community Charter*
- b) LGA – means *Local Government Act*
- c) LECFA – means *Local Elections Campaign Financing Act*

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

## ELECTIONS BC AND LOCAL CHIEF ELECTION OFFICER QUESTIONS AND ANSWERS

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



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Thinking About  
Running for  
Local Office?

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This brochure was created to help potential candidates with answers to questions that they may have before making the final decision to run for local office. It is intended to help you think about the role you will play and the impact you will have on your community in an elected role. This brochure provides general information about:

- the characteristics of effective locally elected officials;
- the expectations of locally elected officials;
- the roles and responsibilities of locally elected officials; and,
- how local governments make decisions.

### Why consider running for office?

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

#### QUESTIONS TO CONSIDER:

- Why do I want to be an elected official?
- How will I best contribute to my community as an elected official?
- What are my objectives for holding office and do they reflect the needs of my community?



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

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

### What are some of the values elected officials need to uphold?

Effective local government leaders share a number of values, including:

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

**ACCOUNTABILITY** - an obligation and willingness to accept responsibility or to account for your actions;

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

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

Refer to the **Foundational Principles of Responsible Conduct** brochure for information about the key values that guide locally elected officials' conduct. The brochure is available online at: [www.gov.bc.ca/localgov-elected-officials-conduct](http://www.gov.bc.ca/localgov-elected-officials-conduct)

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

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

The most effective elected officials are:

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

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

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

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

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

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

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

## What are the responsibilities of an elected official?

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

An elected official must:

- consider the well-being and interests of the community;
- contribute to the development and evaluation of policies and programs in respect to local government services;
- participate in council/board and committee meetings and contribute to decision-making;
- carry out other duties as assigned (such as heading committees); and,
- follow the rules set out by legislation, bylaws and policies that govern how council and board members exercise their authority.

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

The role of a council/board is to:

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

Refer to the **What is Local Government** video for detailed information about local government governing bodies and their representatives. The video is available online at: [www.gov.bc.ca/localgov-thinking-running-local-office](http://www.gov.bc.ca/localgov-thinking-running-local-office)

## What is the role of the mayor and the board chair?

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

- are the spokesperson for the council/board, reflecting the collective decisions of the council/board;
- lead deliberations and collective decision-making, and recommend bylaws and resolutions;
- chair meetings, maintain the order and conduct of debate, ensure meeting rules are followed, and encourage the expression of differing viewpoints;
- create standing committees, appoint people to these committees and decide the committees' mandates; and,
- communicate with local government staff, primarily the Chief Administrative Officer (CAO), and, on behalf of the council/board, provide general direction to staff about how to implement policies, programs and other council/board decisions.

## What is the role of local government staff?

An elected official's interactions with local government staff are important to achieving the council/board's goals. The roles and responsibilities of elected officials and local government staff are distinct and interdependent.

### STAFF:

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

Elected officials provide direction, while staff manage and implement the council/board's decisions and direction.

The relationship between the CAO and the mayor/board chair provides a critical link between the council/board and the CAO.

The CAO is typically the only member of staff directly hired by the council/board. The CAO is then responsible and accountable for hiring and supervising all other staff. The CAO is responsible for the overall management of the local government, ensuring policies and programs are implemented, and advising and informing the council/board about the local government's operation and affairs.

## How do councils and boards make decisions?

Councils and boards are independent decision-making bodies and must work within their authority.

Some of the things that influence how councils and boards make decisions are:

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

## What is the role of collaboration in effective decision-making?

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



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

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

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

Some of the demands of being in elected office include:

- a high volume of reading and learning in order to know your local government's policies, procedures and local government legislation;
- a substantial time commitment even when it may be considered only a "part-time" job;
- attending numerous meetings on a regular basis; and,
- public and potential media scrutiny.

### **QUESTIONS TO CONSIDER:**

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



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

Some ways you can prepare are to:

- look at your local government's key planning documents and reports;
- attend council or board meetings to learn about priority issues and projects in your community and observe what being on a council/board might be like;
- review your local government's website to understand its key priorities and initiatives;
- attend neighbourhood association meetings or get to know key groups in your community, such as the Chamber of Commerce, service groups, social agencies or environmental stewardship groups, to understand the diversity of interests in your area; and,
- research the Internet for information about local governments and basic facts about the local government system in B.C.

## Further information:

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

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



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

Refer to the **General Local Elections 101** brochure for detailed information about general local elections in B.C. These brochures are available from local governments throughout B.C. and online at:

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

# Foundational Principles Of Responsible Conduct

FOR BC'S LOCAL GOVERNMENTS

## Key Foundational Principles

- ◇ INTEGRITY
- ◇ ACCOUNTABILITY
- ◇ RESPECT
- ◇ LEADERSHIP & COLLABORATION

PRODUCED BY THE WORKING GROUP ON RESPONSIBLE CONDUCT

January 2018

## What are foundational principles?

This document outlines four key foundational principles -- *integrity, accountability, respect, and leadership & collaboration* -- to guide the conduct of local government elected officials in B.C.

The foundational principles provide a basis for how local government elected officials fulfill their roles and responsibilities, including in their relationships with each other, with local government staff and with the public.

These principles are intended to guide both the conduct of individual elected officials and the collective behaviour of the local government council or board. The principles are also meant to guide local governments in fulfilling their corporate functions and responsibilities to their communities.

Responsible conduct at all of these levels is key to furthering a local government's ability to provide good governance to its community.

*"The foundational principles provide a basis for how local government elected officials fulfill their roles and responsibilities, including in their relationships with each other, with local government staff and with the public."*

## How do the principles "fit" with legal obligations?

It is the duty of elected officials to understand and abide by all legal requirements that apply to elected officials and local governments<sup>1</sup>, and nothing in this document should be interpreted as taking precedence over such legal obligations.

Local government elected officials should interpret the principles described below in accordance with the responsibilities and obligations set out in B.C.'s local government legislation, other applicable legislation, the common law and the policies and bylaws of the local government.



<sup>1</sup> Many legal obligations apply to elected officials and local governments, including but not limited to rules about: ethical standards such as conflict of interest; open meetings; protecting confidential information; workplace safety such as harassment; and expenditure of local government funds.

**Integrity:** being honest and demonstrating strong ethical principles.

- Be truthful, honest and open in all dealings.
- Behave in a manner that promotes public confidence in local government, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
- Uphold the public interest, serving citizens diligently to make decisions in the best interests of the community.
- Ensure alignment between stated values and actions, including following through on commitments, engaging in positive communication with the community, and correcting errors in a timely, transparent manner.

**Accountability:** an obligation and willingness to accept responsibility or to account for one's actions.

- Be transparent in how an elected official individually, and a council/board collectively, conducts business and carries out their duties.
- Ensure information is accessible, and citizens can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
- Accept and uphold that the council/board is collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for the decisions they make in fulfilling their roles as council/board members.
- Listen to and consider the opinions and needs of the community in all decision making, and allow for discourse and feedback.

**Respect:** having due regard for others' perspectives, wishes, and rights; displaying deference<sup>2</sup> to the offices<sup>3</sup> of local government, and the role of local government in community decision making.

- Treat every person, including other members of council/board, staff and the public, with dignity, understanding and respect.
- Show consideration at all times for colleagues and staff, including by honouring people's values, beliefs, ideas, roles, contributions and needs.
- Create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.
- Value the role of diverse perspectives and debate in decision making.
- Act in a way that is respectful of the roles and responsibilities of the offices of Mayor/Chair and Councillor/Director.
- Value the distinct roles and responsibilities of local government staff and the community in local government considerations and operations, and commit to foster a positive working relationship between staff, the public and elected officials.
- Call for and expect respect from the community towards elected officials and staff, and their roles and responsibilities within the local government system.

<sup>2</sup> Displaying deference is acting in a way that is respectful of both the tradition and legacy enshrined in the various local government positions, as well as their intended functions.

<sup>3</sup> 'Offices' of local government refers to the roles/responsibilities of the various roles and positions within the local government system, such as Mayor, Chair, Councillor or Director.

**Leadership and Collaboration:** an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts.

- Demonstrate behaviour that builds and inspires public trust and confidence in local government.
- Calmly face challenges and provide considered direction on the issues of the day, while empowering colleagues and staff to do the same.
- Create space for open expression by others, take responsibility for one's own actions and reactions, and accept the decisions of the majority.
- Accept that it is the equal responsibility of the individual elected official, the council/board as a collective, the community and stakeholders to work together to achieve common goals.
- Be an active participant in ensuring the foundational principles are followed in all local government dealings (e.g., including among elected officials, between council/board members and staff, with community members, with other orders of government, in the decisions of a council/board, and in services and other activities of the local government).



*The Working Group on Responsible Conduct is a joint initiative between the UBCM, LGMA and the Ministry of Municipal Affairs & Housing. The Group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.*



# General Local Elections 101





This brochure answers a few of the basic questions about local government elections in British Columbia. Local government is government at the community level – government that affects British Columbians, every day.

Locally elected officials are charged with making decisions that affect the daily lives of citizens, families, the business community and others. Municipal councils, regional district boards, boards of education, the Islands Trust local trust committees, local community commissions, specified parks boards and other local bodies influence jobs, foster healthy, safe and sustainable communities for British Columbians and shape the long-term vision for their communities as a whole.

## GENERAL LOCAL ELECTIONS

### What are general local elections?

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

### What jurisdictions hold general local elections?

General local elections are held for: municipalities; regional districts; boards of education; specified parks boards; local community commissions; and, Islands Trust trust areas.

### How often are general local elections held?

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

General local elections will be held on **Saturday, October 20, 2018**.

### How many people run for elected office in general local elections?

Approximately 3,300 candidates run for 1,650 positions in over 250 jurisdictions across British Columbia. Because British Columbia is made up of small and large communities, the scale of individual general local elections varies. Some communities may only have a handful of candidates running for office and one or two voting places, while others may have many candidates running for office and multiple voting places.

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

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

Refer to the **Foundational Principles of Responsible Conduct** brochure for information about responsible conduct and expectations for B.C.'s locally elected officials. The brochure is available online at: [www.gov.bc.ca/localgov-elected-officials-conduct](http://www.gov.bc.ca/localgov-elected-officials-conduct)

## How are general local elections administered?

General local elections are a shared responsibility between local governments (municipalities and regional districts) and Elections BC. Each local government is responsible for running its own general local election.

Local governments appoint local Chief Election Officers to run the elections process. The local Chief Election Officer may be a senior local government employee, such as a corporate officer, or a private contractor hired to conduct the election on the local government's behalf.

Local Chief Election Officers are responsible for overseeing all local elections administration activities, including: receiving nomination documents; declaring candidates; administering voting opportunities; counting ballots; and, declaring election results. Local Chief Election Officers also work with Elections BC to monitor compliance

The local Chief Election Officer's role is different from the B.C. Chief Electoral Officer's role. The B.C. Chief Electoral Officer is an independent officer of the Legislature who administers campaign financing and election advertising in general local elections and ensures compliance with the *Local Elections Campaign Financing Act*. Local Chief Election Officers are appointed by local governments to administer local elections.

with election advertising regulations, and may assist Elections BC to address incidents of election advertising non-compliance.

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

## What legislation governs general local elections?

General local elections must be run in accordance with the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act*, and the local government's election bylaw, as applicable.

The elections legislation contains provisions that must be consistently applied to all general local elections; however, the legislation is also flexible enough that local governments are able to make choices about how to conduct some aspects of elections in a way that suits local circumstances – such as determining the number of advance voting opportunities to be held or drawing lots to break a tied election.

The election bylaw enables a local government to make decisions about election administration, including whether: voting machines will be used; mail ballot voting will be allowed; additional advance voting opportunities will be offered; voter registration will be conducted both on voting day and in advance or on voting day only; and, nomination deposits will be required.

## Who are the key participants in general local elections?

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





### *Electors*

An elector is an individual who is a resident elector (e.g. lives in the municipality or regional district electoral area) or a non-resident property elector (registered owner of property in a municipality or regional district electoral area) and who is qualified to vote in municipal, regional district, school district, Islands Trust, community commission and specified parks board elections.

### *Candidates*

A candidate is an individual seeking election as a mayor, councillor, electoral area director, school trustee, specified parks board commissioner, local community commissioner or Islands Trust local trustee, within a municipality, regional district electoral area, school district, specified parks board jurisdiction, local community commission area or trust area. A candidate must be nominated by eligible electors and declared a candidate by the local Chief Election Officer.

### *Financial Agents*

A financial agent is a representative that candidates and elector organizations are legally required to have during an election campaign. A candidate is their own financial agent unless they appoint another individual to the position. The financial agent is responsible for administering campaign finances in compliance with the *Local Elections Campaign Financing Act*.

### *Official Agents*

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

### *Scrutineers*

Candidates may appoint scrutineers to observe voting procedures and the ballot-counting process. Candidates may appoint one scrutineer for each ballot box used at a voting place during general local elections – the local government may allow a candidate to have more than one scrutineer at each voting place. Candidates must appoint their scrutineers in writing and deliver the appointment (including the name and address of the person) to the local Chief Election Officer as soon as practicable after the appointment has been made.

### *Volunteers*

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



## What are some of the key dates in general local elections?

### Elector Organizations

An elector organization is an organization that endorses or intends to endorse a candidate(s) in local elections and that files endorsement documents with the local Chief Election Officer. An elector organization may endorse candidates on the ballot by allowing its name, abbreviation or acronym to appear on the ballot beside the candidate's name and/or promote the candidate's election platform or the organization's viewpoints during its election campaign.

### Third Party Sponsors

Third party sponsors are individuals or organizations that sponsor election advertising independently from candidates and elector organizations during the campaign period. Third party advertising includes advertising for or against a candidate or elector organization and advertising on an issue with which a candidate or elector organization is associated. **Third party sponsors must register with Elections BC.**

Refer to Elections BC's *Guide for Local Elections Third Party Sponsors in B.C.* for detailed information regarding third party sponsors, available online at: [www.elections.bc.ca/lecf](http://www.elections.bc.ca/lecf)

### 2018 GENERAL LOCAL ELECTIONS KEY DATES

ACTION OR DEADLINE	DATE
Start of Election Period	January 1, 2018
Start of Nomination Period	September 4, 2018
End of Nomination Period	September 14, 2018
Declaration of Candidates	September 14, 2018
Candidate Nomination Withdrawal Deadline	September 21, 2018
End of Election Period (12:00 Midnight)	September 21, 2018
Start of Campaign Period (12:01 a.m.)	September 22, 2018
Required Advance Voting Opportunity	October 10, 2018
General Voting Day	October 20, 2018
End of Campaign Period	October 20, 2018
Determination of Official Election Results	October 22, 2018
Start of Period to Make Oath of Office	October 30, 2018
End of Period to Make Oath of Office (by Voting)	December 8, 2018
End of Period to Make Oath of Office (by Acclamation)	December 10, 2018
End of Period to File Campaign Financing Disclosure Statement with Elections BC	January 18, 2019
Start of Period for Late Filing of Campaign Financing Disclosure Statement with Elections BC	January 21, 2019
End of Period for Late Filing of Campaign Financing Disclosure Statement with Elections BC	February 19, 2019

## FURTHER INFORMATION

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

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

**Ministry of Municipal Affairs and Housing**

Governance and Structure Branch

Phone: 250 387-4020

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

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

For answers to **questions about election advertising, third party sponsors and campaign financing disclosure** please contact:

**Elections BC**

Phone: 250 387-5305

Toll-free: 1 855 952-0280 / TTY 1 888 456-5448

Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

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

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

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

## DISCLAIMER

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



# VOTER'S GUIDE

**TO LOCAL ELECTIONS IN B.C.**

**2018**





## VOTER'S GUIDE

This guide answers a few of the basic questions about local government elections in British Columbia. Local government is government at the community level – government that affects British Columbians, every day. General local elections will be held on **Saturday, October 20, 2018.**

Refer to the **General Local Elections 101** brochure for detailed information about general local elections in B.C. The brochure is available from local governments throughout B.C. and online at: [www.gov.bc.ca/localelections](http://www.gov.bc.ca/localelections)

Local elections are held for the following **jurisdictions**:

- municipalities;
- regional districts;
- boards of education;
- specified parks boards;
- local community commissions; and,
- trust areas (Islands Trust).

### Am I eligible to vote?

You are eligible to vote in local elections as a **resident elector** when you:

- are 18 years of age or older when you register to vote or will be 18 years of age or older on general voting day;
- are a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before you register to vote;
- have lived in the jurisdiction where you intend to vote for at least 30 days immediately before you register to vote; and,
- are not disqualified under the *Local Government Act*, any other enactment, or by law from voting in local elections.

You are eligible to vote as a **non-resident property elector** when you:

- are 18 years of age or older when you register to vote or will be 18 years of age or older on general voting day;
- are a Canadian citizen;
- have been a resident of British Columbia for at least six months immediately before you register to vote;
- are the registered owner of property in the jurisdiction where you intend to vote for at least 30 days immediately before you register to vote; and,
- are not disqualified under the *Local Government Act*, any other enactment, or by law from voting in local elections.

### Who cannot vote in local elections?

You cannot vote in local elections (as either a **resident elector** or a **non-resident property elector**) when you:

- have been convicted and sentenced for an indictable offence and are in custody;
- have been found guilty of an election offence, such as intimidation or vote-buying; or,
- do not otherwise meet voter eligibility requirements.

### I live on a First Nation reserve – can I vote?

**Yes.** Eligible electors living on a First Nation reserve can vote. Where you vote depends on whether the reserve is located within a municipal or regional district jurisdiction. Contact the appropriate municipality or regional district to determine where you can vote.

### I live in one jurisdiction and I own property in another – can I vote in both jurisdictions?

**Yes.** You may vote in the jurisdiction where you live when you qualify as a **resident elector**. You are also eligible to vote as a **non-resident property elector** in another jurisdiction when you have owned the property in the other jurisdiction for at least 30 days immediately before registering to vote.

### I own property in B.C. and I live in a different province or country – can I vote?

**No.** You must be a resident of British Columbia for at least six months and have owned property in the jurisdiction where you intend to vote for at least 30 days immediately before you register to vote.

### I own more than one property – can I vote more than once?

You may vote only once as a **non-resident property elector** when you own two or more properties within one jurisdiction. You may vote in multiple jurisdictions when you have owned property within each jurisdiction for at least 30 days immediately before registering to vote.

### I own a property with someone else, and neither of us lives on the property – can both of us vote?

**No.** Only one **non-resident property elector** may vote per property. When you own a property with another person(s), the majority of owners must designate –

in writing – one owner to vote as the **non-resident property elector** for that property. No one is eligible to vote in relation to property owned through or in conjunction with a corporation.

### I own a property with someone else and that person is living in the house – can both of us vote?

**Yes.** The person living in the house may vote as a **resident elector** because they live within the jurisdiction. You are also eligible to vote as a **non-resident property elector** when you have owned the property for at least 30 days immediately before registering to vote. The other owner must designate – in writing – you as the **non-resident property elector** for that property.

### I live in one jurisdiction and attend school in a different one – can I vote in both places?

**No.** You can only vote in one jurisdiction when you live away from your usual place of residence to attend an educational institution. You may choose to vote either where you attend school or your usual place of residence.

### I live in one jurisdiction and work for extended periods of time in a different one – can I vote in both places?

**No.** You can only vote in one jurisdiction when you live away from your usual place of residence and work for extended periods of time in another jurisdiction. You must vote in the jurisdiction where you maintain your usual place of residence.



## I own a company – do I get an extra vote in a local election?

**No.** There is no corporate or business vote in local elections. Voting rights are granted to citizens based on residency or property ownership. You cannot vote on behalf of a corporation, or as a **non-resident property elector** based on a property owned wholly or in part by a corporation.

## Do I need identification in order to vote?

Identification is not required when a jurisdiction uses a list of registered electors (voter's list) and your name is on the list. You will be required to provide identification if your name is not on the list of registered electors, or when the jurisdiction does not use a voter's list.

You must provide two separate pieces of identification (the BC Services Card is considered **one** piece of identification) that prove who you are and where you live – or make a solemn declaration about where you live – when identification is required by a jurisdiction and you are eligible to vote as a **resident elector**. One piece of identification must include your signature.

You must provide two separate pieces of identification (the BC Services Card is considered **one** piece of identification) that prove who you are and where you live as well as the address or legal description and the title (or other proof of ownership) of the property you own when identification is required by a jurisdiction and you are eligible to vote as a **non-resident property elector**. Only one owner can vote – and they must have the written consent of the majority of the other owners – when you own a property with one or more people.

Contact the appropriate jurisdiction for information about whether or not identification is required and what type of identification (e.g. driver's licence, social insurance card) will be accepted.

## How do I register to vote?

You are already registered to vote in local elections when a jurisdiction uses the list of registered electors (voter's list) for voter registration, and your name appears on the list. You will not be required to show identification in order to receive a ballot when your name appears on the list of registered electors.

Jurisdictions that use a list of registered electors may offer advance voter registration. You may also register at a voting place at the time of voting. You must provide two separate pieces of identification (the BC Services Card is considered **one** piece of identification) that proves your identity and where you live – one piece of identification must include your signature.

Contact the appropriate jurisdiction for more information about voter registration procedures.

## How do non-resident property owners register to vote?

You may register to vote with the jurisdiction where you own property when advance registration is offered. You may also register at the time of voting.

You must provide two separate pieces of identification (the BC Services Card is considered **one** piece of identification) that proves who you are and where you live – one piece of identification must include your signature. You must also provide the address or legal description and the title (or other proof of ownership) for the property you own.

You must also demonstrate that you have the written consent of the majority of all owners to vote as the **non-resident property elector** when you own a property with another person(s).

Contact the appropriate jurisdiction where you own property for more information about voter registration procedures.

### When are general local elections held?

General local elections are held every four years on the third Saturday of October. The next general voting day is **Saturday, October 20, 2018**. Voting places are open from 8 a.m. to 8 p.m. local time on general voting day.

### Can I vote before general voting day?

**Yes.** At least one advance voting opportunity must be held in every jurisdiction ten days before general voting day. Many jurisdictions hold more than one advance voting opportunity. The required advance voting opportunity for the upcoming general local elections is **Wednesday, October 10, 2018**.

Jurisdictions may also hold special voting opportunities for eligible electors who may not otherwise be able to attend an advance voting opportunity or cast a ballot on general voting day. Special voting opportunities are most often held in hospitals, long-term care facilities, or other places where an elector's mobility may be impaired. Contact the appropriate jurisdiction to find out how you can vote before general voting day.

### How can I vote if I am absent from my community on advance and general voting day?

Some jurisdictions allow mail ballot voting for those eligible electors who cannot physically attend a voting place or are unable to vote on advance and general voting days. Contact the appropriate jurisdiction for information about mail ballot voting.

### What if I need assistance to vote?

All jurisdictions are required to make voting places as accessible as reasonably possible. You may:

- ask an election official to bring you a ballot if you can travel to a voting place and find it difficult to get into the building or room where voting is taking place (this is called "curb-side" voting);

- ask an election official, friend or relative to help you if you are unable to mark your own ballot; or,
- bring someone to assist you if you need a translator. The translator must be capable of making a solemn declaration that they can and will make the translation to the best of their ability.

### Can I vote on the Internet or by phone?

**No.** You may not cast your ballot over the Internet or by phone.

### What can I do if I believe someone has committed an election offence?

Contact your local police department if you believe someone has committed an election offence. The police are responsible for investigating and recommending to Crown Counsel that charges be laid. Election offences are prosecuted through the judicial system.

Notify Elections BC if you believe someone has committed an advertising-related election offence – such as publishing advertisements without sponsorship information – or a campaign financing election offence. Elections BC is responsible for administering and enforcing local election advertising and campaign financing rules under the *Local Elections Campaign Financing Act*.

Local Chief Election Officers do not have the authority to investigate election offences or impose penalties.

### How can I get more information about voting in local elections in British Columbia?

Contact the appropriate jurisdiction for answers to questions about voter eligibility, where and when to vote and general questions about the election process.

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

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Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

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

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

For answers to **questions about board of education elections**, please contact:

**Ministry of Education**

Legislation, Policy and Governance Branch

Phone: 250 387-8037

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

[www.gov.bc.ca/gov/content/education-training/administration/legislation-policy/school-trustee-election-procedures](http://www.gov.bc.ca/gov/content/education-training/administration/legislation-policy/school-trustee-election-procedures)

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

## Division 4 — Electors and Registration of Electors

### Who may vote at an election

- 64** (1) In order to vote at an election for a municipality or electoral area, a person
- (a) must meet the requirements of section 65 (1) (a) to (e) [*resident electors*] or 66 (1) (a) to (g) [*non-resident property electors*] at the time of voting,
  - (b) must not be disqualified by this Act or any other enactment from voting in the election or be otherwise disqualified by law, and
  - (c) must be registered as an elector of the municipality or electoral area.
- (2) The following persons are disqualified from voting at an election:
- (a) a person who has not completed the sentence for an indictable offence, unless the person is released on probation or parole and is not in custody;
  - (b) a person who is involuntarily confined to a psychiatric or other institution as a result of being acquitted of or found not criminally responsible for an offence under the *Criminal Code* on account of mental disorder;
  - (c) a person who has contravened section 161 (3) [*accepting inducements to vote*] in relation to the election.
- (3) For clarification, no corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.
- (4) A person must not vote at an election unless entitled to do so.

### Resident electors

- 65** (1) In order to be registered as a resident elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must be
    - (i) an individual who is 18 years of age or older on the day of registration, or
    - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
  - (b) the person must be a Canadian citizen;
  - (c) the person must have been a resident of British Columbia, as determined in accordance with section 67 [*rules for determining residence*], for at least 6 months immediately before the day of registration;
  - (d) the person must have been a resident of the municipality or electoral area, as determined in accordance with section 67, for at least 30 days immediately before the day of registration;
  - (e) the person must not be disqualified under this or any other enactment from voting in an election or be otherwise disqualified by law.

- (2) If the boundaries of a municipality or electoral area are extended or a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (d) if, for at least 30 days before the person applies for registration as an elector, the person has been a resident, as determined in accordance with section 67, of the area that is included in the municipality or electoral area or that becomes the new municipality.

### **Non-resident property electors**

- 66** (1) In order to be registered as a non-resident property elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must not be entitled to register as a resident elector of the municipality or electoral area;
  - (b) the person must be
    - (i) an individual who is 18 years of age or older on the day of registration, or
    - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
  - (c) the person must be a Canadian citizen;
  - (d) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the day of registration;
  - (e) the person must have been a registered owner of real property in the municipality or electoral area for at least 30 days immediately before the day of registration;
  - (f) the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;
  - (g) the person must not be disqualified under this Act or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) A person may register as a non-resident property elector only in relation to one parcel of real property in a municipality or electoral area.
- (3) If the boundaries of a municipality or electoral area are extended or if a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (e) if, for at least 30 days before the person applies for registration as a non-resident property elector, the person has been a registered owner of property within the area that is included in the municipality or electoral area or that becomes the new municipality.
- (4) For the purposes of this section, the registered owner of real property means whichever of the following is applicable:

- (a) the owner of a registered estate in fee simple of the property, unless another person holds an interest in the property referred to in paragraph (b), (c) or (d);
  - (b) the holder of the last registered agreement for sale, unless another person holds an interest in the property referred to in paragraph (c) or (d);
  - (c) the tenant for life under a registered life interest in the property, unless another person holds an interest in the property referred to in paragraph (d);
  - (d) the holder of a registered lease of the property for a term of at least 99 years.
- (5) If there is more than one individual who is the registered owner of real property, either as joint tenants or tenants in common, only one of those individuals may register as a non-resident property elector under this section in relation to the real property.
- (6) If the land title registration of the real property in relation to which a person is registering under this section indicates that there is more than one individual who is the registered owner of the real property, the person registering must do so with the written consent of the number of those individuals who, together with the person registering, are a majority of those individuals.
- (7) A registered owner who has consented to the registration of another registered owner of the property may withdraw the consent by delivering a written withdrawal to the municipality or regional district.
- (8) Once a withdrawal of consent has been delivered in accordance with subsection (7), the person registered as the non-resident property elector in relation to the property ceases to be entitled to be registered and vote as such if the number of individuals referred to in subsection (6) falls below a majority of the registered owners, with this effective
- (a) for the next election, in the case of a withdrawal delivered at least 52 days before general voting day for the election, and
  - (b) following the next election, in the case of a withdrawal delivered less than 52 days before general voting day for the election.

### **Rules for determining residence**

- 67** (1) The following rules apply to determine the area in which a person is a resident:
- (a) a person is a resident of the area where the person lives and to which, whenever absent, the person intends to return;
  - (b) a person may be the resident of only one area at a time for the purposes of this Part;
  - (c) a person does not change the area in which the person is a resident until the person has a new area in which the person is a resident;
  - (d) a person does not cease being a resident of an area by leaving the area for temporary purposes only.

(2) As an exception to subsection (1), if

(a) a person establishes for the purposes of attending an educational institution a new area in which the person is a resident, and

(b) the new area is away from the usual area in which the person is a resident, the person may choose for the purposes of this Part either the usual area or the new area as the area in which the person is a resident.

## Division 5 – Qualifications for Office

### Who may hold office on a local government

- 81** (1) A person is qualified to be nominated for office, and to be elected to and hold office, on a local government if at the relevant time the person meets all the following requirements:
- (a) the person must be an individual who is, or who will be on general voting day for the election, 18 years of age or older;
  - (b) the person must be a Canadian citizen;
  - (c) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the relevant time;
  - (d) the person must not be disqualified under this Act or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to or holding the office, or be otherwise disqualified by law.
- (2) Without limiting subsection (1) (d), the following persons are disqualified from being nominated for, being elected to or holding office on a local government:
- (a) a person who is a judge of the Court of Appeal, Supreme Court or Provincial Court;
  - (b) a person who is disqualified under section 82 as an employee of a local government, except as authorized under that section;
  - (c) a person who is disqualified under any of the following provisions of this Act, including as the provisions apply under section 6 (6) [*application to trustees*] of the *Islands Trust Act*:
    - (i) section 202 (4) [*failure to make oath or affirmation of office*];
    - (ii) section 204 (1) [*unexcused absence from board meetings*];
  - (d) a person who is disqualified under any of the following provisions of the *Community Charter*:
    - (i) Division 6 [*Conflict of Interest*] of Part 4 [*Public Participation and Council Accountability*], including as it applies under section 205 (1) [*application to regional district directors*] of this Act and under section 6 (7) [*application to trustees*] of the *Islands Trust Act*;
    - (ii) section 120 (1.1) [*failure to make oath of office*];
    - (iii) section 125 (5) [*unexcused absence from council meetings*];
    - (iv) section 191 (3) [*unauthorized expenditures*];
  - (e) a person who is disqualified under any of the provisions referred to in paragraph (c) or (d) as the provision applies under another enactment;
  - (f) a person who is disqualified from holding office on the council of the City of Vancouver under any of the provisions of the *Vancouver Charter* referred to in section 38 (2) (c) or (d) [*disqualifications from holding office*] of that Act;

- (g) a person who is disqualified from holding office under
  - (i) Division 18 [*Election Offences*] of this Part as it applies to elections or voting under this Act or any other Act, or
  - (ii) Division (17) of Part I of the *Vancouver Charter* as it applies to elections or voting under that Act or any other Act;
- (h) a person who is disqualified under the *Local Elections Campaign Financing Act* from holding office on a local authority;
- (i) a person who is disqualified under any other enactment.

### **Disqualification of local government employees**

**82** (1) For the purposes of this section, "**employee**" means

- (a) an employee or salaried officer of a municipality or regional district, or
- (b) a person who is within a class of persons deemed by regulation under section 168 [*election regulations*] to be employees of a specified municipality or regional district,

but does not include a person who is within a class of persons excepted by regulation under section 168.

- (2) Unless the requirements of this section are met, an employee of a municipality is disqualified from being nominated for, being elected to or holding office
  - (a) as a member of the council of the municipality, or
  - (b) as a member of the board of the regional district in which the municipality is located.
- (3) Unless the requirements of this section are met, an employee of a regional district is disqualified from being nominated for, being elected to or holding office
  - (a) as a member of the board of the regional district, or
  - (b) as a member of the council of a municipality, including the City of Vancouver, that is within the regional district.
- (4) Before being nominated for an office to which subsection (2) or (3) applies, the employee must give notice in writing to his or her employer of the employee's intention to consent to nomination.
- (5) Once notice is given under subsection (4), the employee is entitled to and must take a leave of absence from the employee's position with the employer for a period that, at a minimum,
  - (a) begins on the first day of the nomination period or the date on which the notice is given, whichever is later, and
  - (b) ends, as applicable,
    - (i) if the person is not nominated before the end of the nomination period, on the day after the end of that period,
    - (ii) if the person withdraws as a candidate in the election, on the day after the withdrawal,

- (iii) if the person is declared elected, on the day the person resigns in accordance with subsection (8) or on the last day for taking office before the person is disqualified for a failure to take the oath of office within the time specified by an enactment that applies to the person,
  - (iv) if the person is not declared elected and an application for judicial recount is not made, on the last day on which an application for a judicial recount may be made, or
  - (v) if the person is not declared elected and an application for judicial recount is made, on the date when the results of the election are determined by or following the judicial recount.
- (6) If agreed by the employer, as a matter of employment contract or otherwise, the leave of absence under this section may be for a period longer than the minimum required by subsection (5).
- (7) Sections 54 [*duties of employer in relation to leave*] and 56 [*employment deemed continuous while on leave*] of the *Employment Standards Act* apply to a leave of absence under this section.
- (8) Before making the oath of office, an employee on a leave of absence under this section who has been elected must resign from the person's position with the employer.
- (9) At the option of the employee, a resignation under subsection (8) may be conditional on the person's election not being declared invalid on an application under section 153 [*application to court respecting validity of election*].

### **Only one elected office at a time in the same local government**

- 83** (1) At any one time a person may not hold more than one elected office in the same local government.
- (2) At any one time a person may not be nominated for more than one elected office in the same local government.
- (3) A current member of a local government may not be nominated for an election under section 54 [*by-elections*] for another office in the same local government unless the person resigns from office within 14 days after the day on which the chief election officer is appointed.

**Nomination deposits**

- 88** (1) The local government may, by bylaw, require that a nomination for mayor, councillor or electoral area director be accompanied by a nomination deposit.
- (2) The amount of a required nomination deposit may be different for the different offices referred to in subsection (1), but must not be greater than \$100.
- (3) A nomination deposit must be held by the chief election officer to be dealt with as follows:
- (a) if the person nominated is not declared to be a candidate under section 97 [*declaration of candidates*], the deposit is to be returned to the person or to the financial agent for the person;
  - (b) in the case of a person declared to be a candidate, if the candidate disclosure statement required under the *Local Elections Campaign Financing Act* for the person is filed in accordance with section 47 (1) [*time limit for filing on time*] of that Act, the deposit is to be returned to the person or the financial agent for the person;
  - (c) in the case of a person declared to be a candidate, the deposit is to be returned to the person or the financial agent for the person if the required candidate disclosure statement is not filed as referred to in paragraph (b), but
    - (i) an application for relief in relation to the disclosure statement is made under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6 of the *Local Elections Campaign Financing Act*,
    - (ii) the court provides relief in relation to forfeiture of the deposit, and
    - (iii) if applicable, there is compliance with the court order;
  - (d) in other cases, the deposit is forfeited and is to be paid to the local government.

## Division 9 — Candidates and Representatives

### Withdrawal, death or incapacity of candidate

- 101** (1) At any time up until 4 p.m. on the 29th day before general voting day, a person who has been nominated may withdraw from being a candidate in the election by delivering a signed withdrawal to the chief election officer, which must be accepted if the chief election officer is satisfied as to its authenticity.
- (2) After the time referred to in subsection (1), a candidate may withdraw only by delivering to the chief election officer a signed request to withdraw and receiving the approval of the minister.
- (3) For the purposes of subsection (2), the chief election officer must notify the minister of a request to withdraw as soon as practicable after receiving it.
- (4) The chief election officer must notify the minister if, between the declaration of an election by voting under section 98 (2) and general voting day for the election,
- (a) a candidate dies, or
  - (b) in the opinion of the chief election officer, a candidate is incapacitated to an extent that will prevent the candidate from holding office.
- (5) On approving a withdrawal under subsection (2) or being notified under subsection (4), the minister may order
- (a) that the election is to proceed, subject to any conditions specified by the minister, or
  - (b) that the original election is to be cancelled and that a new election is to be held in accordance with the directions of the minister.

### Appointment of candidate representatives

- 102** (1) A candidate may appoint
- (a) one individual to act as official agent of the candidate, to represent the candidate from the time of appointment until the final determination of the election or the validity of the election, as applicable, and
  - (b) scrutineers, to represent the candidate by observing the conduct of voting and counting proceedings for the election.
- (2) An appointment as a candidate representative must
- (a) be made in writing and signed by the person making the appointment,
  - (b) include the name and address of the person appointed, and
  - (c) be delivered to the chief election officer or a person designated by the chief election officer for this purpose as soon as practicable after the appointment is made.
- (3) An appointment as a candidate representative may be rescinded only in the same manner as the appointment was made.

- (4) An appointment of an official agent may include a delegation of the authority to appoint scrutineers.
- (5) If notice is to be served or otherwise given under this Part to a candidate, it is sufficient if the notice is given to the official agent of the candidate.

### **Presence of candidate representatives at election proceedings**

- 103** (1) A candidate representative present at a place where election proceedings are being conducted must
- (a) carry a copy of the person's appointment under section 102,
  - (b) before beginning duties at the place, show the copy of the appointment to the presiding election official or an election official specified by the presiding election official, and
  - (c) show the copy of the appointment to an election official when requested to do so by the official.
- (2) The presiding election official may designate one or more locations at a place where election proceedings are being conducted as locations from which candidate representatives may observe the proceedings and, if this is done, the candidate representatives must remain in those locations.
- (3) The absence of a candidate representative from a place where election proceedings are being conducted does not invalidate anything done in relation to an election.

## Division 18 – Election Offences

### Vote buying

- 161** (1) In this section, "**inducement**" includes money, gift, valuable consideration, refreshment, entertainment, office, placement, employment and any other benefit of any kind.
- (2) A person must not pay, give, lend or procure inducement for any of the following purposes:
- (a) to induce a person to vote or refrain from voting;
  - (b) to induce a person to vote or refrain from voting for or against a particular candidate;
  - (c) to reward a person for having voted or refrained from voting as described in paragraph (a) or (b);
  - (d) to procure or induce a person to attempt to procure the election of a particular candidate, the defeat of a particular candidate or a particular result in an election;
  - (e) to procure or induce a person to attempt to procure the vote of an elector or the failure of an elector to vote.
- (3) A person must not accept inducement
- (a) to vote or refrain from voting,
  - (b) to vote or refrain from voting for or against a particular candidate, or
  - (c) as a reward for having voted or refrained from voting as described in paragraph (a) or (b).
- (4) A person must not advance, pay or otherwise provide inducement, or cause inducement to be provided, knowing or with the intent that it is to be used for any of the acts prohibited by this section.
- (5) A person must not offer, agree or promise to do anything otherwise prohibited by this section.
- (6) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.

### Intimidation

- 162** (1) In this section, "**intimidate**" means to do or threaten to do any of the following:
- (a) use force, violence or restraint against a person;
  - (b) inflict injury, harm, damage or loss on a person or property;
  - (c) otherwise intimidate a person.
- (2) A person must not intimidate another person for any of the following purposes:
- (a) to persuade or compel a person to vote or refrain from voting;

- (b) to persuade or compel a person to vote or refrain from voting for or against a particular candidate;
  - (c) to punish a person for having voted or refrained from voting as described in paragraph (a) or (b).
- (3) A person must not, by abduction, duress or fraudulent means, do any of the following:
- (a) impede, prevent or otherwise interfere with a person's right to vote;
  - (b) compel, persuade or otherwise cause a person to vote or refrain from voting;
  - (c) compel, persuade or otherwise cause a person to vote or refrain from voting for a particular candidate.
- (4) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.

### Other election offences

**163** (1) In relation to nominations, a person must not do any of the following:

- (a) contravene section 87 (4) [*unqualified candidate consenting to nomination*];
- (b) before or after an election, purport to withdraw a candidate from an election without authority to do so or publish or cause to be published a false statement that a candidate has withdrawn;
- (c) before or after an election, purport to withdraw the endorsement of a candidate by an elector organization except as provided in section 95 (b) [*withdrawal of endorsement on ballot*].

(2) In relation to voting, a person must not do any of the following:

- (a) vote at an election when not entitled to do so;
- (b) contravene section 124 (1) [*each elector may vote only once*] regarding voting more than once in an election;
- (c) obtain a ballot in the name of another person, whether the name is of a living or dead person or of a fictitious person;
- (d) contravene section 123 (2) [*requirement to preserve secrecy of the ballot*] regarding the secrecy of the ballot.

(3) In relation to ballots and ballot boxes, a person must not do any of the following:

- (a) without authority supply a ballot to another person;
- (b) without authority print or reproduce a ballot or a paper that is capable of being used as a ballot;
- (c) without authority take a ballot out of a place where voting proceedings are being conducted;
- (d) put in a ballot box, or cause to be put in a ballot box, a paper other than a ballot that the person is authorized to deposit there;
- (e) interfere with voting under section 112 [*use of voting machines*] contrary to the applicable bylaw and regulations;

- (f) without authority destroy, take, open or otherwise interfere with a ballot box or ballots.
- (4) In relation to voting proceedings, a person must not do any of the following at or within 100 metres of a building, structure or other place where voting proceedings are being conducted at the time:
- (a) canvass or solicit votes or otherwise attempt to influence how an elector votes;
  - (b) display, distribute, post or openly leave a representation of a ballot marked for a particular result in the voting;
  - (c) post, display or distribute
    - (i) election advertising, or
    - (ii) any material that identifies a candidate or elector organization, unless this is done with the authorization of the chief election officer;
  - (d) carry, wear or supply a flag, badge or other thing indicating that the person using it is a supporter of a particular candidate, elector organization or result in the voting.
- (5) In relation to any matter or proceeding to which this Part applies, a person must not do any of the following:
- (a) provide false or misleading information when required or authorized under this Part to provide information;
  - (b) make a false or misleading statement or declaration when required under this Part to make a statement or declaration;
  - (c) inspect or access under this Part
    - (i) a list of registered electors,
    - (ii) nomination documents,
    - (iii) disclosure statements or supplementary reports, or
    - (iv) other election materials referred to in section 143 [*delivery of election materials to chief election officer*],or use the information from any of them, except for purposes authorized under this Act;
  - (d) be present at a place where voting or counting proceedings are being conducted, unless authorized under this Part to be present;
  - (e) interfere with, hinder or obstruct an election official or other person in the exercise or performance of his or her powers, duties or functions under this Part or the *Local Elections Campaign Financing Act*.
- (6) A person who is an election official must not contravene this Part with the intention of affecting the result or validity of an election.

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

- 164** (1) An act or thing done or omitted by an officer, director, employee or agent of an organization within the scope of the individual's authority to act on behalf of the organization is deemed to be an act or thing done or omitted by the organization.
- (2) If an organization commits an offence under this Part, an officer, director, employee or agent of the organization who authorizes, permits or acquiesces in the offence commits the same offence, whether or not the organization is convicted of the offence.
- (3) A prosecution for an offence under this Part may be brought against an unincorporated organization in the name of the organization and, for these purposes, an unincorporated organization is deemed to be a person.

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

- 165** The time limit for laying an information to commence a prosecution respecting an offence under this Part is one year after the date on which the act or omission that is alleged to constitute the offence occurred.

### **Penalties**

- 166** (1) A person who contravenes section 161 [*vote buying*] or 162 [*intimidation*] is guilty of an offence and is liable to one or more of the following penalties:
- (a) a fine of not more than \$10 000;
  - (b) imprisonment for a term not longer than 2 years;
  - (c) disqualification from holding office in accordance with subsection (2) of this section for a period of not longer than 7 years.
- (2) Disqualification under subsection (1) (c) is disqualification from holding office as follows:
- (a) on a local government;
  - (b) on the council of the City of Vancouver or on the Park Board established under section 485 of the *Vancouver Charter*;
  - (c) as a trustee under the *Islands Trust Act*;
  - (d) as a trustee on a board of education, or as a regional trustee on a francophone education authority, under the *School Act*.
- (3) A person or unincorporated organization who contravenes section 163 [*other election offences*] is guilty of an offence and is liable to one or both of the following penalties:
- (a) a fine of not more than \$5 000;
  - (b) imprisonment for a term not longer than one year.
- (4) Any penalty under this Division is in addition to and not in place of any other penalty provided in this Part.
- (5) A person or unincorporated organization is not guilty of an offence under this Part if the person or organization exercised due diligence to prevent the commission of the offence.

## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### BYLAW NO. 1697

#### A BYLAW TO PROVIDE FOR THE DETERMINATION OF VARIOUS PROCEDURES FOR THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND OTHER VOTING

---

**WHEREAS** the Regional District of Bulkley-Nechako may, pursuant to Part 3 of the *Local Government Act*, determine that certain procedures shall be followed with respect to the conduct of general local elections and other voting opportunities;

**AND WHEREAS** the Regional Board wishes to establish various procedures and requirements under that authority;

**NOW THEREFORE** the Regional Board of the Regional District of Bulkley-Nechako in an open meeting of the Regional Board enacts as follows:

#### 1. DEFINITIONS

In this bylaw:

“Elector” means a resident elector or non-resident property elector of the jurisdiction as defined under the *Local Government Act*;

“Election” means an election for the number of persons required to fill a local government office;

“General Local Election” means the elections held for the electoral area directors of the Regional District;

“General Voting Day” means,

(a) the third Saturday in October every four years following the November 15, 2014 election;

(b) for other elections, the date set under Sections 37(5), 38(1) or (3) or 142(5) of the *Local Government Act*, and

“Local Government” means:

- (a) in relation to a municipality, the Council, and
- (b) in relation to a Regional District, the Board;

“Jurisdiction” means in relation to an election, the municipality or election area for which it is held.

“Other Voting” means voting on a matter referred to in Section 158 of the *Local Government Act* and includes voting on a referendum under Section 791 of that *Act*

## 2. VOTING DAY REGISTRATION

- (a) The “*Local Government Act*” authorizes under Section 54, that registration of electors be limited to the time of voting.
- (b) The “*Local Government Act*” authorizes under Section 55, that at each election or other voting, electors who wish to vote at such election or other voting are required to register at the time of voting.
- (c) Registration as an elector under clause 2(a) of this Bylaw is effective only for the election or other voting for which the voting is being conducted at that time.
- (d) The “*Local Government Act*” has authorized under Section 57 that a person may register as a resident immediately before voting by producing to the election officials at least 2 documents that provide evidence of the applicant’s identity, and make solemn declaration.

## 3. ADDITIONAL GENERAL VOTING OPPORTUNITIES

The Regional Board authorizes the Chief Election Officer to establish, as the Chief Election Officer deems necessary, additional general voting opportunities for general voting day for each election or other voting and to designate the voting places and voting hours, within the limits set out in Section 96(2) of the *Local Government Act*, for such voting opportunities.

4. REQUIRED ADVANCE VOTING OPPORTUNITIES

As required under Section 97 of the *Local Government Act*, advance voting opportunities will be held on the 10<sup>th</sup> day before general voting day between the hours of 8:00 a.m. and 8:00 p.m.

5. ADDITIONAL ADVANCE VOTING OPPORTUNITIES

The Regional Board authorizes the Chief Election Officer to establish, as the Chief Election Officer deems necessary, additional advance voting opportunities for each election or other voting, to be held in advance of general voting day, to establish the dates and to designate the voting places and the voting hours for these voting opportunities.

6. ORDER OF NAMES ON BALLOT

The order of names of candidates on the ballot will be alphabetically in accordance with Section 106 of the *Local Government Act*.

7. NUMBER OF SCRUTINEERS AT VOTING PLACES

- (a) As authorized under Section 110(3) of the *Local Government Act* the number of scrutineers for each candidate that may attend at an election is one (1) scrutineer for each ballot box in use;
- (b) The number of scrutineers who may attend at an other voting opportunity is one (1) scrutineer for the question and one (1) against the question.
- (c) The following restrictions and conditions apply to scrutineers permitted under this bylaw to be present at a voting place:
  - i) Scrutineers shall remain in an area as indicated by the Chief Election Officer so as to not interfere with the election process. Scrutineers will be located in an area where observance of the election procedures and ballot boxes can be readily observed.
  - ii) Scrutineers shall preserve the secrecy of the ballot in accordance with Section 113 of the *Local Government Act*.

8. RESOLUTION OF TIE VOTES AFTER JUDICIAL REVIEW

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 141 of the *Local Government Act*.

9. REPEAL

"Local Government Elections Procedure Bylaw No. 1230, 2002" is hereby repealed.

10. This bylaw may be cited as "Election Procedure Bylaw No. 1697, 2014.

READ A FIRST TIME this 17 day of July , 2014

READ A SECOND TIME this 17 day of July , 2014

READ A THIRD TIME this 17 day of July , 2014

Certified a true and correct copy of Bylaw No. 1697.

Gail Chapman  
Corporate Administrator

ADOPTED this 17 day of July , 2014

[Signature]  
Chairperson

Gail Chapman  
Corporate Administrator

# REGIONAL DISTRICT OF BULKLEY-NECHAKO

## BYLAW NO. 1832, 2018

### A bylaw to regulate the meetings and conduct of the Regional Board and Committees

---

**WHEREAS** the Regional District pursuant to Section 225 of the *Local Government Act* must, by bylaw, provide for the procedure to be followed for the conduct of its business and the business of its select and standing committees, and, in particular, must, by bylaw:

- (a) establish the general procedures to be followed by the Board and by Board committees in conducting their business, including the manner by which resolutions may be passed and bylaws adopted;
- (b) provide for advance public notice respecting the time, place and date of Board and Board committee meetings and establish the procedures for giving that notice;
- (c) identify places that are to be public notice posting places for the purposes of the application of section 94 (requirements for public notice) of the *Community Charter* to the Regional District.

**NOW THEREFORE**, the Board of Directors of the Regional District of Bulkley-Nechako, in open meeting assembled, enacts as follows:

#### PART 1 - GENERAL

##### 1.0 Title

1. This bylaw may be cited for all purposes as "Regional District of Bulkley-Nechako Procedure Bylaw No. 1832, 2018."
2. The "Regional District of Bulkley-Nechako Procedure Bylaw No. 1633, 2012" is hereby repealed.

##### 2.0 Interpretation

"**Board**" means the Board of Directors of the Regional District of Bulkley-Nechako;

**“Chairperson”** means the Chairperson of the Board elected by the Board to fulfil the duties and responsibility of Chair pursuant to the *Local Government Act* and includes the person presiding at a meeting of the Board, or the person appointed as Chair of a Standing or Select Committee of the Board, as the context requires;

**“Vice-Chairperson”** means the person elected by the Board to fulfil the duties and responsibility of Vice-Chairperson pursuant to the *Local Government Act* and includes the person presiding at a meeting of the Board, or a Standing or Select Committee of the Board in the absence of the Chairperson as the context requires;

**“Committee”** means a Standing or Select Committee of the Board;

**“Committee of the Whole”** means a committee of all Board members.

**“Chief Administrative Officer”** means the officer assigned responsibility for chief administration pursuant to the *Local Government Act*.

**“Corporate Administrator”** means the officer assigned responsibility for corporate administration pursuant to the *Local Government Act*;

**“Director”** means a member of the Board of the Regional District of Bulkley-Nechako, whether as a Municipal Director or an Electoral Area Director pursuant to the *Local Government Act*;

**“Inaugural Meeting”** means the first meeting of the Board that is held after November 1 in any year.

**“Public Notice Posting Place”** means the public notice board of the Regional District of Bulkley-Nechako main office, Burns Lake, British Columbia;

**“Regional District”** means the Regional District of Bulkley-Nechako;

**“Regional District Office”** means the main office of the Regional District located in Burns Lake, British Columbia;

### **3.0 Election of Chairperson and Vice-Chairperson**

3.1 At the Inaugural Meeting the Board shall elect a Chairperson from among its Directors.

3.2 Following election of a Chairperson, and at the same meeting, the

Board shall elect a Vice-Chairperson from among its Directors.

- 3.3 The Chief Administrative Officer is to preside from the Chair over the election of the Chair and Vice Chair. The Chief Administrative Officer has all the powers and duties of the Chair under this bylaw and the *Local Government Act* to the extent necessary to conduct the election.
- 
- 3.4 Each candidate for election as Chair or Vice Chair may make a statement of not more than two minutes duration before the election.
- 3.5 The election of the Chair and the Vice Chair must be by a secret ballot of the Directors whose votes are to be recorded on ballot papers prepared and distributed for the purpose by the Chief Administrative Officer.
- 3.6 The winner of an election is to be determined by the Chief Administrative Officer in accordance with the following rules:
- (a) Where there are two candidates for a position, the candidate who receives the most votes is the winner of the election.
  - (b) Where there are more than two candidates for a position, the candidate who receives more votes than all of the other candidates together is the winner.
  - (c) Subject to rule (d) below, where there are more than two candidates for a position and no candidate receives more votes than all of the other candidates together, the candidate who received the least votes is eliminated and another vote is to be held. Voting is to continue as provided in these rules until one candidate receives more votes than all of the other candidates together.
  - (d) If two candidates are tied for the least number of votes, the Chief Administrative Officer must announce the results of that vote and a second vote must be held. If the second vote results in another tie for the least number of votes, the Chief Administrative Officer must toss a coin and the loser of that toss is eliminated as if he or she alone had received the least number of votes. Voting is then to continue as provided in these rules.
- 3.7 The Chief Administrative Officer must declare the winner of an election by announcing it to the Board of Directors. The Chief Administrative Officer must record the winner of the election in the minutes for the meeting at

which the election is held.

- 3.8 The Chief Administrative Officer must destroy the ballots cast in an election if the Directors unanimously so resolve.
- 3.9 During the absence, illness or other disability of the Chairperson, the Vice-Chairperson has all the authority of the Chairperson and is subject to the same rules as the Chairperson.
- 4.0 If the office of the Chairperson or Vice-Chairperson becomes vacant, the Board shall elect another Chairperson or Vice-Chairperson from among its Directors at the first possible regular meeting of the Board.

## **PART TWO - MEETINGS**

### **4.0 Meetings of the Regional Board and Standing Committees**

- 4.1 Regular Meetings of the Board shall be held at such time and place as the Board shall decide from time to time by resolution.
- 4.2 At the Inaugural Meeting each year, the Board shall set the time, place, and dates of the regular meetings of the Board and its Standing Committees for the coming year.
- 4.3 The Schedule of Regular Meetings of the Board and its Standing Committees must be posted at the Public Notice Posting Place.

### **5.0 Notice of Regular Board Meetings**

- 5.1 At least seventy-two (72) hours before a Regular Board Meeting, the Corporate Administrator must give public notice of the time, place, and date of the meeting by way of a notice posted at the Public Notice Posting Place.
- 5.2 At least twenty-four (24) hours before a Regular Board Meeting, the Corporate Administrator must give further public notice of the meeting by:
  - (a) posting a copy of the agenda at the Public Notice Posting Place; and
  - (b) leaving copies of the agenda at the reception counter at the Regional District office for the purpose of making them available to members of the public.

- 5.3 The Corporate Administrator will issue a paper or electronic copy of the agenda at least five (5) days before the date of the Regular Board Meeting to each director at the physical and/or electronic address given by the director.
- 5.4 The Corporate Administrator shall also endeavour to post agendas on the Regional District's internet website.

## 6.0 Reports

- 6.1 A Standing or Select Committee of the Board may report to the Board at any regular meeting or as required by the Board.
- 6.2 All heads of departments which may be created from time to time shall prepare for the forthcoming regular meeting of the Board, in addition to any other reports required by the Board, a report of the activities and responsibilities of their respective departments, unless they report to a Standing Committee.
- 6.3 The reports should be prepared and submitted to the Corporate Administrator who shall make copies of each report and attach a copy to the agenda of the forthcoming regular meeting of the Board before the agenda is circulated to the members of the Board.

## 7.0 Notice of Special Board and Committee Meetings

- 7.1 Except where notice of a Special Meeting is waived by a unanimous vote of all Board members under Section 220(3) of the *Local Government Act*, before a special meeting of the Board, the Corporate Administrator must;
  - (a) At least 24 hours before a Special Meeting, give advance public notice of the time, place, and date of the meeting by posting a notice on the Public Notice Posting Place;
  - (b) give notice of the Special Meeting in accordance with section 220(2) of the *Local Government Act*.
- 7.2 In an emergency, notice of a Special Meeting may be given, in accordance with section 220(4) of the *Local Government Act*.
- 7.3 Section 7.1 does not apply where the Directors have been given notice under Section 7.2.

## **8.0 Electronic Meetings**

- 8.1 Provided the conditions set out in the *Regional Districts Electronic Meetings Regulation, B.C. Reg.271/2005* and section 220 of the *Local Government Act* are met, a special Board or Committee Meeting may be conducted by means of visual and/or audio electronic or other communication facilities if the Board requires it.
- 8.2 Provided the conditions set out in the *Regional Districts Electronic Meetings Regulation, B.C. Reg.271/2005* are met, a Director who is unable to attend a Board, Committee, Special, or In-Camera meeting other than a meeting convened under Section 8.1, may participate in a meeting, by means of visual and/or audio electronic or other communication facilities, if the Director is unable to attend in person because of:
- (a) Physical incapacity due to injury or illness;
  - (b) Inclement weather;
  - (c) Physical absence from the Regional District boundaries while acting in the capacity as a Director on Regional District of Bulkley-Nechako matters;
  - (d) Extraordinary circumstances which, in the view of the Chair, renders attendance in person by the Director impractical;

provided that a Director who participates in accordance with section 8.2 does so at no more than two different meeting dates per year unless otherwise authorized by the Chair.

- 8.3 No more than two Directors at one time may participate at a meeting under section 8.2 unless otherwise authorized by the Chair.

- 8.4 Any Director participating at a meeting in accordance with section 8.2 must be in receipt of the agenda and any applicable staff reports as have been provided to Directors not participating electronically before the Board meeting.
- 8.5 Notice of a special Board meeting required under section 7 and conducted under section 8.1 must contain information of the way in which the meeting is to be conducted and the place where the public may attend to hear, or watch and hear, the proceedings of the meeting that are open to the public.
- 8.6 A Director participating electronically by audio means only must indicate his or her vote verbally.
- 8.7 A Director participating in a meeting electronically is deemed to be present in the meeting as though they are physically present.

**9.0 Notice of Committee Meetings**

- 9.1 In this section:

“Standing Committee” means a Committee of the Board which is not a Standing Committee of the Whole.

- 9.2 At least seventy-two (72) hours before a regular meeting of a Standing Committee of the Whole, the Corporate Administrator must give public notice of the time, place, and date of the meeting by way of a notice posted at the Public Notice Posting Place.
- 9.3 At least twenty-four (24) hours before a regular meeting of a Standing Committee of the Whole, the Corporate Administrator must give further public notice of the meeting by:
  - (a) posting a copy of the agenda at the Public Notice Posting Place; and
  - (b) leaving copies of the agenda at the reception counter at the Regional District Office for the purpose of making them available to members of the public.

- 9.4 At least twenty-four (24) hours before a regular meeting of a Standing Committee of the Whole, the Corporate Administrator must deliver a copy of the agenda to each member of the Committee at the place to which the Committee member has directed notices be sent.
- 9.5 At least twenty-four (24) hours before:
- (a) a special meeting of a Standing Committee of the Whole; or
  - (b) a meeting of a Standing Committee;
- the Corporate Administrator must give advance public notice of the time, place, and date of the meeting by way of a notice posted at the Public Notice Posting Place.

#### **10.0 Attendance of Public at Meetings**

- 10.1 Except where the provisions of Section 90 of the *Community Charter* apply all the Regional Board meetings must be open to the public.
- 10.2 Where the Board wishes to close a meeting or part of a meeting to the public, it may do so by first adopting a resolution in a public meeting in accordance with Section 92 of the *Community Charter*.
- 10.3 This section applies to meetings of bodies referred to in Section 93 of the *Community Charter*, including, without limitation:
- (a) Select or Standing Committees of the Board;
  - (b) the Board of Variance;
  - (c) the Parcel Tax Review Panel;
  - (d) the Advisory Planning Commissions;
  - (e) other Committees and Commissions established by the Board;
  - (f) Committee of the Whole.
- 10.4 Despite Section 10.1, the Chairperson may expel or exclude from a Board meeting or meeting of a body referred to in Section 10.3, a person in accordance with Section 133 of the *Community Charter*.

**11. Minutes of Meetings**

- 11.1 Minutes of Board meetings must be kept in accordance with Section 223 (1) of the *Local Government Act*. For the purposes of Section 223(1)(b) of the *Local Government Act*, the designated officer is the Corporate Administrator.
- 11.2 Minutes of Committee meetings referred to in Section 10.3 must be kept in accordance with Section 223(2) of the *Local Government Act*.
- 11.3 Section 11.2 applies to meetings of:
- (a) Select or Standing Committees of the Board; and
  - (b) Any other Committee composed solely of Board members acting as Board members.

**12. Closed Meetings**

- 12.1 A meeting of the Board may be closed to the public in accordance with Section 90 of the *Community Charter*.
- 12.2 It shall be the responsibility of the Chairperson, Chief Administrative Officer, and the Corporate Administrator, individually or collectively, to recommend to the Board that it consider certain matters at a closed meeting (with the public and/or certain members of the staff excluded), and to prepare an agenda designating the topics to be so discussed.

**PART 3 - PROCEDURES**

**13.0 Opening Procedures**

- 13.1 As soon as a quorum is present, following the stated time of the meeting, the Chairperson shall take the Chair and call the Directors to order.

- 13.2 If the Chairperson does not attend the meeting within fifteen (15) minutes after the time appointed, the Vice-Chairperson shall take the Chair and call the Directors to order. If the Vice-Chairperson is also absent, the Chief Administrative Officer or the Corporate Administrator shall take the Chair and call the Directors to order. If a quorum is present, the Directors shall elect an Acting Chairperson who shall preside during the meeting until the arrival of the Chairperson or Vice-Chairperson. The person appointed as Acting Chairperson has all the authority and is subject to the same rules as the Chairperson.
- 13.3 If no quorum is present within thirty (30) minutes after the appointed time of the meeting, the Chief Administrative Officer or Corporate Administrator shall record in the minute book the names of the Directors present and the meeting shall be adjourned.
- 13.4 A quorum of a regular Board Meeting shall consist of ten (10) Directors.
- 13.5 Immediately after the Chairperson has taken his/her seat and has called the meeting to order, the minutes of the preceding meeting shall be read by the Chief Administrative Officer or Corporate Administrator in order to correct mistakes. The reading of the minutes shall be dispensed with if each member has been sent a copy of the minutes at least seventy-two (72) hours before the meeting at which they are to be considered.

#### **14.0 Rules of Conduct and Debate**

- 14.1 Every Director shall address the Chairperson before speaking to any question or motion.
- 14.2 Directors shall address the Chairperson as "Mr. Chair" or "Madam Chair" or "Mr. Chairperson" or "Madam Chairperson" and shall refer to each other as "Director \_\_\_\_\_".
- 14.3 No Director shall:
- (a) speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor General or a Lieutenant Governor, or persons administering the Government of Canada or of the Government of British Columbia;

- (b) use offensive words in or against the Board, a Director or a Regional District staff member;
  - (c) speak to or raise matters that are not germane to the question being debated;
  - (d) disobey the rules of the Board on questions of order or practice, or upon the interpretation of the rules of the Board.
- 14.4 If a Director takes an action prohibited in section 14.3, that Director may be ordered by a majority vote of the Directors present to leave his or her seat for that meeting. If a Director refuses to leave his or her seat, that Director may on the order of the Chairperson be removed from the meeting by a Peace Officer.
- 14.5 The Board may permit a Director who has been ordered to leave his or her seat to take his/her seat again, if that Director apologizes.
- 14.6 After a question is finally put to the Chairperson, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Chairperson as to whether the question has been finally put shall be conclusive.
- 14.7 If the Chairperson desires to leave the chair for the purpose of taking part in the debate or otherwise, the Chairperson shall call on the Vice-Chairperson or if the Vice-Chairperson is absent, one of the Directors shall be called to take the chair until resumed by the Chairperson.
- 14.8 When any order, resolution, or question is lost by reason of the Board or any Committee thereof breaking up for want of a quorum, the order, resolution, or question so lost shall be the first item of business to be proceeded with and disposed of at the next meeting of the Board or Committee.

## **15.0 Points of Order**

- 15.1 The Chairperson, or the Director presiding at the meeting of the Board, shall preserve order and decide all points of order which may arise, subject to an appeal by the other Directors of the Board then present.
- 15.2 If an appeal is made by a Director of the Board from the decision of the Chairperson, the question "Shall the Chairperson be sustained?" shall

immediately be put by the Chairperson and decided without debate. The Chairperson shall be governed by the majority of the Directors of the Board then present, other than the Chairperson. In the event of the votes being equal, the question shall pass in the affirmative.

- 15.3 If the Chairperson refuses to put the question "Shall the Chairperson be sustained?", the Board shall forthwith appoint the Vice-Chairperson, or if absent, one of the Directors to preside temporarily in lieu of such Chairperson, as the case may be, and the Vice-Chairperson or Director of the Regional Board so temporarily appointed shall proceed in accordance with Subsection 15.2. In the event of the votes being equal, the question shall pass in the affirmative.
- 15.4 Any resolution or motion carried under the circumstances mentioned in Subsection 15.3 is as effectual and binding as if carried under the presidency of the Chairperson.

## **16. Motions**

- 16.1 Motions other than routine motions shall be put in writing and seconded before being debated or put from the Chairperson.
- 16.2 A motion that has been seconded must be read by the Chairperson, Chief Administrative Officer, or Corporate Administrator before debate at the request of any Director.
- 16.3 Amendments to a motion shall be decided upon before the main question is put to a vote. Only one amendment shall be allowed to an amendment.
- 16.4 A motion to commit the subject matter to a Committee, until it is decided, shall preclude all amendment of the main question.
- 16.5 A motion to adjourn the Board or to adjourn the debate shall always be in order, but if such motion is defeated, no similar motion to the same effect shall be made until some intermediate business or matter has been disposed of.

## **17.0 Voting of Questions**

- 17.1 Voting on questions, resolutions, and bylaws must be in accordance with Sections 206 to 214 of the *Local Government Act*.
- 17.2 Section 17.1 applies to the meetings of a Committee.

- 17.3 Any Director who is present at the meeting but who declines to vote on a question for any reason shall be deemed to have voted in the affirmative and that Director's vote or votes shall be counted accordingly.
- 17.4 In all cases where the votes of the Directors then present, including the vote of the Chairperson or other person presiding, are tied, the question shall be defeated and it shall be the duty of the presiding Director to so declare.
- 17.5 As soon as the Chairperson has announced the results of the vote on a question, any Director who voted in opposition may request the Chairperson to have that Director's name so recorded in the minutes.
- 17.6 When a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately only upon the request of any Director to do so.
- 17.7 After a bylaw, resolution, or proceeding of the Board is adopted, the Chairperson may return it for reconsideration in accordance with Section 217 of the *Local Government Act*.
- 17.8 The Board shall not reconsider any question more than once.
- 17.9 The motion to reconsider requires two-thirds of the votes cast of the Directors present to pass.
- 17.10 The Board shall not reconsider any question that
  - (a) has been acted upon by any officer or employee of the Regional District.
  - (b) received the assent or approval of the electors and was subsequently adopted by the Board; or
  - (c) has been reconsidered under Section 217 of the *Local Government Act* or Section 17.7 of this Bylaw.
- 17.11 After a question has been reconsidered, it shall not be reintroduced for a period of six months except by unanimous consent of all Directors.

17.12 For the purpose of this section, a question has been acted upon if

- a) in the case of a contract, a bylaw or resolution authorizing the Board to enter into the contract has been communicated to another party to the agreement;
- b) an approval or consent of the Board has been communicated to a public authority and the public authority has relied upon the approval or consent to issue a permit, approval, or license or to enter into an agreement with a third party; or
- c) in any other case, a decision of the Board on this question has been communicated to a third party in circumstances in which it is reasonable to believe that the third party or another person has, in reliance upon the communication, incurred a liability or altered his or her legal position;

17.13 This section shall not be interpreted as fettering or impairing any legislative power, duty or function of the Board.

#### **PART 4 - BYLAWS**

##### **18.0 Bylaws**

18.1 A bylaw may be given up to 3 readings at one meeting of the Board.

18.2 The Board may reconsider any clause or section of a bylaw following first, second and/or third reading, but before adoption.

18.3 Despite Section 135 (3) (*at least one day between third reading and adoption*) of the *Community Charter*, a bylaw that does not require approval, consent or assent under this or any other Act before it is adopted may be adopted at the same meeting at which it passes third reading if the motion for adoption receives at least 2/3 of the votes cast.

18.4 If a bylaw requires statutory approval, the approval must be obtained after the bylaw has been given third reading and before the bylaw is adopted.

18.5 Once adopted, a bylaw must be signed by the Chairperson at the Board meeting at which it was adopted, and be signed by the officer assigned responsibility under Section 236 of the *Local Government Act*.

**19.0 Standing and Select Committees**

- 19.1 The Chairperson may establish standing committees in accordance with Section 218(2) of the *Local Government Act*. The proceedings of all such Committees shall be subject to the approval of the Board.
- 19.2 The Board may from time to time appoint a select committee in accordance with Section 218(1) of the *Local Government Act*.
- 19.3 Any Director of the Board may be appointed to a standing or select committee whether or not that director is present at the meeting where the appointment is made.
- 19.4 Any Director may attend a meeting of any Committee. A Director who has not been appointed to a Committee and attends a meeting of that Committee may not vote, but, with the exception of the Executive Committee, may be allowed to take part in any discussion or debate by permission of a majority of the votes of the members of that Committee then present.
- 19.5 The Chairperson is an ex-officio member of all Board Committees. The Chairperson shall have the right to vote, but shall not be included in the quorum.
- 19.6 The general duties of all the standing committees of the Board shall be as follows:
  - a) To consider and report to the Board from time to time, or whenever desired by the Board and as often as the interest of the Regional District may require, on all matters referred to them by the Chairperson or the Board or coming within their purview, and to recommend such action by the Board in relation thereto as they, the Committee, deem necessary or expedient.
  - b) To carry out the instructions of the Board expressed by resolution in regard to any matter referred by the Board to any committee for immediate action thereupon, but in such cases the instructions of the Board shall be specific and the Committee shall report its action in detail at the next regular or other meeting of the Board, or as specified in the instructions of the Board.

- 19.7 In the transaction of business, all Standing and Select Committees shall adhere as far as possible to the rules governing proceedings in meetings of the Board.
- 19.8 Of the number of Directors appointed to compose any standing or select committee, a majority of the Directors having among them a majority of the votes shall be a quorum competent to transact business.
- 19.9 On completion of its assignment and submission of its report to the Board, a Select Committee shall be automatically dissolved.

## **PART 6 - AGENDAS**

### **20.0 Delegations**

- 20.1 Individuals or groups wishing to appear before the Board may do so only if they have first notified the Chairperson, Chief Administrative Officer, or Corporate Administrator in writing before the agenda has been prepared and circulated to the Board, except on extraordinary occasions declared as such by the Chairperson.
- 20.2 Every delegation shall be allowed a reasonable time at the discretion of the Chairperson to present its petition or submission, at the meeting. The Board may dispose of the petition or submission at the meeting, refer the subject matter to a Committee or take such other action as is deemed expedient.

### **21.0 Rules of Order**

- 21.1 In all unprovided cases in the proceedings of the Board or of its Committee(s), the New Roberts Rules of Order, 2<sup>nd</sup> Edition, 1998 shall be followed to the extent those Rules are applicable in the circumstances and not inconsistent with this Bylaw, the *Community Charter* or the *Local Government Act*.

This Bylaw may be cited for all purposes as "Regional District of Bulkley-Nechako Procedure Bylaw No. 1832, 2018."

Certified a true and correct copy of Regional District of Bulkley-Nechako Procedure Bylaw No. 1832, 2018.



Corporate Administrator

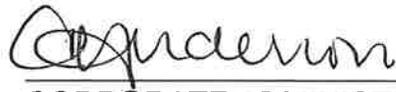
READ A FIRST TIME this 24<sup>th</sup> day of May, 2018.

READ A SECOND TIME this 24<sup>th</sup> day of May, 2018.

READ A THIRD TIME this 24<sup>th</sup> day of May, 2018.

ADOPTED this 24<sup>th</sup> day of May, 2018

  
\_\_\_\_\_  
CHAIRPERSON

  
\_\_\_\_\_  
CORPORATE ADMINISTRATOR

**REGIONAL DISTRICT OF BULKLEY-NECHAKO  
BYLAW 1837**

**A Bylaw for Directors' Remuneration**

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WHEREAS, pursuant to the provisions of the *Local Government Act*, a Board may adopt procedures, conditions and amounts for Directors' remuneration and expenses;

NOW THEREFORE the Board of the Regional District of Bulkley Nechako in open meeting assembled enacts as follows:

1. TITLE:

This bylaw shall be cited as the "Regional District of Bulkley Nechako Directors' Remuneration and Expenses Bylaw No. 1837, 2018".

2. PRINCIPLES

Directors' remuneration and reimbursement for expenses shall be guided by the following principles:

- (A) Directors' remuneration should be structured to recognize the importance of this publicly elected office and provide a reasonable incentive to attract and retain quality individuals to these positions.
- (B) Directors are expected to conduct their business in such a way as to optimize the value to the taxpayer.
- (C) Directors should be reimbursed for their reasonable expenses in carrying out their responsibilities.
- (D) Directors should not use expenses charged for Regional District business to subsidize their personal or business activities.

3. DEFINITIONS:

In this bylaw, unless the context otherwise requires:

**Board Day** means the day of the regular meeting of the Board for the purposes of conducting regional board business and includes both the public and, when necessary, in-camera portions of the meeting.

**Committee** means a Committee to which a Director has been appointed by either the Board or the Chair of the Regional District.

**Committee of the Whole Meeting** means the days on which the entire Board membership meets in a Committee format to discuss and make recommendations to the RDBN Board on broad regional topics such as policy issues, etc.

**Meals** means food and non-alcoholic beverages consumed by individual Directors while attending a sanctioned meeting within the Region on such occasions when the meal service is not already provided by the Regional District (receipts required).

**Miscellaneous Expenses** means reimbursable travel-related expenses not expressly dealt with elsewhere in this bylaw, such as: parking fees; hotel internet costs, fares for taxis, airport shuttle services, ferries, buses, toll booth fees, etc.

**Per Diem Rates** means the daily rate a Director may charge for meals and incidentals while on Regional District business outside of the region as per Section 8(E) (no receipt required).

#### 4. INTERPRETATION AND APPLICATION

- (A) The Regional District Finance Chair (or the Vice Chair if a Finance Chair is not appointed) shall be responsible for reviewing and approving Directors' Remuneration and Expense Reports.
- (B) The Regional District Board Chair shall be responsible for reviewing and approving the Finance Chair's Remuneration and Expense Reports.
- (C) Disputes regarding Directors' Remuneration and Expense Reports shall be forwarded to the Regional District Executive Committee for resolution. If the dispute is not resolved at the Executive Committee, the matter shall be forwarded to the Regional District Board.

#### 5. REMUNERATION

- (A) Remuneration shall be paid to Directors for the discharge of the duties of office unless pay is suspended in accordance with the Regional District Code of Conduct and Ethics. Remuneration shall be comprised of the following:
  - (i) **Directors, Chair and Vice Chair, Standing Committee Chair Remuneration** -- to be determined and paid pursuant to Schedule A, attached to and forming part of this bylaw; and,
  - (ii) **Remuneration for attendance at meetings** -- to be determined in accordance with Schedule B, attached to and forming part of this bylaw.

- (B) A Director shall not receive remuneration for wages lost through absence from work or income deemed lost due to attendance at any meeting or as a delegate representing the Regional Board.

6. OTHER REMUNERATION

**Travel time remuneration** -- to be determined and paid pursuant to Schedule C, attached to and forming part of this bylaw.

7. ALTERNATE DIRECTORS

- (A) When replacing a Director, an Alternate Director is eligible to receive business meeting remuneration in accordance with Schedule B, travel time remuneration in accordance with Schedule C and reimbursement of expenses in accordance with Section 8.

- (B) As an exception to the above, Alternate Directors are not authorized to attend conventions/seminars or other non-business sessions on behalf of the Director.

- (C) Reimbursement for travel expenses and remuneration is authorized for newly appointed Alternate Directors to attend their first Board meeting accompanied by the Director of the electoral area.

8. EXPENSES

Directors shall be reimbursed for reasonable expenses incurred while discharging the duties of office in accordance with the following:

(A) **Transportation Costs**

- (i) A Director shall be paid a "personal vehicle allowance" per kilometre for the use of their personal vehicle as transportation for Regional District business conducted:
  - a) within the Director's electoral area;
  - b) for sanctioned meetings; and
  - c) other meetings/events authorized by the Board or by the Chair where time constraints preclude Board consideration.

The personal vehicle allowance rate for the above-approved travel shall be the rate published by Canada Revenue Agency's automobile allowance rate per kilometre.

The District shall not reimburse the Director for stand-by charges of his personal vehicle while he is attending a meeting. Stand-by refers to the privately owned vehicle being situated at the point of departure or at the

place of the meeting.

For the purpose of calculating distances travelled, the Director's normal place of residence, within the Regional District, shall be considered the starting point and point of return of any trip.

For trips exceeding 600 kilometres, Directors shall be entitled to reasonable accommodation en route.

No additional personal vehicle allowance is payable for carrying passengers.

- (iii) The amount paid shall not exceed the lesser of the cost of economy airfare and associated ground transportation cost or the personal vehicle allowance.
- (iv) Directors who choose to use commercial transportation shall be reimbursed the actual cost of such transportation based on economy class fares.

(B) Accommodation Costs

- (i) In general, Directors shall be reimbursed for the actual cost of commercial accommodation. For conventions, Board meetings, and Committee of the Whole meetings, commercial accommodation will typically be booked and paid for by the District. A Director may choose to stay at accommodation other than the designated accommodation provided by the corporation; however, they will be responsible for making their own arrangements and will be reimbursed a maximum of the amount charged for the corporate accommodation.
- (ii) A Director who utilizes non-commercial facilities for overnight accommodation shall be paid a private accommodation allowance, provided the period of accommodation would not exceed that required for the purpose of attending to Regional District business. The private accommodation rate shall be the rate paid \$60.
- (iii) Where specific provisions are required to address disability or health issues that are not available in the designated accommodation, a Director may choose to stay at an alternative, comparable accommodation and in such a case, the Director may request that the Chair authorize additional reimbursement.

(C) Meal Expenses Within the Highway 16 Corridor Within the RDBN

When attending sanctioned meetings within the *Highway 16 corridor*, Directors are entitled to reimbursement for the actual cost of meals not to exceed \$65.00 per day. Receipts must be provided. The Claims for meals are as follows:

Full Day	Breakfast	Lunch	Dinner	B & L	L & D	B & D
\$65	\$15	\$20	\$30	\$35	\$50	\$45

A claim for meals can only be made if it has not been provided by the region or as part of a convention or other event. Receipts must be provided. Where meals are provided, there is no reimbursement if the Director chooses to eat elsewhere. Exceptions would include where there are special dietary needs or the inability to take advantage of paid meals because of a timing conflict with other Regional District business. To claim meals, travel status must:

- Begin before 7 am on the date of departure to claim breakfast
- Begin before 12 pm on the date of departure (and end after 1 pm on the date of return) to claim lunch
- End after 6 pm on the date of return to claim dinner

(D) Miscellaneous Expenses

- (i) While away from his/her residence on regional district business, Directors are entitled to reasonable reimbursement of other expenses necessarily incurred such as parking fees, taxis, hotel internet services, ferries, toll booths, etc. Receipts must be provided.
- (ii) Miscellaneous expenses as defined in section 3 shall be reimbursed at actual cost.

(E) Per Diem in Lieu of Actual Costs of Meals and Incidentals

In lieu of reimbursement of actual expenses for meals and incidentals while on authorized regional district business outside of the *Highway 16 corridor*, Directors may elect to utilize a per diem rate of \$80.00 per day. The per diem rate shall only apply when the out-of-district travel requires an overnight stay. If the period of travel includes partial days or if some of the meals are provided, the per diem shall be as follows:

Full Day	Breakfast	Lunch	Dinner	B & L	L & D	B & D
\$80	\$25	\$30	\$40	\$50	\$60	\$60

(F) Authorization for Out-of-District Travel

- (i) In general, out-of-district travel will be authorized by the Board.

- (ii) In the absence of Board authorization, the Chair, or in his absence, the Vice-Chair, may authorize out-of-district travel where such travel is necessary to carry out the business of the Regional District.
- (iii) No travel expenses or accommodation expenses for out-of-district travel shall be paid to any member of the Regional District Board unless the travel was first authorized by Board Resolution, or by the Chair/Vice-Chair.

(G) Extraordinary Expenses

Extraordinary expenses which are in excess of the amounts available under this bylaw shall be accounted for on the Director's claim, accompanied by receipts and details of the circumstances. Such a claim will be paid following review and approval by both the Chair of the Board and the Finance/Audit Committee Chair.

(H) Attendance at Commission Meetings

Directors attending meetings of Commissions to which they are appointed by the Board of the Regional District will be reimbursed for expenses in accordance with this section.

9. INSURANCE - USE OF PRIVATE VEHICLE

- (A) Directors shall be reimbursed for the cost of the deductible for one comprehensive claim per calendar year to a maximum of \$300 for damage to the vehicle or \$300 for windshield replacement, provided the damage to the vehicle was incurred while on regional district business and a receipt is provided.
- (B) Directors are required to ensure that the vehicle(s) they use for regional district business are insured for business class purposes. Upon submitting proof of coverage, the Director will be reimbursed for the difference in cost between insuring one of his/her vehicles for pleasure and business class purposes.
- (C) The Regional District does not accept any liability under any circumstances for claims arising from the use of privately owned vehicles, but will carry additional liability insurance over and above that which Directors carry on their personal vehicles, for claims arising from use of the vehicle while on RDBN business.

10. COMMUNICATIONS

- (A) All directors will be provided with a cell phone by the RDBN and with a RDBN email address. The RDBN email address will be used for all communication with the RDBN. Where a municipal director is provided a cell phone and a municipal email address (meeting RDBN security requirement) by their municipality, the RDBN will reimburse the municipality 50% of the cost associated with this service

- to the municipality or 50% of the cost of the service if provided by the RDBN whichever is less. The RDBN will not reimburse directors for corporate use of their personal devices or cell phones.
- (B) Electoral Area directors will be reimbursed up to \$75 per month for home internet service upon the provision of receipts.
  - (C) Electoral Area directors will be reimbursed up to \$2000 per term for a tablet or portable lap top computer upon receipt. Municipalities will be provided 50% of the costs associated with providing their municipal director with a tablet or portable lap top computer to a maximum of \$1000.

11. LOCAL GOVERNMENT CONVENTIONS

- (A) Electoral Area Directors will be allocated \$2000 to attend conventions and meetings related to their work as an Electoral Area Director. This amount does not include costs associated with attendance at UBCM and NCLGA. This amount may be used for convention costs, travel and remuneration. Costs will be reimbursed at the regular expense rate described in this bylaw. Electoral Area Directors that choose not to attend UBCM or NCLGA conventions may increase this amount by the amount staff estimate attendance at these conventions would cost.
- (B) The Board of the Regional District may send any director to any convention or meeting with its associated cost paid from "General Government – Legislative" at its discretion.
- (C) The Rural Directors may send any director to any convention or meeting with its associated costs paid from "Rural Government – Legislative" at its discretion.
- (D) This section does not apply to the Chair (or Vice Chair) in performing the duties of the Chair.

12. REPEAL

Regional District of Bulkley-Nechako Directors' Remuneration Bylaw No. 1717, 2014 and all bylaws enacted in amendment thereto are hereby repealed.

13. EFFECTIVE DATE

This bylaw comes into effect January 1, 2019.

Certified a true and correct copy of "Regional District of Bulkley Nechako Directors'  
Remuneration and Expenses Bylaw No. 1837, 2018."

Anderson

Corporate Administrator

READ A FIRST TIME this 21 day of June , 2018.

READ A SECOND TIME this 21 day of June , 2018.

READ A THIRD TIME this 21 day of June , 2018.

ADOPTED this 21 day of June , 2018.

Full

CHAIRPERSON

Anderson

CORPORATE ADMINISTRATOR

## **SCHEDULE A**

### **Chair and Directors' Remuneration**

#### 1) Directors' Basic Remuneration

Effective upon adoption of this bylaw, each Director of the Regional District of Bulkley Nechako shall be paid a "Basic" remuneration of \$775 per month, thereafter to be increased annually and rounded to the nearest dollar on January 1<sup>st</sup>, based on the previous year's consumer price index (yearly average for the Province of B. C. as published by Statistics Canada), for completion of his or her duties of office. In the event that there is no increase to the consumer price index, or if it were to decline, the basic remuneration rate would remain the same as in the previous year.

#### 2) Rural Directors' Local Governance Remuneration

Effective upon adoption of this bylaw, each Electoral Area Director of the Regional District of Bulkley Nechako shall be paid an additional 0.62 of the basic remuneration per month for completion of his or her duties of office. In addition each Electoral Area director will receive \$1 for each resident in his/her Electoral Area based on the most recent Canadian Census figures per annum paid in instalments of 8.33 cents per resident monthly.

#### 3) Chair, Vice-Chair, and Committee Chair Remuneration

- A) The Chair of the Regional District Board shall receive an additional amount equal to 2.0 times the basic remuneration.
- B) The Vice-Chair of the Regional District Board shall receive an additional amount equal to 0.25 times the basic remuneration.
- C) A Committee Chair of the Regional District Board shall receive an additional amount equal to 0.50 times the basic remuneration.
- D) An appointed cheque signer (that is not Chair of the Finance Committee or the Board Chair or Vice Chair) shall receive an additional amount equal to 0.15 times the basic remuneration.

#### 4) Acting Chair

In addition to his/her remuneration for attendance at a Board meeting as specified in this schedule, any Board member who serves as Acting-Chair on Board Day due to the absence of the Chair and Vice-Chair, shall be compensated \$200 for his/her services in chairing the Board meeting.

5) Emergency Operations

Directors required to attend office at the Regional District or other meetings to support emergency operations will receive the meeting ½ or full day rate (see Schedule B). The board must approve or ratify the Director's attendance for this allowance to be received.

6) Partner's Program Expense

Once a year, the Regional District will pay the registration fees for the partner's program and any additional accommodation costs for the spouse of a Director to stay in the Director's hotel room when attending either a convention or conference.

## **SCHEDULE B**

### **Meeting Remuneration**

It must be noted that the following table is intended to provide examples of categories of meetings and the remuneration applicable to that category. It must be recognized that the Board may eliminate or establish committees from time to time, which may or may not be eligible for remuneration in accordance with the applicable category.

- (A) For attendance at meetings, Directors will be remunerated and expenses will be paid in accordance with the attached table.
- (B) Those meetings which receive remuneration as indicated in the attached table are deemed to be "Sanctioned Meetings".
- (C) Where more than one meeting is held on the same day, the meetings shall be deemed to be one meeting. As an exception, when one of the meetings is a regular Board meeting and the other meeting begins after 6:00 pm on the same day, the other meeting will be remunerated as a separate meeting.
- (D) Directors are only eligible for remuneration where an agenda for the meeting is prepared and distributed in advance and minutes are recorded and submitted to the Board for consideration or for meetings called because of an emergency.
- (E) Where a Director attends a meeting by means of electronic communications, remuneration shall be at the normal rate for that meeting.
- (F) Remuneration for meetings not listed on the attached table must be approved by the Board. It is noted that Directors may choose to accept appointments to a wide variety of bodies; however, except as specifically provided for herein, those appointments shall be without remuneration. For clarity, meetings regarding a Director's local services, Regional District public hearings, and Advisory Planning Committee and commission meetings are excluded from remuneration under this section.

Meeting Type	Allowance *		Notes
	Half Day < 3.5 hrs	Full Day 3.5 hrs+	
Board and Committee Meetings	\$235	\$235	Travel time may be claimed (if applicable)
Other approved meetings within the Regional District	\$118	\$235	Travel time may be claimed (if applicable)
Attendance and travel to Conventions or similar events (including: NCLGA, UBCM, Minerals North, etc.)	\$118	\$235	Includes time spent travelling to these events. Additional travel time is not applicable.

\* to be increased annually on January 1<sup>st</sup>, based on the previous year's consumer price index (yearly average for the Province of B. C. as published by Statistics Canada), for completion of his or her duties of office. In the event that there is no increase to the consumer price index, or if it were to decline, the basic remuneration rate would remain the same as in the previous year.

**Schedule C**  
**Travel Time Remuneration**

1. Travel time remuneration of \$25 for every 100 kilometres driven (for trips over 20 km [one way]) shall apply to all travel when attending all meetings within the Regional District boundaries and include:
  - A) All travel by Board Chair or Vice-Chair when representing the RDBN within the Regional District;
  - B) Travel by Directors to sanctioned meetings within the Regional District; and
  - C) Travel by Directors to meetings/events outside a Director's area authorized by the Board or by the Chair where time constraints preclude Board consideration.
  
2. Travel remuneration for all travel outside the Region District boundaries or for attendance at conventions or similar events within the regional district shall be at the meeting rate described in Schedule B.

**REGIONAL DISTRICT OF BULKLEY-NECHAKO  
BYLAW 1882**

**A Bylaw for Amending Directors' Remuneration**

---

WHEREAS, pursuant to the provisions of the *Local Government Act*, a Board may adopt procedures, conditions and amounts for Directors' remuneration and expenses;

NOW THEREFORE the Board of the Regional District of Bulkley Nechako in open meeting assembled enacts as follows:

1. TITLE:

This bylaw shall be cited as the "Regional District of Bulkley Nechako Directors' Remuneration and Expenses Bylaw Amendment No. 1882, 2019"

2. Bylaw 1837, 2018 "A Bylaw for Directors' Remuneration" is hereby amended by:

**The Definition of Meals in section 3 is struck out and replaced with:**

*Meals means food and non-alcoholic beverages consumed by individual Directors while attending sanctioned events when the meal service is not already provided.*

**The Definition of Per Diem Rates is struck out and replaced with:**

*Per Diem Rates means the maximum a Director may claim for meals and incidentals while on Regional District business.*

**Section 6 (C) is struck out and replaced with:**

**6 (C) Meal Expenses**

*In lieu of reimbursement of actual expenses for meals and incidentals while on authorized Regional District business or attending a sanctioned event on behalf of the Regional District, Directors may claim the following allowances:*

*Travel within the Regional District*

<i>Full Day</i>	<i>Breakfast</i>	<i>Lunch</i>	<i>Dinner</i>
<i>\$65</i>	<i>\$15</i>	<i>\$20</i>	<i>\$30</i>

*Travel Outside the Regional District*

<i>Full Day</i>	<i>Breakfast</i>	<i>Lunch</i>	<i>Dinner</i>
<i>\$80</i>	<i>\$20</i>	<i>\$25</i>	<i>\$35</i>

*A claim for meals can only be made if it has not been provided by the Regional District or as part of a convention or other event. Where meals are provided, there is no reimbursement if the Director chooses to eat elsewhere. Exceptions would include where there are special dietary needs or the inability to take advantage of paid meals because of a timing conflict with other Regional District business. To claim meals, travel status must:*

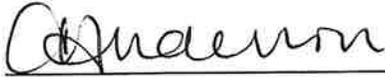
- *Begin before 7 am on the date of departure to claim breakfast*
- *Begin before 12 pm on the date of departure (and end after 1 pm on the date of return) to claim lunch*
- *End after 6 pm on the date of return to claim dinner*

**Section 6 (E) is struck out and replaced with:**

**6 (E) *Loyalty Programs and Other Travel Programs***

- a. *Provided that there are no additional costs to the Regional District, Directors travelling on Regional District business can join loyalty programs and retain benefits offered by the travel industry for business or personal use. Such privilege is conditional upon the use of approved services and products wherever possible.*

Certified a true and correct copy of "Regional District of Bulkley Nechako Directors'  
Remuneration and Expenses Amendment Bylaw No. 1882, 2019."



Corporate Administrator

READ A FIRST TIME this 19<sup>th</sup> day of September, 2019.

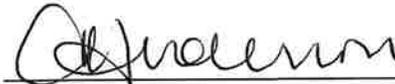
READ A SECOND TIME this 19<sup>th</sup> day of September, 2019.

READ A THIRD TIME this 19<sup>th</sup> day of September, 2019.

ADOPTED this 19<sup>th</sup> day of September, 2019.



CHAIRPERSON



CORPORATE ADMINISTRATOR

**REGIONAL DISTRICT OF BULKLEY-NECHAKO  
BYLAW 1894**

**A Bylaw for Amending Directors' Remuneration**

---

WHEREAS, pursuant to the provisions of the *Local Government Act*, a Board may adopt procedures, conditions and amounts for Directors' remuneration and expenses;

NOW THEREFORE the Board of the Regional District of Bulkley Nechako in open meeting assembled enacts as follows:

1. TITLE:

This bylaw shall be cited as the "Regional District of Bulkley Nechako Directors' Remuneration and Expenses Bylaw Amendment No. 1894, 2019."

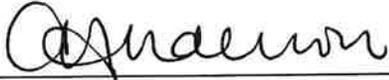
2. Bylaw 1837, 2018 "A Bylaw for Directors' Remuneration" is hereby amended by:

Schedule A, Section 3 (B) is hereby amended as:

3 (B) The Vice-Chair of the Regional District Board shall receive an additional amount equal to 0.75 times the basic remuneration.

3. This bylaw comes into effect January 1, 2020.

Certified a true and correct copy of "Regional District of Bulkley Nechako Directors'  
Remuneration and Expenses Amendment Bylaw No. 1894, 2019."



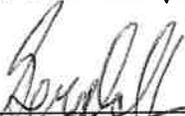
Corporate Administrator

READ A FIRST TIME this 12<sup>th</sup> day of December, 2019.

READ A SECOND TIME this 12<sup>th</sup> day of December, 2019.

READ A THIRD TIME this 12<sup>th</sup> day of December, 2019.

ADOPTED this 12<sup>th</sup> day of December, 2019.



CHAIRPERSON



CORPORATE ADMINISTRATOR

**REGIONAL DISTRICT OF BULKLEY-NECHAKO**

**BYLAW NO. 1864**

**Being a bylaw to adopt the Financial Plan  
for the years 2019 to 2023**

---

The Regional District of Bulkley-Nechako in open meeting assembled ENACTED as follows:

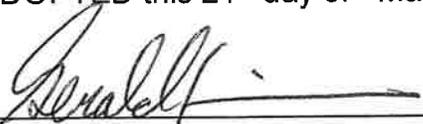
1. Schedules "A", "B", "C", "D", and "E" attached hereto and made part of this bylaw, is the Financial Plan for the Regional District of Bulkley-Nechako for the years 2019 through 2023.
2. This bylaw may be cited as "Regional District of Bulkley-Nechako Five Year Financial Plan Bylaw No. 1864, 2019".

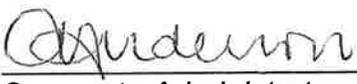
READ A FIRST TIME this 21 day of March, 2019

READ A SECOND TIME this 21 day of March, 2019

READ A THIRD TIME this 21 day of March, 2019

ADOPTED this 21<sup>st</sup> day of March, 2019

  
Chairperson

  
Corporate Administrator

I hereby certify that the foregoing is a true copy of Bylaw No. 1864 as adopted.

  
Corporate Administrator

Regional District of Bulkley-Nechako  
2019 to 2023 Financial Plan - Bylaw No. 1864

Schedule "A"

Service	2019 Financial Plan:						TRANSFERS From/(To)				EXPENDITURES:					
	FUNDING						Reserve Funds	Surplus of Prior Yr.	Equity in TCAs	Total Transfers	Debt Pmts. Int. & Ppal.	Capital Expenditures	Amortization of TCAs	Other Expenses	Deficit from Prior Year	Total Expenditures
	Prop. Value Taxes	Parcel Taxes	Fees and Charges	Proceeds of Borrowing	Other Revenue	Total Funding										
1101 Rural Government Services	288,496				1,044,516	1,333,012	(226,658)	302,797		76,139				1,409,150		1,409,150
<b>1200 General Government Services</b>	<b>1,293,080</b>		<b>15,900</b>		<b>357,534</b>	<b>1,666,514</b>	<b>(591)</b>	<b>390,647</b>	<b>80,000</b>	<b>460,058</b>	<b>7,800</b>	<b>83,900</b>	<b>80,000</b>	<b>1,954,871</b>		<b>2,126,571</b>
1301 Feasibility Studies					552	552		16,593		16,593				17,145		17,145
1401 Agriculture	43,379				93,085	136,464		34,188		34,188				170,652		170,652
1501 Local Community of Fort Fraser	3,506				5,000	8,506		6,664		6,664				15,170		15,170
<b>1701 Chinook Community Forest</b>	<b>(0)</b>				<b>(0)</b>	<b>(0)</b>		<b>15,874</b>		<b>15,874</b>				<b>15,873</b>		<b>15,873</b>
2100 Lakes Economic Development	102,321				1,000	103,321		323		323				103,644		103,644
2200 Area "E" Economic Development	10,000				12,751	22,751		29,697		29,697				52,448		52,448
2300 Stuart-Nechako Economic Development								8,692		8,692				8,692		8,692
2400 Area "A" Economic Development	10,000					10,000		10,000		10,000				20,000		20,000
2500 Regional Economic Development	83,917				324,732	418,649	(3,300)	251,458		248,158				666,807		666,807
<b>3101 Member Fiscal Services</b>					<b>959,436</b>	<b>959,436</b>					<b>659,436</b>					<b>959,436</b>
4101 Planning	215,762		10,250		29,188	255,200		6,329	27,791	5,500	39,620	11,000	5,500	278,320		294,820
4201 Building Inspection	200,486		231,812			432,298	(22,161)	41,234	12,485	31,558			12,485	451,371		463,856
4301 Development Services	275,976		28,500		32,032	336,508	(4,877)	56,664	10,000	61,747			10,000	388,295		398,295
4401 Building Numbering Extended Service	7,473				1,502	9,075	(420)	2,180		1,760				10,835		10,835
4501 Unsanitary Premises Regulatory Control	23,816				2,991	26,807	(3,236)	12,222		8,986				35,793		35,793
5101 Environmental Services	3,349,452		371,290	700,000	428,569	4,847,311	241,728	700,235	700,000	1,641,963	407,223	1,515,000	700,000	3,867,051		6,489,274
5901 Weeds	38,768		50		8,342	47,158		16,534		16,534				63,692		63,692
5902 Lake Kathryn Aquatic Weed Harvesting		8,191	544		150	8,885		90		90				8,975		8,975
5903 Glacier Gulch Water Diversion		2,662	180		25	2,867		10,147		10,147				13,014		13,014
6101 Ft. Fraser Sewer System		49,045	26,010		20,000	95,055	(41,136)	22,487	16,000	(2,649)			16,000	76,408		82,406
6201 Ft. Fraser Water System		47,275	42,129		199,095	287,499	(50,302)	68,445	100,000	118,143		235,657	100,000	69,985		405,642
6301 Clucutz Lake - Somerset Estate Sewer		2,600				2,600		2,608		2,608				5,208		5,208
6401 Pump & Haul Sewer Disposal			500			500								500		500
6402 Liquid Waste Disposal			5,000			5,000		9,456		9,456				14,456		14,456
7101 Ft. Fraser Fire Protection	54,640				5,000	59,640	(5,666)	3,069	10,800	8,203	10,718		10,800	48,325		67,843
7102 Southside Rural Fire Protection	44,066				9,500	53,566	(1,166)	394	18,000	17,228			18,000	52,794		70,794
7103 Topley Rural Fire Protection	71,887				3,000	74,887	(1,866)		23,000	21,334	17,741		23,000	55,245	235	56,221
7201 Burns Lake Rural Fire Protection	102,151					102,151								102,151		102,151
7202 Ft. St. James Rural Fire Protection	145,055					145,055	(10,000)			(10,000)				135,055		135,055
7203 Houston Rural Fire Protection	21,360					21,360								21,360		21,360
7204 Luck Bay Rural Fire Protection	50,858					50,856	(8,200)	4,841	9,300	5,941	7,085		9,300	40,402		56,797
7205 Smithers Rural Fire Protection	208,563					208,563	(10,000)			(10,000)				198,563		198,563
7206 Telkwa Rural Fire Protection	118,293					118,293	(6,000)			(6,000)				112,293		112,293
7207 Vanderhoof Rural Fire Protection	41,415					41,415								41,415		41,415
7208 Round Lake Fire Protection	10,350					10,350	(1,500)	2,100	600	1,200	1,025		600	9,925		11,550
<b>7301 Clucutz Lake Emergency Response</b>	<b>23,437</b>				<b>5,313</b>	<b>28,750</b>								<b>28,650</b>	<b>100</b>	<b>28,750</b>
7401 Area "A" Emergency Services	5,000					5,000								5,000		5,000
7402 Area "F" Extermination Services																
7403 Lakes District Emergency Services																
7404 Area "D" Extermination	1,531				2,221	3,752		1,248		1,248				5,000		5,000
7405 Area "C" Road Rescue Service	17,872					17,872		87		87				17,959		17,959
7406 Topley Road Rescue/First Responders	6,910					6,910	(10)	100	1,000	1,090			1,000	7,000		8,000
7501 9-1-1 Service	282,544		133,000		29,174	444,718	(22,208)	20,912	70,000	68,704		30,000	70,000	413,422		513,422
7600 Emergency Preparedness Planning	265,030				770,558	1,035,588	16,845	42,345	4,000	65,190		21,000	4,000	1,055,830	9,948	1,100,778
7701 Burns Lake & Area Victim Services	11,107				2,795	13,902		2,273		2,273				16,175		16,175
7702 Smithers Victim Services	35,438					35,438		1,535		1,535				36,973		36,973
8101 Lakes District Airport	109,965				41,498	151,463	(35,000)	12,062		(22,938)	35,025			92,500		128,525
8201 Smithers Para-Transit																
8202 FSJ Seniors Helping Seniors Transportation Sr	41,806					41,806		1,194		1,194				43,000		43,000
8203 Regional Public Transit & Para Transit Service	59,767		83,935		67,846	208,548	(52,000)	58,956		6,956				215,504		215,504
8301 Telkwa Pedestrian Crosswalk	1,000					1,000								1,000		1,000
9101 Decker Lake Street Lighting		9,956	350			10,306		275		275				10,581		10,581
9102 Endako Street Lighting	3,313		320			3,633		148		148				3,782		3,782
9103 Ft. Fraser Street Lighting	7,731		490			8,221		639		639				8,860		8,860
9104 Gerow Island Street Lighting	4,352					4,352		33		33				4,385		4,385
9105 Goajen Road Street Lighting																
9106 Colony Point Street Lighting	2,856					2,856		9		9				2,905		2,905
9107 Laidlaw Street Lighting	1,460					1,460		(33)		(33)				1,427		1,427
10101 Bulkley Valley Regional Pool and Rec. Centre	983,785				20,135	1,009,920	(244,152)	106,132	120,000	(18,020)	1,200		120,000	870,699.56		991,900
10102 Vanderhoof Pool	304,812					304,812	(30,000)			(30,000)				274,812		274,812
10201 Ft. St. James Arena Grant	37,500					37,500								37,500		37,500
10202 Burns Lake Arena	241,795				2,500	244,295	14,500	705		15,205	19,030			240,471		259,501
10301 Smithers Rural Recreation/Culture	303,919					303,919								303,918	1	303,919
10302 Vanderhoof Recreation & Culture	95,985					95,985								95,985		95,985
10303 Lakes District Arts and Culture	242,701				89,365	329,066								329,066		329,066
<b>10401 Ft. Fraser Cemetery Grant</b>	<b>1,964</b>		<b>35</b>			<b>1,999</b>		<b>1</b>		<b>1</b>				<b>2,000</b>		<b>2,000</b>
10402 Topley Cemetery Grant	1,500					1,500								1,500		1,500
10501 Smithers, Telkwa, Houston TV Rebroadcasting	59,323				600	59,923		77		77				60,000		60,000
10502 Fraser Lake and Area TV Rebroadcasting	41,072					41,072		7,098		7,098				77,875		77,875
10503 Ft. St. James and Area TV Rebroadcasting	163,801				2,800	166,601		899		899				167,500		167,500
10504 Burns Lake and Area TV Rebroadcasting	33,507				12,778	46,283		1,217		1,217				47,500		47,500
<b>10601 Burns Lake and Area Library Grant</b>								<b>12,349</b>		<b>12,349</b>				<b>12,349</b>		<b>12,349</b>
10602 Fraser Lake Rural Library Grant	12,333		60		17,250	29,643		3,752		3,752				33,395		33,395
10603 Fort St. James Library	17,075				50	17,125		63		63				17,188		17,188
10701 Burns Lake Museum Society								1,046		1,046				1,046		1,046
<b>10801 Fort Fraser Community Hall</b>	<b>2,452</b>		<b>46</b>			<b>2,498</b>		<b>2</b>		<b>2</b>				<b>2,500</b>		<b>2,500</b>
10802 Braeside Community Hall	5,000					5,000								5,000		5,000
<b>Total/Total Departments</b>	<															

**Regional District of Bulkley-Nechako**  
**2019 to 2023 Financial Plan - Bylaw No. 1864**

Schedule "B"

2019 Financial Plan:		FUNDING					TRANSFERS From/(To)				EXPENDITURES:					
Service	Prop. Value Taxes	Parcel Taxes	Fees and Charges	Proceeds of Borrowing	Other Revenue	Total Funding	Reserve Funds	Surplus of Prior Yr.	Equity in TCAs	Total Transfers	Debt Pmts. Int. & Ppsl.	Capital Expenditures	Amortization of TCAs	Other Expenses	Deficit from Prior Year	Total Expenditures
1101 Rural Government Services	349,995				1,044,516	1,394,511								1,167,853		1,167,853
1200 General Government Services	1,627,337		15,900		315,034	1,958,271	(226,658)		80,000	38,409	7,800	25,000	80,000	1,883,880		1,996,880
1301 Feasibility Studies																
1401 Agriculture	95,149				40,312	135,461								135,461		135,461
1501 Local Community of Fort Fraser	6,170				5,000	11,170								11,170		11,170
1701 Chinook Community Forest					20,000	20,000								20,000		20,000
2100 Lakes Economic Development	98,000				1,000	99,000								99,000		99,000
2200 Area "E" Economic Development	10,000				11,000	21,000								21,000		21,000
2300 Stuart-Nechako Economic Development																
2400 Area "A" Economic Development	10,000					10,000								10,000		10,000
2500 Regional Economic Development	267,480				188,020	455,500	(3,300)							452,200		452,200
<b>3101 Member Fiscal Services</b>					916,515	916,515					916,514					916,514
4101 Planning	247,491		10,250		29,188	286,929	(4,671)		5,500	629			5,500	282,258		287,758
4201 Building Inspection	249,570		231,812			481,382			12,485	23,324		33,000	12,485	459,221		504,706
4301 Development Services	313,469		3,500		32,032	349,021	(4,877)		10,000	5,123			10,000	344,144		354,144
4401 Building Numbering Extended Service	9,985				1,602	11,587	(420)							11,166.71		11,167
4501 Unsanitary Premises Regulatory Control	35,931				2,991	38,922	(3,236)							35,686		35,686
5101 Environmental Services	3,585,967		371,290		424,569	4,381,826	(3,272)		700,000	696,728	544,672	125,000	700,000	3,708,892		5,078,554
5901 Weeds	55,531		50		8,342	63,923								63,923		63,923
5902 Lake Kathlyn Aquatic Weed Harvesting		8,281	544		150	8,975								8,975		8,975
5903 Glacier Gulch Water Diversion		3,162	180		25	3,367	(500)			(500)				2,867		2,867
6101 Ft. Fraser Sewer System		75,670	26,530			102,200	(41,136)		16,000	(25,136)			16,000	61,064		77,064
6201 Ft. Fraser Water System		62,245	42,972			105,217	(50,302)		100,000	49,698			100,000	54,915		154,915
6301 Clucutz Lake - Somerset Estates Sewer		2,600				2,600								2,600		2,600
6401 Pump & Haul Sewer Disposal			500			500								500		500
6402 Liquid Waste Disposal			5,000			5,000								5,000		5,000
7101 Ft. Fraser Fire Protection	56,510				5,000	61,510	(15,166)		10,800	(4,366)			10,800	46,344		57,144
7102 Southside Rural Fire Protection	53,960					53,960	(1,166)		18,000	16,834			18,000	52,794		70,794
7103 Topley Rural Fire Protection	78,152					78,152	(5,166)		23,000	17,834	17,741		23,000	55,245		95,986
7201 Burns Lake Rural Fire Protection	117,500					117,500								117,500		117,500
7202 Ft. St. James Rural Fire Protection	155,881					155,881	(10,000)			(10,000)				145,881		145,881
7203 Houston Rural Fire Protection	20,534					20,534								20,534		20,534
7204 Luck Bay Rural Fire Protection	55,412					55,412	(5,000)		9,300	4,300	10,295		9,300	40,117		59,712
7205 Smithers Rural Fire Protection	212,334					212,334	(10,000)			(10,000)				202,334		202,334
7206 Telkwa Rural Fire Protection	124,343					124,343								124,343		124,343
7207 Vanderhoof Rural Fire Protection	42,068					42,068								42,068		42,068
7208 Round Lake Fire Protection	11,316					11,316	(1,500)		600	(900)	1,025		600	8,791		10,416
7301 Clucutz Lake Emergency Response	23,437					23,437								23,437		23,437
7401 Area "A" Emergency Services	5,000					5,000								5,000		5,000
7404 Area "D" Extrication	2,750				3,250	6,000								6,000		6,000
7405 Area "C" Road Rescue Service	17,959					17,959								17,959		17,959
7406 Topley Road Rescue/First Responders	7,010					7,010	(10)		1,000	990			1,000	7,000		8,000
7501 9-1-1 Service	320,905		95,000		57,034	472,939	(50,633)		70,000	19,367			70,000	422,306		492,306
7600 Emergency Preparedness Planning	347,635				656,013	1,003,648	(7,077)		4,000	(3,077)			4,000	996,571		1,000,571
7701 Burns Lake & Area Victim Services	13,380				2,795	16,175								16,175		16,175
7702 Smithers Victim Services	37,343					37,343								37,343		37,343
8101 Lakes District Airport	111,527				41,498	153,025	(25,000)			(25,000)	35,525			92,500		128,025
<b>8201 Smithers Para-Transit</b>																
8202 FSJ Seniors Helping Seniors Transportation S	43,000					43,000								43,000		43,000
8203 Regional Public Transit & Para Transit Service	50,922		83,935		18,004	152,861								152,861		152,861
8301 Telkwa Pedestrian Crosswalk	1,000					1,000								1,000		1,000
9101 Decker Lake Street Lighting		10,745	350			11,095								11,095		11,095
9102 Endako Street Lighting	3,651		320			3,971								3,971		3,971
9103 Ft. Fraser Street Lighting	8,288		490			8,778								8,778		8,778
9104 Gerow Island Street Lighting	4,605					4,605								4,605		4,605
9106 Colony Point Street Lighting	3,050					3,050								3,050		3,050
9107 Laidlaw Street Lighting	893					893								893		893
10101 Bulkley Valley Regional Pool and Rec. Centre	1,032,449				19,135	1,051,584	(251,372)		120,000	(131,372)	1,200		120,000	799,012		920,212
10102 Vanderhoof Pool	333,446					333,446	(15,000)			(15,000)				318,446		318,446
10201 Ft. St. James Arena Grant	37,500					37,500								37,500		37,500
10202 Burns Lake Arena	197,500				2,500	200,000								200,000		200,000
10301 Smithers Rural Recreation/Culture	309,996					309,996								309,996		309,996
10302 Vanderhoof Recreation & Culture	95,985					95,985								95,985		95,985
10303 Lakes District Recreation and Culture	241,840				70,000	311,840								311,840		311,840
10401 Ft. Fraser Cemetery Grant	1,960		40			2,000								2,000		2,000
10402 Topley Cemetery Grant	1,500					1,500								1,500		1,500
10501 Smithers, Telkwa, Houston TV Rebroadcast	60,600				600	61,200								61,200		61,200
10502 Fraser Lake and Area TV Rebroadcasting	54,303				31,947	86,250								86,250		86,250
10503 Ft. St. James and Area TV Rebroadcasting	164,700				2,800	167,500								167,500		167,500
10504 Burns Lake and Area TV Rebroadcasting	22,871				9,630	32,500								32,500		32,500
10602 Fraser Lake Rural Library Grant	19,132		60		20,243	39,434								39,434		39,434
10603 Fort St. James Library	17,138				50	17,188								17,188		17,188
10801 Fort Fraser Community Hall	2,454		46			2,500								2,500		2,500
10802 Braeside Community Hall	5,000					5,000								5,000		5,000
<b>Total for all Departments</b>	<b>11,490,630</b>	<b>162,703</b>	<b>888,769</b>		<b>3,980,794</b>	<b>16,523,056</b>	<b>(766,214)</b>		<b>1,180,685</b>	<b>414,471</b>	<b>1,534,773</b>	<b>183,000</b>	<b>1,180,685</b>	<b>14,039,109</b>		<b>16,937,567</b>

3/21/2019

**Regional District of Bulkley-Nechako**  
**2019 to 2023 Financial Plan - Bylaw No. 1864**

Schedule "C"

2020 Financial Plan:		FUNDING					TRANSFERS From/(To)				EXPENDITURES:					
Service	Prop. Value Taxes	Parcel Taxes	Fees and Charges	Proceeds of Borrowing	Other Revenue	Total Funding	Reserve Funds	Surplus of Prior Yr.	Equity in TCAs	Total Transfers	Debt Pmts. Int. & P'pal.	Capital Expenditures	Amortization of TCAs	Other Expenses	Deficit from Prior Year	Total Expenditures
1101 Rural Government Services	351,708				1,044,516	1,396,224	(226,658)							1,169,566		1,169,566
1200 General Government Services	1,648,709		15,900		306,284	1,970,893	(16,591)		80,000	63,409	7,600	25,000	80,000	1,921,502		2,034,302
1301 Feasibility Studies																
1401 Agriculture																
1501 Local Community of Fort Fraser	6,170				5,000	11,170								11,170		11,170
1701 Chinook Community Forest					20,000	20,000								20,000		20,000
2100 Lakes Economic Development	98,000				1,000	99,000								99,000		99,000
2200 Area "E" Economic Development	10,000				11,000	21,000								21,000		21,000
2300 Stuart-Nechako Economic Development																
2400 Area "A" Economic Development	10,000					10,000								10,000		10,000
2500 Regional Economic Development	274,737				188,020	462,757	(3,300)			(3,300)				459,457		459,457
3101 Member Fiscal Services					916,515	916,515					916,515					916,515
4101 Planning	251,639		10,250		29,188	291,077	(4,671)		5,500	829			5,500	286,406		291,906
4201 Building Inspection	256,730		231,812			488,542	(22,161)		12,485	(9,676)			12,485	466,381		478,666
4301 Development Services	319,558		3,500		32,032	355,090	(4,877)		10,000	5,123			10,000	350,213		360,213
4401 Building Numbering Extended Service	10,163				1,602	11,765	(420)			(420)				11,345		11,345
4501 Unshightly Premises Regulatory Control	36,437				2,991	39,428	(3,236)			(3,236)				36,192		36,192
5101 Environmental Services	3,681,010		471,290		449,569	4,601,869	(403,272)		700,000	296,728	190,750	300,000	700,000	3,707,847		4,899,597
5901 Weeds	55,751		50		8,342	64,143								64,143		64,143
5902 Lake Kathryn Aquatic Weed Harvesting		8,256	544		150	8,950								8,950		8,950
5903 Glacier Gulch Water Diversion		3,662	180		25	3,867	(1,000)			(1,000)				2,867		2,867
6101 Ft. Fraser Sewer System		76,925	27,061			103,985	(41,136)		16,000	(25,136)			16,000	62,849		78,849
6201 Ft. Fraser Water System		62,944	43,831			106,775	(50,302)		100,000	49,698			100,000	56,473		156,473
6301 Cluculz Lake - Somerset Estates Sewer		2,600				2,600								2,600		2,600
6401 Pump & Haul Sewer Disposal			500			500								500		500
6402 Liquid Waste Disposal			5,000			5,000								5,000		5,000
7101 Ft. Fraser Fire Protection	56,530				5,000	61,530	(15,166)		10,800	(4,366)			10,800	46,364		57,164
7102 Southside Rural Fire Protection	53,960					53,960	(1,165)		18,000	16,834			18,000	52,794		70,794
7103 Topley Rural Fire Protection	78,152					78,152	(5,166)		23,000	17,834	17,741		23,000	55,245		95,986
7201 Burns Lake Rural Fire Protection	117,500					117,500								117,500		117,500
7202 Ft. St. James Rural Fire Protection	158,261					158,261	(10,000)			(10,000)				148,261		148,261
7203 Houston Rural Fire Protection	20,763					20,763								20,763		20,763
7204 Luck Bay Rural Fire Protection	55,262					55,262	(7,600)		9,300	1,700	7,095		9,300	40,567		56,962
7205 Smithers Rural Fire Protection	216,181					216,181	(10,000)			(10,000)				206,181		206,181
7206 Telkwa Rural Fire Protection	125,580					125,580								125,580		125,580
7207 Vanderhoof Rural Fire Protection	42,721					42,721								42,721		42,721
7208 Round Lake Fire Protection	11,391					11,391	(1,500)		600	(900)	1,025		600	8,866		10,491
7301 Cluculz Lake Emergency Response	23,437					23,437								23,437		23,437
7401 Area "A" Emergency Services	5,000					5,000								5,000		5,000
7404 Area "D" Extrication	2,750				3,250	6,000								6,000		6,000
7405 Area "C" Road Rescue Service	17,959					17,959								17,959		17,959
7406 Topley Road Rescue/First Responders	7,010					7,010	(10)		1,000	990			1,000	7,000		8,000
7501 9-1-1 Service	341,155		90,000		57,034	488,189	(50,633)		70,000	19,367			70,000	437,556		507,556
7600 Emergency Preparedness Planning	359,536				656,013	1,015,549	(7,077)		4,000	(3,077)			4,000	1,008,472		1,012,472
7701 Burns Lake & Area Victim Services	13,380				2,795	16,175								16,175		16,175
7702 Smithers Victim Services	37,716					37,716								37,716		37,716
8101 Lakes District Airport	111,227				41,498	152,725	(25,000)			(25,000)	35,225			92,500		127,725
8201 Smithers Para-Transit																
8202 FSJ Seniors Helping Seniors Transportation S	43,000					43,000								43,000		43,000
8203 Regional Public Transit & Para Transit Service	49,444		83,935		8,244	141,623								141,623		141,623
8301 Telkwa Pedestrian Crosswalk	1,000					1,000								1,000		1,000
9101 Decker Lake Street Lighting		11,285	350			11,635								11,635		11,635
9102 Endako Street Lighting	3,849		320			4,169								4,169		4,169
9103 Ft. Fraser Street Lighting	8,727		490			9,217								9,217		9,217
9104 Gerow Island Street Lighting	4,835					4,835								4,835		4,835
9106 Colony Point Street Lighting	3,203					3,203								3,203		3,203
9107 Laidlaw Street Lighting	937					937								937		937
10101 Bulkley Valley Regional Pool and Rec. Centre	1,045,008				19,135	1,064,143	(251,372)		120,000	(131,372)	1,200		120,000	811,571		932,771
10102 Vanderhoof Pool	333,446					333,446	(15,000)			(15,000)				318,446		318,446
10201 Ft. St. James Arena Grant	37,500					37,500								37,500		37,500
10202 Burns Lake Arena	197,500				2,500	200,000								200,000		200,000
10301 Smithers Rural Recreation/Culture	316,196					316,196								316,196		316,196
10302 Vanderhoof Recreation & Culture	95,985					95,985								95,985		95,985
10303 Lakes District Recreation and Culture	241,840				70,000	311,840								311,840		311,840
10401 Ft. Fraser Cemetery Grant	1,960		40			2,000								2,000		2,000
10402 Topley Cemetery Grant	1,500					1,500								1,500		1,500
10501 Smithers, Telkwa, Houston TV Rebroadcast	61,824				600	62,424								62,424		62,424
10502 Fraser Lake and Area TV Rebroadcasting	54,303				31,947	86,250								86,250		86,250
10503 Ft. St. James and Area TV Rebroadcasting	164,700				2,800	167,500								167,500		167,500
10504 Burns Lake and Area TV Rebroadcasting	22,871				9,630	32,500								32,500		32,500
10602 Fraser Lake Rural Library Grant	19,132		60		20,243	39,434								39,434		39,434
10603 Fort St. James Library	17,138				50	17,188								17,188		17,188
10801 Fort Fraser Community Hall	2,454		46			2,500								2,500		2,500
10802 Braeside Community Hall	5,000					5,000								5,000		5,000
<b>Total for all Departments</b>	<b>11,599,435</b>	<b>165,671</b>	<b>995,159</b>		<b>3,948,972</b>	<b>16,697,236</b>	<b>(1,177,314)</b>		<b>1,180,685</b>	<b>3,371</b>	<b>1,177,351</b>	<b>325,000</b>	<b>1,180,685</b>	<b>14,017,571</b>		<b>16,700,808</b>

3/21/2019

**Regional District of Bulkley-Nechako**  
**2019 to 2023 Financial Plan - Bylaw No. 1864**

**Schedule "D"**

Service	2021 Financial Plan: FUNDING						TRANSFERS From/(To)				EXPENDITURES:					
	Prop. Value Taxes	Parcel Taxes	Fees and Charges	Proceeds of Borrowing	Other Revenue	Total Funding	Reserve Funds	Surplus of Prior Yr.	Equity in TCAs	Total Transfers	Debt Pmts. Int. & P'pal.	Capital Expenditures	Amortization of TCAs	Other Expenses	Deficit from Prior Year	Total Expenditures
1101 Rural Government Services	360,455				1,044,516	1,404,971	(177,658)			(177,658)				1,227,313		1,227,313
1200 General Government Services	1,677,376		15,900		306,284	1,999,560	(5,591)	80,000	74,409	7,800	21,000	80,000		1,965,169		2,073,969
1301 Feasibility Studies																
1501 Local Community of Fort Fraser	6,170				5,000	11,170								11,170		11,170
1701 Chinook Community Forest					20,000	20,000								20,000		20,000
2100 Lakes Economic Development	98,000				1,000	99,000								99,000		99,000
2200 Area "E" Economic Development	10,000				11,000	21,000								21,000		21,000
2300 Stuart-Nechako Economic Development																
2400 Area "A" Economic Development	10,000					10,000								10,000		10,000
2500 Regional Economic Development	281,300				188,020	469,320	(3,300)		(3,300)					466,020		466,020
<b>3101 Member Fiscal Services</b>					916,514	916,514				916,515						916,515
4101 Planning	255,871		10,250		29,188	295,309	6,329	5,500	11,829		11,000	5,500		290,638		307,138
4201 Building Inspection	266,033		231,812			497,845	43,839	12,485	56,324		66,000	12,485		475,684		554,169
4301 Development Services	325,749		3,500		32,032	361,281	10,123	10,000	20,123		15,000	10,000		356,404		381,404
4401 Building Numbering Extended Service	10,344				1,602	11,946	(420)		(420)					11,526		11,526
4501 Unsanitary Premises Regulatory Control	36,953				2,991	39,944	(3,236)		(3,236)					36,708		36,708
5101 Environmental Services	3,874,567		271,290		399,569	4,545,426	(3,272)	700,000	696,728	185,500	575,000	700,000		3,781,654		5,242,154
5901 Weeds	55,976				8,342	64,368								64,368		64,368
5902 Lake Kathlyn Aquatic Weed Harvesting			8,256		544	150	8,950							8,950		8,950
5903 Glacier Gulch Water Diversion			3,662		180	25	3,867	(1,000)	(1,000)					2,867		2,867
6101 Ft. Fraser Sewer System			76,135		27,602		103,737	(41,136)		16,000		16,000		62,601		78,601
6201 Ft. Fraser Water System			61,605		44,708		106,313	(50,302)		100,000		100,000		56,011		156,011
6301 Cluculz Lake - Somerses Estates Sewer			2,600			2,600								2,600		2,600
6401 Pump & Haul Sewer Disposal					500	500								500		500
6402 Liquid Waste Disposal			5,000			5,000								5,000		5,000
<b>7101 Ft. Fraser Fire Protection</b>	56,550				5,000	61,550	(15,166)	10,800	(4,366)			10,800		46,384		57,184
7102 Southside Rural Fire Protection	53,950					53,960	(1,166)	18,000	16,834			18,000		52,794		70,794
7103 Topley Rural Fire Protection	78,152					78,152	(5,166)	23,000	17,834	17,741		23,000		55,245		95,986
7201 Burns Lake Rural Fire Protection	131,487					131,487								131,487		131,487
7202 Ft. St. James Rural Fire Protection	160,690					160,690	(10,000)		(10,000)					150,690		150,690
7203 Houston Rural Fire Protection	20,996					20,996								20,996		20,996
7204 Luck Bay Rural Fire Protection	55,722					55,722	(7,600)	9,300	1,700	7,095		9,300		41,027		57,422
7205 Smithers Rural Fire Protection	220,104					220,104	(10,000)		(10,000)					210,104		210,104
7206 Telkwa Rural Fire Protection	131,679					131,679								131,679		131,679
7207 Vanderhoof Rural Fire Protection	43,374					43,374								43,374		43,374
7208 Round Lake Fire Protection	11,761					11,761	(1,500)	600	(900)	1,025		600		9,236		10,861
7301 Cluculz Lake Emergency Response	23,437					23,437								23,437		23,437
7401 Area "A" Emergency Services	5,000					5,000								5,000		5,000
7404 Area "D" Extrication	2,750				3,250	6,000								6,000		6,000
7405 Area "C" Road Rescue Service	17,538					17,538								17,538		17,538
7406 Topley Road Rescue/First Responders	7,010					7,010	(10)	1,000	990			1,000		7,000		8,000
<b>7501 9-1-1 Service</b>	361,678		85,000		57,034	503,712	(50,633)	70,000	19,367			70,000		453,079		523,079
7600 Emergency Preparedness Planning	353,772				656,013	1,009,785	8,897	4,000	12,897		11,000	4,000		1,007,682		1,022,682
7701 Burns Lake & Area Viclim Services	13,380				2,795	16,175								16,175		16,175
7702 Smithers Viclim Services	38,093					38,093								38,093		38,093
8101 Lakes District Airport	101,002				41,498	142,500	(50,000)		(50,000)					92,500		92,500
8201 Smithers Para-Transit																
8202 FSJ Seniors Helping Seniors Transportation Se	43,000					43,000								43,000		43,000
8203 Regional Public Transit & Para Transit Service	51,994		83,935		8,244	144,173								144,173		144,173
<b>8301 Telkwa Pedestrian Crosswalk</b>	1,000					1,000								1,000		1,000
9101 Decker Lake Street Lighting		11,851	350			12,201								12,201		12,201
9102 Endako Street Lighting	4,058		320			4,378								4,378		4,378
9103 Ft. Fraser Street Lighting	9,188		490			9,678								9,678		9,678
9104 Gerow Island Street Lighting	5,076					5,076								5,076		5,076
9106 Colony Point Street Lighting	3,363					3,363								3,363		3,363
9107 Laidlaw Street Lighting	984					984								984		984
10101 Bulkley Valley Regional Pool and Rec. Centre	1,057,818				19,135	1,076,953	(251,372)	120,000	(131,372)	1,200		120,000		824,381		945,581
10102 Vanderhoof Pool	333,446					333,446	(15,000)		(15,000)					318,446		318,446
10201 Ft. St. James Arena Grant	37,500					37,500								37,500		37,500
10202 Burns Lake Arena	197,500				2,500	200,000								200,000		200,000
10301 Smithers Rural Recreation/Culture	322,520					322,520								322,520		322,520
10302 Vanderhoof Recreation & Culture	95,985					95,985								95,985		95,985
10303 Lakes District Recreation and Culture	241,840				70,000	311,840								311,840		311,840
10401 Ft. Fraser Cemetery Grant	1,960		40			2,000								2,000		2,000
10402 Topley Cemetery Grant	1,500					1,500								1,500		1,500
10501 Smithers, Telkwa, Houston TV Rebroadcast	61,900				600	62,500								62,500		62,500
10502 Fraser Lake and Area TV Rebroadcasting	54,303				31,947	86,250								86,250		86,250
10503 Ft. St. James and Area TV Rebroadcasting	164,700				2,800	167,500								167,500		167,500
10504 Burns Lake and Area TV Rebroadcasting	22,871				9,630	32,500								32,500		32,500
10602 Fraser Lake Rural Library Grant	19,132		60		20,243	39,434								39,434		39,434
10603 Fort St. James Library	17,138				50	17,188								17,188		17,188
10801 Fort Fraser Community Hall	2,454		46			2,500								2,500		2,500
10802 Brasserie Community Hall	5,000					5,000								5,000		5,000
<b>3000/3000 Departments</b>	<b>11,913,158</b>	<b>164,110</b>	<b>781,577</b>		<b>3,896,971</b>	<b>16,755,816</b>	<b>(634,340)</b>	<b>1,180,685</b>	<b>546,345</b>	<b>1,135,876</b>	<b>699,000</b>	<b>1,180,585</b>		<b>14,285,600</b>		<b>17,302,162</b>

Regional District of Bulkley-Nechako  
2019 to 2023 Financial Plan - Bylaw No. 1864

Schedule "E"

2022 Financial Plan:

Service	FUNDING						TRANSFERS From/(To)				EXPENDITURES:					
	Prop. Value Taxes	Parcel Taxes	Fees and Charges	Proceeds of Borrowing	Other Revenue	Total Funding	Reserve Funds	Surplus of Prior Yr.	Equity in TCAs	Total Transfers	Debt Pmts. Int. & P'pal.	Capital Expenditures	Amortization of TCAs	Other Expenses	Deficit from Prior Year	Total Expenditures
1101 Rural Government Services	355,237				1,044,516	1,399,753	(226,658)			(226,658)				1,173,095		1,173,095
1200 General Government Services	1,685,094		15,900		306,284	2,007,278	(5,591)		80,000	74,409	7,800	21,000	80,000	1,972,887		2,081,687
1301 Feasibility Studies																
1501 Local Community of Fort Fraser	6,170				5,000	11,170								11,170		11,170
1701 Chinook Community Forest					20,000	20,000								20,000		20,000
2100 Lakes Economic Development	98,000				1,000	99,000								99,000		99,000
2200 Area "E" Economic Development	10,000				11,000	21,000								21,000		21,000
2300 Stuart-Nechako Economic Development																
2400 Area "A" Economic Development	10,000					10,000								10,000		10,000
2500 Regional Economic Development	282,621				188,020	470,641	(3,300)		(3,300)					467,341		467,341
3101 Member Fiscal Services					916,514	916,514					916,515					916,515
4101 Planning	260,187		10,250		29,188	299,625	6,329	5,500	11,829		11,000	5,500		294,954		311,454
4201 Building Inspection	271,483		231,812		32,032	503,295	(22,161)	12,485	(9,676)			12,485		481,134		493,619
4301 Development Services	332,063		3,500		1,602	367,595	(4,877)	10,000	5,123			10,000		362,718		372,718
4401 Building Numbering Extended Service	10,529				2,991	12,131	(420)		(420)					11,711		11,711
4501 Unsightly Premises Regulatory Control	37,479				399,569	40,470	(3,236)		(3,236)					37,234		37,234
5101 Environmental Services	3,840,245		471,290		399,569	4,711,104	(253,272)	700,000	446,728		180,250	450,000	700,000	3,827,582		5,157,832
5901 Weeds	56,205				8,342	64,597								64,597		64,597
5902 Lake Kathlyn Aquatic Weed Harvesting		8,256	544		150	8,950								8,950		8,950
5903 Glacier Gulch Water Diversion		3,662	180		25	3,867	(1,000)		(1,000)					2,867		2,867
6101 Ft. Fraser Sewer System		77,297	28,154			105,451	(41,136)	16,000	(25,136)			16,000		64,315		60,315
6201 Ft. Fraser Water System		62,226	45,602			107,828	(50,302)	100,000	49,698			100,000		57,526		157,526
6301 Cluculz Lake - Somerset Estates Sewer		2,600				2,600								2,600		2,600
6401 Pump & Haul Sewer Disposal			500			500								500		500
6402 Liquid Waste Disposal			5,000			5,000								5,000		5,000
7101 Ft. Fraser Fire Protection	56,571				5,000	61,571	(15,166)	10,800	(4,366)			10,800		46,405		57,205
7102 Southside Rural Fire Protection	53,960					53,960	(1,166)	18,000	16,834			18,000		52,794		70,794
7103 Topley Rural Fire Protection	78,152					78,152	(5,166)	23,000	17,834	17,741		23,000		55,245		95,986
7201 Burns Lake Rural Fire Protection	109,717					109,717								109,717		109,717
7202 Ft. St. James Rural Fire Protection	163,167					163,167	(10,000)		(10,000)					153,167		153,167
7203 Houston Rural Fire Protection	23,279					23,279								23,279		23,279
7204 Luck Bay Rural Fire Protection	56,193					56,193	(7,600)	9,300	1,700	7,095		9,300		41,498		57,893
7205 Smithers Rural Fire Protection	224,106					224,106	(10,000)		(10,000)					214,106		214,106
7206 Telkwa Rural Fire Protection	133,408					133,408								133,408		133,408
7207 Vanderhoof Rural Fire Protection	41,000					41,000								41,000		41,000
7208 Round Lake Fire Protection	11,865					11,865	(1,500)	600	(900)	1,025		600		9,340		10,965
7301 Cluculz Lake Emergency Response	23,437					23,437								23,437		23,437
7401 Area "A" Emergency Services	5,000					5,000								5,000		5,000
7404 Area "D" Extrication	2,750				3,250	6,000								6,000		6,000
7405 Area "C" Road Rescue Service	17,538					17,538								17,538		17,538
7406 Topley Road Rescue/First Responders	7,010					7,010	{10}	1,000	990			1,000		7,000		8,000
7501 9-1-1 Service	383,806		80,000		57,034	520,840	(50,633)	70,000	19,367			70,000		470,207		540,207
7600 Emergency Preparedness Planning	371,762				656,013	1,027,795	8,897	4,000	12,897		11,000	4,000		1,025,692		1,040,692
7701 Burns Lake & Area Victim Services	13,380				2,785	16,175								16,175		16,175
7702 Smithers Victim Services	38,474					38,474								38,474		38,474
8101 Lakes District Airport	101,002				41,498	142,500	(50,000)		(50,000)					92,500		92,500
8201 Smithers Para-Transit	5,000					5,000								5,000		5,000
8202 FSJ Seniors Helping Seniors Transportation Se	43,000					43,000								43,000		43,000
8203 Regional Public Transit & Para Transit Service	50,594		83,935		12,244	146,773								146,773		146,773
8301 Telkwa Pedestrian Crosswalk	1,000					1,000								1,000		1,000
9101 Decker Lake Street Lighting		12,446	350			12,796								12,796		12,796
9102 Endako Street Lighting	4,277		320			4,597								4,597		4,597
9103 Ft. Fraser Street Lighting	9,672		490			10,162								10,162		10,162
9104 Gerow Island Street Lighting	5,330					5,330								5,330		5,330
9105 Colony Point Street Lighting	3,531					3,531								3,531		3,531
9107 Laidlaw Street Lighting	1,033					1,033								1,033		1,033
10101 Bulkley Valley Regional Pool and Rec. Centre	1,070,884				19,135	1,090,019	(251,372)	120,000	(131,372)	1,200		120,000		837,447		958,647
10102 Vanderhoof Pool	333,446					333,446	(15,000)		(15,000)					318,446		318,446
10201 Ft. St. James Arena Grant	37,500					37,500								37,500		37,500
10202 Burns Lake Arena	197,500				2,500	200,000								200,000		200,000
10301 Smithers Rural Recreation/Culture	328,970					328,970								328,970		328,970
10302 Vanderhoof Recreation & Culture	95,985					95,985								95,985		95,985
10303 Lakes District Recreation and Culture	241,840				70,000	311,840								311,840		311,840
10401 Ft. Fraser Cemetary Grant	1,960		40			2,000								2,000		2,000
10402 Topley Cemetery Grant	1,500					1,500								1,500		1,500
10501 Smithers, Telkwa, Houston TV Rebroadcast	61,900				600	62,500								62,500		62,500
10502 Fraser Lake and Area TV Rebroadcasting	54,303				31,947	86,250								86,250		86,250
10503 Ft. St. James and Area TV Rebroadcasting	164,700				2,800	167,500								167,500		167,500
10504 Burns Lake and Area TV Rebroadcasting	22,871				9,630	32,500								32,500		32,500
10602 Fraser Lake Rural Library Grant	19,132		80		20,243	39,434								39,434		39,434
10603 Fort St. James Library	17,138				50	17,188								17,188		17,188
10801 Fort Fraser Community Hall	2,454		45			2,500								2,500		2,500
10802 Braeside Community Hall	5,000					5,000								5,000		5,000
<b>3rd Party Departments</b>	<b>11,951,427</b>	<b>166,487</b>	<b>978,023</b>		<b>3,900,971</b>	<b>16,996,908</b>	<b>(1,014,340)</b>	<b>1,180,685</b>	<b>166,345</b>	<b>1,131,626</b>	<b>493,000</b>	<b>1,180,685</b>	<b>14,357,943</b>		<b>17,163,254</b>	

**REGIONAL DISTRICT OF BULKLEY-NECHAKO**

**BYLAW NO. 1876**

**Being a bylaw to amend the Financial Plan  
for the years 2019 to 2023**

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**The Regional District of Bulkley-Nechako in open meeting assembled  
ENACTED as follows:**

- 1. Schedule "A" attached hereto, and made part of this bylaw, is the amended Schedule "A" for the Financial Plan for the Regional District of Bulkley-Nechako for the years 2019 through 2023.**
- 2. This bylaw may be cited as "Regional District of Bulkley-Nechako Financial Plan Amendment Bylaw No. 1876, 2019."**

**READ A FIRST TIME** this 20 day of June ,2019

**READ A SECOND TIME** this 20 day of June , 2019

**READ A THIRD TIME** this 20 day of June , 2019

**I hereby certify that the foregoing is a true copy of Bylaw No. 1876.**



**Corporate Administrator**

**ADOPTED** this 20 day of June , 2019



**Chairperson**



**Corporate Administrator**

**Regional District of Bulkley-Nechako**  
**2019 to 2023 Financial Plan Amendment- Bylaw No. 1876**

Schedule "A"

2019 Financial Plan:

Service	FUNDING						TRANSFERS From/To				EXPENDITURES:					
	Prop. Value Taxes	Parcel Taxes	Fees and Charges	Proceeds of Borrowing	Other Revenue	Total Funding	Reserve Funds	Surplus of Prior Yr.	Equity In TCA's	Total Transfers	Debt Pmts. Int. & P'pal.	Capital Expenditures	Amorization of TCA's	Other Expenses	Deficit from Prior Year	Total Expenditures
1101 Rural General Services	288,496				1,044,516	1,333,012	(226,658)	302,797		76,139				1,409,150		1,409,150
1200 General Government Services	1,293,080		15,900		5,744,534	7,053,514	(5,211,343)	380,647	80,000	(4,750,696)	7,800	94,300	80,000	2,120,719		2,302,819
1301 Feasibility Studies					552	552		16,593		16,593				17,145		17,145
1401 Agriculture	43,379				93,085	136,464		34,188		34,188				170,652		170,652
1501 Local Community of Fort Fraser	3,508				5,000	8,508		6,664		6,664				15,170		15,170
1701 Chinook Community Forest	(0)					(0)		15,874		15,874				15,873		15,873
2100 Lakes Economic Development	102,321				1,000	103,321		323		323				103,644		103,644
2200 Area 'E' Economic Development	10,600				12,751	22,751		29,697		29,697				52,448		52,448
2300 Stuart-Nechako Economic Development								8,692		8,692				8,692		8,692
2400 Area "A" Economic Development	10,000					10,000		10,000		10,000				20,000		20,000
2500 Regional Economic Development	93,917				461,167	555,084	(3,300)	251,458		248,158				803,242		803,242
<b>3101 Member Fiscal Services</b>					<b>959,436</b>	<b>959,436</b>					<b>959,436</b>					<b>959,436</b>
4101 Planning	215,762		10,250		29,188	255,200		6,329	27,791	5,500	39,620		11,000	5,500	278,320	294,820
4201 Building Inspection	200,486		231,812			432,298	(22,161)	41,234	12,485	31,558			12,485	461,371	463,856	
4301 Development Services	275,976		28,500		32,032	336,508	(4,877)	56,664	10,000	61,787			10,000	388,295	398,295	
4401 Building Numbering Extended Service	7,473				1,602	9,075	(420)	2,180		1,760				10,835	10,835	
4501 Unsanitary Premises Regulatory Control	23,816				2,991	26,807	(3,236)	12,222		8,986				35,793	35,793	
5101 Environmental Services	3,349,452		371,290	308,650	846,569	4,875,961	(3,272)	700,235	700,000	1,396,963	407,223	1,288,800	700,000	3,876,901	6,272,924	
5901 Weeds	38,766				50	8,342		47,158		16,534				63,692	63,692	
5902 Lake Kathryn Aquatic Weed Harvesting		8,191	544		150	8,885		80		90				8,975	8,975	
5903 Glacier Gulch Water Diversion		2,662	180		25	2,867		10,147		10,147				13,014	13,014	
<b>6101 Ft. Fraser Sewer System</b>		49,045	26,010		20,000	95,055	(41,135)	22,487	16,000	(2,649)			16,000	76,406	92,406	
6201 Ft. Fraser Water System		47,275	42,129		198,095	287,499	(50,302)	68,445	100,000	118,143		235,657	100,000	69,985	405,842	
6301 Clucuz Lake - Somerset Estates Sewer		2,600				2,600		2,608		2,608				5,208	5,208	
6401 Pump & Haul Sewer Disposal			500			500								500	500	
6402 Liquid Waste Disposal			5,000			5,000		9,455		9,456				14,456	14,456	
7101 Ft. Fraser Fire Protection	54,640				5,000	59,640	(5,666)	3,069	10,800	8,203	10,718		10,800	46,325	67,843	
<b>7102 Southside Rural Fire Protection</b>	<b>44,065</b>				<b>9,500</b>	<b>53,565</b>	<b>(1,166)</b>	<b>394</b>	<b>18,000</b>	<b>17,228</b>			<b>18,000</b>	<b>52,794</b>	<b>70,794</b>	
7103 Topley Rural Fire Protection	71,887				3,000	74,887	(1,666)		23,900	21,334	17,741		23,000	55,245	235	95,221
7201 Burns Lake Rural Fire Protection	102,134					102,134				(10,000)				102,134	102,134	
7202 Ft. St. James Rural Fire Protection	144,973					144,973	(10,000)							134,973	134,973	
7203 Houston Rural Fire Protection	21,360					21,360								21,360	21,360	
7204 Luck Bay Rural Fire Protection	50,860					50,860	(8,200)	4,841	9,300	5,941	7,095		9,300	40,406	56,801	
7205 Smithers Rural Fire Protection	208,516					208,516	(10,000)			(10,000)				198,516	198,516	
7206 Telkwa Rural Fire Protection	118,271					118,271	(6,000)			(6,000)				112,271	112,271	
7207 Vanderhoof Rural Fire Protection	41,415					41,415								41,415	41,415	
7208 Round Lake Fire Protection	10,351					10,351	(1,500)	2,100	600	1,200	1,025		600	9,926	11,551	
7301 Clucuz Lake Emergency Response	23,437				5,313	28,750								28,650	100	28,750
7401 Area "A" Emergency Services	5,000					5,000								5,000	5,000	
7402 Area "F" Extrication Services																
7403 Lakes District Emergency Services																
7404 Area "D" Extrication	1,531				2,221	3,752		1,248		1,248				5,000	5,000	
7405 Area "C" Road Rescue Service	17,864					17,864		87		87				17,951	17,951	
7406 Topley Road Rescue/First Responders	6,910					6,910	(10)	100	1,000	1,090			1,000	7,000	8,000	
7501 9-1-1 Service	282,544		133,000		29,174	444,718	(22,208)	20,912	70,000	68,704		30,000	70,000	413,422	513,422	
7600 Emergency Preparedness Planning	265,030				774,011	1,039,041	18,845	42,345	4,000	65,190		21,000	4,000	1,069,283	9,948	1,104,231
7701 Burns Lake & Area Victim Services	11,107				2,795	13,902		2,273		2,273				16,175	16,175	
7702 Smithers Victim Services	35,438					35,438		1,535		1,535				36,973	36,973	
8101 Lakes District Airport	109,965				41,498	151,463	(35,000)	12,952		(22,938)	38,025			92,500	128,525	
8201 Smithers Para-Transit																
8202 FSJ Seniors Helping Seniors Transportation Sr	41,806					41,806		1,194		1,194				43,000	43,000	
8203 Regional Public Transit & Para Transit Service	56,767		83,935		67,846	208,548	(52,000)	58,956		6,956				215,504	215,504	
8301 Telkwa Pedestrian Crosswalk	1,000					1,000								1,000	1,000	
9101 Decker Lake Street Lighting		9,956	350			10,306		275		275				10,581	10,581	
9102 Endako Street Lighting	3,313		320			3,633		148		148				3,782	3,782	
9103 Ft. Fraser Street Lighting	7,731		490			8,221		639		639				8,860	8,860	
9104 Gerov Island Street Lighting	4,352					4,352		33		33				4,385	4,385	
9105 Goetjen Road Street Lighting																
9106 Colony Point Street Lighting	2,896					2,896		838		838				3,734	3,734	
9107 Laidlaw Street Lighting	1,460					1,460	(33)			(33)				1,427	1,427	
10101 Bulkley Valley Regional Pool and Rec. Centre	989,785				20,135	1,009,920	(244,152)	106,132	120,000	(18,020)	1,200		120,000	870,699.56	991,900	
10102 Vanderhoof Pool	304,812					304,812	(30,000)			(30,000)				274,812	274,812	
10201 Ft. St. James Arena Grant	37,500					37,500								37,500	37,500	
10202 Burns Lake Arena	241,796				2,500	244,296	14,500	705		15,205	19,030			240,471	259,501	
10301 Smithers Rural Recreation/Culture	303,842					303,842								303,841	1	303,842
10302 Vanderhoof Recreation & Culture	95,985					95,985								95,985	95,985	
10303 Lakes District Arts and Culture	242,701				86,365	329,066								329,066	329,066	
10401 Ft. Fraser Cemetery Grant	1,964		35			1,999		1		1				2,000	2,000	
10402 Topley Cemetery Grant	1,500					1,500								1,500	1,500	
10501 Smithers, Telkwa, Houston TV Rebroadcast	59,323				600	59,923		77		77				60,000	60,000	
10502 Fraser Lake and Area TV Rebroadcasting	41,072				29,705	70,777		7,098		7,098				77,875	77,875	
10503 Ft. St. James and Area TV Rebroadcasting	163,801				2,800	166,601		899		899				167,500	167,500	
10504 Burns Lake and Area TV Rebroadcasting	33,507				12,776	46,283		1,217		1,217				47,500	47,500	
10601 Burns Lake and Area Library Grant								12,349		12,349				12,349	12,349	
10602 Fraser Lake Rural Library Grant	12,333		60		17,250	29,643		3,752		3,752				33,395	33,395	
10603 Fort St. James Library	17,075				50	17,125		63		63				17,188	17,188	
10701 Burns Lake Museum Society								1,046		1,046				1,046	1,046	
10801 Fort Fraser Community Hall	2,452		46			2,498		2		2				2,500	2,500	
10802 Braeside Community Hall	5,000					5,000								5,000	5,000	
<b>2019 Total Departments</b>	<b>10,257,502</b>	<b>119,729</b>	<b>950,401</b>	<b>308,650</b>	<b>10,573,575</b>	<b>22,209,856</b>	<b>(5,954,599)</b>	<b>2,313,382</b>	<b>1,180,685</b>	<b>(2,460,532)</b>	<b>1,467,294</b>	<b>1,680,757</b>	<b>1,180,685</b>	<b>15,410,306</b>	<b>10,284</b>	<b>19,749,326</b>

**REGIONAL DISTRICT OF BULKLEY-NECHAKO**

**BYLAW NO. 1888**

**Being a bylaw to amend the Financial Plan  
for the years 2019 to 2023**

---

**The Regional District of Bulkley-Nechako in open meeting assembled  
ENACTED as follows:**

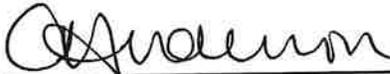
- 1. Schedule "A" attached hereto, and made part of this bylaw, is the amended Schedule "A" for the Financial Plan for the Regional District of Bulkley-Nechako for the years 2019 through 2023.**
- 2. This bylaw may be cited as "Regional District of Bulkley-Nechako Financial Plan Amendment Bylaw No. 1888, 2019."**

**READ A FIRST TIME** this 12<sup>th</sup> day of December, 2019

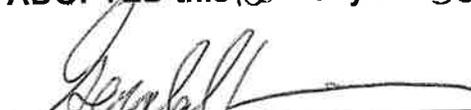
**READ A SECOND TIME** this 12<sup>th</sup> day of December, 2019

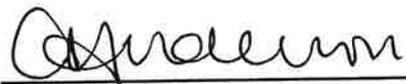
**READ A THIRD TIME** this 12<sup>th</sup> day of December, 2019

**I hereby certify that the foregoing is a true copy of Bylaw No. 1888.**

  
\_\_\_\_\_  
**Corporate Administrator**

**ADOPTED** this 12<sup>th</sup> day of December, 2019

  
\_\_\_\_\_  
**Chairperson**

  
\_\_\_\_\_  
**Corporate Administrator**

Service	FUNDING						TRANSFERS From/(To)				EXPENDITURES:					
	Prop. Value Taxes	Parcel Taxes	Fees and Charges	Proceeds of Borrowing	Other Revenue	Total Funding	Reserve Funds	Surplus of Prior Yr.	Equity In TCAs	Total Transfers	Debt Pmts. Int. & P'pal.	Capital Expenditures	Amortization of TCAs	Other Expenses	Deficit from Prior Year	Total Expenditures
1101 Rural Government Services	288,496				1,044,516	1,333,012		(226,658)	302,797	76,139				1,409,150		1,409,150
1200 General Government Services	1,293,080		15,900		1,256,782	2,567,762	(500,591)	380,647	80,000	(39,844)	7,800	94,300	80,000	2,345,718		2,527,819
1301 Feasibility Studies					552	552		16,593						17,145		17,145
1401 Agriculture	43,378				222,085	265,463		34,188		34,188				289,651		289,651
1501 Local Community of Fort Fraser	3,505				5,000	8,506		6,664		6,664				15,170		15,170
1701 Chinoak Community Forest	(0)					(0)		15,874		15,874				15,873		15,873
2100 Lakes Economic Development	102,321				1,000	103,321		323		323				103,644		103,644
2200 Area "E" Economic Development	10,000				12,751	22,751		29,687		29,687				52,448		52,448
2300 Stuart-Nechako Economic Development								8,692		8,692				8,692		8,692
2400 Area "A" Economic Development	10,000				110,273	120,273		10,000		10,000				130,273		130,273
2500 Regional Economic Development	93,917				536,167	630,084	(3,300)	251,458		248,158				878,242		878,242
3101 Member Fiscal Services					859,436	859,436					859,436					859,436
4101 Planning	215,762		10,250		29,188	255,200	8,329	27,791	5,500	39,620		11,000	5,500	278,320		294,620
4201 Building Inspection	200,496			231,812		432,298	(22,181)	41,234	12,485	31,958			12,485	451,371		463,856
4301 Development Services	275,976			28,500		304,476	(4,877)	55,664	10,000	61,787			10,000	388,295		398,295
4401 Building Numbering Extended Service	7,479				1,602	9,075	(400)	2,180		1,780				10,835		10,835
4501 Unsanitary Premises Regulatory Control	23,816				2,981	26,807	(3,236)	12,222		8,986				35,793		35,793
5101 Environmental Services	3,349,452		371,290		2,821,412	6,542,154	(1,802,363)	700,235	700,000	(402,128)	407,223	1,200,902	700,000	3,831,801		6,140,026
5901 Weeds	38,765			50	8,342	47,158		16,534		16,534				63,692		63,692
5902 Lake Kathleen Aquatic Weed Harvesting		8,191	544		150	8,885		90		90				8,975		8,975
5903 Glacier Gulch Water Diversion		2,652	180		30,025	32,857	(35,000)	10,147		(24,853)				8,014		8,014
6101 Ft. Fraser Sewer System		49,045	26,010		232,814	307,869	(253,950)	22,487	16,000	(215,463)			16,000	76,406		92,406
6201 Ft. Fraser Water System		47,275	42,129		471,970	561,374	(263,116)	68,445	100,000	(94,671)		296,718	100,000	69,985		466,703
6301 Cluculz Lake - Somerset Estates Sewer		2,600				2,600		2,608		2,608				5,208		5,208
6401 Pump & Haul Sewer Disposal			500			500								500		500
6402 Liquid Waste Disposal			5,000			5,000		9,459		9,459				14,456		14,456
7101 Ft. Fraser Fire Protection	54,640				5,000	59,640	(5,666)	3,069	10,800	8,203	10,718		10,800	46,325		67,843
7102 Southside Rural Fire Protection	44,066				9,500	53,566		394	18,000	23,782		6,534		52,794		77,328
7103 Topley Rural Fire Protection	71,887				3,000	74,887	(1,666)		23,000	21,334	17,741		23,000	55,245	235	96,221
7201 Burns Lake Rural Fire Protection	102,134					102,134								102,134		102,134
7202 Ft. St. James Rural Fire Protection	144,973					144,973	(10,000)			(10,000)				134,973		134,973
7203 Houston Rural Fire Protection	21,360					21,360								21,360		21,360
7204 Luck Bay Rural Fire Protection	50,860					50,860	(8,200)	4,841	9,300	5,941	7,095		9,300	40,406		56,801
7205 Smithers Rural Fire Protection	208,516					208,516	(10,000)			(10,000)				198,516		198,516
7206 Telkwa Rural Fire Protection	118,271					118,271	(8,000)			(8,000)				112,271		112,271
7207 Vanderhoof Rural Fire Protection	41,415					41,415								41,415		41,415
7208 Round Lake Fire Protection	10,351				10,000	20,351	(11,500)	2,100	600	(8,800)	1,025		600	9,926		11,551
7301 Cluculz Lake Emergency Response	23,437				45,313	68,750								68,650	100	68,750
7401 Area "A" Emergency Services	5,000					5,000								5,000		5,000
7402 Area "P" Extermination Services																
7403 Lakes District Emergency Services																
7404 Area "D" Extermination	1,531				2,221	3,752		1,248		1,248				5,000		5,000
7405 Area "C" Road Rescue Service	17,864					17,864		87		87				17,951		17,951
7406 Topley Road Rescue/First Responders	6,910					6,910	(10)	100	1,000	1,090			1,000	7,000		8,000
7501 9-1-1 Service	262,544		133,000		29,174	444,718	(22,208)	20,912	70,000	68,704		30,000	70,000	413,422	9,948	513,422
7800 Emergency Preparedness Planning	265,030				2,069,011	2,364,041	(1,306,155)	42,345	4,000	(1,259,810)		21,000	4,000	1,069,263		1,104,231
7701 Burns Lake & Area Victim Services	11,107				2,795	13,902		2,273		2,273				16,175		16,175
7702 Smithers Victim Services	35,438					35,438		1,535		1,535				36,973		36,973
8101 Lakes District Airport	109,965				41,498	151,463	(35,000)	12,062		(22,938)	36,025			92,500		128,525
8202 FSJ Seniors Helping Seniors Transportation Se	41,806					41,806		1,194		1,194				43,000		43,000
8203 Regional Public Transit & Para Transit Service	56,767		83,935		67,846	208,548	(52,000)	58,956		6,956				215,504		215,504
8301 Telkwa Pedestrian Crosswalk	1,000					1,000								1,000		1,000
9101 Decker Lake Street Lighting		9,856	950			10,306		275		275				10,581		10,581
9102 Endako Street Lighting	3,313		320			3,633		148		148				3,782		3,782
9103 Ft. Fraser Street Lighting	7,731		490			8,221		639		639				8,860		8,860
9104 Gerow Island Street Lighting	4,352					4,352		33		33				4,385		4,385
9105 Goatjen Road Street Lighting																
9106 Colony Point Street Lighting	2,856					2,856		838		838				3,734		3,734
9107 Laidlaw Street Lighting	1,450					1,450		(93)		(93)				1,427		1,427
10101 Bulkley Valley Regional Pool and Rec. Centre	989,785				20,135	1,009,920	(244,152)	106,132	120,000	(18,020)	1,200		120,000	870,699.56		991,900
10102 Vanderhoof Pool	304,812					304,812	(30,000)			(30,000)				274,812		274,812
10201 Ft. St. James Arena Grant	37,500					37,500								37,500		37,500
10202 Burns Lake Arena	241,796				2,500	244,296	14,500	705		15,205	19,030			240,471		259,501
10301 Smithers Rural Recreation/Culture	303,842					303,842								303,841	1	303,842
10302 Vanderhoof Recreation & Culture	95,885					95,885								95,885		95,885
10303 Lakes District Arts and Culture	242,701				86,365	329,066								329,066		329,066
10401 Ft. Fraser Cemetery Grant	1,984		35			1,989		1		1				2,000		2,000
10402 Topley Cemetery Grant	1,500					1,500								1,500		1,500
10501 Smithers, Telkwa, Houston TV Rebroadcast	59,323				600	59,923		77		77				60,000		60,000
10502 Fraser Lake and Area TV Rebroadcasting	41,072				29,705	70,777		7,098		7,098				77,875		77,875
10503 Ft. St. James and Area TV Rebroadcasting	163,801				2,800	166,601		899		899				167,500		167,500
10504 Burns Lake and Area TV Rebroadcasting	33,507				12,776	46,283		1,217		1,217				47,500		47,500
10505 Burns Lake and Area Library Grant								12,349		12,349				12,349		12,349
10602 Fraser Lake Rural Library Grant	12,333		60		17,250	29,643		3,752		3,752				33,395		33,395
10603 Fort St. James Library	17,075				50	17,125		63		63				17,189		17,189
10701 Burns Lake Museum Society								1,046		1,046				1,046		1,046
10801 Fort Fraser Community Hall	2,452		46			2,498		2		2				2,500		2,500
10802 Braeside Community Hall	5,000					5,000								5,000		5,000
10901 Parks and Trails					370,008	370,008	(370,008)			(370,008)						
<b>Total for all Departments</b>	<b>10,257,501</b>	<b>119,729</b>	<b>950,401</b>		<b>10,638,636</b>	<b>21,956,266</b>	<b>(5,202,040)</b>	<b>2,313,362</b>	<b>1,180,685</b>	<b>(1,707</b>						

*Introduction*  
*to*  
*Regional Districts:*  
**Communities in  
Partnership**



2005  
First Edition



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# REGIONAL DISTRICTS IN BC

Each province in Canada has its own system of local government. British Columbia's system is similar to that of every other province in that it features, at its core, a network of municipalities. In every province, municipalities have been created to address the service needs of urban communities, and to provide democratic forums for local-decision making.

British Columbia's system is unique from others, however, in one key respect: the use of regional districts. Regional districts are local government authorities that exist to meet certain local government service needs that neither municipalities nor the province itself are particularly well-suited to address. One such need relates to the provision of basic local government services to small, unincorporated communities and rural areas of the province. Another need concerns the provision of services across municipalities and unincorporated areas, throughout broader sub-regional areas or entire regions. Regional districts, first introduced in the mid-1960s, were created specifically to address these needs.

Almost everyone in British Columbia lives within, and relies upon, one of the province's 27 regional districts. Not all British Columbians, however, have a good, basic understanding of what regional districts are, what they exist to do and how they function. This booklet sets out to help citizens develop this understanding.

This booklet is one part of the larger *Regional District Tool Kit* produced by the Union of British Columbia Municipalities, in partnership with BC's Ministry of Community Services. The *Tool Kit* is a comprehensive information resource designed to help various audiences – citizens, elected officials, media, First Nations, developers and others – better understand the regional district system. Readers who wish to learn the details about regional districts should consult the *Tool Kit's* other components. The full *Kit* is available online at [www.civicnet.bc.ca](http://www.civicnet.bc.ca).

## WHAT ARE THEY?

Every regional district is made up of municipalities, referred to as member municipalities, and unincorporated areas, referred to as electoral areas. The individual jurisdictions that comprise a regional district work together to enable the organization to fulfill its purposes. This section of the booklet identifies and explains those purposes.

### Service Providers

First and foremost, regional districts are local government service providers. They exist to play three important service-related roles:

- they are the **local governments** for their electoral areas, responsible for providing basic local services such as community planning, water supply, fire protection and nuisance regulation
- they are **inter-jurisdictional service bodies** that provide local government sub-regional services across jurisdictional boundaries to different combinations of municipalities and electoral areas
- they are **regional service bodies**, responsible for providing important regional services to their entire regional communities

Regional districts establish and provide their local, sub-regional

and regional services in direct response to the expressed needs, desires and instructions of the municipalities and electoral areas that comprise the region. The regional district **Board of Directors**, on which all electoral areas and member municipalities are represented, serves as the political forum in which these needs, desires and instructions are expressed.

There are certain services that every regional district is required by provincial law to deliver – general government administration, electoral area planning and solid waste management planning are perhaps the most notable. The number of required services, however, is small, both in absolute terms and relative to the number of voluntary services most regional districts choose to provide, in keeping with the wishes of their members.

The range of **voluntary services** provided by different regional districts is vast. It includes water and sewer utilities, recreation programs and facilities, community and regional parks, libraries, regulatory services such as animal control and building inspection, emergency planning and fire protection, economic development and film industry promotion, regional growth management, airports and even television rebroadcasting. Some of these services are provided locally to individual jurisdictions, while

others are provided to and on behalf of groups of municipalities and electoral areas that jointly choose to receive the services. Still others are provided regionally to every municipality and electoral area in the regional district. Any member jurisdiction or combination of jurisdictions can choose to provide services through their regional district.

### Administrative Agencies

The provision of services to and on behalf of their members is, as noted, the primary purpose of regional districts. In addition to service provision, however, regional districts are called upon by the province to manage certain administrative functions. Two key examples are the processing of local government debt, and the collection of capital funds for hospital projects.

**Debt** – In 1971, the provincial government created the **Municipal Finance Authority (MFA)** as the central borrowing agency for municipalities and regional districts. By law, all local governments, with the exception of the City of Vancouver, are required to borrow funds for capital projects through the MFA. Regional districts function as a critical part of the MFA system. All capital borrowing requests from member municipalities and from the regional district corporation

itself must be coordinated and processed by the regional district before being forwarded to the MFA.

**Hospital Funding** – Regional districts are designated under provincial law as **Regional Hospital Districts (RHDs)** for the purpose of raising capital funds for hospital facilities in their areas. RHDs provide the local share (about 40 percent) of funding for capital costs associated with the construction, acquisition and maintenance of hospital facilities and major equipment in their areas. These capital costs are shared with the Health Authorities according to criteria established by legislation. RHD boards are comprised of municipal and electoral area directors who are members of the corresponding regional district. There are currently 23 RHDs, some of which overlap regional district boundaries. Note that due to provisions in the *Greater Vancouver Transportation Act*, the Greater Vancouver Regional District no longer has a RHD.

### Federations

Regional districts are federations of the various municipalities and electoral areas that exist within the regional district boundaries. With the exception of certain provincially-mandated duties, regional districts derive their authority to act from

the municipalities and electoral areas that make up the region. These jurisdictions collectively decide what their regional districts should and should not do.

It is this reliance on their member jurisdictions for authority to act that makes regional districts distinct from regional governments in other provinces. Regional governments elsewhere are typically set up with exclusive legislated powers to provide specific services or take certain actions. In BC, the provincial government does mandate regional districts to undertake certain functions. On the whole, however, regional districts act only in response to the expressed needs and instructions of the individual

jurisdictions – municipalities and electoral areas – that comprise them.

As noted, regional districts were first introduced in the mid-1960s. Numerous legislative changes that have occurred since that time have modified the way in which regional districts act, and the range of requirements placed on regional districts by the provincial government. The changes that have taken place, however, have not fundamentally altered the basic nature of regional districts. They continue to function as federations of member jurisdictions, in place to serve the needs and interests of their members.

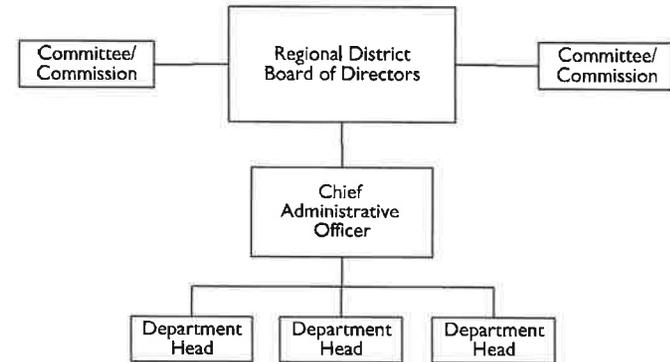
## HOW DO THEY WORK?

British Columbia's regional districts differ significantly from one another in several respects, including size of population served, scope of services provided and area of land covered. All regional districts, however, share the same corporate structure, and function, more or less, in the same way.

### Corporate Structure

The following chart presents the basic corporate structure used by

regional districts. At the top of the chart is the Board of Directors. The Board is the governing body of the regional district, ultimately responsible for all of the services provided and actions taken by the regional district corporation. Directors from the regional district's member municipalities are known as **Municipal Directors** and are appointed to the Board by their respective municipal councils. Directors from the region's electoral areas are known as **Electoral Area Directors**. They



are elected directly to the Board by the electors in the areas they represent.

Each Board of Directors is headed by a **Chair**, who is also the Chief Executive Officer of the regional district. Each year, the Board elects one Director to serve as Chair and another to serve as Vice-Chair.

Most regional districts have various committees and commissions to assist the Board in its decision-making. **Committees** are advisory in nature, which means that they provide recommendations to the Board on matters that fall within the **Committees' mandates**. **Commissions** are typically created to oversee regional district services on behalf of the Board. They usually have delegated authority from the Board to make certain decisions on behalf of the regional district.

Regional districts in BC operate in accordance with the **Board-CAO** model of government. The central feature of this model is the separation of governance and administration. The Board is the governing body in the model, responsible for setting a vision, developing strategies to achieve the vision, and formulating policies. The Chief Administrative Officer (CAO) is the professional manager, responsible for the administration of the regional district. The CAO implements the Board's policies and decisions, and handles all operations. The CAO also serves as the Board's chief policy advisor.

Reporting to the CAO are the regional district's **Department Heads**, professional managers who are accountable to the CAO for the administration of particular functions (e.g., finance) or areas of service (e.g., development services). The number of Department

Heads in a regional district typically depends on the size of the organization and the range of services being provided.

### Service Establishment

The provision of services, as explained, is central to regional districts. Before a service can be provided, however, it must be established. All regional districts follow the same basic process to establish services. The figure below illustrates this process.

**Step 1.** In step 1 the **idea** for a new service emerges. There are several potential sources of ideas, including regional district directors, citizens, municipal councils, municipal staff, the regional district board, regional district staff, and others.

**Step 2.** The second step involves some kind of **service feasibility study**. The extent of the actual study will vary depending on the potential size and scope of the service. Most studies, however, will

run through a checklist of items to confirm that:

- the proposed service has a clear purpose
- the proposed service has a defined and agreed-upon scope
- the parties agree on a way to share costs
- the parties agree on how the service should be governed
- the parties agree on a process for service review
- a start-up plan has been developed
- support among elected officials is broad

**Step 3.** If the proposed service is deemed feasible, a **service establishing bylaw** is developed at step 3.

**Step 4.** Step 4 involves the **adoption of the bylaw**. Adoption begins with an initial vote (first three readings) of the Board in which

every Director present must participate. After this initial vote, the province's **Inspector of Municipalities** must approve the bylaw. The electors in the jurisdictions that have chosen to participate in the service must also approve the bylaw. Approval of the electors may be obtained in all cases through referendum. In certain cases, the Board may choose to bypass the referendum route and obtain approval using an "alternative approval process" which requires opponents to register their opposition through petition. In still other cases, approval may be given on behalf of a participating area by the Municipal Council, the Electoral Area Director or the Board.

al district services are subscribed to and funded by different combinations of jurisdictions. In the context of voting, these realities mean that not all Directors have the right to vote on all matters, or have the same number of votes in all situations.

Three key regional district voting rules determine what kind of vote is taken in each instance:

**Unweighted Corporate Vote.** Under this type of vote, every Director votes and receives one vote. Unweighted corporate votes are used to decide matters that affect the corporation and all jurisdictions that comprise the regional district. Examples of such matters include:

- establishing bylaws for services
- regulatory bylaws
- resolutions and bylaws that govern the conduct of the Board's business
- various planning and land use management issues

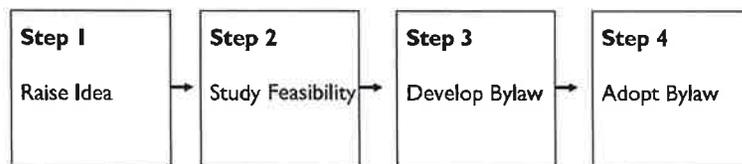
### Voting

The Board of Directors in every regional district is a collective decision-making body that acts through resolutions and bylaws. Before a resolution can be made or a bylaw adopted, voting must occur. In municipalities, voting is a relatively straightforward matter: every member of Council votes on every issue, and every member receives one vote. In regional districts, voting is not always so simple.

Special voting rules are needed in regional districts to reflect specific realities, namely that regional districts are federations of different sized jurisdictions, and that region-

**Weighted Corporate Vote.** Weighted corporate votes govern decisions on money matters, including the adoption of the annual financial plan, borrowing, the acquisition and disposal of property, and key contracts. Each Director on the Board

Service Establishment  
Generic Process



is entitled to vote. Each receives a number of votes that is proportional to the size of the population the Director represents.

**Stakeholder Vote.** Stakeholder votes are used to make decisions related to the administration and operation of regional district services. Only Directors representing jurisdictions that participate in the service in question are entitled to vote. All stakeholder votes are weighted votes; as such, each participating Director receives a num-

ber of votes that is proportional to the size of population he or she represents.

These three rules apply to all regional districts in British Columbia with the exception of the Greater Vancouver Regional District (GVRD). At the GVRD, all votes, whether corporate or stakeholder, are on a weighted basis, except for the election of the Chair and Vice-Chair, in which case an unweighted secret ballot vote is used.

## REGIONAL DISTRICT FINANCE

**R**egional district finance – the system through which regional districts collect, spend and account for public monies – is understandably a topic of interest to residents and property holders that fund regional district services. This section of the booklet identifies and explains some of the key features of the system.

### Services

A key feature of regional district finance is the use of separate, individual funds for different services. Every regional district service is accounted for separately using a **dedicated service fund**. The fund identifies

the full cost to the regional district of providing the service, including a portion of general overhead. Each year, revenues specific to the service must be collected to pay the full cost. No service is permitted to run an operating deficit in any year.

Because each fund is dedicated to a service, revenues and costs specific to one service cannot be shifted to or spread among other services. Each regional district service has its own group of participating jurisdictions. Participants in one service are not expected to subsidize, and are not permitted to be subsidized by, participants of other services. A key principle of the regional district system is “fiscal equivalence”, which

in practice means that participating jurisdictions and the residents within them “pay for what they get”. The use of separate, dedicated service funds supports this principle.

### Revenue Collection

The major revenue sources for regional district services include **property value taxes, parcel taxes and fees and charges**. Fees and charges, such as recreation admission fees and water usage charges, are collected directly from service users by the regional district or its agent that delivers the service. Property value and parcel taxes are collected on behalf of the regional district by other governments. In participating electoral areas taxes are collected for the regional district by BC’s Ministry of Small Business and Revenue. Regional district taxes are collected in participating municipalities by the municipal governments.

### Tax Notices

Strictly speaking, there is no such thing as a “regional district tax notice” since regional districts do not themselves collect tax revenues directly from property owners. Tax bills for regional district services do, however, appear both on the provincial property tax notices that are used in electoral areas, and on the municipal tax notices that are sent to residents of member municipalities.

Both types of notice list regional district services in which the jurisdiction participates. Beside some of the listed services is a tax rate, and beside the tax rate is the amount owing by the property owner. The amount owing is determined by multiplying the tax rate by the property’s assessed value. For services that are funded using parcel taxes, only the amount owing shows. The figure below illustrates how such information typically appears:

Service	Assessed Value	Rate	Owing
Recreation	\$150,000	0.90	\$ 135.00
Fire Protection	\$150,000	0.85	\$ 127.50
EA Planning	\$150,000	0.34	\$ 51.00
E-911	\$150,000	0.05	\$ 10.00
Water	\$150,000	1.00	\$ 150.00

On both provincial (electoral area) and municipal tax notices, regional district services are itemized so that property owners can easily identify exactly what they are paying for each regional district service they receive. This approach is designed to maximize transparency and accountability.

## QUESTIONS & ANSWERS

This section of the booklet anticipates and answers common questions that citizens may have about regional districts.

**Q: Are regional districts a separate level of government?**

A: Regional districts are not a separate level of government. Regional districts are, instead, federations of the municipalities and electoral areas that exist within their boundaries. Except in a limited number of instances (related to provincially-mandated services), regional districts act only in response to the expressed needs, interests and instructions

### Budgets

Regional districts are required by law to adopt an annual five-year budget — termed a **five-year financial plan**. The financial plan must set out the proposed operating and capital expenditures and revenue sources for each service during each year of the five year planning period. Prior to adoption, the Board undertake some degree of public consultation on the proposed plan. Open houses and public meetings are two of the more typical consultation tools used during the preparation of the plan.

of their members. With few exceptions, regional districts derive both their legitimacy and authority to act from their member jurisdictions.

**Q: Can municipalities or electoral areas be forced to participate in a regional district service?**

A: With the exception of a few provincially-mandated services (e.g., solid waste management planning, general government administration), member jurisdictions cannot be forced to participate in regional district services. In general, individual jurisdictions are free to choose which services, if any, they

wish to enter (or initiate). Jurisdictions choose to participate in regional district services when it is in their best interest to do so.

**Q: How are Municipal Directors different from Electoral Area Directors?**

A: Regional district Boards of Directors include both Municipal and Electoral Area Directors. Municipal Directors are appointed by, and are accountable to, their respective municipal councils. Electoral Area Directors are directly elected to the Board by the electors in their respective areas, and are accountable to those electors. All directors, municipal and electoral area, have responsibilities to the regional district corporation.

**Q: What is the role of regional districts in land-use planning and growth management?**

A: Regional districts are responsible for land-use planning and development approval in electoral areas. Regional districts exercise their responsibilities through a planning service in which every electoral area is required to participate and in which municipalities can, and often do, voluntarily participate in planning for all or part of the speci-

fied area. Through this service, regional districts create official community plans, zoning bylaws, development permit bylaws and other instruments to regulate how development in electoral areas may occur.

Regional districts are also responsible for preparing, in consultation with their member municipalities, regional growth strategies to manage growth throughout their entire regions. These plans provide a context for planning and regulation within municipalities and electoral areas.

It should be noted that for the Islands Trust Area, the Island Trust has all the power and authority of a regional district for land use planning purposes.

**Q: What are Advisory Planning Commissions?**

A: A regional district's Board of Directors may appoint an Advisory Planning Commission (APC) for one or more electoral areas. The role of the APC is to advise the Board, or the Electoral Area Director(s) on land use matters, the preparation of an official community plan, or a proposed development bylaw or permit. The APC must be established by bylaw, and may only advise on matters that are

referred to it by the Board or the Electoral Area Director(s). At least two-thirds of the members of the APC must be residents of the electoral area(s); the Director(s) may not serve on the APC, but may attend meetings.

**Q:What is an Alternate Director?**

A: Every Electoral Area Director must appoint an Alternate Director to carry out the Director's responsibilities in his or her absence. Municipal Councils must also appoint an Alternate Director to take the place of the Municipal Director when required. Municipalities with more than one Municipal Director may appoint one Alternate per Director, or one or more general Alternates who are available to act in place of any one of the Directors.

When acting for the Director (Municipal or Electoral Area), the Alternate has all of the Director's authority, including the authority to vote at the Board table, and to participate in discussions and development reviews. In the event that the Director, through death, resignation or disqualification, is unable to continue holding

office, the Alternate acts as the Director until:

- in the case of an electoral area, a by-election or the next general local government election
- in the case of a municipality, the Council appoints a new Director

**Q:Why do some electoral area boundaries change over time?**

A: Over time, some electoral areas – or parts of electoral areas – develop and take on characteristics of urban areas. Residents in these areas often begin to demand a broader range of urban, municipal services, and/or a higher degree of local control over decisions. Residents in one area may feel that their needs would be better addressed if the area were governed as part of an existing municipality, or as its own municipality. To that end, residents may choose to pursue a boundary change that would allow them to become part of an existing municipality, or a full local government restructure initiative that could result in an amalgamation with a municipality, or the incorporation of a new municipality.

**Q:How can citizens participate in regional district decision-making processes?**

A: There are a number of ways that citizens can get involved:

- by directly contacting their Regional District Directors and/or, in the case of municipal citizens, their Municipal Councils (to whom the Municipal Directors are accountable)
- by attending and speaking at a Regional District Regular Board Meeting (all of which are open to the public), a committee/ commission meeting, a public hearing or some other regional district public event
- by voting in elector assent referendums and/or participating in alternative approval processes (for proposed services)

- by attending the open houses and other events that most regional districts use to obtain feedback on their proposed five year financial plans

Citizens who own property in an electoral area may also participate in decision-making by petitioning the regional district to provide a new service to all or part of the electoral area. For a petition to be valid, it must be signed by the owners of at least 50% of the parcels in the proposed service area. The persons signing must also be the owners of parcels that in total represent at least 50% of the net taxable value of all and improvements in the proposed area.

*More info*

For more information on regional districts, see the UBCM website at [www.civicnet.bc.ca](http://www.civicnet.bc.ca) for a full copy of the *Regional District Tool Kit* or consult the regional district in your area.

**British Columbia  
Regional Districts  
2005**



# Purposes of Regional Districts

Fact Sheet 1 explains what regional districts are and what they do.

In British Columbia's system of local government, regional districts serve three important purposes:

- they are the local governments for their (unincorporated) electoral areas
- they provide the political and administrative frameworks necessary for combinations of member municipalities and electoral areas to collaborate in the provision of sub-regional services
- they are regional service bodies responsible for providing important regional services to, and undertaking key activities on behalf of, their entire regions (i.e., all member jurisdictions)

Each of these purposes is important in every regional district. As might be expected, however, the relative importance of each purpose varies from place to place depending on the wishes of the region's member jurisdictions. In certain regional districts, for example, the local government role for electoral areas is the predominant focus. In other regions, the provision of sub-regional services through the regional district will be most important. In still others, the provision of regional services will stand out as the primary purpose of the regional district.

The relative importance of the various purposes is not always static. Changing demographic, economic, political,

social and structural conditions within a region can lead to changes in the importance of the regional district, and its primary purpose. Over time, for example, a regional district's emphasis may switch from providing basic local services to electoral areas, to providing joint services to sub-regional groupings, or regional services to all member jurisdictions. To be sure, all three purposes will remain valid over time; the relative importance of each, however, may change.

*“Changing demographic, economic, political, social and structural conditions within a region can lead to changes in the importance of the regional district, and its primary purpose.”*

The regional district model allows flexibility in the design of service arrangements. Within key legislative constraints, a regional district can be whatever its member jurisdictions want it to be. Over time, regional districts can be moulded and re-moulded by member jurisdictions to meet different needs, and to serve different purposes.

The important role of member jurisdictions in collectively determining the focus and activities of regional districts is critical to understand. In British



Columbia's system of local government, regional districts are not regional governments, or separate, second tier authorities. Regional districts are, instead, federations of the municipalities and electoral areas that exist within their boundaries. With few exceptions

(solid waste planning being the most notable), regional districts act only in response to the expressed needs, interests and instructions of their members. They derive both their legitimacy and authority to act from their member jurisdictions.

## Purposes

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### More info

Readers interested in exploring further the purposes of regional districts may wish to review Robert Bish's *Regional District Review – 1999* (available online at [www.uvic.ca.padm](http://www.uvic.ca.padm)). The chapter titled "The Role, Expectations and Philosophy of Regional Districts" is particularly helpful. Readers may also wish to review Chapter 2 of the full Report & Action Plan produced by UBCM's Regional District Issues & Non-Legislative Solutions Working Group. This publication is available online at [www.civicnet.bc.ca](http://www.civicnet.bc.ca).

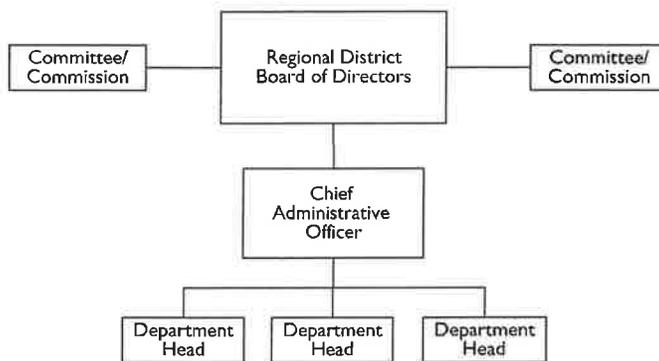


# Structure of Regional Districts

## Structure

Fact Sheet 2 explains how regional districts are structured.

British Columbia's regional districts differ significantly in several respects, including size, scope of services and area of coverage. One characteristic shared by all regional districts, however, is structure. All twenty-seven regional districts in BC are organized using the same basic corporate structure. The accompanying chart illustrates the basic structure. The points that follow the chart identify and explain the structure's key components.



**Board of Directors** — The Board of Directors is the governing body of the regional district, ultimately responsible for the services provided and actions taken by the corporation. Directors from the regional district's member municipalities are known as Municipal Directors and are appointed by their respective municipal councils. A Council can replace its member(s) on a regional district Board at any time. Directors from the regional district's electoral areas are known as Electoral Area

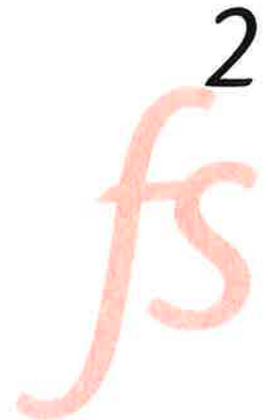
Directors. They are elected directly to the Board by the electors in the areas they represent and serve a three-year term.

Many larger municipalities are represented on their regional district boards by more than one Municipal Director. The exact number is determined by the population of the municipality and the regional district's "voting unit" (specified in the Letters Patent incorporating

the regional district). Electoral areas are generally represented by one Electoral Area Director. The sole exception is the Westside Electoral Area in the Central Okanagan

which, because of its considerable population and urban nature, has three Directors.

Every Electoral Area Director must appoint an Alternate Director to carry out the Director's responsibilities in his or her absence. Municipal Councils must also appoint an Alternate Director to take the place of the Municipal Director when required. Municipalities with more than one Municipal Director may appoint one Alternate per Director, or



one or more general Alternate(s) who are available to act in place of any one of the Directors.

Each Board of Directors is headed by a Chair, who is the Chief Executive Officer of the regional district corporation. Each year, the Board elects one Director to serve as Chair and another to serve as Vice Chair.

The Board of Directors is a collective decision-making body that acts through resolutions and bylaws. Fact Sheet 5 on Voting Rules explains how votes on different types of matters are taken.

**Committees & Commissions** — Most regional districts have various Committees and/or Commissions to assist the Board of Directors in decision-making. Committees come in two types: standing and select. Standing committees are permanent bodies that are established by the Chair to provide regular, ongoing advice to the Board in different areas of business or activity (e.g., finance, community services, economic development, etc.). Select committees are temporary, time-limited bodies that are established by the Board as a whole to provide advice on a particular issue or initiative that arises (e.g., the development of a new OCP). Both types of Committees may include non-Directors in their membership; at least one member of every Committee, however, must be a Director of the regional district.

Commissions are created by the Board to oversee regional district services, undertake operation and enforcement in relation to the board's exercise of its regulatory authority, or manage property held by the regional district.

Through delegation bylaws, the Board can delegate authority to Commissions to make certain types of decisions on their behalf. The degree of delegation to Commissions can be considerable; the Board cannot, however, delegate all of its authority. Key powers, such as the authority to adopt bylaws, cannot be delegated to Commissions. Like Committees, Commissions may include non-Directors in their membership.

Committees and Commissions help the Board of Directors manage its workload. By referring issues to Committees, and by delegating decision-making authority to Committees or Commissions, a busy Board can ensure that important matters receive proper attention and consideration. Through the careful selection of Committee and Commission members, Boards can also ensure that those jurisdictions with the most interest in issues are given the opportunity to participate in the detailed discussions and deliberations around the issues.

**Chief Administrative Officer** — Regional districts in BC operate in accordance with the Board-CAO model of local government. The central feature of this model is the separation of governance and administration. The Board in the Board-CAO model is the governing body, responsible for setting a vision, developing strategies to achieve the vision, and formulating policies. The CAO is the professional manager responsible for the administration. The CAO implements the Board's policies and decisions, and handles all operations. The CAO also serves as the chief policy advisor to the Board.

## Structure





The CAO, as the head of administration, is accountable to the Board for the performance of the administration. The CAO exists as the sole official link between the Board and administration. Generally, all direction from the Board to staff passes through the CAO, as does all information and advice from staff to the Board.

**Department Heads** — Reporting to the CAO are the regional district's Department Heads, professional managers who are accountable to the CAO for the administration of particular functions (e.g., finance) or areas of service (e.g., community services). The number of Department Heads in a regional district typically depends on the size of the organization and the range of services being provided.

**Officers** — "Officers" are not identified specifically in the organizational chart presented earlier. It is important, however, to discuss them briefly. Under the *Local Government Act*, the Board of Directors must establish, by bylaw, two officer positions. One of these positions must be assigned responsibility over corporate administration (often the Director of Corporate Services), which

includes a number of powers, duties and functions that, taken together, enable the Board to operate as a legal corporate body. The second position (typically the Director of Finance or the Treasurer) must be assigned responsibility over financial administration. This officer is responsible for ensuring that the corporation receives, expends and accounts for all of its funds in a proper fashion. The same person may be given both sets of responsibilities.

Regional districts may choose to establish other officer positions, in addition to the mandatory corporate and financial administration ones. Many regional districts, for example, establish the Chief Administrative Officer as an official officer position under the Act, with explicit responsibility for management and administration, the implementation of Board policy and directions, and the provision of advice and information to the Board.

The responsibilities of officers are statutory responsibilities. For this reason, Officers may only be appointed by the Board of Directors. In addition, Officers may only be dismissed by a vote of two-thirds of the Board's directors.

## More info

A number of resources provides further information on the structure of regional districts, and related topics such as voting rules and delegation of authority:

- the Ministry of Community Services (CSERV) has available *A Primer on Regional Districts*: [www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd)
- Fact Sheet 5 explains regional district voting rules
- CSERV has available a 2003 document titled *A Guide to Regional District Board Delegation to Committees & Commissions*: [www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd)



## Regional District Services

*Fact Sheet 3 focuses on the service provision role of regional districts.*

**S**ervice Provision — It was explained in Fact Sheet 1 that regional districts serve three purposes:

- they are the local governments for their electoral areas, responsible for providing basic local government services
- they provide the frameworks necessary for combinations of member jurisdictions to collaborate in the provision of sub-regional services
- they are regional service bodies responsible for providing important regional services to their entire regions

The common theme in these purposes is service provision. Regional districts may, as noted elsewhere, differ in their choices of specific purposes to emphasize. Every regional district, however, has the same *raison d'être*: to provide services.

**Voluntary Services** — Regional districts establish and provide services in direct response to the expressed needs, desires and instructions of their member jurisdictions. There are, to be sure, certain services that every regional district is required by provincial statute to deliver — general administration, electoral area planning and solid waste management planning are perhaps the most notable. The number of mandated services, however, is small.

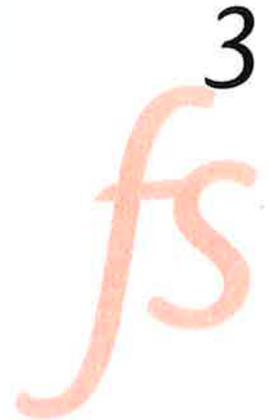
The complete range of voluntary services provided by different regional

districts to and on behalf of their members is indeed impressive. It can include water and sewer utilities, recreation programs and facilities, community and regional parks, libraries, regulatory services such as animal control and building inspection, E-911 and fire protection, economic development and film industry promotion, regional growth strategies, airports and even television rebroadcast.

*“Individual jurisdictions, in general, are free to choose which services, if any, they wish to enter or initiate.”*

**Enlightened Self-Interest** — With the exception of the few mandated services noted above, member jurisdictions cannot be forced to participate in regional district services. Individual jurisdictions, in general, are free to choose which services, if any, they wish to enter (or initiate). Jurisdictions make their choices on the basis of self-interest. Put differently, individual jurisdictions choose to participate in regional district services when it is in their best interest to do so.

Self-interest, it should be emphasized, is not necessarily measured by the short-term benefit to be captured through participation. A jurisdiction's interest may instead be determined by a combination of other factors, such



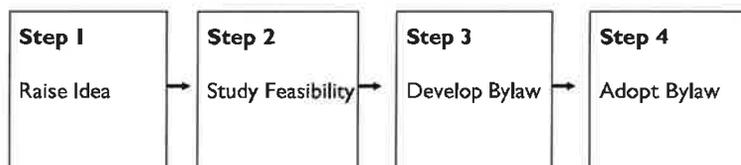


as the desire to build a strong regional body, or the wish to establish a base of inter-jurisdictional goodwill that can be called upon in future years. These other factors expand the notion of self-interest beyond immediate considerations, and for that reason, lead to the concept of enlightened self-interest.

**Service Establishment** — The flowchart below illustrates a simplified, generic process for establishing voluntary regional district services. The text below the chart explains the individual steps.

- In **Step 1** the idea for a new service emerges. There are several potential sources of ideas, including regional

Service Establishment  
Generic Process



district directors, citizens, municipal councils, municipal staff, the regional district board, regional district staff, the media and others.

- **Step 2** typically involves some kind of service feasibility study. The extent of the actual study will vary depending on the potential size and scope of the service. Most studies, however, will consider a checklist with the following types of items:
  - The proposed service has a clear and understood purpose
  - The proposed service has a defined and agreed-upon scope

- Specific, measurable goals for the service have been identified
  - The parties agree on a way to share costs
  - The parties agree on how the service should be governed
  - The parties agree on how the service should be delivered
  - The parties agree on a process for service review
  - A start-up plan has been developed
  - Support among elected officials is broad and sufficient
- If the proposed service is deemed feasible, a service establishing bylaw, required for most services, is de-

veloped (**Step 3**). The *Local Government Act* stipulates the mandatory elements of an establishing bylaw, and identifies various optional

items to include. Legislative changes introduced in 2000 expanded the opportunities for customization.

- **Step 4** involves the adoption of the bylaw. All establishing bylaws must be voted on using the “unweighted corporate vote” rule (see Fact Sheet 5). Under this rule, every director present must vote and is given one vote. A straight majority determines the outcome.

After third reading of the bylaw, the bylaw must receive the approval of the province’s Inspector of Municipalities, and the approval of the areas that are intending to participate in the service.





Approval of the participating areas can be obtained by the electors themselves through referendum. In certain cases, the board may choose to bypass the referendum route and obtain approval using an “alternative approval process” (i.e., counter-petition). In still other cases, approval may be given on behalf of a participating area by the council, the electoral area director or the board.

**Service Funding** — Once a service has been established it must be funded. The concept of “benefiting area” is critical to any discussion of regional district service funding. Each service provided by a regional district has a specified benefiting area throughout which the service is provided, and from which the full cost of the service is recovered. In a true regional service, the entire regional district – that is, all member municipalities and electoral areas – will comprise the service’s benefiting area. For a sub-regional service, the benefiting area might consist of only a handful of jurisdictions. A local service’s benefiting area might include only one electoral area, or even just a part of an

electoral area. In all, the actual benefiting area for any service can be whatever the member jurisdictions wish it to be. What is key to understand is that the service’s benefiting area determines both who receives the service and who pays for it. Jurisdictions and areas not included in a service’s benefiting area do not receive the service, and do not contribute to the cost of providing the service.

**Service Governance** — The decision to establish a new service is a decision of the entire regional board. Once a service has been established, the full board continues to be involved in certain instances. For the most part, however, decisions related to a specific service are the responsibility of the directors of the jurisdictions that have chosen to participate in the service (see Fact Sheet 5 on voting). By assigning this responsibility to the participating area directors, the system effectively aligns service governance with service funding. Put differently, those who make the decisions for the service are the same ones who pay for the service.

## More info

Readers may wish to consult the following sources for further information on service establishment, funding and governance, and on regional district services in general:

- the Ministry of Community Services’ (CSERV) *A Primer on Regional Districts* ([www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd))
- Fact Sheet 4 on Service Reviews
- Fact Sheet 5 on Regional District Voting Rules
- CSERV’s *Guide to Regional Service Arrangements & Service Reviews* ([www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd))
- Robert Bish’s *Regional District Review – 1999* ([www.uvic.ca.padm](http://www.uvic.ca.padm))



# Regional District Service Reviews & Service Withdrawal

## Reviews & Withdrawal

Fact Sheet 4 focuses on regional district service reviews and service withdrawal.

**Reviews & Withdrawal** — Most regional district services are created using establishing bylaws. The establishing bylaw for any given service is a legal document that identifies, among other items:

- the exact scope of the service
- the method by which the service is to be funded
- the way in which service-related decisions are to be made, and by whom

These items and others are determined collectively by the jurisdictions that choose to participate in the service. Taken together, the items outline the participants' terms of participation in the service, and constitute the service arrangement.

Typically, the actual contents of a service arrangement reflect the local demographics, economic conditions, interests and aspirations that exist at the time the arrangement is negotiated. As can be expected, these conditions change over time, often to the point that the original terms of participation are deemed by some participants to be inequitable or otherwise unsatisfactory. Service reviews provide the opportunity for service participants to examine and, if necessary, revise the original terms and conditions of participation. Service withdrawal, where applicable, provides the opportunity for participants to exit

services when terms cannot be changed to the participants' satisfaction.

**Legislative Change** — Local governments throughout the province have initiated and undertaken service reviews in one form or another since regional districts came into being in the mid 1960s. In 2000, however, service reviews assumed new prominence thanks to certain legislative changes introduced in that year. The *Local Government Act* was changed in 2000 to provide each participating jurisdiction – i.e., each

*“Typically, the actual contents of a service arrangement reflect the local demographics, economic conditions, interests and aspirations that exist at the time the arrangement is negotiated.”*

municipality and electoral area – the authority to initiate a formal review of the arrangements governing regional district services. The legislation was also changed to allow jurisdictions to withdraw from most services, following a review process.

**Rationale** — The rationales for the service review and service withdrawal mechanisms were alluded to earlier. Service reviews are intended to provide opportunities to re-structure arrange-



## Reviews & Withdrawal

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ments to accommodate changing realities. The ability to withdraw from a service is intended to provide the assurance that, in the event an agreement cannot be satisfactorily amended, an individual jurisdiction may exit what it perceives to be an untenable situation.

The provisions for review and withdrawal are consistent with the principle of self-interest that underpins the regional district approach to service provision. An individual jurisdiction's interest in a particular service will depend, to a significant degree, on the terms of participation in the service. Over time, as conditions change, the original terms of participation may become unsatisfactory, at least from the perspective of the jurisdiction. In such a situation, the principle of self-interest

*“The provisions for review and withdrawal are consistent with the principle of self-interest that underpins the regional district approach to service provision.”*

would require the jurisdiction to pursue changes to the service arrangement. If changes were not possible, the principle of self-interest would require the jurisdiction to seek withdrawal.

The review and withdrawal mechanisms are also consistent with the principle of borrowed power, another pillar of the regional district system. As far as service provision is concerned, regional districts derive the bulk of their power and legitimacy from their member jurisdictions (member jurisdictions, in essence, authorize regional districts

to provide specific services on their behalf). When participation in a specific service no longer makes sense for a jurisdiction, that jurisdiction needs to be able to initiate a formal review of the service and, if necessary, exit the service. The jurisdiction, in other words, needs to be able to rescind the authority to provide the service. The service review and withdrawal mechanisms enable the jurisdiction to take this action.

**Types of Reviews** — There are three types of service reviews available to regional districts and their member jurisdictions. The first is the Statutory Review. This type is the default option introduced in 2000 and outlined in the *Local Government Act*. The second type is termed the Bylaw-based Review. The legislative changes made in 2000 give participants in regional district services the authority to design their own review processes, and include the processes in the services' establishing bylaws. Once developed, the customized processes supersede the statutory default provisions. The third type of review is the Non-legislative Review which, as its name suggests, is undertaken independent of the legislative authority. All reviews that occurred prior to 2000 were non-legislative in nature.

Part 24 of the *Local Government Act* contains all of the provisions that govern Statutory Reviews and Bylaw-based Reviews. The Ministry of Community Services (CSERV) has produced a number of useful explanatory guides to help service participants understand the legislation. The guides also explore key questions related to reviews, such as:



- when should a service review be considered (and not considered)
- what type of review should be considered
- who may initiate a statutory service review and under what conditions
- who are the parties to a review, and what are their respective roles
- what is the process that should be considered in conducting a review
- under what circumstances may withdrawal be initiated

The materials produced by the Ministry are listed in the “More Info” section of this Fact Sheet. It is not the intent of this Fact Sheet to reproduce the legislation or duplicate the Ministry’s efforts.

## Reviews & Withdrawal

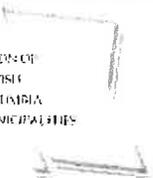
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### More info

Readers interested in learning more about service reviews and how to conduct them may wish to review the following CSERV publications, all of which are available online at [www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd):

- *Regional Service Reviews: An Introduction*
- *Guide to Regional Service Arrangements & Service Reviews*
- *Reaching Agreement on Regional Service Review and Withdrawal Disputes*
- *Designing Regional Service Arrangements: An Introduction*

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Regional District Tool Kit  
FACT  
SHEETS

# Regional District Voting Rules

Fact Sheet 5 explains the voting rules guiding regional district decision-making.

Regional district boards of directors act through resolutions and bylaws. Before a resolution can be made or a bylaw adopted, voting must occur. In municipalities, voting is a relatively straightforward matter: every member of council votes on every issue, and every member receives one vote. In regional districts, voting is not always so simple.

In regional districts, special voting rules are needed to reflect specific realities, namely that regional districts are federations of different sized jurisdictions, and that regional district services are subscribed to and funded by different combinations of jurisdictions. In the context of voting, these realities mean that not all directors have the right to vote on all matters, or have the same number of votes in all situations.

There is a number of basic concepts that underlie regional district voting rules. The first concept is that of “*vote entitlement*”. Different combinations of directors on the board are entitled to vote on different types of questions. On some matters, all directors are entitled to vote, whereas on other matters, only the directors representing jurisdictions that participate in the service being discussed receive a vote.

The second concept is “*vote weighting*”. Each director on the board is assigned a specific number of votes based on the population of the jurisdiction the

director represents. Voting on some issues is “*weighted*”, which means that the directors who are entitled to vote receive their full allotments of votes. On other issues, voting is “*unweighted*”. In these instances, every director who is entitled to vote receives only one vote, irrespective of the population of his or her jurisdiction.

Related to vote weighting is the concept of “*voting unit*”. The voting unit is the size of population that constitutes one vote on a weighted vote decision. Consider an example of a regional district with a voting unit of 2,500 persons. On

*“In the context of voting, these realities mean that not all directors have the right to vote on all matters, or have the same number of votes in all situations.”*

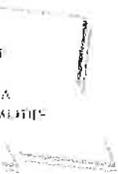
weighted votes, each director of the regional district receives one vote for every 2,500 persons in his or her jurisdiction. A director whose jurisdiction has 11,000 persons would receive five votes in all weighted vote situations (11,000 divided by 2,500 equals 4.4, which, as per the legislation, is rounded up to 5).

The voting unit concept also impacts unweighted votes, albeit to a much lesser degree than with weighted votes. Under the *Local Government Act* (LGA), an individual director may only cast a maximum of five votes. Large jurisdic-

## Voting Rules

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tions must, therefore, appoint (or in the case of the Central Okanagan's Westside Electoral Area, elect) more than one director to the regional district board. In unweighted votes, each director of the board receives one vote. A large jurisdiction that is represented by several directors on the board receives one vote for each of its directors.

Taken together, these concepts – vote entitlement, vote weighting and voting unit – help to promote important principles such as accountability, fairness and equity in regional district decision-making.

The concepts outlined above form the foundation for the key voting rules that guide decision-making at the board table. Three primary rules exist:

**Unweighted Corporate Vote** — This type of vote is used to decide matters that affect the corporation and all jurisdictions that comprise the regional district. Every director is entitled to vote and receives one vote. Unweighted corporate votes are used to determine a range of matters, including:

- establishing bylaws for services
- regulatory bylaws
- resolutions and bylaws on the conduct of the board's business (e.g., procedure bylaws, the conduct of meetings)
- several issues under LGA Part 26 (planning and land use management)

**Weighted Corporate Vote** — Weighted corporate votes govern decisions on money matters, including the adoption of the annual financial plan, borrowing, property acquisition and disposal, and key contracts. Each director on the

board is entitled to vote; each receives the number of votes as determined by the voting unit. All votes accorded a director, incidentally, must be used as a block (i.e., all in favour, or all against).

**Stakeholder Vote (Weighted)** — Stakeholder votes are used to make decisions related to the administration and operation of regional district services. Only directors representing jurisdictions that participate in the service in question are entitled to vote in stakeholder votes. All stakeholder votes are weighted votes; as such, each participating director receives the number of votes determined in accordance with the voting unit.

These three primary rules apply to all regional districts in British Columbia except the Greater Vancouver Regional District (GVRD). At the GVRD, there are no unweighted corporate votes. All votes, whether corporate or stakeholder, are on a weighted basis, except for the election of the Chair and Vice Chair, in which case an unweighted secret ballot vote is used.

Adding some complexity to this system is the fact that some decisions made at the board table are multi-level in nature and require more than one vote. For example, the decision to contract out a service to an external service provider rests with the stakeholders or participants in that service. However, the legal contract between the regional district and the external service provider requires a weighted corporate vote.

In addition to the primary rules, there are some secondary rules to note. One such rule states that no matter may be decided by only one director. Thus, in a case where only one director would



## Voting Rules

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be entitled to vote, as per the primary rules, each director present at the table must vote on an unweighted basis. This type of situation occurs for decisions related to the administration and operation of a regional district service that is provided to only one jurisdiction.

Another secondary rule concerns the issue of abstention from voting. Every director who is at the board table and who is entitled to vote on a particular matter *must* vote — abstention from voting is not permitted. If the director does not indicate his or her preference in a vote, the director is deemed to have voted in the affirmative.

Most matters at the board table are determined by a simple majority of votes cast (i.e., 50% plus 1), whether weighted or unweighted. On certain matters, however, a two-thirds majority must be achieved in order for a motion to pass. Matters requiring an affirmative vote of at least two-thirds of all directors include:

- the termination without cause of an Officer's employment
- delegation of the board's powers to a committee or commission of the board, or to an employee
- exercise of emergency powers
- the amendment or repeal of establish-

ing bylaws in specific cases

- property tax exemptions
- providing consent on behalf of an electoral area director

In 2000, changes to the *Local Government Act* were introduced to allow regional district boards to vary the stakeholder voting rule that governs decision-making as it relates to the administration and operation of services. Specifically, regional districts may change the number of votes provided to each director, or the basis on which votes are assigned. The board, for example, could assign votes on the basis of usage or property assessment, instead of population. Alternatively, all directors could be given the same number of votes (each director of a participating area must receive at least one). All variances must be identified in and enacted through the establishing bylaw for the service in question.

The ability to design customized voting rules is even stronger in situations where the board delegates authority over administration and operation to a body of the board, such as a commission. Membership in the body, voting weight and the size of majority required for decisions can all be customized to address specific goals and/or sensitivities.

### More info

The best resource for further information on regional district voting rules is Bulletin A.11.0.0 titled *Regional District Voting Rules*, published in late 2000 by the Ministry of Community Services ([www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd)). The Bulletin's Appendix A, titled "Application of Voting Rules Under Part 24", features a comprehensive and useful table.

Further information on regional districts' ability to vary the stakeholder vote rules is provided in the Ministry's Bulletin F.3.2.0 titled *Regional District Services Establishing Bylaws: Content and Approval Processes* (same website).

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**REGIONAL DISTRICT VOTING RULES – QUICK REFERENCE GUIDE  
FACT SHEET 5 – Regional District Tool Kit 2005**

STATUTE SECTION	BOARD ACTION	ENTITLEMENT	COUNT	VOTES REQUIRED
<b>Corporate Powers</b>				
LGA 192(1)	Bylaw to delegate a power, duty or function	All	Directors	2/3
LGA 192(2)	Bylaw to revoke a board delegation	All	Directors	Majority
LGA 200(1)	Appointment of officers and employees	All	Directors	Majority
LGA 202(1)	Resolution to terminate an officer for cause	All	Directors	Majority
LGA 202(2)	Resolution to terminate an officer without cause	All	Directors	2/3
LGA 309 and 791(7)(b)	Authorizing the acquisition, expropriation or disposal of real property	All	Votes	Majority
LGA 798.1	Emergency powers (emergency declaration bylaw)	All	Directors	2/3
<b>Governance and Procedures</b>				
LGA 794(1)	Procedure, bylaws and enforcement	All	Directors	Majority
LGA 794(3)	Adopt certain bylaws at same meeting as third reading (bylaws not requiring approval, consent or assent)	All	Directors	2/3
LGA 795	Appointment of select committees	All	Directors	Majority
LGA 838	Bylaw to establish local community	All	Directors	Majority
LGA 791(4)	Administration and operation of a service (except general administration)	Participants <sup>1</sup>	Votes	Majority
LGA 800(2)(a) (b) and (c)	General administration; electoral area administration; feasibility studies (no establishing bylaw required)	All	Directors	Majority
LGA 791(7)(a)	Authorizing persons to enter into contracts on behalf of the regional district	All	Votes	Majority
<b>Service Powers</b>				
LGA 800 and Div 4.1	Establishing bylaws	All	Directors	Majority
LGA 796.1(2)(b)	Giving consent for a service inside the regional district, provided by another regional district	All	Directors	Majority
LGA 796.2	Authorities in relation to a service other than a regulatory service	Participants	Votes	Majority
LGA 797.1	Specific regulatory and other powers	All	Directors	Majority
LGA 799	Resolution requesting additional powers and exceptions	All	Directors	Majority
LGA 792(4)	Election of chairperson and vice chairperson	All	Directors	Majority
LGA 793(4)	Resolution to waive notice of special meeting	All	Directors	Unanimous
LGA 801(4)	Resolution to obtain approval of electors overall, instead of obtaining approval separately in the participating areas	All	Directors	2/3
LGA 801(2)(b)	Decision to obtain approval by alternative approval process	All	Directors	Majority
LGA 801.5(1)	Board consent on behalf of electoral participating area electors	All	Directors	Majority
LGA 801.5(3)	Resolution to dispense with electoral area director consent	All	Directors	2/3
LGA 802(1)	Amendment or repeal of establishing bylaws	All	Directors	Majority
LGA 802(2)	Dispense with electoral area director consent for amendment or repeal of establishing bylaws	All	Directors	2/3
LGA 813.02(2)	Service review or service withdrawal (appointment of	All	Directors	Majority

<sup>1</sup> Note that LGA Section 791(11) states that if only one director would be entitled to vote, each director who is present is entitled to vote and has one vote.

STATUTE SECTION	BOARD ACTION	ENTITLEMENT	COUNT	VOTES REQUIRED
	director to represent the board)			
LGA 950(2)	Heritage Conservation bylaw and permit procedures - resolution vary time limit for specific reapplication	Participants	Directors	2/3
<b>Finance / Budget</b>				
CC 204	Parcel tax roll review panel	All	Directors	Majority
LGA 791(7)(c) and 815	Adopt the Financial plan / annual budget bylaw	All	Votes	Majority
CC Div 4 of Part 6	Reserve Funds	Participants	Votes	Majority
CC 175	Liabilities under agreements	All	Votes	Majority
LGA 821	Bylaw to provide for revenue anticipation borrowing	All	Votes	Majority
LGA 822	Bylaw for short term capital borrowing	All	Votes	Majority
LGA 823 and CC 179	Loan authorization bylaws	All	Votes	Majority
LGA 823(3)	Resolution to dispense with EA director consent for amending or repealing a loan authorization bylaw	All	Directors	2/3
LGA 824	Financing municipal undertakings	All	Votes	Majority
LGA 825	Security issuing bylaws	All	Votes	Majority
LGA 808(2)	Bylaw to establish an annual variable tax rate system	Participants	Votes	Majority
LGA 809(3)	Bylaw to provide property tax exemptions	All	Directors	2/3
LGA 810(2)	Bylaw to provide property tax exemptions for heritage properties	All	Directors	2/3
LGA 810.1(5)	Repayment requirement in relation to heritage exemptions	All	Directors	2/3
LGA 811(2)	Bylaw to provide property tax exemptions for riparian property	All	Directors	2/3
LGA 287.2	Indemnification against proceedings	All	Directors	2/3
<b>Planning and Land Use Management</b>				
LGA 863 and 791(3)(f)	Bylaw to adopt a regional growth strategy (for entire regional district)	All	Directors	Majority
LGA 791(16)	Bylaw to adopt a growth strategy for an area less than the entire regional district	Participants (except per 791(17))	Directors	Majority
LGA 791(3)(g) and Part 26	Electoral area planning and land use management	All <sup>2</sup>	Directors	Majority
LGA 193	Bylaw to delegate public hearings	All	Directors	Majority
LGA 895(3)	Development approval procedures – resolution to vary time limit for specific reapplication	Participants	Directors	2/3
LGA 791(12)	Approval of cost sharing for Part 26 services	All (except per 791(12)(a) and 791(13)(a))	Directors	Majority

**This guide was written as a resource for regional district boards and is provided as a reference for convenience only. This is not an official description of the application of regional district voting rules. For more complete information, please refer to the legislation.**

<sup>2</sup> Subject to LGA 804.1 (Cost sharing for Part 26 services). Note that municipal directors do not vote if they have opted out of the planning service.

# Regional District Finance

*Fact Sheet 6 introduces the basics of regional district finance.*

## *Funding a Service*

### *Creating Separate Service Funds*

Perhaps the key feature of regional district finance is its use of separate, discrete funds for different regional district services. Every service provided by a regional district is accounted for separately using a dedicated service fund. The fund identifies the full cost to the regional district of providing the service, including a portion of general overhead. Each year, revenues specific to the service must be collected to pay the full cost. No service is permitted to run an operating deficit in any year.

Because the funds are discrete, revenues and costs specific to one service cannot be arbitrarily shifted to or spread among other services. Each regional district service has its own group of participating jurisdictions. Participants in one service are not expected to subsidize, and are not permitted to be subsidized by, participants of other services. A key principle of the regional district system is fiscal equivalence, which in practice means that participating jurisdictions and the residents within them “pay for what they get”. The use of separate service funds supports this principle.

### *Determining and Assigning Costs*

Regional district boards are responsible for determining and applying their own approaches and formulas for allocating overhead costs among services. It is

important to understand the difference between the terms “cost allocation” and “cost recovery”. The next few paragraphs clarify what these terms mean and how they are used.

As explained above, each regional district service has its own, dedicated service fund. All costs incurred in providing a particular service must be included in that service’s fund. Some costs incurred will clearly relate to one specific service — assigning these costs to the service’s fund will be a relatively simple exercise. Other costs incurred, however, will not relate exclusively to one function. Salaries of administrative staff, for example, will be attributable to several different services and will need to be allocated to, or spread across, a number of different service funds.

### *Allocating Overhead to Services*

The full cost of providing a service includes a portion of the regional district’s overhead. “Overhead” includes, among other items, the cost of lighting and heating regional district buildings (e.g., the main office) and the salaries of key regional district administrative staff (e.g., the Chief Administrative Officer). Some overhead costs are incurred simply to run the regional district corporation — these costs cannot legitimately be allocated to any specific service, and so are grouped together under general administration





and/or electoral area administration. A portion of most overhead components, however, can be attributed to individual functions. It is clear, for example, that regional district finance staff members must dedicate a part, however small, of their time to the management of each service. The cost of that portion of time represents overhead for the particular service, and is allocated to the service's fund.

### *Determining Cost Recovery Method*

Once all costs have been allocated to the different funds, and the total cost of providing each service has been established, the regional district needs to determine how to recover, or pay for, the cost. In some cases, regional districts will turn to user fees and charges (e.g., utility charges, building permit fees) to recover the full cost of a service. In most cases, however, regional districts will rely on property taxes to recover at least a portion of the service costs.

### *Apportioning Costs*

The costs to be recovered using property taxes must be apportioned among, or shared by, the jurisdictions that participate in the individual services. The default basis on which to allocate costs is converted assessment. In accordance with this method, the portion of costs to be recovered through taxes is divided up among the participating jurisdictions based on each jurisdiction's proportion of the total service area's converted assessment (land and improvements).

If converted assessment is not considered appropriate, jurisdictions may

agree on another method (or combination of methods), such as:

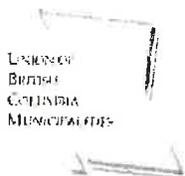
- an alternative tax base (e.g., improvements only)
- population
- the quantity of service used by each jurisdiction
- fixed proportions
- a combinations of factors

In all, jurisdictions may base cost sharing on any one factor or combination of factors. Whichever method is chosen, however, must be identified in the service establishing bylaw. If the bylaw is silent on how costs are to be allocated among jurisdictions, converted assessment is automatically used.

### *Financial Plan*

Regional Districts, like municipalities, must adopt an annual five-year financial plan (i.e., budget). The financial plan must set out the proposed operating and capital expenditures and revenue sources for each service during each year of the five year planning period. The plan must be approved, by bylaw, by March 31st each year.

Prior to adoption, the regional district board must undertake a public consultation process on the proposed plan. The legislation does not specify what exactly is required in the consultation process – regional districts have wide discretion with respect to the type and level of consultation to conduct. Public meetings, open houses and newspaper information inserts are some of the ways regional districts choose to inform and engage their publics. Following





adoption, regional districts must send a copy of the proposed plan to each member municipality and to the province's Inspector of Municipalities.

### Revenue Collection

The major revenue sources for regional district services include property taxes, parcel taxes and fees and charges. Fees and charges, such as recreation admission fees and water usage charges, are collected directly from service users by the regional district (or its agent). Property value and parcel taxes are collected on behalf of the regional district by other governments. The system of collecting regional district tax revenues is different for electoral areas and municipalities:

- In electoral areas, regional district taxes are collected by the BC Ministry of Small Business and Revenue. Each year, the regional district submits tax requisitions for each service to the Ministry through the Inspector of Municipalities. The Ministry applies a rate against assessed property values within each relevant service area to raise the revenues required. Once collected, the revenues are paid to the regional district.

- In municipalities, regional district taxes are collected by the municipal governments. Each year the regional district sends each member municipality a requisition that identifies the amount of tax owed by property owners, within the municipality, who receive regional district services. The municipality collects the property and parcel taxes required to pay the requisition, and then forwards the revenues to the regional district.

### Tax Notices

Strictly speaking, there is no such thing as a "regional district tax notice" since regional districts do not themselves collect tax revenues from property owners. Tax bills for regional district services do, however, appear both on the provincial property tax notices that are sent to residents of electoral areas, and the municipal property tax notices that are sent to residents of member municipalities. Both types of notice list regional district services in which the jurisdiction participates. Beside some of the listed services is a tax rate, and beside the rate is the amount owed by the property owner. The amount owing is determined by multiplying the tax rate by the property's assessed value. For

### Listing of Regional District Services on Tax Notices

Service	Assessed Value	Rate	Owing
Recreation	\$150,000	0.90	\$ 135.00
Fire Protection	\$150,000	0.85	\$ 127.50
EA Planning	\$150,000	0.34	\$ 51.00
E-911	\$150,000	0.05	\$ 10.00
Water	\$150,000	1.00	\$ 150.00





services that are funded using parcel taxes, only the amount owing shows. The diagram below illustrates how such information typically appears.

On both provincial (electoral area) and municipal tax notices, regional district services are itemized so that property holders can easily identify exactly what they are paying for each regional district service they receive. This approach to taxation is designed to maximize transparency and accountability.

**Debt Processing**

A key mandated function of each regional district is to process all of the long-term borrowing that is undertaken by the regional district itself, and by each of its member municipalities. The flowchart below illustrates, in simplified form, the steps that the regional district and its municipalities must take.

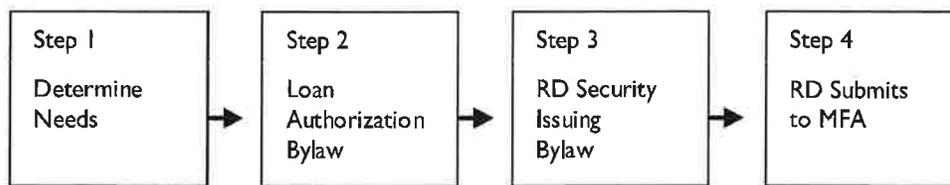
The process begins with the municipality or the regional district determining its own capital borrowing needs. Once the required level is determined, the municipality or regional district prepares a *loan authorization bylaw*. In most cases the loan authorization bylaw must receive the approval of the electors before it can be adopted by the

council or board. In every case, the loan authorization bylaw must receive a certificate of approval from the Inspector of Municipalities.

Once approved, the regional district loan authorization bylaw and in the case of municipalities, the security issuing resolutions, are submitted to the regional district board. The regional district board combines the required borrowing amounts from each bylaw and resolution and creates a *security issuing bylaw*. Each security issuing bylaw, like each loan authorization bylaw, must receive a certificate of approval from the Inspector of Municipalities.

Once the security issuing bylaw is adopted, it is forwarded by the regional district board to the Board of Directors of the *Municipal Finance Authority* (MFA). The MFA's Board of Directors is comprised of representatives of regional district boards across the province. On two occasions per year, the MFA's Board receives, considers and approves the combined local government borrowing needs, as outlined in the various regional district security issuing bylaws. Once the borrowing needs are approved, the MFA's executive and administration proceed to sell the necessary debentures in international markets.

**Processing Requests for Long-Term Borrowing**



## Development Finance

A final point to mention with respect to regional district financing relates to the use of development finance tools. Some regional districts, like some municipalities, are situated in high-growth areas of the province. In these areas, the need to accommodate new growth often results in demands for new infrastructure such as sewer and water systems. Regional districts that are responsible for developing these systems have available a range of development finance

tools designed to assign the capital cost of growth-related infrastructure to new growth itself. The best known and most widely used tool is development cost charges (DCCs).

Within electoral areas, regional districts directly collect DCCs from developers through the development approval process. Within municipalities, regional district DCCs are collected by municipal governments during the municipal development approval process and remitted to the regional district.

## More info

Readers who would like to learn more about regional district finance may wish to consult the following items, all of which are published by the Ministry of Community Services and are available online at [www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd):

- *A Primer on Regional Districts in British Columbia*
- *Bulletin D.7.0.0. Regional Districts: Financial Operations*
- *Development Cost Charges Guide*
- *Development Finance Choices Guide*
- *Development Coast Charge Guide for Elected Officials*

For further information on the processing of long-term borrowing, readers may wish to visit the Municipal Finance Authority's website at [www.mfa.bc](http://www.mfa.bc).



# Electoral Area Governance

*This Fact Sheet outlines the framework for governing electoral areas.*

Regional districts in British Columbia consist of incorporated jurisdictions known as municipalities, and unincorporated jurisdictions known as electoral areas.<sup>1</sup> Electoral areas are typically rural in nature, though some have evolved semi-urban or urban characteristics. One area – the Westside Electoral Area in the Central Okanagan Regional District – has grown into large urban community of 35,000 and now is larger than most municipalities in the province.

The governance framework for electoral areas consists of a number of different components. This Fact Sheet identifies and describes the key components.

**Citizens** — The citizens of electoral areas participate in a number of ways in electoral area governance. Citizens provide input, for example, to their electoral area director through both informal and formal means. Citizens – or at least those registered to vote – directly elect their electoral area director to represent the area on the regional district board of directors. Finally, through citizen initiatives, referenda and the alternative approval process (i.e., counter petitions), citizens choose the types of regional district services they wish to receive and pay for.

**Board of Directors** — The regional district's board of directors is the governing body for all electoral areas of the regional district. The board makes the bylaws required for the regional district to provide services to electoral areas. The board also makes most decisions required to regulate development and related activities in electoral areas. Depending on the issues being considered, only some members of the board may actually participate in voting and decision-making. Regardless of the number of directors voting, however, the decisions that emerge in all cases are decisions of the board.

Some regional district boards have chosen to establish commissions (see later), and to delegate some decision-making authority to those bodies. Ultimate authority over all regional district matters in electoral areas, however, rests with the board.

**Electoral Area Director** — Each electoral area is represented on its regional district's board of directors by one electoral area director.<sup>2</sup> The director is elected to the board every three years by the voters in his or her area during the province-wide local government elections. In plain terms, the director has three key responsibilities:

- 1 The Central Coast Regional District is the exception: it consists entirely of electoral areas. The Greater Vancouver Regional District includes only one electoral area.
- 2 The Westside Electoral Area of Central Okanagan Regional District is the sole exception with three electoral area directors.



## Electoral Areas



- to identify, using the input of citizens, the service needs and interests of his or her area
- to promote the area's service needs and interests at the board table, where they may be addressed through the establishment of, or through changes to, regional district local, sub-regional and regional services
- to participate in decision-making as it relates to the administration of services in which the electoral area participates, including electoral area planning, whose administration involves the consideration of development applications and the regulation of land use

*“Ultimate authority over all regional district matters in electoral areas, rests with the board.”*

The director, it should be understood, is not the mayor or CEO of his or her electoral area, nor is he or she the area's governing body. The regional district's board of directors, as noted earlier, is the legal governing body for the electoral area; and the chair of the board of directors is the CEO of the regional district corporation. The electoral area director is the area's representative on the board of directors, and clearly has an important role to play in representing the area's interests and promoting its needs to the board. Actions and initiatives proposed by the individual electoral area director, however, must

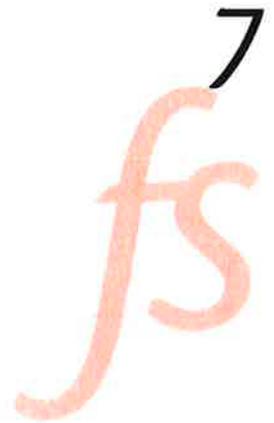
receive the support of the regional board in order to have any effect or authority.

**Alternate Director** — Each electoral area director is required under the *Local Government Act* to appoint an alternate director. The alternate must have the qualifications necessary to be nominated as director (e.g., must be a Canadian citizen, must have resided in BC for the last six months, etc.). The alternate is responsible for acting in place of the director during periods of absence. When acting for the director, the alternate has all of director's authority, including the authority to vote at the board table, and participate in discussions and development reviews as the electoral area's representative. In the event that the director, through death, resignation or disqualification, is unable to continue holding office, the alternate acts as the director until the next by-election or general local government election.

**Optional Components** — There are a number of optional components in the electoral area governance framework. For example:

- The regional district's board of directors may appoint an **Advisory Planning Commission** (APC) to advise the board or the electoral area director on land use matters, the preparation of an official community plan, or a proposed development bylaw or permit. The APC must be established by bylaw, and may only advise on matters that are referred to it by the board or director. At least two-thirds of the members of the APC must be residents of the electoral area; the

## Electoral Areas



director may not serve as a member, but may attend APC meetings.

- The board of directors may establish, by bylaw, a *Local Community Commission* (LCC) with delegated authority to oversee the administration of regional district services provided to a defined local community within an electoral area. Membership of the LCC consists of the electoral area director and a number of residents elected by the community either annually or every three years. The

establishment of the LCC must be approved by the electors within the identified local community.

- Some regional boards have established *Electoral Area Commissions* (EAC) with delegated authority to oversee services, such as electoral area planning, in which all of the region's electoral areas participate. EACs typically are given the authority to make all service-related decisions, except those that by law must be made by the board of directors.

## Electoral Areas



### More info

For more information, see *A Primer on Regional Districts in British Columbia*, available online at [www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd). Also refer to Fact Sheet 2 on Structure of Regional Districts.

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# Regional Districts & the Provincial Government

*Fact Sheet 8 outlines the structural relationship between regional districts and the provincial government.*

## Canadian System

Canada's Constitution is the supreme law of the land. Sections 91, 92, 92A and 93 of the Constitution divide all powers and responsibilities between the federal and provincial orders of government. The federal government, for example, is given the authority under section 91 to make laws and undertake activities in areas such as foreign affairs, defence, banking and fisheries. Sections 92, 92A and 93 give provincial governments jurisdiction in areas such as education, natural resources and health care.

Local government is not recognized by the Constitution as a specific order of government. Instead, local government is identified in section 92 as a provincial responsibility. In the Canadian system of government, it is the provinces that have the authority to create and empower local governments. Each province in Canada has used this authority to establish a network of different types of local governments to provide important local services, as well as to provide democratic forums for local decision-making. The key local government types in BC's network are municipalities and regional districts.

## Local Government Act

In BC, the principal mechanism used to empower regional districts and

define their responsibilities is the *Local Government Act*. Historically, the *Local Government Act* was very prescriptive in nature. In the mid-1990s, however, the provincial government began a three-part reform of the legislation. Through this exercise, regional district boards were given broad powers to undertake the activities and services that they feel are important within their regions. Regional boards were not, to be sure, given carte blanche in all areas of activity; many important functions were kept exclusively under provincial jurisdiction. Boards were, however, given greater autonomy to act as they see fit within their defined areas of jurisdiction.

In 2004, the *Community Charter* came into force. This piece of legislation represents, in essence, a fourth stage in the legislative process that began in the mid-1990s. The *Charter* was drafted primarily for municipalities, and has become the principal statute for municipal governments. It expands on and entrenches the broad powers that were conferred upon municipalities in the earlier stages of the reform process. It also explicitly recognizes municipalities as an autonomous order of government, and sets out principles for municipal-provincial relations.





The principal statute for regional districts remains the *Local Government Act*. Recent changes to the Act, however, have served to make its treatment of local government fundamentally consistent with that of the *Charter*. Part 1 of the Act, for example, now recognizes that regional districts, like municipalities, are “...an independent, responsible and accountable order of government within their jurisdiction...”. Part 1 also sets out principles for provincial – regional district relations that, by and large, mirror the principles set out in the *Charter* for municipalities.

*“The principal statute for regional districts remains the Local Government Act.”*

### Ministry of Community Services

The Ministry of Community Services (CSERV) is the main point of contact for regional districts in their dealings with the province. In broad terms, CSERV plays five different roles with respect to regional districts:

- CSERV administers and maintains the *Local Government Act*. The ministry is responsible in this role for ensuring that the Act provides the flexibility needed by regional districts to meet the needs of their communities within the broad framework of provincial interests and objectives.
- CSERV provides advice to regional districts on a wide variety of local government topics, including boundaries and structure, community development, elections, engineering

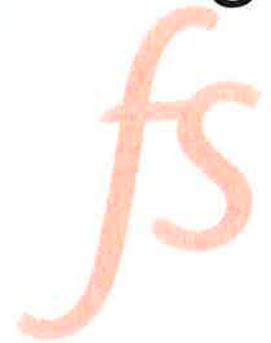
and safety, environment, finance, governance, legislation, planning and service arrangements. Much of the ministry’s advice is presented through various support materials produced by the ministry’s Local Government Department, including best practice guides, circulars and bulletins.

- CSERV administers various conditional and unconditional federal and provincial government grant programs that provide funding for regional district initiatives and infrastructure.
- The ministry regulates certain types of regional district activities, particularly those in the area of regional district finance. Through the Inspector of Municipalities, for example, the ministry reviews and approves all regional district service establishment, loan authorization and security issuing bylaws, as well as regional district DCC bylaws.
- CSERV increasingly assists regional districts in the area of dispute resolution. CSERV will, for example, assist in resolving disputes that are the subject of regional district service reviews (see Fact Sheet 4), regional growth strategies or other issues of concern or conflict between a regional district and a municipality.

### Other Ministries, Agencies & Statutes

The Ministry of Community Services is the primary point of contact between the provincial government and regional districts, and the *Local Government Act* is the chief provincial statute that applies to regional districts. There are many other ministries, agencies and





statutes, however, that regional districts deal with on a regular basis. For example:

- *The Ministry of Environment* administers and maintains the province's *Environmental Management Act* which provides authority and contains provisions related to regional districts' waste management planning services. The same ministry regulates water, flood hazards and other environment-related issues that concern regional districts.
- *The Ministry of Public Safety & Solicitor General* oversees the *Liquor Control and Licensing Act* which outlines a regulatory role for regional districts in reviewing liquor license applications. The same ministry oversees the *Emergency Program Act* under which the Provincial Emergency Program operates.
- *The Office of the Information and Privacy Commissioner* – an independent agency – oversees the *Freedom of Information and Protection of Privacy Act*. This statute determines how regional districts, as public bodies, may collect, use and disclose personal information.
- *The Ministry of Agriculture and Lands* manages the allocation of Crown land on behalf of the provincial government.
- *Ministry of Transportation* has authority over subdivision approval in electoral areas.
- *BC Assessment* provides regional districts with various annual statutory reports (e.g., Regional District Service Area reports, which identify the assessment base for each service area in a regional district), and receives from regional districts development and other information that may influence property assessments, or the classification of properties.

## More info

The best starting place for further information on the structural relationship between regional districts and the provincial government is the website of CSERV's Local Government Department ([www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd)). This site profiles the various roles of the Department and provides access to the full range of advisory and support materials for regional districts.

CSERV's *Summary of Local Government Legislation 2004*, also available on the web site, identifies various provincial statutes (and specific amendments) that affect local governments.

# Regional Districts & First Nations

*Fact Sheet 9 introduces the topic of regional district-First Nations relations.*

In recent decades, First Nations in British Columbia have achieved increased recognition of their aboriginal rights to self-government and their claims over traditional lands. Over this same period, the need for effective working relationships between First Nations and local governments has also been increasingly recognized.

Working relationships involving First Nations and local governments (municipalities and regional districts) are developing, and will continue to develop, through a number of initiatives. This Fact Sheet outlines some of these initiatives.

## *Treaty Process*

In 1992, British Columbia, Canada and the First Nations Summit established the six-stage BC Treaty Process as the made-in-BC model for resolving the many outstanding First Nation land claims in the province. BC, Canada and the First Nations were identified as the three official parties with standing in the Process. The need to involve local governments in treaty talks, however, became apparent soon after the Process was unveiled. Many of the issues being discussed through the Treaty Process affect the interests of local governments and communities.

In 1993, UBCM, acting on behalf of local governments, signed a Memorandum of Understanding (MOU) with the

provincial government to guarantee local government participation in the treaty process. Arising out of the MOU came the establishment of local government *Treaty Advisory Committees* (TACs). Individual local governments (including regional districts) were asked to appoint a representative to sit on a TAC. Each TAC became responsible for coordinating the interests of the affected local governments, and presenting the interests as advice to the provincial government's negotiating team.

*“Many of the issues being discussed through the Treaty Process affect the interests of local governments and communities.”*

In 2003, UBCM and the provincial government signed a new MOU. The new document, which remains in effect today, serves to more clearly define and broaden the role of local governments in the treaty process. The new MOU explicitly provides the opportunity for a local government (including a regional district) to negotiate directly with a First Nation at a “side table” on issues related to the future relationship between the two governments. The MOU formally recognizes the usefulness of direct First Nation-local government talks.





### Formal Agreements

In recent years, local governments and First Nations have directly negotiated (outside of the Treaty Process) a variety of formal agreements. Some agreements simply express the parties' joint commitment to working together and communicating with one another. These agreements are relationship-builders. Examples include:

- Regional District of Comox-Strathcona and the Xwemalkwu (Homalco) First Nation's Protocol Respecting a Regional Accord
- Central Okanagan Regional District and the Westbank First Nation's Statement of Political Relationship

*“UBCM and the First Nations Summit held the first province-wide Community to Community Forum in 1997.”*

- Fraser Fort-George Regional District and Lheidli T'enneh First Nation's Protocol on Cooperation and Communication

Other agreements deal with specific servicing issues, such as the provision of sewer and water to First Nation communities, and resource management issues. Examples include:

- Sunshine Coast Regional District and the Sechelt Indian Band's Watershed Accord
- Capital Regional District and T'sou-ke Nation Agreement on resource management

- Central Okanagan Regional District and Westbank First Nation's Agreement on the provision of regional district sewer services to the Tsinkikeptum Indian Reserves 9 and 10

### Regional Governance Discussions

In recent years, increased attention has been given to the topic of First Nation participation on regional district boards. The Lower Mainland Treaty Advisory Committee (LMTAC) has identified a spectrum of possible participation models ranging from no participation to full membership on the board with the rights and responsibilities of a member municipality. The latter model exists already in the Sunshine Coast Regional District, which the Sechelt Indian Government District joined as a municipal-like member in 1988.

### Community to Community Forums

UBCM and the First Nations Summit held the first province-wide Community to Community Forum in 1997. The Forum brought together First Nation and local government elected leaders from across BC to discuss issues of common concern and strengthen government-to-government relationships.

The initial Forum prompted UBCM and the First Nations Summit to create the Regional Community to Community Forum Program, with on-going financial support provided by the federal Department of Indian and Northern Affairs and provincial Ministry of Community Services. Events funded by this program are jointly organized by neighbouring local governments (municipal councils and/or regional boards) and

First Nations and provide a forum for dialogue on issues of common concern.

Since the year 2000, over 100 regional forums have been held between neighbouring First Nations and local governments across BC.

## RDs & First Nations



### More info

Readers interested in learning more about regional district-First Nation relationships, and the various initiatives in place to help relationships develop, may wish to consider the following sources:

- *Building Relations with First Nations: A Handbook for Local Government*, prepared by UBCM and LMTAC (available online at [www.civicnet.bc.ca](http://www.civicnet.bc.ca))
- *Regional Governance and Governance in the Region*, prepared by LMTAC (also available online at [www.lmtac.bc.ca](http://www.lmtac.bc.ca))
- UBCM's introduction to the Regional Community to Community Forum Program (available online at [www.civicnet.bc.ca](http://www.civicnet.bc.ca))
- MOU on *Local Government Participation in the Negotiation of Treaties and Agreements* (available online at [www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd))
- *Approaches and Options for Treaties in Urban Areas* (available online at [www.civicnet.bc.ca](http://www.civicnet.bc.ca))



# Regional Districts & Planning

This Fact Sheet outlines the role of regional districts in planning and land-use management.

**Planning for Electoral Areas** — Regional districts are the local governments for their electoral areas, responsible for providing core local government services. One such core service is electoral area planning, which includes planning for and regulation of all land development that occurs outside of a regional district's member municipalities. All electoral areas within a regional district must participate in the region's electoral area planning service. Municipalities may participate in all or part of this planning service, unless they opt out of paying for electoral area planning, after providing the required notice.

From a planning and development perspective, regional districts are to electoral areas what municipal governments are to municipalities: the only body with the authority and mandate to make the regulations and provide the services required for proper land development to occur. Property owners and developers who wish to develop within an electoral area must recognize and work within the regional district's planning regulations, in the same way that persons active in municipalities must recognize and work within the municipal government's regulations.

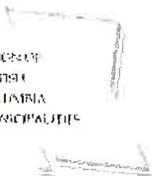
Through its electoral area planning service, a regional district may undertake the following types of initiatives and actions:

- prepare, adopt and administer *Official Community Plans* for electoral areas or parts of electoral areas
- prepare, adopt and administer *zoning bylaws* for electoral areas or parts of electoral areas
- identify *development permit areas*, create guidelines for development in the areas, review development permit applications and, where appropriate, issue permits
- review *development variance permit* applications and, where appropriate, issue permits
- establish and apply *development cost charge* bylaws and other development finance mechanisms
- enter into *housing agreements* for the provision of affordable and special needs housing

Regional districts do not have the authority to approve subdivisions — authority over subdivision approval in electoral areas continues to rest with the provincial Ministry of Transportation. Regional districts are involved, however, in reviewing subdivision applications to ensure conformity with the applicable OCP, zoning bylaw, subdivision and development servicing bylaw and other relevant items.

Electoral area planning and development-related regulatory decisions, with the exception of subdivision approval, are made by the regional board

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of directors who participate in electoral area planning. Directors in most regional districts are assisted in their decision-making by Advisory Planning Commissions (APCs) which the board may establish to provide advice on planning and land-use matters (see Fact Sheet 7 on Electoral Area Governance). Every regional district that has adopted a zoning bylaw must also establish a three-person Board of Variance. The Board of Variance is independent of the regional board of directors, and exists to review applications for variances to zoning bylaw regulations in cases where property owners feel that compliance would result in undue hardship.

**Planning for Municipalities** — Municipal governments, not regional districts, are the bodies with authority over planning and land use management within municipal boundaries. Many smaller municipalities, however, contract their regional districts to actually deliver the required planning and development services. In the North Okanagan, for example, the City of Armstrong, Village of Lumby and Township of Spallumcheen contract with the Regional District of North Okanagan to deliver planning and development services. In each case, the municipal council remains the governing and decision-making body for the services. The regional district administration is contracted to support the municipal council in preparing and administering the bylaws and approval processes.

**Planning for Regions** — Regional districts do not have regulatory authority over planning and land use management for the region as a whole. Re-

gional districts do have the authority, however, to create *Regional Growth Strategies*.

A Regional Growth Strategy is a long-range strategic vision document that:

- sets out, for the regional district and its member jurisdictions, agreed-upon economic, social and environmental goals
- guides the planning, growth management and development decisions of the regional district and member municipalities in ways that promote the agreed-upon goals

Regional Growth Strategies are initiated by regional districts, but are prepared by regional districts and their member municipalities working together as equal partners. Each strategy is, as noted, a long-range vision — 20 years is the minimum time frame. Each strategy must include a comprehensive statement on the future of the region, including the social, economic and environmental objectives of the strategy. It must project population and employment, and must set out proposed actions related to housing, transportation, services, parks and economic development to meet the needs of the future population.

A Regional Growth Strategy must be adopted by the regional district board (by bylaw) and accepted by the council of every member municipality (by resolution) in order to take effect. Dispute resolution processes are outlined in the *Local Government Act* to assist regional districts and member municipalities deal with objections to a proposed strategy.

## RDs & Planning

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Each municipality within the regional district that has an OCP must develop and insert into its OCP a *Regional Context Statement*. The Regional Context Statement sets out the relationship between the OCP and the Regional Growth Strategy. The Regional Growth Strategy, it should be understood, is intended to provide a context for planning and growth management policies that are created by the regional district itself and by its member municipalities. Each OCP created by the regional district or a member municipality, therefore, is expected to be consistent with the broad directions set out in the Regional Growth Strategy. The Regional Context Statement produced by each municipality speaks to the consistency that exists, or that will exist at some future point.

Regional Growth Strategies are voluntary initiatives, the authority for which has been in place since 1995. Today,

eight regional districts either have or are in the process of developing a strategy. Each of these regional districts is located in the province's three high-growth areas: the Lower Mainland, the Okanagan Valley and Southern Vancouver Island.

*Regional Planning Initiatives* — In addition to Regional Growth Strategies, some regional districts have undertaken various initiatives aimed at addressing planning and land use management issues of importance to the region as a whole. The Regional District of Central Okanagan, for example, has undertaken specific initiatives related to:

- transportation and mobility in the Central Okanagan
- economic development throughout the region
- regional air quality
- water resources in the Central Okanagan
- environmental protection

## More info

Parts 25 (Regional Growth Strategies) and 26 (Planning and Land Use Management) of the *Local Government Act* contain all of the relevant legislative provisions related to electoral area and regional planning. *About Regional Growth Strategies*, published online by the Ministry of Community Services ([www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd)) gives a good overview of Regional Growth Strategies.

*An Explanatory Guide to BC's Growth Strategies Legislation*, available on-line at [www.cserv.gov.bc.ca/lgd](http://www.cserv.gov.bc.ca/lgd).

Readers may also wish to consult the Planning Department website at the Regional District of Central Okanagan ([www.regionaldistrict.com](http://www.regionaldistrict.com)). RDCO makes available on this site various information guides on electoral area planning and regional planning initiatives.

Finally, the Skeena-Queen Charlotte Regional District offers a *Development Procedure Manual*, 1998, available online at [www.sqcrd.bc.ca](http://www.sqcrd.bc.ca). This Manual walks developers through the development approval processes and regulations in the regional district's electoral areas.



# The Role & Responsibilities of Regional Directors

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Under the Community Charter  
and the Local Government Act

January 2006



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## Introduction

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The subject of this paper is the role of both municipal and electoral area directors on a Regional District Board. The audience for this presentation is electoral area directors. However, for them to fully understand their role, it is helpful to understand the roles of the other players in the regional district organization – municipal directors and regional district administrators and employees.

The specific questions that we will address, but not necessarily answer definitively, are the following:

- What does a Regional Director do?
- What must a Regional Director do?
- Is a Regional Director a policy maker or a manager?
- Who does the Municipal Director represent - the exact wishes of the municipal director's council or the municipal director's individual conscience or political leanings?

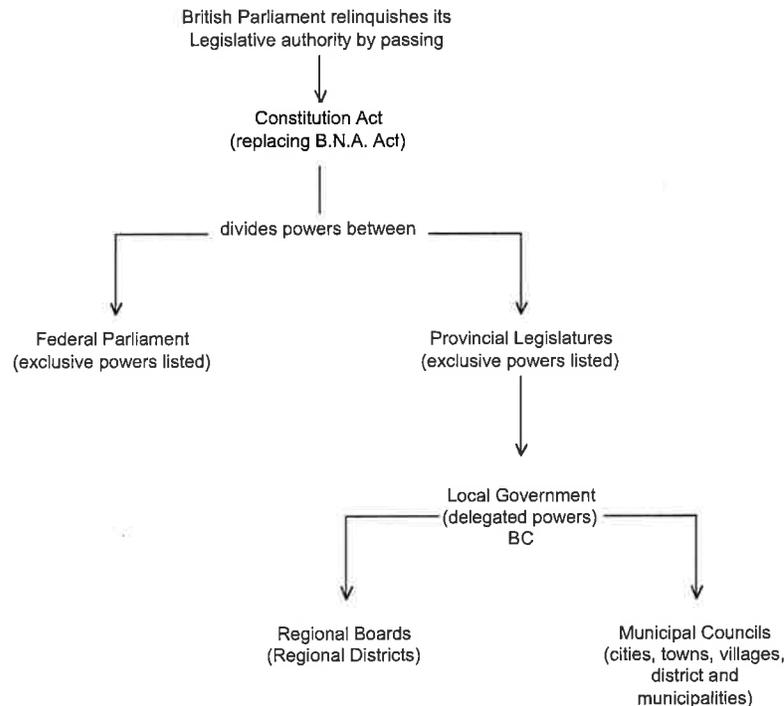
These questions go to the heart, if not the soul, of what a Regional Director represents. The author does not purport to have all of the answers, but anticipates that a discussion of these questions may result in individual directors finding a path that they may follow comfortably. This paper will touch on what the Local Government Act says or omits to say about the role of a Regional Director.

For those of you who are not aware of the history of Regional Districts, you may be interested in the constitutional and historical background information of Regional Districts in British Columbia in the following section 2. This information is based on a paper that was prepared by Lorena Staples, Q.C. and Thomas Moore, former Deputy Inspector of Municipalities, for publication by UBCM in 1985, under the title "Division of Responsibilities: Regional Districts in British Columbia".

## Constitutional and Historical Background

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Sections 91 and 92 of the British North America Act, which now forms part of the Canadian Constitution, divide Powers and responsibilities between the Federal and Provincial Governments. The Provinces were assigned the responsibility for local government. The Provinces, In turn, delegate power to local government through provincial legislation.



During the formative years of the Province of British Columbia, Provincial legislation addressed community interests and assigned powers to municipalities. Unlike most other provinces, British Columbia did not have an established local government authority over the greater landmass of the province where approximately 25% of its population was located. Geography of the province isolated most communities from one another and development of adequate transportation links did not take place in many areas until after World War II. The people in the areas outside of municipalities had few incentives to organize themselves into local government entities. If they wished to upgrade services over those provided by the province, they could incorporate a municipality or improvement district. Land use control was sparsely exercised and uncontrolled development took place in areas immediately adjacent to municipal boundaries. No institution was available to address major issues of a regional nature.

In 1964 the Municipal Act was amended to authorize the incorporation of Regional Districts, and in 1965 the Regional Hospital District Act was enacted. Over the next three years 28 regional districts were incorporated covering the greater portion of the province. Regional Hospital Districts were incorporated with coterminous boundaries. Every attempt was made to create regional units that would meet the topographical constraints of the province. At the same time, transportation corridors, community development patterns and population constraints, and real property assessment values were considered. Municipalities, while being made members of

regional districts, maintained their existing local government structure. Non-municipal (unincorporated) areas are divided into electoral areas. Municipal representatives on regional boards are appointed by their Councils and electoral area representatives are elected by the people in those areas.

The early legislation permitted regional districts to provide services or enact regulations on a functional or specified area basis. Certain functions, such as administration and land use control, were assigned directly by the legislation.

Because the population of the various units comprising regional districts varied, the legislation provided for weighted voting by the Directors on the regional board. Letters Patent establish the voting units and a Director cannot have more than five votes [Section 783(5)]. If, upon applying the voting formula, a Director has more than 5 votes, then an additional Director has to be appointed or elected and the votes divided between them. Section 783 of the *Local Government Act* outlines the composition of the Board and voting rights.

Electoral Area Directors are elected for three years and municipal Directors are appointed by their councils until December 31 in the year of a general election.

## **Local Government Act and Community Charter**

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The *Community Charter* (the "Charter") came into force on January 1, 2004.

The Charter's current focus is on municipalities. Regional Districts may be dealt with at a later stage of the development of the Charter, as is Planning and Land Use Management and the other parts of the *Local Government Act* not included in the current version of the Charter. Bill 76 (the *Community Charter Transitional Provisions, Consequential Amendments and Other Amendments Act*, 2003), a companion bill to the Charter, was also brought into force and effect at the same time as the Charter.

From a regional district point of view, what Bill 76 did was rewrite the parts of the *Local Government Act* that formerly concerned both municipalities and regional districts so that those parts apply only to regional districts. The parts that concern purpose, principles and interpretation; corporate powers and their use; officers and employees; boards and meetings; are but a few examples of these transitional provisions that will tide over the regional districts until their legislation is revamped. The net effect is to place the legislation governing municipalities into the Charter and leave those affecting regional districts in the *Local Government Act*.

In addition there are some sections of the *Community Charter* that are made applicable to regional districts.

Regional District responsibilities, including any touching on the role of a Regional Board Director, will continue to be found in the *Local Government Act* as amended by Bill 76. This Act confers certain powers and responsibilities on Regional Districts and sets out the limitations on the exercise of those powers and responsibilities. There are other Acts that govern Regional Districts, but for the purpose of this paper, we are concerned primarily with the *Local Government Act*.

Regional district directors, officers and employees will find it essential to have a consolidated version of the *Community Charter* and the *Local Government Act* in order to determine the basic rules governing regional districts and their roles.

## Directors' Political Representation

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Section 784 of the *Local Government Act* provides for the appointment and term of office of municipal directors. Each municipal director is appointed at pleasure by the council from among its members, as contrasted to electoral area directors who, under Section 785, are directly elected to the Board by the electors in their respective electoral areas.

Does this mean then that the electoral area directors represent their electors, while the municipal directors represent the municipal council, and only indirectly represent the electors who voted to put them in office as a municipal council member? This may very well be a logical inference of the distinction between how municipal directors and electoral area directors find their way to the Regional Board, but nothing in the *Local Government Act* specifically points to that sort of difference between the two classes of directors.

The Act is silent on whether a municipal director must toe the party line, so to speak, and vote as directed by the municipal council. There is also nothing in the *Local Government Act* that says that a municipal director must vote according to his/her own conscience or political inclinations.

There is a significant phrase in Section 784 and that is that each municipal director is to be appointed **at pleasure** by the council from among its members. This means that the municipal director may have his or her appointment to the Board terminated by the council at any time.

This does indeed appear to attach a string from the municipal council to the municipal director. In other words, if the council is unhappy with the performance of the municipal director at the regional board, then the council may terminate the appointment and appoint some other member of council to be that municipality's director at the regional board table. This is not so with electoral area directors, who face the electors only once every three years.

The foregoing political realities may indeed dictate the answer to the question of whose position does the municipal director represent. As to the question of whether the director is a policy maker or a manager, please refer to the following updated excerpts from the 1985 Staples/Moore paper.

The discussion under the heading "political representation" may put a different complexion on the question of whose views does the municipal director reflect, especially in the discussion of making decisions in a regional rather than a local context.

## **Responsibilities of Regional Board Directors**

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### **Political Representation**

First let us examine the Regional Board's role in the overall administration of a Regional District. The Board is composed of Directors that are directly elected in the Electoral Areas and appointed by the Councils of the member municipalities from their own membership.

Membership in the Board arises through the political process and therefore the primary role of Directors is to meet political responsibilities as representatives of those areas for which they have been elected or appointed. The Electoral Area Directors gain office by putting before the people a political platform that is found to be acceptable by a majority of the voters. The Municipal Director has been elected as a councillor or mayor and is appointed by Council to the Board because he or she has regional political views, which the Council feels are in keeping with the municipality's interests.

The District of Saanich and some other municipalities have taken an interesting approach in the 1999 and subsequent elections that may bear on this issue. Candidates have the option of running for the dual office of municipal councillor/regional board director, the implication being that the District will let the electors determine which councillors would be appointed to the Capital Regional District Board from Saanich, rather than Saanich council making the choice. In Ontario's two tier system with a regional municipality and member municipalities, the mayors are automatically on the regional board and those running for council who also want to be on that board must run under a dual banner. Perhaps this is the direction that BC will take under the revamped regional district legislation yet to come.

Once in office, one of the basic duties of the Director is to determine the wishes of the people that he or she represents before voting on matters on the Board's agenda. At the same time he or she must be prepared to examine an issue to determine its regional impact before voting on it.

Many times a Director will be faced with a decision that does not necessarily fully satisfy the needs of the area he or she represents but is for the betterment of the region as a whole. In these situations, the Director may have to make a political decision that may not be acceptable to the greater portion of the electorate he or she represents, or in the case of a Municipal Director, may not be in keeping with Council policy. Balancing various competing interests is an integral part of the decision making role of Regional Board members, whether directly elected or appointed by Council.

### **Policy Formulation**

Another major responsibility of the Board is policy formulation. Directors are responsible for adopting many forms of policy that cover a broad spectrum of subjects. Policy affects political direction, internal administrative functions, Board procedure, local legislation (bylaws), provision of services, financial responsibilities, legal liabilities, intergovernmental relations and all other functions of the Regional District.

Before policies can be adopted, information must be gathered and placed before the Board to enable the Directors to make a decision. The policy decision may be in the form of a resolution or bylaw. Generally speaking, the Board acts by way of resolution, except where the establishing legislation or Letters Patent requires a bylaw. The record of passage of these instruments of policy should be accurately recorded in the minutes of the meeting at which the policy is adopted.

Action should not be undertaken on behalf of the Regional District unless the Board has first established the policy.

When policy is being adopted the Directors should consider:

- (a) the legal limitations within which the Regional District may operate;
- (b) the general feeling of the electorate;
- (c) the technical, financial and administrative implications (this information should be provided through reports compiled by technical staff); and
- (d) the effects of the policy on the Regional District as a whole.

Once a policy is established, any changes should be made by following the same procedures as those required for adoption of the original policy. Neither a Director nor administrative staff should take it upon themselves to vary or lessen the impact of a policy unless a suitable amendment has been authorized by the Board.

No one has the authority to dispense special privileges. Policies must be of general application, and apply equally to all, except where provincial legislation provides otherwise. (e.g. Board of Variance).

### **Confidentiality**

Another important responsibility of Board members is to maintain confidentiality. Bill 76 incorporated the confidentiality rules of section 117 of the *Community Charter* into section 787.1 of the *Local Government Act*. A director or former director must keep in confidence any records held in confidence by the regional district as well as information considered in any part of an in camera meeting until such time as those records or information may be lawfully released to the public. If the regional district suffers loss or damage as a result of a director contravening this section, the regional district may recover the damages from the director.

Those matters that under the *Community Charter* warrant "in camera" meetings are confidential matters such as legal advice, personnel issues and land transactions. These matters concern the assets and liabilities of the local government corporation, of which the directors are the stewards under section 2(c) of the *Local Government Act*. That is why it is important that Board members not divulge either the contents of the discussion or the final decision. The only information that should be released should be in the form of a formal Board statement.

If a director discloses a confidence and the regional district suffers damages as a result, the regional district may sue the director personally to recover damages, in accordance with section 117(2) of the *Community Charter*.

### **Intergovernmental Relations**

The Board also has responsibility for intergovernmental relations. The Chair is normally the spokesperson. Designated members of the Board may carry forward particular concerns of the Regional District to other governmental agencies but only when the Board has first sanctioned such action.

At times, overtures will be made to the Provincial and Federal Governments or to Councils of member municipalities but care should be taken to ensure that the Board has been informed and consents to it before action is taken. On occasion a Director may, because of his or her political assessment of a situation, decide to make an individual representation, but such an action should only be taken in extreme circumstances. Other government agencies are well aware of the correct protocol in such situations and will not consider the representation as a statement of the Board.

## **Procedure Bylaw and Other Bylaws**

To ensure that meetings are run in an orderly and lawful manner, a procedure bylaw must be adopted. This document provides the Chair with legal authority to control meetings and procedures. Together with *Local Government Act* requirements, it helps to ensure the validity of bylaws.

Bylaws that establish services, enact regulations, adopt the annual budget, or authorize a contract or a loan, must be adopted by the Board before they can be of any force or effect. Amendments or variations to these documents can only be instituted if authorized by an amending bylaw adopted by the Board.

## **Financial Plan and Budget**

Financing the operations of the Regional District is another basic responsibility of the Board. No expenditures can be made unless they are included in the Financial Plan (budget and capital expenditures). The Board is responsible for all expenditures incurred by the Regional District. It must carefully scrutinize all of the budget items, notwithstanding that the administrative staff may have prepared the initial draft budget.

The first item to be identified under the functional portions of the budget is the preceding year's surplus or deficit if the provisions of the *Local Government Act* are to be met. The Board should be aware that the Regional District cannot budget for a deficit except for the year in which a service is established.

The Board is required to hold a Board or other public meeting by June 30 each year to present the audited financial statements of the preceding year as well as the report of the remuneration, expenses and contracts for each Board member (section 814.1).

## **Establishing Staff Positions - Hiring and Firing**

Under the *Local Government Act*, only the Board has the power to hire and fire the statutory officers whose positions are mandated by that Act – corporate administration and financial administration. This task cannot be delegated and remains the direct responsibility of the Board.

The Board may establish other positions as "officer" positions. In doing so, it invokes certain provisions of the Act that apply only to officers – oath of office requirement and termination procedures (only the Board may terminate an officer), for example.

In addition, before any hiring of other employees can be implemented, the Board is responsible for establishing those positions. The Board can delegate the hiring and firing of those employees to one or more of its senior administrators. Before making these decisions, the Board may wish to consider recommendations from administrative staff.

The termination of an officer of the regional district is the sole responsibility of the Board (Section 202). The Chair has the authority of a mayor under Section 218 of the Act to suspend an officer or employee, but his action must be reviewed by the Board and either be supported or rescinded by resolution. Promotion and discipline of non-management employees may be governed by a collective agreement under Section 200.

## **Membership of Standing and Select Committees**

Section 795(2) of the *Local Government Act* empowers the Chair to establish standing committees and appoint Directors to those committees. Usually standing committees are established at the inaugural meeting of the Board and the Chair appoints the membership at that time.

Select committees, on the other hand, are appointed by the Board (Section 795(1)) and these committees report directly to the Board.

Persons who are not directors may be appointed to standing and select committees of the Board, but at least one member of each of those committees must be a director (section 792(3) and (4)).

Standing committees may be delegated specific executive or administrative powers (Section 176(1)(e)) but such delegation must be by bylaw adopted by at least 2/3 of the votes cast. (Section 192).

### **Commissions**

The Regional Board, under Section 176(1)(g), may establish commissions to

- (i) operate services of the regional district,
- (ii) undertake operation and enforcement in relation to the board's exercise of its regulatory authority, and
- (iii) manage property or an interest in property held by the regional district.

Neither committees nor commissions can be granted budgetary authority or delegated the power to appoint, suspend or terminate Regional District Officers. (section 191)

### **Hearings**

Hearings are another responsibility of the Regional Board and it is in this area that some confusion exists as to the role of the Directors. There is a difference between a public hearing and an information meeting. Public hearings are a legal requirement at which certain rules and principles must be followed, whereas information meetings are held as desired by the Board.

A hearing is not simply a forum at which questions are posed and answers are given. As the word "hearing" implies, the Directors attend to hear representations of those interested in the subject matter and to gather information upon which to base a decision. The Board then considers the submissions, together with other pertinent information, and makes its decision. Once a hearing is held, only the information available up to the time when the hearing adjourns should be considered. If new information becomes available a further public hearing should be convened.

The rules of natural justice and procedural fairness require local governments to:

- give notice to persons affected by the proposed legislation,
- provide to such persons an opportunity to be heard,
- conduct the hearing fairly,
- act in good faith,
- act without bias,
- not discriminate without express authority,
- avoid conflicts of interest, and
- balance public and private interests.

### **Liability**

The Board is responsible for all actions that would expose the regional district to liability or court action. The validity of decision making by local government depends upon

- having statutory authority to make the decision,
- correctly following statutory procedural requirements,
- following its own procedural requirements, and
- following the rules of natural justice where property rights are affected, and the principles of Canada's Charter of Rights and Freedoms.

### **Disclosure of Gifts and Personal Benefits**

This was introduced with the Community Charter and is of great importance to all local government elected officials. Council and board members should keep track of any gifts and personal benefits received on account of their political office so they are able to comply with section 106 of the Community Charter.

#### **Community Charter**

The Community Charter contains the following rules:

A council member is **prohibited** by section 105 from accepting, directly or indirectly, a fee, gift or personal benefit connected with that member's performance of the duties of office. However, this does not apply to

- a gift or personal benefit received as an incident of the protocol or social obligations that normally accompany the responsibilities of office,
- compensation authorized by law, or
- a lawful contribution made to a member who is a candidate for election to the local government.

Certain gifts must be **disclosed** under section 106 by filing a disclosure statement with the corporate officer of the local government as soon as is reasonably practicable: where a gift or personal benefit exceeds \$250.00 or the total value of such gifts and benefits, received directly or indirectly from one source in any 12 month period, exceeds \$250.00.

Contravention of either section 105 or 106 results in the member's disqualification from holding local government office until the next general election, unless the contravention was done inadvertently or because of an error of judgment made in good faith.

#### **Reasonable Efforts to Disclose**

By keeping track of these kinds of gifts and personal benefits received, municipal councillors and regional district board members will be able to show that they used reasonable efforts to file a disclosure statement in accordance with section 106 of the Community Charter. For the purposes of section 106(1) this will require keeping a record of gifts and benefits received that individually, and collectively received from one source in a 12 month period, have a value in excess of \$250.00.

#### **Disclosure Statement**

The disclosure statement must indicate

- the nature of the gift or benefit
- the source, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation
- when it was received, and
- the circumstances under which it was given and accepted.

### **Suggested Policy: Gifts are Local Government Property**

The Community Charter does not indicate that the obligation to make the disclosure ceases to apply if the member transfers ownership of the gift to the local government.

It is possible that a local government policy that gifts are automatically the property of the local government might avoid the disclosure requirement for those gifts. Apparently, the US government has such a policy, according to news reports about the furor over the alleged removal of government property after the Clintons left office.

Of course, the policy could not be applicable to personal benefits that are capable of being used only by the original recipient or must be consumed at the time of giving, such as dinners, golf games, ski passes and the like.

### **Conflict of Interest**

Directors are governed by the rules relating to conflict of interest in Part 4, Division 6 of the *Community Charter*, which are extensive and cover such additional matters as the disclosure rules in item (l) above and restrictions on the use of insider information.

In addition to the statutory rules, there are common law rules that have evolved over a century of judgments that govern matters arising out of pecuniary and non-pecuniary conflicts of interest. This topic is too broad to include in this paper, but is one which deserves attention from directors to ensure that the rules relating to conflict of interest are respected. A failure to comply with the statutory requirements can result in the severe consequence of disqualification from office.

### **Comment**

The foregoing sums up the responsibilities of the Regional Director. Collectively, these constitute the "role" of the Regional Director, both electoral area and municipal directors. They are distinct from the role of the Regional District Officers and employees which are set out in the next section.

There are many reasons why directors should not assume the management responsibilities of the administration, and these have been discussed in various presentations by consultants and others at UBCM conferences. The key reason is that directors have a duty to formulate policy and keep their focus on policy matters and micro managing takes time away from that primary duty.

The responsibilities of a director to the director's constituents, as well as the policy formulation responsibility, are both quite time consuming, but absolutely necessary. Focusing on the policy-making role is crucial for a regional district to function as it should. If directors shift their focus to the day to day management of the regional district (the implementation of the board's policies and the overall housekeeping issues that concern the regional district's administration), then the directors will not only lose their essential focus as policy makers and political representatives, but will take away valuable time from those duties and responsibilities.

## **Responsibilities of Regional District Officers and Employees**

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### **Organizational Control and Operations**

The Regional District's Administration is commissioned with the day to day operation of the Regional District and is limited by the policies and bylaws of the Regional Board, the requirements of the *Local Government Act* and the *Community Charter* where applicable, the regional district's bylaws, Letters Patent and supplementary Letters Patent, and other relevant statutes.

The composition of the administrative organization consists of the mandatory statutory offices of Corporate and Financial Administration. The Board may also may appoint a chief administrative officer, and other employees whose positions have been established by the Regional Board. The Board is required to fill the corporate and financial offices (Sections 198 and 199). The same person may be appointed to both positions. The Board must appoint an independent auditor.

Organizational control is exercised through the bureaucratic hierarchy headed by the chief administrative officer. The flow of information from the Regional Board to staff and in turn the flow of information from staff to the Regional Board generally follows organizational lines and care should be taken to meet the formal lines of communication. This practice should not, however, prohibit the use of informal lines of communication, particularly those of Department Heads to committees of the Board or to the Board itself, if the occasion warrants.

Organizational control should be exercised in such a way as to be certain that everyone in authority is aware of all available information, resulting in adherence to the policies of the Board and consistent enforcement of bylaws. The administration is responsible for keeping the Board informed, as well as keeping its staff up to date on policy.

Formal evaluation of employees should be instituted to ensure consistent performance of the work assigned. The information gathered can be useful in upgrading an employee's work performance and identifying substandard performance. In today's work place, if an employee is to be dismissed for non-performance, the work history of that employee should be fully documented. If not, upon dismissal the employee could demand a substantial severance payment.

In addition, to ensure that employees are aware of their job requirements, a general job description for each position may be compiled. Fair and objective evaluation of an employee's performance is difficult to establish otherwise. Job descriptions also make it easier to establish a formal organizational chart, which in turn assists the employee in identifying the employee's role within the hierarchy and prevents end running of supervisors. This kind of objectivity in the organizational framework and control may even contribute to better morale.

### **Administration of Bylaws**

The chief administrative officer and the corporate administrator should make sure that they are aware of the requirements of the procedure bylaws and parliamentary procedures, in case they are called upon to advise the Chair and the Board on procedural matters during a Board meeting. Failure to provide accurate procedural advice could result in a successful court challenge of a decision made by the Board.

Once regulatory bylaws are adopted by the Board, the day to day administration of the bylaws is the responsibility of the administration. Building Inspectors, Bylaw Enforcement Officers, Animal Control Officers and other specific officials are charged with the day to day administration of the bylaws that are under their jurisdiction. They have no authority to waive or lessen the

requirements in order to accommodate special circumstances. If the bylaws are not suitable, then formal amendments should be submitted to the Regional Board for consideration. The Board is ultimately responsible to ensure that the enforcement of the regulations occurs only through legal processes and not through political pressure.

Coupled with the responsibility to administer bylaws, the administration is also responsible for drafting bylaws for the consideration of the Board. All draft bylaws should be accompanied by comprehensive reports that identify the relevant legislative authority and all information available on the subject matter so that the Board can make an informed decision.

In most instances legal advice should be sought both on the terminology in the bylaw and on the legal ramifications of implementing the regulations. Failure to research all known facets of the subject matter could result in a successful challenge in the courts with part or all of the bylaw being quashed. This is where the old adage "an ounce of prevention is worth a pound of cure" is very apt.

### **Administration of Financial Plans (Budgets)**

One of the most fundamental duties of the administration lies in the area of financial responsibility. The Regional District cannot operate successfully without adequate financial controls. The basic control tool is the Financial Plan, including the Provisional Budget, Annual Budget and the Capital Expenditure Plan. While the adoption of the Plan is the responsibility of the Regional Board, the preparation of the initial document is the responsibility of the administration.

Under the *Local Government Act*, the Regional Board must adopt a Financial Plan by March 31 (Section 815) annually by bylaw for a planning period of 5 years. The Board is required to undertake a process of public consultation regarding the proposed Plan before it is adopted (section 816).

In preparing the Plan, the administration must keep in mind the legislative limitations; limitations set out in establishing bylaws; supplementary Letters Patent, where applicable; and specified area bylaws. Each service should be identified separately in the budget and funds may not be transferred from one service to another (Section 814).

The financial needs of each service should be thoroughly researched and the financial picture reflected in the draft Plan should be accurately presented. When the Plan is forwarded to the Regional Board, all background information should be made available. The final Plan will, of course, reflect both technical and political needs.

Once the Financial Plan is adopted, the administration's responsibility is to operate the Regional District within the financial limitations set out in the Plan. If changes are required the Board should be advised and formal amendments made.

The administration is required to keep adequate records of all financial transactions subject to audit. The financial administrator is the statutory officer charged with the duties of administering the financial area of responsibility (Section 199).

The Financial Plan includes the long term (5 years) capital expenditure program for each service. Preparation of a capital program in a regional district is more difficult than in a municipality. The reason is the Regional Board is expected to respond to requests rather than initiate projects as Councils do. Nevertheless, the program should as accurately as possible identify the long term capital needs that the Regional District as a whole may be expected to carry.

The administration, as with the current budget part of the Plan, should prepare a preliminary Capital Expenditure Program for the Regional Board's consideration based on the best knowledge available. The final document, once adopted by the Board as part of the Financial Plan, will reflect both technical and political considerations.

After the Financial Plan is adopted, the designated regional district officer is required, on or before April 10, to deliver to each member municipality a requisition stating the amount required from that member for the year (Section 805). For the amount required by the electoral areas, the requisition is sent to the Inspector of Municipalities. The Inspector, upon being satisfied that the requisition is in order, forwards the requisition or amended requisition to the Minister of Finance, whose Surveyor of Taxes will levy the required taxes on properties in the electoral areas.

### **Duties and Responsibilities of the Auditor**

The appointment of the Auditor is a statutory requirement. The Regional Board is responsible for the appointment (Section 814 and 331) and the duties of the Auditor are found in Division 2 of Part 6 of the *Community Charter*. The Board is required to hold a Board or other public meeting by June 30 each year to present the audited financial statements of the preceding year.

### **Policy Implementation**

The Regional Board will from time to time give policy direction in its areas of responsibility. The administration has the responsibility of seeing that the policies are carried out and also the duty to make sure that all members of staff are aware of the current policies. Failure to make reference to current policies can lead to misinformation of the public and costly errors. Inadequate communication can be identified as one of the most common faults in many administrations.

### **Recommendations and Reports to Board**

Another basic responsibility of Administration is to compile reports and make recommendations on all subjects that are to be considered by the Board. Reports on matters relating to services should be fully researched and contain information, where applicable, in the areas of administration, finance, engineering, and land use planning. When available information has been compiled, the reports should identify all known alternative solutions and recommendations should be made accordingly.

Reams of information with no concise summary or recommendations are of little value to the Directors in making the final decision and giving policy direction. The success of a project often depends upon the accuracy of the information provided and the assessment of the information contained in the recommendations.

### **Informing the Board**

Last but not least, the administration is responsible for keeping the Regional Board informed on the progress of all regional matters. One of the best ways to meet that need is to prepare monthly reports to update the Directors on the events that have taken place during the month. While these reports are being prepared, senior staff have an opportunity to assess the progress that has been made from the month before and to institute remedies where progress has not been satisfactory. The Board, on receiving the information, is also in a better position to determine whether or not political ends are being met and existing policies are adequate. Administrators should remember that the final responsibility for all matters rests with the Board and that good decisions are usually informed decisions.

**Comment**

From the foregoing you can see that the administration, like the Board, has a great deal of work to do in their respective areas of responsibility. Experts in the fields of local government policy and administration are unanimously agreed that the roles of policy makers and administrators should be kept separate.

This Act is current to November 27, 2019

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

## **LOCAL ELECTIONS CAMPAIGN FINANCING ACT**

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

*Assented to May 29, 2014*

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

### Assent voting to which this Act applies

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

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

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

### Definitions and other interpretation rules

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

## Division 2 — Key Concepts

### What is the election campaign of a candidate

- 4** (1) An election campaign of a candidate is a campaign, undertaken by or on behalf of the candidate in relation to an election in which the individual is or intends to be a candidate, for any of the following purposes:
- (a) to promote, directly or indirectly, the election of the candidate;
  - (b) to oppose, directly or indirectly, the election of any other candidate in the same election;
  - (c) to promote, directly or indirectly, the selection of the candidate for endorsement by an elector organization;
  - (d) to promote, directly or indirectly, the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement;
  - (e) to oppose, directly or indirectly, an elector organization that is endorsing any other candidate in the same election;
  - (f) to oppose, directly or indirectly, the selection of another individual for endorsement, in relation to the same election, by the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement.
- (2) If an individual is a candidate in relation to multiple elections that are being held at the same time, election campaigning of the candidate in relation to each of those elections is considered for purposes of this Act to be a separate election campaign.

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

- 5** (1) An election campaign of an elector organization is a campaign, undertaken by or on behalf of the elector organization in relation to one or more elections, being held at the same time for the same jurisdiction, in which the elector organization is endorsing or intends to endorse a candidate, for any of the following purposes:
- (a) to promote, directly or indirectly, the elector organization;
  - (b) to promote, directly or indirectly, the election of a candidate endorsed or intended to be endorsed by the elector organization;
  - (c) to oppose, directly or indirectly, the election of a candidate in the same election who is not endorsed by the elector organization;
  - (d) to oppose, directly or indirectly, another elector organization in relation to the same election or another election for the same jurisdiction that is being held at the same time;
  - (e) to oppose, directly or indirectly, the selection of an individual to be endorsed by another elector organization in relation to an election referred to in paragraph (d).
- (2) If an elector organization is endorsing candidates or intends to endorse candidates in elections for more than one jurisdiction that are being held at the

same time, election campaigning of the elector organization in relation to each of the jurisdictions is considered for purposes of this Act to be a separate election campaign.

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

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

### **What is election advertising**

- 7** (1) Subject to subsection (2), election advertising is the transmission to the public by any means, during the campaign period for an election, of any of the following:
- (a) a communication that promotes or opposes, directly or indirectly,
    - (i) the election of a candidate, or
    - (ii) an elector organization that is endorsing a candidate or is an established elector organization,
 including a communication that takes a position on an issue with which the candidate or elector organization is associated;
  - (b) assent voting advertising that is election advertising under section 8 (3) [*assent voting advertising that is election advertising*];
  - (c) any other communications prescribed by regulation.
- (2) Subject to any applicable regulations, election advertising does not include the following:
- (a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;
  - (b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be an election or assent voting;
  - (c) the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization;
  - (d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging,

of his or her personal views;

(e) any other transmissions prescribed by regulation.

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

- 8** (1) Subject to subsection (5), assent voting advertising is the transmission to the public by any means, during the following applicable period, of a communication that promotes or opposes, directly or indirectly, a particular result in the assent voting:
- (a) in the case of assent voting that is relevant to an election, the campaign period for that election;
  - (b) in the case of other assent voting, the assent voting proceedings period.
- (2) Assent voting is relevant to an election if the assent voting is being held
- (a) at the same time as the election, and
  - (b) for the same jurisdiction as that election or for a voting area that is all or part of the same jurisdiction.
- (3) Assent voting advertising that is relevant to an election is election advertising.
- (4) Assent voting advertising that is not relevant to an election is non-election assent voting advertising.
- (5) Subject to any applicable regulations, assent voting advertising does not include the following:
- (a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;
  - (b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be assent voting;
  - (c) the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization;
  - (d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging, of his or her personal views;
  - (e) any other transmissions prescribed by regulation.

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

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

- (a) if the service of transmitting the communication to the public is provided without charge
  - (i) as a campaign contribution, or any other form of contribution, to a candidate or elector organization, or
  - (ii) as a sponsorship contribution, or any other form of contribution, to a third party sponsor in relation to election advertising or to an assent voting advertising sponsor in relation to non-election assent voting advertising,
 the individual or organization to which the service is provided;
- (b) if the service of transmitting the communication to the public is provided with charge, the individual or organization that pays or is liable to pay for the communication to be transmitted.
- (c) [Repealed 2017-21-2.]

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

### **Election, campaign and assent voting proceedings period**

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

- (a) begins, as applicable,
  - (i) in the case of an election that is part of a general local election, at the start of the calendar year in which the election is held,
  - (ii) in the case of a by-election, on the day the local authority office that is to be filled by the by-election becomes vacant, or
  - (iii) in the case of any other election, on the date specified by or determined under the regulations, and
- (b) ends at the beginning of the campaign period for the election.

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

- (a) begins on the 28th day before general voting day for the election, and
- (b) ends, as applicable,
  - (i) in the case of an election by voting, at the close of general voting for the election, or
  - (ii) in the case of an election by acclamation, at the end of general voting day.

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

- (a) begins on the 28th day before general voting day for the assent voting, and
- (b) ends at the close of general voting for the assent voting.

## **What is third party advertising**

- 11** Third party advertising is election advertising, other than election advertising sponsored
- (a) by a candidate as part of the candidate's election campaign, or
  - (b) by an elector organization as part of the elector organization's election campaign.

## **Types of third party advertising — issue advertising and directed advertising**

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

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

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

#### **Campaign contributions to candidate and elector organization generally**

- 13** (1) Subject to this section and any applicable regulations, the following are campaign contributions:
- (a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to a candidate or elector organization for campaign use;
  - (b) if property or services are provided at less than market value to a candidate or elector organization for campaign use, the difference between the market value of the property or services at the time provided and the amount charged;
  - (c) if

- (i) a candidate or elector organization offers property or services for the purpose of obtaining funds for campaign use, and
  - (ii) the property or services are acquired from the candidate or elector organization at greater than market value,
- the difference between the market value of the property or services at the time acquired and the amount charged;
- (d) the amount of any money provided by a candidate for use in the candidate's own campaign;
  - (e) [Repealed 2017-21-3.]
  - (f) the amount of any money provided to an elector organization by an individual who is seeking endorsement by that elector organization, other than money provided by way of transfer under section 23 (4) (b) [*candidate transfers before endorsement*];
  - (g) membership fees for an established elector organization;
  - (h) the unpaid amount of a debt, other than a debt arising from a loan, in relation to an election expense, if
    - (i) the candidate or elector organization is liable for payment in relation to the election expense,
    - (ii) any part of that debt remains unpaid for 6 months after the debt has become due, and
    - (iii) no legal proceedings to recover the debt have been commenced by the creditor;
  - (i) any other provision of property or services prescribed by regulation.
- (2) For certainty, this section applies to the provision of property or services to a candidate or elector organization whether the provision was before or after the start of a campaign period.
- (3) For certainty, nothing in subsection (1) (h) affects the rights of a creditor in relation to a debt that becomes a campaign contribution under that subsection.
- (3.1) If the unpaid amount of a debt referred to in subsection (1) (h) of this section
- (a) is payable to an organization or an individual, other than an eligible individual, and
  - (b) becomes a campaign contribution under that subsection,
- section 28 [*dealing with prohibited campaign contributions*] applies as if the unpaid amount of the debt were a campaign contribution made or accepted in contravention of this Act or the regulations under this Act.
- (3.2) The unpaid amount of a debt referred to in subsection (1) (h) becomes a campaign contribution under that subsection in the calendar year in which the debt arises.
- (4) For purposes of this Act, property or services are considered to be provided for campaign use if they are provided

- (a) to a candidate for use in the election campaign of the candidate or towards the election expenses of such a campaign, or
  - (b) to an elector organization for use in an election campaign of the elector organization or towards the election expenses of such a campaign.
- (5) Subject to any applicable regulations, the value of the following is not a campaign contribution:
- (a) services provided by a volunteer;
  - (b) non-monetary property of a volunteer that is provided or used in relation to services of the individual;
  - (b.1) non-monetary property or services provided by a candidate for use in the candidate's own campaign;
  - (b.2) non-monetary property or services provided by an elector organization for use in the organization's own campaign;
  - (c) property or services provided by an election official, or by the BC chief electoral officer, in the official capacity of the election official or BC chief electoral officer;
  - (d) publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program;
  - (e) broadcasting time provided, without charge, as part of a bona fide public affairs program;
  - (f) producing, promoting or distributing a publication for no less than its market value, if the publication was planned to be sold whether or not there was to be an election;
  - (g) any other property or services prescribed by regulation.
- (6) Subject to any applicable regulations, the value of the following is not a campaign contribution, but must be disclosed in accordance with the requirements under Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 [*Transparency Requirements for Local Elections and Assent Voting*]:
- (a) in relation to transfers of property or provision of services between a candidate and an elector organization,
    - (i) transfers from campaign accounts under section 23 [*campaign transfers between candidates and elector organizations*],
    - (ii) the provision of non-monetary property or services by a candidate to the elector organization that is endorsing the candidate, and
    - (iii) the provision of non-monetary property or services by an elector organization to a candidate who is endorsed by the elector organization;

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

### **Campaign contributions through fundraising functions**

- 13.01** (1) An organization or an individual, other than an eligible individual, must not pay a charge per individual for a fundraising function.
- (2) If an eligible individual makes a payment of greater than \$50 for one or more charges per individual for a fundraising function, the amount of the payment is a campaign contribution by the eligible individual.
- (3) An individual or organization that contravenes subsection (1) commits an offence.

### **Campaign contributions through loans**

- 13.02** (1) Subject to any applicable regulations, a permissible loan made to a candidate or elector organization is not a campaign contribution, but
- (a) the loan must be disclosed in accordance with the requirements under Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 [*Transparency Requirements for Local Elections and Assent Voting*], and
  - (b) if the loan is made by an eligible individual, it must be treated as if it were a campaign contribution for the purpose of determining whether the eligible individual exceeds an applicable campaign contribution limit.
- (2) Despite subsection (1), the unpaid amount of a permissible loan made by an eligible individual to a candidate or elector organization is a campaign contribution in the calendar year in which the loan is made if
- (a) that part of the loan remains unpaid for 6 months after it becomes due and no legal proceedings to recover the loan have been commenced by the eligible individual, or
  - (b) the eligible individual forgives that part of the loan.
- (3) Despite subsection (1), the unpaid amount of a permissible loan made by a savings institution to a candidate or elector organization is a campaign contribution in the calendar year in which the loan is made if the savings institution does not make commercially reasonable efforts to collect or enforce that part of the loan.

- (4) In the circumstances described in subsection (3), section 28 [*dealing with prohibited campaign contributions*] applies as if the unpaid amount of the loan were a campaign contribution made or accepted in contravention of this Act or the regulations under this Act.
- (5) For certainty, nothing in subsection (2) or (3) affects the rights of a creditor in relation to a permissible loan that becomes a campaign contribution under those subsections.

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

- 14** (1) Subject to this section and any applicable regulations, an election expense in relation to an election is the value of property or services used in an election campaign.
- (2) As applicable,
- (a) the value of property or services used as referred to in subsection (1) in the election campaign of a candidate is an election expense of the candidate, and
  - (b) the value of property or services used as referred to in subsection (1) in the election campaign of an elector organization is an election expense of the elector organization.
- (3) For purposes of this Act, if a candidate sponsors assent voting advertising that is relevant to the election in which the individual is a candidate, the assent voting advertising is considered to be election advertising sponsored by the candidate as part of the candidate's election campaign and its value is an election expense of the candidate.
- (4) For purposes of this Act, if an elector organization sponsors assent voting advertising that is relevant to an election in which the organization is endorsing a candidate, the assent voting advertising is considered to be election advertising sponsored by the elector organization as part of the elector organization's election campaign and its value is an election expense of the elector organization.
- (5) Subject to any applicable regulations, the value of the use of the following is not an election expense:
- (a) property or services that are excluded from being campaign contributions under section 13 (5) [*exclusions from campaign contributions*];
  - (b) if applicable, the nomination deposit of a candidate;
  - (c) services provided by a candidate in relation to that individual's election campaign;
  - (d) goods produced by a candidate from property of the candidate;
  - (e) goods produced by an individual as a volunteer from property of the individual;

- (f) any other property or services prescribed by regulation.
- (6) Subject to any applicable regulations, the value of each of the following is not an election expense, but must be disclosed in accordance with Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 [*Transparency Requirements for Local Elections and Assent Voting*]:
- (a) personal election expenses within the meaning of subsection (7) in relation to a candidate;
  - (b) legal or accounting services provided to comply with this Act and the regulations under this Act;
  - (c) services provided by a financial agent in that capacity;
  - (d) the cost of any communication that an elector organization transmits exclusively to its members;
  - (e) property and services used exclusively for the day-to-day administration of an elector organization office that operates on a continuing basis outside of campaign periods or election periods, including salaries and wages paid by the elector organization to its permanent staff;
  - (f) interest on a permissible loan to a candidate or elector organization for election period expenses or campaign period expenses;
  - (g) any other expenses prescribed by regulation.
- (7) The following expenses, if they are reasonable, are personal election expenses in relation to a candidate:
- (a) payments for care of a child or other family member for whom the candidate is normally directly responsible;
  - (b) the cost of the candidate travelling to, within or from the election area;
  - (c) the cost of lodging, meals and incidental charges in relation to the candidate while travelling as referred to in paragraph (b);
  - (d) expenses in relation to any disability of the candidate, including the costs in relation to any individual the candidate requires to assist the candidate in performing the functions necessary for seeking election;
  - (e) any other expenses prescribed by regulation in relation to candidates.

### **What are election period and campaign period expenses**

**15** Subject to any applicable regulations,

- (a) an election period expense in relation to an election is an election expense that is incurred during the election period, and
- (b) a campaign period expense in relation to an election is an election expense that is incurred during the campaign period.

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

**16** (1) Subject to any applicable regulations, the rules in this section apply for the purpose of determining the value of a campaign contribution or of an election expense unless otherwise expressly provided under this Act.

(2) The value of any property or services is

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

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

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

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

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

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

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

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

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

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

(c) other election advertising prescribed by regulation.

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

## **Division 2 — Campaign Accounting**

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

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

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

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

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

(a) be made in writing,

(b) include

- (i) the full name of the individual appointed,
  - (ii) the effective date of the appointment, and
  - (iii) the required contact information for the individual,
- (c) be signed by the candidate, and
  - (d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.
- (5) If the nomination documents for a candidate identify an appointed financial agent for a candidate, the candidate must deliver the following to the local election officer before the end of the nomination period:
- (a) a copy of the financial agent's appointment;
  - (b) a copy of the financial agent's consent to act;
  - (c) any other information or material required by regulation.
- (6) A candidate or the candidate's financial agent must, as soon as practicable, provide updated information and material in accordance with the applicable requirements under subsections (4) and (5) if there is any change in who is the financial agent for the candidate or in other information or material that is required to be provided under this section.
- (7) Updated information or material required under subsection (6) must be provided as follows:
- (a) to the local election officer, if the change occurs before the declaration of the results of the election;
  - (b) to the BC chief electoral officer, if the change occurs after the declaration of those results.
- (8) For certainty,
- (a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and
  - (b) the financial agent for a candidate may also be the official agent for the candidate.
- (9) A financial agent appointed for a candidate is not personally liable for any liability of the candidate in relation to the election campaign of the candidate unless the liability is personally guaranteed by the financial agent.
- (10) A candidate who contravenes this section commits an offence.

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

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

- (2) The financial agent for the candidate must open one or more campaign accounts at a savings institution by the earliest of the following:
- (a) as soon as practicable after the financial agent receives a campaign contribution of money;
  - (b) before receiving a transfer of money under section 23 [*campaign transfers between candidates and elector organizations*];
  - (c) before receiving payment of money under section 24 (5) (a) [*candidate surplus carried over to next election*];
  - (d) before becoming liable for payment in relation to an election expense or intended election expense of the candidate.
- (3) A campaign account under this section
- (a) must be in the name of the election campaign of the candidate,
  - (b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and
  - (c) must not receive deposits other than those required or permitted under this section.
- (4) The financial agent must ensure that
- (a) all campaign contributions, transfers and payments received as referred to in subsection (2) (a) to (c) are deposited into a campaign account of the candidate,
  - (b) the only amounts deposited into a campaign account of the candidate are amounts permitted to be deposited under this section,
  - (c) all payments referred to in subsection (2) (d) are paid, directly or by reimbursement, from a campaign account of the candidate, and
  - (d) a campaign account of the candidate is not used for any purpose other than one permitted under this section.
- (5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:
- (a) if applicable, payment of the candidate's nomination deposit;
  - (b) if the candidate has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;
  - (c) [Repealed 2017-21-6.]
  - (d) making a transfer of money under section 23 [*campaign transfers between candidates and elector organizations*];
  - (e) making payments referred to in or authorized under section 24 [*what happens if a candidate has surplus campaign funds*];

- (f) making payments required under section 28 [*dealing with prohibited campaign contributions*];
  - (g) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the candidate's campaign;
  - (g.1) making payments on a permissible loan;
  - (h) any other purpose permitted by regulation.
- (6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the candidate:
- (a) interest on amounts on deposit in the campaign account;
  - (a.1) a permissible loan;
  - (b) any other deposits permitted by regulation.
- (7) A candidate or financial agent who contravenes this section commits an offence.

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

- 19** (1) An elector organization must have an individual appointed as financial agent for the organization in accordance with this section by the earliest of the following:
- (a) before accepting a campaign contribution;
  - (b) before incurring an election expense;
  - (c) before becoming liable for payment in relation to an election expense or intended election expense;
  - (d) before accepting a transfer from a candidate under section 23 [*campaign transfers between candidates and elector organizations*].
- (2) An elector organization may not have more than one financial agent at the same time.
- (3) The appointment of a financial agent for an elector organization must
- (a) be made in writing,
  - (b) include
    - (i) the full name of the individual appointed,
    - (ii) the effective date of the appointment, and
    - (iii) the required contact information for the individual,
  - (c) be signed by the authorized principal official of the elector organization, and
  - (d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.

- (4) An elector organization that is proposing to endorse a candidate must deliver the following to the local election officer before the end of the applicable nomination period:
  - (a) a copy of the financial agent's appointment;
  - (b) a copy of the financial agent's consent to act;
  - (c) any other information or material required by regulation.
- (5) If the individual appointed as financial agent resigns, dies or no longer has the capacity to act as financial agent, the elector organization must appoint a new financial agent as soon as possible.
- (6) An elector organization or the elector organization's financial agent must, as soon as practicable, provide updated information and material in accordance with the applicable requirements under subsections (3) and (4) if there is any change in who is the financial agent for the elector organization or in other information or material that is required to be provided under this section.
- (7) Updated information or material required under subsection (6) must be provided as follows:
  - (a) to the local election officer, if the change occurs before the end of general voting day for the applicable election or elections;
  - (b) to the BC chief electoral officer, if the change occurs after that general voting day.
- (8) For certainty,
  - (a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and
  - (b) a responsible principal official of an elector organization may be the financial agent for the organization.
- (9) A financial agent for an elector organization is not personally liable for any liability of the elector organization in relation to the election campaign of the elector organization unless the liability is personally guaranteed by the financial agent.
- (10) For certainty, the individual most recently appointed as financial agent for an elector organization has the responsibilities of that position under this Act.
- (11) An elector organization that contravenes this section commits an offence.

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

- 20** (1) An elector organization must have at least one campaign account for each election campaign of the elector organization, established in accordance with this section, if any of the circumstances described in subsection (2) apply.
- (2) The financial agent for the elector organization must open one or more campaign accounts at a savings institution by the earliest of the following:

- (a) as soon as practicable after the financial agent receives a campaign contribution of money;
  - (b) before receiving a transfer of money to the elector organization under section 23 [*campaign transfers between candidates and elector organizations*];
  - (c) before becoming liable for payment in relation to an election expense or intended election expense of the elector organization.
- (3) A campaign account under this section
- (a) must be in the name of the election campaign of the elector organization,
  - (b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and
  - (c) must not receive deposits other than those required or permitted under this section.
- (4) The financial agent must ensure that
- (a) all campaign contributions and transfers received as referred to in subsection (2) (a) or (b) are deposited into a campaign account of the elector organization,
  - (b) the only amounts deposited into a campaign account of the elector organization are amounts permitted to be deposited under this section,
  - (c) all payments referred to in subsection (2) (c) are paid, directly or by reimbursement, from a campaign account of the elector organization, and
  - (d) a campaign account of the elector organization is not used for any purpose other than one permitted under this section.
- (5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:
- (a) if the elector organization has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;
  - (b) [Repealed 2017-21-7.]
  - (c) making a transfer or payment under section 23 [*campaign transfers between candidates and elector organizations*];
  - (d) making payments and transfers referred to in and payments under section 25 [*what happens if an elector organization has surplus campaign funds*];
  - (e) making payments required under section 28 [*dealing with prohibited campaign contributions*];

- (f) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the elector organization's campaign;
  - (f.1) making payments on a permissible loan;
  - (g) any other purpose permitted by regulation.
- (6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the elector organization:
- (a) interest on amounts on deposit in the campaign account;
  - (a.1) a permissible loan;
  - (b) any other deposits permitted by regulation.
- (7) An elector organization or financial agent who contravenes this section commits an offence.

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

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

- (a) must have at least 2 principal officials of the elector organization who have consented to be responsible principal officials of the organization, and
  - (b) must have one of those responsible principal officials designated as the authorized principal official who is to
    - (i) make declarations required under this Act or other local elections legislation in relation to the elector organization, and
    - (ii) retain records as required under section 22.
- (2) For the endorsement documents of an elector organization to be accepted for filing, the elector organization must provide the following to the local election officer before the end of the nomination period:
- (a) the name, required contact information and address for service of the authorized principal official of the elector organization;
  - (b) the name, mailing address and address for service of each of the other responsible principal officials of the elector organization;
  - (c) signed consents of the responsible principal officials to act as responsible principal officials and, as applicable, as the authorized principal official of the elector organization.
- (3) The updating obligations under section 19 (6) and (7) [*updating obligations in relation to financial agent*] apply in relation to any change in who are the responsible principal officials of an elector organization, in who is the authorized principal official of an elector organization or in other information or material that is required to be provided under subsection (2).

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

### **Recording requirements for candidates and elector organizations**

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

(1.1) Without limiting subsection (1), the financial agent must record the following in relation to a permissible loan made to the candidate or elector organization, as applicable:

- (a) if the loan is made by an eligible individual, the full name and residential address of the eligible individual;
- (b) if the loan is made by a savings institution, the name of the savings institution;
- (c) the amount of the loan;
- (d) the date the loan is made;
- (e) the date the loan is due;
- (f) the rate of interest, if any, charged for the loan;
- (g) if the loan is made by a savings institution, the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed;
- (h) any other information prescribed by regulation.

(1.2) Without limiting subsection (1), if the financial agent for an elector organization or a financial agent for a candidate must comply with section 30.05 [*campaign contribution limits — elector organization and endorsed candidates*], the financial agent must record the following:

- (a) the date the financial agent for an elector organization returned a campaign contribution to a contributor under section 30.05 (5) (a), the amount of the campaign contribution and the full name of the contributor;
- (b) the date the financial agent for an elector organization paid an amount equal to the value of a campaign contribution to a contributor under section 30.05 (5) (b), the amount paid and the full name of the contributor;
- (c) the date the financial agent for an elector organization paid an amount of a permissible loan to a lender under section 30.05 (5) (c), the amount of the permissible loan paid and, if the lender is an eligible individual, the full name of the lender;

- (d) the date the financial agent for a candidate returned a campaign contribution to a contributor under section 30.05 (7) (a), the amount of the campaign contribution and the full name of the contributor;
  - (e) the date the financial agent for a candidate paid an amount equal to the value of a campaign contribution to a contributor under section 30.05 (7) (b), the amount paid and the full name of the contributor;
  - (f) the date the financial agent for a candidate paid an amount of a permissible loan to a lender under section 30.05 (7) (c), the amount of the permissible loan paid and, if the lender is an eligible individual, the full name of the lender;
  - (g) any other information prescribed by regulation.
- (2) Without limiting subsection (1), the financial agent must record the following:
- (a) for each campaign contribution received by the candidate or elector organization, the information required under section 29 [*campaign contribution information that must be recorded*];
  - (b) for each transfer between accounts of the candidate or elector organization under section 18 (5) (b) [*transfer between candidate accounts*] or 20 (5) (a) [*transfer between elector organization accounts*], the accounts involved in the transfer and the amount and date of the transfer;
  - (c) for each transfer from the candidate or elector organization under section 23 [*campaign transfers between candidates and elector organizations*], the amount, date and recipient of the transfer;
  - (d) for each transfer received by the candidate or elector organization under section 23 [*campaign transfers between candidates and elector organizations*], the amount, date and source of the transfer;
  - (e) for each provision of property or services under section 13 (6) (a) (ii) [*candidate provision to elector organization*], received by an elector organization, the candidate providing the property or services, the description of the property or services and the date the property or services are provided;
  - (f) for each provision of property or services under section 13 (6) (a) (iii) [*elector organization provision to candidate*], received by a candidate, the elector organization providing the property or services, a description of the property or services and the date the property or services are provided;
  - (g) any other information required by regulation.
- (3) The recording, maintenance and retention of records under this section and related receipts must be done in accordance with any requirements established by regulation.
- (4) The records and material required under this section must be retained as follows:

- (a) records and material for a candidate must be retained in British Columbia
    - (i) by the financial agent until all disclosure requirements under this Act in relation to the candidate have been fulfilled, and
    - (ii) after those disclosure requirements have been fulfilled, by the candidate until 5 years after general voting day for the election to which the records and material relate;
  - (b) records and material for an elector organization must be retained in British Columbia
    - (i) by the financial agent until all elector organization disclosure requirements under this Act in relation to the applicable elections have been fulfilled, and
    - (ii) after those disclosure requirements have been fulfilled, by the authorized principal official of the elector organization until 5 years after general voting day for the election or elections to which the records and material relate.
- (5) A financial agent, candidate or authorized principal official that contravenes this section commits an offence.

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

- 23** (1) A candidate who is endorsed by an elector organization may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.
- (2) An elector organization that endorses a candidate may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate.
- (3) For certainty, a transfer between a candidate and an endorsing elector organization under subsection (1) or (2) may be made after the end of the campaign period for the election.
- (4) If a candidate is seeking endorsement by an elector organization,
- (a) the elector organization may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate, and
  - (b) the candidate may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.
- (5) If an amount is transferred under subsection (4) (b) and the candidate is not endorsed by the elector organization, an amount equal to the amount transferred must be returned to the candidate from the campaign account of the elector organization.
- (6) [Repealed 2017-21-9.]

- (7) An elector organization that contravenes subsection (5) commits an offence.

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

- 24** (1) This section applies if, after an election, there is a balance remaining in a campaign account of a candidate after
- (a) payment of liabilities in relation to the candidate's election expenses and any other reasonable expenses incidental to the candidate's election campaign, and
  - (b) any transfers under section 23 [*campaign transfers between candidates and elector organizations*].
- (2) If the candidate made one or more campaign contributions of money to his or her election campaign, to the extent that the total balance remaining in the campaign accounts of the candidate after payments or transfers referred to in subsection (1) permits this, the financial agent may pay an amount equal to those campaign contributions to the candidate.
- (3) If, after any payment under subsection (2), the total balance remaining in the campaign accounts of the candidate is less than \$500, the financial agent must pay the balance to the candidate or in accordance with the directions of the candidate.
- (4) If, after any payment under subsection (2), the total balance remaining in the campaign accounts of the candidate is \$500 or more, the financial agent must pay the balance as soon as practicable to the jurisdiction in relation to which the election was held.
- (5) Funds received by a jurisdiction under subsection (4), including accumulated interest, must be held in trust by the jurisdiction to be dealt with as follows:
- (a) if the candidate referred to in that subsection is declared a candidate in an election for that jurisdiction in the next general local election, or in a by-election for the jurisdiction called before that time, the jurisdiction must pay the funds to the financial agent for the candidate for use in the election;
  - (b) if the funds are not paid out under paragraph (a), the funds cease to be trust funds and become funds of that jurisdiction for use in the discretion of the local authority.
- (6) A financial agent who contravenes this section commits an offence.

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

- 25** If there is a balance remaining in a campaign account of an elector organization after an election and after
- (a) the payment of the elector organization's election expenses and any other reasonable expenses incidental to the elector organization's election campaign, and

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

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

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

#### **Restrictions on making campaign contributions**

**26** (0.1) An organization or an individual, other than an eligible individual, must not make a campaign contribution.

(1) An eligible individual must not do any of the following:

- (a) make a campaign contribution to a candidate or elector organization other than by making it to the financial agent or an individual authorized in writing by the financial agent to receive such contributions;
- (b) make an anonymous campaign contribution that has a value of more than \$50;
- (c) make a number of anonymous campaign contributions to the same candidate in relation to one or more election campaigns of the candidate for elections that are being held at the same time if, in total, the campaign contributions would be equal in value to more than \$50;
- (d) make a number of anonymous campaign contributions to the same elector organization in relation to one or more election campaigns of the elector organization for elections that are being held at the same time if, in total, the campaign contributions would be equal in value to more than \$50;
- (e) make a campaign contribution, other than an anonymous campaign contribution that is permitted under this Act, without disclosing to the individual receiving the campaign contribution the information required to be recorded under section 29 [*campaign contribution information that must be recorded*];
- (f) make a campaign contribution with money, non-monetary property or services of another individual or organization.
- (g) [Repealed 2017-21-10.]

(1.1) An eligible individual must not make campaign contributions in a calendar year that, in total, exceed an applicable campaign contribution limit.

(2) An elector organization must not make a campaign contribution of money to its own campaign or to the campaign of a candidate who is or is intended to be endorsed by the elector organization.

- (2.01) An individual or organization must not make a campaign contribution indirectly by providing money, non-monetary property or services to an eligible individual
- (a) for the eligible individual to make as a campaign contribution, or
  - (b) as consideration for that eligible individual making a campaign contribution.
- (3) An individual or organization that contravenes this section commits an offence.

### **Restrictions in relation to accepting campaign contributions**

**27** (1) A candidate or elector organization must not accept campaign contributions except through

- (a) the financial agent for the candidate or elector organization, or
- (b) an individual authorized in writing by that financial agent.

(1.01) A financial agent or an individual authorized under subsection (1) must not accept

- (a) a campaign contribution from an organization or an individual, other than an eligible individual, or
- (b) campaign contributions from an eligible individual that exceed an applicable campaign contribution limit.

(2) A financial agent or individual authorized as referred to in subsection (1) must not accept

- (a) a campaign contribution for which the information required to be recorded under section 29 [*campaign contribution information that must be recorded*] has not been provided, or
- (b) any other campaign contribution that the individual or organization has reason to believe is made in contravention of this Act or the regulations under this Act.

(3) If an individual authorized as referred to in subsection (1) becomes aware that a campaign contribution may have been made in contravention of this Act or the regulations under this Act, the individual must inform the financial agent as soon as practicable.

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

### **Restrictions on making loans for campaign use**

**27.01** (1) Subject to this section, an individual or organization must not make a loan to a candidate or elector organization for campaign use.

(2) A savings institution or an eligible individual must not make a loan, other than a permissible loan, to a candidate or elector organization for campaign use.

(3) An eligible individual must not make a permissible loan to a candidate or elector organization for campaign use in an amount that would bring the total

value of campaign contributions and permissible loans made by the eligible individual to an amount greater than an applicable campaign contribution limit.

- (4) For certainty, this section applies whether the permissible loan is made or accepted before or after the start of a campaign period.
- (5) An individual or organization that contravenes this section commits an offence.

### **Restrictions in relation to accepting loans for campaign use**

**27.02** (1) A candidate or elector organization must not accept a loan, other than a permissible loan, for campaign use.

(2) A candidate or elector organization must not accept a permissible loan for campaign use from an eligible individual if the amount of the loan would bring the total value of campaign contributions and permissible loans made by the eligible individual to an amount greater than an applicable campaign contribution limit.

(3) If a candidate, elector organization or financial agent for a candidate or elector organization becomes aware that the candidate or elector organization, as applicable, has accepted a loan in contravention of subsection (1) or (2), the financial agent must, within 30 days after the candidate, elector organization or financial agent becomes aware of the contravention,

(a) return the loan to the lender, or

(b) pay to the lender an amount equal to the value of the loan.

(4) If subsection (3) applies, the financial agent for the candidate or elector organization must record the following for each loan:

(a) the circumstances in which the loan was accepted;

(b) the information required under section 22 (1.1) [*recording requirements for loans*];

(c) when and how the loan was dealt with in accordance with subsection (3) of this section;

(d) any other information prescribed by regulation.

(5) For certainty, this section applies whether the loan is made or accepted before or after the start of a campaign period.

(6) A financial agent, candidate or elector organization that contravenes this section commits an offence.

### **Dealing with prohibited campaign contributions**

**28** (1) If a financial agent becomes aware that a campaign contribution was made or accepted in contravention of this Act or the regulations under this Act, the financial agent must, within 30 days after the financial agent becomes aware of the contravention,

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

- (b) pay to the contributor an amount equal to the value of the campaign contribution.
- (2) If a financial agent is not able to comply with subsection (1), the financial agent must, as soon as practicable, deal with the campaign contribution as follows:
- (a) in the case of a contribution of money, pay to the BC chief electoral officer an amount equal to the value of the contribution;
  - (b) in any other case, either
    - (i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or
    - (ii) deal with the contribution in accordance with the directions of that officer.
- (3) An amount to be paid under this section must be paid from a campaign account of the applicable candidate or elector organization.
- (4) A financial agent who contravenes this section commits an offence.

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

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

- (a) the value of the campaign contribution;
  - (b) the date on which the campaign contribution was made;
  - (c) unless it is an anonymous campaign contribution, the full name, mailing address and, if it is different, residential address of the contributor;
  - (d) whether the campaign contribution is an anonymous campaign contribution;
  - (e) [Repealed 2017-21-13.]
  - (f) any other information required by regulation.
- (2) If section 28 [*dealing with prohibited campaign contributions*] applies in relation to a campaign contribution, the financial agent must maintain records of the following for each such contribution:
- (a) the circumstances in which the contribution was received;
  - (b) to the extent possible, the information required under subsection (1) (a) to (d) of this section;
    - (b.1) if the contribution was made by an organization, the name of the organization;
  - (c) when and how the contribution was dealt with in accordance with section 28;

(d) any other information required by regulation.

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

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

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

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

(a) the payment is either

(i) made out of a campaign account of the candidate, or

(ii) reimbursed from a campaign account of the candidate on the production of receipts, and

(b) the individual making the payment is

(i) the candidate,

(ii) the financial agent for the candidate, or

(iii) an individual authorized in writing by that financial agent.

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

(a) the payment is either

(i) made out of a campaign account of the elector organization, or

(ii) reimbursed from a campaign account of the elector organization on the production of receipts, and

(b) the individual making the payment is

(i) the financial agent for the elector organization, or

(ii) an individual authorized in writing by that financial agent.

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

## **Division 4 – Campaign Contribution Limits for 2017 and 2018**

### **Campaign contribution limits for 2017 and 2018**

**30.01** (1) Subject to any applicable regulations, in relation to the 2018 general local election, for each of 2017 and 2018, the campaign contribution limit is \$1 200 for a candidate who is not endorsed by an elector organization in relation to an election campaign of the candidate.

(2) Subject to any applicable regulations, in relation to the 2018 general local election, for each of 2017 and 2018, the campaign contribution limit is \$1 200 for any one elector organization and all the candidates endorsed by the elector organization in relation to an election campaign of the elector organization.

## **Campaign contributions — elector organizations and endorsed candidates**

**30.02** Section 30.05 [*campaign contributions — elector organizations and endorsed candidates*] applies in relation to an applicable campaign contribution limit for 2017 and 2018.

## **Division 5 — Campaign Contribution Limits**

### **Application of Division**

**30.03** As an exception to section 1 [*elections to which this Act applies*], this Division applies to one or more of the following:

- (a) an election prescribed by regulation;
- (b) an election prescribed by regulation in an election area prescribed by regulation;
- (c) an election prescribed by regulation for all the election areas in the geographic area associated with a jurisdiction prescribed by regulation.

### **Campaign contribution limits for 2019 and subsequent years**

- 30.04** (1) In this section, "**base year**" means 2019 or a subsequent calendar year for which a campaign contribution limit is established under subsection (2) or (3).
- (2) Subject to any applicable regulations, the campaign contribution limit for a base year is, for a candidate who is not endorsed by an elector organization in relation to an election campaign of the candidate, an amount prescribed by regulation or determined in accordance with the regulations.
- (3) Subject to any applicable regulations, the campaign contribution limit for a base year is, for any one elector organization and all the candidates endorsed by the elector organization in relation to an election campaign of the elector organization, an amount prescribed by regulation or determined in accordance with the regulations.
- (4) Subject to any applicable regulations, for a calendar year other than a base year, the BC chief electoral officer must establish the campaign contribution limits for that year by
- (a) determining the ratio between the consumer price index at January 1 of the base year and the consumer price index at January 1 of the year in which the limit applies, and
  - (b) applying the ratio to adjust the amount prescribed or determined under subsection (2) and (3) that is to apply for that year.
- (5) For the purpose of establishing a campaign contribution limit under subsection (4), the BC chief electoral officer has the discretion to determine
- (a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and

- (b) which consumer price index is applicable for a particular time.
- (6) As soon as practicable after January 1 of each year, the BC chief electoral officer must
- (a) have the campaign contribution limits established under subsection (4) published in the Gazette, and
  - (b) make that information publicly available on an Elections BC authorized internet site.

### **Campaign contributions — elector organizations and endorsed candidates**

**30.05** (1) In this section, "**excess campaign contributions**" means

- (a) permissible loans made by an eligible individual, and
- (b) campaign contributions

that are accepted by an elector organization and the candidates endorsed by the elector organization and that, in total, exceed an applicable campaign contribution limit.

- (2) As soon as practicable after an elector organization endorses a candidate in an election, the financial agent for the candidate must provide to the financial agent for the elector organization the following information in relation to the election campaign of the candidate for that election:
- (a) the amount and date of each campaign contribution accepted by the candidate;
  - (b) the full name of the contributor of each campaign contribution accepted by the candidate, unless the contributor is an anonymous contributor;
  - (c) the amount and date of each permissible loan made by an eligible individual and accepted by the candidate;
  - (d) the full name of the eligible individual who made the permissible loan;
  - (e) any other information prescribed by regulation.
- (3) As soon as practicable after receiving the information under subsection (2), the financial agent for the elector organization must review the information.
- (4) If, after the review under subsection (3) or at any other time after an elector organization endorses a candidate, the financial agent for the elector organization becomes aware that there are excess campaign contributions, the financial agent for the elector organization must comply with subsection (5) and, if applicable, subsection (6).
- (5) If there are excess campaign contributions, the financial agent for the elector organization must do one or more of the following:
- (a) return to one or more contributors one or more campaign contributions accepted by the elector organization;

- (b) pay to one or more contributors an amount equal to the value of one or more campaign contributions accepted by the elector organization;
  - (c) pay to one or more lenders an amount of one or more permissible loans made to and accepted by the elector organization.
- (6) If, after complying with subsection (5), the financial agent for the elector organization determines that there continue to be excess campaign contributions, the financial agent for the elector organization must, as soon as practicable, notify the financial agent for one or more candidates of the excess campaign contributions.
- (7) As soon as practicable after receiving a notification under subsection (6), a financial agent for a candidate must do one or more of the following to ensure that there are no excess campaign contributions:
- (a) return to one or more contributors one or more campaign contributions accepted by the candidate;
  - (b) pay to one or more contributors an amount equal to the value of one or more campaign contributions accepted by the candidate;
  - (c) pay to one or more lenders an amount of one or more permissible loans made to and accepted by the candidate.
- (8) A financial agent who contravenes this section commits an offence.

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

### **Division 1 – General**

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

- 31** (1) Subject to this section, an individual or organization must not sponsor third party advertising on behalf of or together with a candidate or elector organization in relation to the election campaign of the candidate or elector organization.
- (2) A candidate may, as a third party sponsor, sponsor election advertising that is not an election expense of the candidate.
- (3) An elector organization may, as a third party sponsor, sponsor election advertising that is not an election expense of the elector organization.
- (4) An individual or organization that contravenes this section commits an offence.

#### **Sponsorship contributions generally**

- 32** (1) Subject to this section and any applicable regulations, the following are sponsorship contributions:
- (a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to an individual or organization for sponsorship use;

- (b) if property or services are provided at less than market value to an individual or organization for sponsorship use, the difference between the market value of the property or services at the time provided and the amount charged;
  - (c) if
    - (i) a third party sponsor offers property or services for the purpose of obtaining funds for sponsorship use, and
    - (ii) the property or services are acquired from the third party sponsor at greater than market value,
 the difference between the market value of the property or services at the time acquired and the amount charged;
  - (d) the unpaid amount of a debt, other than a debt arising from a loan, in relation to the preparation or transmission of third party advertising sponsored by a third party sponsor, if
    - (i) the third party sponsor is liable for payment in relation to that preparation or transmission,
    - (ii) any part of that debt remains unpaid for 6 months after the debt has become due, and
    - (iii) no legal proceedings to recover the debt have been commenced by the creditor;
  - (e) the provision to a third party sponsor of property or services prescribed by regulation.
- (2) For certainty, nothing in subsection (1) (d) affects the rights of a creditor in relation to a debt that becomes a sponsorship contribution under that subsection.
- (2.1) If the unpaid amount of a debt referred to in subsection (1) (d) of this section
- (a) is payable to an organization or an individual, other than an eligible individual, and
  - (b) becomes a sponsorship contribution under that subsection,
- section 35 *[dealing with prohibited sponsorship contributions]* applies as if the unpaid amount of the debt were a sponsorship contribution made or accepted in contravention of this Act or the regulations under this Act.
- (3) Subject to any applicable regulations, the value of the following is not a sponsorship contribution:
- (a) property and services that are deemed to have a nil value under section 33 (5) *[advertising expenses deemed to have nil value]*;
  - (b) any other property or services prescribed by regulation.

### **Sponsorship contributions through loans**

- 32.01** (1) Subject to any applicable regulations, a permissible loan to a third party sponsor is not a sponsorship contribution.

- (2) Despite subsection (1), the unpaid amount of a permissible loan made by an eligible individual to a third party sponsor is a sponsorship contribution if
  - (a) that part of the loan remains unpaid for 6 months after it becomes due and no legal proceedings to recover the loan have been commenced by the eligible individual, or
  - (b) the eligible individual forgives that part of the loan.
- (3) Despite subsection (1), the unpaid amount of a permissible loan made by a savings institution to a third party sponsor is a sponsorship contribution if the savings institution does not make commercially reasonable efforts to collect or enforce the loan.
- (4) In the circumstances described in subsection (3), section 35 [*dealing with prohibited sponsorship contributions*] applies as if the unpaid amount of the loan were a sponsorship contribution made or accepted in contravention of this Act or the regulations under this Act.
- (5) For certainty, nothing in subsection (2) or (3) affects the rights of a creditor in relation to a permissible loan that becomes a sponsorship contribution under those subsections.

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

- 33** (1) Unless otherwise expressly provided under this Act, the rules in this section apply for the purpose of determining the value of third party advertising or a sponsorship contribution.
- (2) The value of any property or services is
    - (a) the price paid for the property or services, or
    - (b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.
  - (3) In the case of property that is a capital asset, the value of the property is the market value of using the property.
  - (4) Subject to subsection (5), the value of third party advertising is the value of property and services used in preparing the communication and transmitting it to the public.
  - (5) The value of the following property and services used as referred to in subsection (4) is deemed to be nil:
    - (a) services provided by an individual, as the third party sponsor or as a volunteer;
    - (b) any other property or services prescribed by regulation.
  - (6) The value of shared third party advertising must be attributed to the participating individuals and organizations in accordance with the regulations.

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

**Restrictions on making sponsorship contributions**

**34 (0.1)** An organization or an individual, other than an eligible individual, must not make a sponsorship contribution.

(1) An eligible individual must not do any of the following:

- (a) make an anonymous sponsorship contribution that has a value of more than \$50;
- (b) make a number of anonymous sponsorship contributions to the same third party sponsor in relation to one or more elections that are being held at the same time if, in total, the sponsorship contributions would be equal in value to more than \$50;
- (c) make a sponsorship contribution, other than an anonymous sponsorship contribution that is permitted under this Act, without disclosing to the third party sponsor receiving the sponsorship contribution the information required to be recorded under section 36 [*records of sponsorship contributions and sponsored advertising*];
- (d) make a sponsorship contribution with money, non-monetary property or services of another individual or organization.
- (e) [Repealed 2017-21-17.]

(1.1) An individual or organization must not make a sponsorship contribution indirectly by providing money, non-monetary property or services to an eligible individual

- (a) for the eligible individual to make as a sponsorship contribution, or
- (b) as consideration for that eligible individual making a sponsorship contribution.

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

**Restrictions on making loans for sponsorship use**

**34.01 (1)** Subject to this section, an individual or organization must not make a loan to a third party sponsor for sponsorship use.

(2) A savings institution or an eligible individual must not make a loan, other than a permissible loan, to a third party sponsor for sponsorship use.

(3) For certainty, this section applies whether the permissible loan is made or accepted before or after the start of a campaign period.

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

**Restrictions in relation to accepting sponsorship contributions**

**34.02 (1)** A third party sponsor must not accept a sponsorship contribution from an organization or an individual, other than an eligible individual.

(2) A third party sponsor must not accept

- (a) a sponsorship contribution for which the information required to be recorded under section 36 [*records of sponsorship contributions and sponsored advertising*] is not provided, or
  - (b) any other sponsorship contribution that the sponsor has reason to believe is made in contravention of this Act or the regulations under this Act.
- (3) A third party sponsor that contravenes this section commits an offence.

### **Restrictions in relation to accepting loans for sponsorship use**

- 34.03** (1) A third party sponsor must not accept a loan, other than a permissible loan, for sponsorship use.
- (2) If a third party sponsor becomes aware that it has accepted a loan in contravention of subsection (1), the third party sponsor must, within 30 days after becoming aware of the contravention,
- (a) return the loan to the lender, or
  - (b) pay to the lender an amount equal to the value of the loan.
- (3) If subsection (2) applies, the third party sponsor must maintain records of the following for each loan:
- (a) the circumstances in which the loan was accepted;
  - (b) the information required under section 36 (2.1) [*records of sponsorship contributions — loans*];
  - (c) when and how the loan was dealt with in accordance with subsection (2) of this section;
  - (d) any other information prescribed by regulation.
- (4) For certainty, this section applies whether the loan is made or accepted before or after the start of a campaign period.
- (5) A third party sponsor that contravenes this section commits an offence.

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

- 35** (1) [Repealed 2017-21-19.]
- (2) If a third party sponsor becomes aware that a sponsorship contribution was made or accepted in contravention of this Act or the regulations under this Act, the third party sponsor must, within 30 days after becoming aware of the contravention,
- (a) return the sponsorship contribution to the contributor, or
  - (b) pay to the contributor an amount equal to the value of the sponsorship contribution.
- (3) If a third party sponsor is not able to comply with subsection (2), the third party sponsor must, as soon as practicable, deal with the sponsorship contribution as follows:

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

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

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

- (a) the value of the sponsorship contribution;
- (b) the date on which the sponsorship contribution was made;
- (c) unless it is an anonymous sponsorship contribution, the full name, mailing address and, if it is different, residential address of the contributor;
- (d) whether the sponsorship contribution is an anonymous sponsorship contribution;
- (e) [Repealed 2017-21-20.]
- (f) any other information required by regulation.

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

- (a) the circumstances in which the sponsorship contribution was received;
- (b) to the extent possible, the information required under subsection (1) (a) to (d) of this section;
  - (b.1) if the contribution was made by an organization, the name of the organization;
- (c) when and how the sponsorship contribution was dealt with in accordance with section 35;
- (d) any other information required by regulation.

(2.1) The sponsor must maintain records of the following in relation to a permissible loan made to the sponsor:

- (a) if the loan is made by an eligible individual, the full name and residential address of the eligible individual;

- (b) if the loan is made by a savings institution, the name of the savings institution;
  - (c) the amount of the loan;
  - (d) the date the loan is made;
  - (e) the date the loan is due;
  - (f) the rate of interest, if any, charged for the loan;
  - (g) if the loan is made by a savings institution, the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed;
  - (h) any other information prescribed by regulation.
- (3) A third party sponsor must maintain records and material respecting the sponsored third party advertising that are sufficient to meet the reporting requirements under this Act.
- (4) The records and material required under this section must be retained in British Columbia
- (a) by the sponsor, in the case of a third party sponsor who is an individual, and
  - (b) by the authorized principal official, in the case of a third party sponsor that is an organization,
- until 5 years after general voting day for the election to which the records and material relate.
- (5) The recording, maintenance and retention of records and material under this section and related receipts must be done in accordance with any requirements established by regulation.
- (6) An individual or organization that contravenes this section commits an offence.

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

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

- 37** (1) An individual or organization that is not registered under this Division must not sponsor third party advertising.
- (2) An individual or organization that contravenes subsection (1) commits an offence.

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

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

- (a) the full name of the applicant and, if this is different, the usual name of the individual;
  - (b) the name of the sponsor and the mailing address, telephone number or email address that are to be used by the sponsor for the purpose of compliance with section 44 [*advertising must include sponsorship information*];
  - (c) the required contact information for the individual;
  - (d) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the individual;
  - (e) any other information required by regulation.
- (3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.
- (4) In order to be accepted, an application for registration must be accompanied by a solemn declaration of the applicant that, to the best of the knowledge and belief of the applicant, the following are true:
- (a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 31 [*independence requirements for third party sponsors*];
  - (b) the applicant is not prohibited under this Act from sponsoring third party advertising;
  - (c) the information provided in the application is complete and accurate;
  - (d) the applicant
    - (i) understands the requirements and restrictions that apply to the applicant under this Act, and
    - (ii) intends to fully comply with all of those requirements and restrictions;
  - (e) any other matter prescribed by regulation.
- (5) The third party sponsor must, as soon as practicable, provide updated information and material to the BC chief electoral officer in accordance with the requirements under subsections (2) and (3) if there is any change in the information or material that is required to be provided to the BC chief electoral officer under this section.
- (6) A third party sponsor that contravenes subsection (5) commits an offence.

### **Application for registration — organization as third party sponsor**

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

- (2) The application for registration must include the following information:
- (a) the full name of the organization and any abbreviations, acronyms and other names used by the organization;
  - (b) the name of the sponsor and the mailing address, telephone number or email address that are to be used by the sponsor for the purpose of compliance with section 44 [*advertising must include sponsorship information*];
  - (c) a mailing address and telephone number at which the organization can be contacted;
  - (d) an email address at which the organization can be contacted, unless the organization does not have such an address;
  - (e) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the organization;
  - (f) the name, required contact information and address for service of the authorized principal official of the organization;
  - (g) the name, mailing address and address for service of each of the other responsible principal officials of the organization;
  - (h) any other information required by regulation.
- (3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.
- (4) In order for an application for registration to be accepted, the organization must provide the following to the BC chief electoral officer:
- (a) signed consents of the responsible principal officials to act as responsible principal officials of the organization;
  - (b) a solemn declaration in accordance with subsection (5) of the authorized principal official of the organization.
- (5) For purposes of subsection (4) (b), the authorized principal official of the applicant organization must make a solemn declaration that, to the best of the knowledge and belief of that official, the following are true:
- (a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 31 [*independence requirements for third party sponsors*];
  - (b) the applicant is not prohibited under this Act from sponsoring third party advertising;
  - (c) the information provided in the application is complete and accurate;
  - (d) the individual making the declaration is the authorized principal official of the applicant;
  - (e) the applicant

- (i) understands the requirements and restrictions that apply to the applicant under this Act, and
  - (ii) intends to fully comply with all of those requirements and restrictions;
- (f) any other matter prescribed by regulation.
- (6) The third party sponsor must, as soon as practicable, provide updated information and material to the BC chief electoral officer in accordance with the requirements under subsections (2), (3) and (4) (a) if there is any change in who is the authorized principal official of the organization, in who are the responsible principal officials of the organization or in any other information or material that is required to be provided to the BC chief electoral officer under this section.
- (7) A third party sponsor that contravenes subsection (6) commits an offence.

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

- 40** (1) From the time of applying for registration until all obligations applicable under this Act to the organization have been fulfilled, a third party sponsor that is an organization
- (a) must have at least 2 principal officials of the organization who have consented to be responsible principal officials of the organization, and
  - (b) must have one of those responsible principal officials designated as the authorized principal official who is to
    - (i) make declarations required under this Act or other local elections legislation in relation to the organization, and
    - (ii) retain records and material as required under section 36 [*records of sponsorship contributions and sponsored advertising*].
- (2) An organization that contravenes subsection (1) commits an offence.

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

- 41** (1) Subject to this section, as soon as practicable after receiving an application in accordance with this Division, the BC chief electoral officer must register the applicant as a third party sponsor and notify the applicant of this registration.
- (2) Subsection (1) does not apply if the BC chief electoral officer has reason to believe that any of the following apply:
- (a) the applicant is prohibited under this Act from sponsoring third party advertising;
  - (b) the application for registration does not meet the requirements under this Division;
  - (c) information in the required solemn declaration is false;
  - (d) any other circumstances prescribed by regulation apply.

- (3) The BC chief electoral officer may refuse to register an applicant under a name that, in the opinion of that officer,
- (a) is likely to be confused with a name, abbreviation or acronym of a candidate, elector organization or registered third party sponsor, or
  - (b) in the case of an application by an organization, is likely to be confused with a name, abbreviation or acronym used by another organization.
- (4) If the BC chief electoral officer refuses to register an applicant, that officer must provide the applicant with reasons for the refusal and an opportunity to provide further information for a reconsideration of the decision.
- (5) Registration under this Division is effective only for the election or elections in relation to which the application for registration was made.

### **Division 4 – Third Party Advertising Limits**

#### **Third party advertising limits – general local election**

**41.1** Subject to any applicable regulations, in respect of an election to which this Act applies that is held as part of a general local election,

- (a) the third party advertising limit for a third party sponsor during the campaign period for third party advertising that is directed advertising,
  - (i) in relation to an election area that has a population of less than 15 000, is a prescribed amount, and
  - (ii) in relation to an election area that has a population of 15 000 or more
    - (A) for a mayor or councillor,
    - (B) for an electoral area director,
    - (C) for a Vancouver Park Board member,
    - (D) for a local trust area trustee,
    - (E) for a trustee on a board of education,
    - (F) for a regional trustee of a francophone education authority, and
    - (G) prescribed under section 1 (1) (i) [*other elections to which this Act applies*],
 is determined in accordance with the regulations, and
- (b) the cumulative third party advertising limit for a third party sponsor during the campaign period for third party advertising that is directed advertising or issue advertising is a prescribed amount.

#### **Limits and adjustments to reflect changes in consumer price index**

**41.2** (1) In respect of each general local election that is called after January 1, 2019,

- (a) the minister responsible for the administration of the enactment under which the election is being held must establish the third party advertising limit under section 41.1 (a) (i) by
    - (i) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the election will be held, and
    - (ii) applying the ratio determined under subparagraph (i) of this paragraph to adjust the amount under section 41.1 (a) (i), and
  - (b) the minister responsible for the administration of the *Local Government Act* must establish the cumulative third party advertising limit by
    - (i) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the election will be held, and
    - (ii) applying the ratio determined under subparagraph (i) of this paragraph to adjust the amount under section 41.1 (b).
- (2) For the purpose of making an adjustment under this section, the minister responsible has the discretion to determine
- (a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and
  - (b) which consumer price index is applicable for a particular time.

### **Specific third party advertising limits to be made publicly available in advance of general local election**

**41.3** (1) By April 30 of the year in which a general local election will be held,

- (a) the minister responsible must provide to Elections BC the third party advertising limits established under section 41.1 (a) in relation to each election area for which elections under that minister's responsibility are to be held as part of a general local election, and
  - (b) the minister responsible for the administration of the *Local Government Act* must provide to Elections BC the cumulative third party advertising limit prescribed under section 41.1 (b).
- (2) By May 31 of the year in which a general local election will be held, Elections BC must make the third party advertising limits provided under subsection (1) publicly available on an Elections BC authorized internet site.

### **Third party advertising limits — by-election**

**41.4** Subject to any applicable regulations, the third party advertising limits made publicly available under section 41.3 in respect of the most recent general local election in relation to an election area are the third party advertising limits in respect of a by-election for that election area.

**Prohibition against third party advertising exceeding third party advertising limits**

**41.5** (1) Subject to subsection (2), in respect of an election,

- (a) a third party sponsor must not sponsor directed advertising such that the total value of the directed advertising sponsored by the third party sponsor for any election is greater than the third party advertising limit established under section 41.1 (a) [*directed advertising limits*] in relation to the election area for which the election is held,
  - (b) in the case of 2 or more third party sponsors jointly sponsoring advertising, the third party sponsors must not sponsor directed advertising such that the total value of the shared directed advertising sponsored by those third party sponsors for any election is greater than the third party advertising limit established under section 41.1 (a) in relation to the election area for which the election is held,
  - (c) a third party sponsor must not sponsor third party advertising that is directed advertising or issue advertising such that the total value of the third party advertising sponsored by the third party sponsor is greater than the cumulative third party advertising limit, or
  - (d) in the case of 2 or more third party sponsors jointly sponsoring advertising, the third party sponsors must not sponsor third party advertising that is directed advertising or issue advertising such that the total value of the shared third party advertising sponsored by those third party sponsors is greater than the cumulative third party advertising limit.
- (2) The value of any prescribed class of third party advertising prescribed by regulation as being excluded is not to be included in determining whether a third party sponsor has exceeded the applicable third party advertising limit.
- (3) An individual or organization that contravenes this section commits an offence.

**Prohibition against attempting to circumvent third party advertising limits**

- 41.6** (1) A third party sponsor must not circumvent or attempt to circumvent, in any manner, the third party advertising limit for the third party sponsor.
- (2) An individual or organization that contravenes this section commits an offence.

**Attribution of value of directed advertising**

- 41.7** (1) If directed advertising is specifically related to one or more candidates, one or more elector organizations or one or more of both candidates or elector organizations, in 2 or more election areas, the third party sponsor must, in accordance with the regulations, attribute the value of the directed advertising to the third party advertising limit established under section 41.1 (a) [*directed advertising limits*] in relation to each election area for which the election is held.
- (2) An individual or organization that contravenes this section commits an offence.

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

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

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

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

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

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

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

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

- 44** (1) Subject to any applicable regulations, an individual or organization must not sponsor election advertising or assent voting advertising, or transmit such advertising to the public, unless the advertising
- (a) identifies,
    - (i) in the case of advertising sponsored by a candidate or elector organization as part of the candidate's or elector organization's campaign, the name of the financial agent, or
    - (ii) in any other case, the name of the sponsor,
  - (b) indicates that it was authorized by the identified financial agent or sponsor,
  - (c) gives a telephone number, email address or mailing address at which the financial agent or sponsor may be contacted regarding the advertising,

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

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

- 45** (1) An individual or organization must not sponsor or agree to sponsor election advertising or non-election assent voting advertising that is or is to be transmitted to the public on general voting day, whether the transmission is within British Columbia or outside British Columbia.
- (2) An individual or organization must not transmit election advertising or non-election assent voting advertising to the public on general voting day.
- (3) Subject to section 163 (4) [*prohibition against certain activities within 100 metres of voting proceedings on general voting day*] of the *Local Government Act* and section 125 (4) of the *Vancouver Charter*, subsections (1) and (2) of this section do not apply in respect of any of the following election advertising or non-election assent voting advertising:
- (a) communication on the internet, if the communication was transmitted to the public on the internet before general voting day and was not changed before the close of general voting;
  - (b) communication by means of signs, posters or banners;
  - (c) communication by the distribution of pamphlets;
- (c.1) communication that is transmitted to the public on the internet for the sole purpose of encouraging voters to vote in the election;

- (d) any other election advertising or non-election assent voting advertising prescribed by regulation.

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

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

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

- 46** (1) A disclosure statement in accordance with this Division must be filed with the BC chief electoral officer as follows:
- (a) for each individual who was declared to be a candidate in an election, a candidate disclosure statement respecting the election is required;
  - (b) for each elector organization that endorsed one or more candidates in relation to one or more elections for a jurisdiction that were held at the same time, an elector organization disclosure statement respecting those elections is required;
  - (c) for each individual or organization that sponsored third party advertising or registered under Division 3 [*Registration of Third Party Sponsors*] of Part 3, a third party disclosure statement respecting the activities of the sponsor in relation to the applicable elections is required;
  - (d) for each individual or organization that sponsored non-election assent voting advertising or registered under Division 3 of Part 3 as it applies in relation to that advertising, an assent voting advertising disclosure statement respecting the activities of the sponsor in relation to the applicable assent voting is required.
- (2) For certainty, the following apply in relation to the obligations under subsection (1):
- (a) a candidate disclosure statement is required even if the individual has no election expenses, receives no campaign contributions, is acclaimed, withdraws from the election or is declared by a court to no longer be a candidate;
  - (b) an elector organization disclosure statement is required even if the elector organization has no election expenses, receives no campaign contributions, withdraws its endorsement of a candidate or is declared by a court to not be qualified to endorse a candidate;
  - (c) a third party disclosure statement is required
    - (i) even if the individual or organization registered but did not in fact sponsor any third party advertising, and
    - (ii) if the individual or organization did sponsor third party advertising, even if the individual or organization did not apply to register or did apply but was refused registration;

- (d) an assent voting advertising disclosure statement is required
    - (i) even if the individual or organization registered but did not in fact sponsor any non-election assent voting advertising, and
    - (ii) if the individual or organization did sponsor non-election assent voting advertising, even if the individual or organization did not apply to register or did apply but was refused registration.
- (3) The following apply in relation to what is to be disclosed in a single disclosure statement:
- (a) in relation to a candidate referred to in section 4 (2) [*candidate running in multiple elections*], a separate candidate disclosure statement must be filed in relation to each election in which the individual was a candidate;
  - (b) in relation to an elector organization referred to in section 5 (2) [*endorsing in multiple jurisdictions*], a separate elector organization disclosure statement must be filed in relation to each jurisdiction in which the organization endorsed a candidate;
  - (c) in relation to an individual or organization that sponsored third party advertising in relation to multiple elections being held at the same time, a single disclosure statement must be filed in relation to all those elections;
  - (d) in relation to an individual or organization that sponsored non-election assent voting advertising in relation to multiple assent voting events being held at the same time, a separate disclosure statement must be filed in relation to each jurisdiction for which the assent voting was held.

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

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

- (a) within 90 days after general voting day for the election or assent voting to which it relates, or
- (b) if applicable, within the period established under section 90 [*late filing extensions in extraordinary circumstances*],

in order to avoid a late filing penalty fee.

- (2) If a disclosure statement is not filed within the applicable time period under subsection (1), it may be filed within 120 days after general voting day for the election or assent voting on payment to the BC chief electoral officer of a late filing penalty fee of \$500.
- (3) For certainty, if separate disclosure statements are required under section 46 (3) [*disclosure statement coverage*], a late filing penalty fee applies in relation to each disclosure statement.
- (4) The compliance deadline for filing a disclosure statement is the later of

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

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

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

- (a) in relation to a candidate disclosure statement, to the candidate and the financial agent;
- (b) in relation to an elector organization disclosure statement, to the following:
  - (i) the elector organization;
  - (ii) the financial agent for the elector organization;
  - (iii) the responsible principal officials of the elector organization;
  - (iv) the candidates endorsed by the elector organization;
- (c) in relation to a third party sponsor or assent voting advertising disclosure statement, to the sponsor and, if the sponsor is an organization, to the responsible principal officials of the organization.

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

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

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

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

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

- (a) the individuals who were at any time financial agents of the candidate, the campaign accounts of the candidate, and other matters

respecting compliance with Part 2 [*Candidate and Elector Organization Campaign Financing*];

- (b) the election period expenses of the candidate;
  - (c) the campaign period expenses of the candidate;
  - (c.1) expenses of the candidate that are not election expenses but must be disclosed under section 14 (6) [*expenses that must be disclosed*];
  - (d) campaign contributions received by the candidate, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;
  - (e) amounts, other than campaign contributions, election period expenses and campaign period expenses, deposited into or paid from a campaign account of the candidate or transferred between campaign accounts of the candidate;
  - (f) property and services to which section 13 (6) (b) or (c) [*exclusions from campaign contributions that must be disclosed*] applies;
  - (f.1) the information referred to in section 22 (1.1) [*recording requirements for loans*];
  - (f.2) any amount outstanding on a loan;
  - (g) if section 24 [*what happens if a candidate has surplus campaign funds*] applies, the amount of the balance remaining in the campaign accounts of the candidate and how the surplus has been dealt with;
  - (h) if applicable, that the candidate was a third party sponsor during the campaign period for the election;
  - (i) if applicable, other matters for which information is required by regulation.
- (3) In addition to the requirements under subsection (2), a disclosure statement must include the following, provided in accordance with the regulations:
- (a) for a candidate who was endorsed by an elector organization,
    - (i) a copy of the campaign financing arrangement between the candidate and the elector organization, and of any amendments to the campaign financing arrangement, regardless of whether the campaign financing arrangement was terminated by the candidate or the elector organization,
    - (ii) if the campaign financing arrangement was terminated, a copy of the documentation evidencing the termination, and
    - (iii) information respecting the following:
      - (A) transfers of property and provision of services as referred to in section 13 (6) (a) [*campaign transfers between candidates and elector organizations*];

- (B) any other matters for which information is required by regulation;
- (b) for a candidate who sought endorsement from an elector organization but was not endorsed, information respecting the following:
  - (i) transfers of property and provision of services as referred to in section 13 (6) (a);
  - (ii) any other matters for which information is required by regulation.

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

- 50** (1) The financial agent for the elector organization must file the elector organization disclosure statement, and the responsible principal officials of the elector organization must ensure that the financial agent files the disclosure statement as required.
- (2) Subject to any applicable regulations, an elector organization disclosure statement must include information respecting the following, provided in accordance with the regulations:
- (a) the candidates endorsed by the elector organization;
  - (b) the individuals who were at any time financial agents of the elector organization, the campaign accounts of the elector organization, and other matters respecting compliance with Part 2 [*Candidate and Elector Organization Campaign Financing*];
  - (c) the election period expenses of the elector organization;
  - (d) the campaign period expenses of the elector organization;
  - (d.1) expenses of the elector organization that are not election expenses but must be disclosed under section 14 (6) [*expenses that must be disclosed*];
  - (d.2) for each candidate endorsed by the elector organization, the campaign period expenses of the elector organization that are attributable to the candidate's expense limit;
  - (e) campaign contributions received by the elector organization, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;
    - (e.1) the information referred to in section 22 (1.1);
    - (e.2) any amount outstanding on a loan;
    - (f) [Repealed 2017-21-22.]
  - (g) amounts, other than campaign contributions, election period expenses and campaign period expenses, deposited into or paid from a campaign account of the elector organization or transferred between campaign accounts of the elector organization;

- (h) transfers of property and provision of services as referred to in section 13 (6) (a) [*campaign transfers between candidates and elector organizations*];
- (i) property and services to which section 13 (6) (c) [*other exclusions from campaign contributions that must be disclosed*] applies;
- (j) the amount of any balance remaining in the campaign accounts of the elector organization before any surplus was dealt with;
- (k) if applicable, that the elector organization was a third party sponsor during the campaign period for the election or elections to which the elector organization disclosure statement relates;
- (l) any other matters for which information is required by regulation.

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

- 51** (1) The third party sponsor must file the third party disclosure statement and, if the sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.
- (2) Subject to subsection (3) and any applicable regulations, the disclosure statement for the sponsor must include information respecting the following, provided in accordance with the regulations:
- (a) the sponsored third party advertising;
  - (b) the sponsor's own funds used in relation to sponsoring that advertising;
  - (c) the sponsorship contributions received by the sponsor, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;
    - (c.1) the information referred to in section 36 (2.1) [*records of sponsorship contributions — loans*];
    - (c.2) any amount outstanding on a loan;
    - (d) any other matters for which information is required by regulation.
- (3) If the total value of third party advertising sponsored by an individual or organization in relation to elections being held at the same time is less than \$500, the disclosure statement for the sponsor must include information respecting the advertising as required by regulation.
- (4) If an individual or organization sponsored directed third party advertising in relation to elections for multiple election areas being held at the same time, the statement must separately disclose that advertising in relation to each election area to which the directed advertising was specifically related.
- (5) [Repealed 2016-9-16.]

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

- 52** (1) The assent voting advertising sponsor must file the assent voting advertising disclosure statement and, if the sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.
- (2) Subject to subsection (3) and any applicable regulations, the disclosure statement for the sponsor must include information respecting the following, provided in accordance with the regulations:
- (a) the sponsored non-election assent voting advertising;
  - (b) the sponsor's own funds used in relation to sponsoring that advertising;
  - (c) the sponsorship contributions received by the sponsor, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;
  - (c.1) the information referred to in section 36 (2.1);
  - (c.2) any amount outstanding on a loan;
  - (d) any other matters for which information is required by regulation.
- (3) If, in relation to all assent voting covered by the disclosure statement, the total value of non-election assent voting advertising sponsored by an individual or organization is less than \$500, the disclosure statement for the sponsor must include information respecting that advertising as required by regulation.
- (4) [Repealed 2016-9-17.]

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

- 53** In addition to all other requirements established by this Division, a disclosure statement must be in a form approved by the BC chief electoral officer and, as applicable, must
- (a) be filed in accordance with the regulations,
  - (b) comply with any other requirements established by regulation, and
  - (c) be accompanied by any other information or material required by regulation.

## **Requirement for supplementary report**

- 54** (1) A supplementary report in accordance with this Division must be filed with the BC chief electoral officer as follows:
- (a) if advice referred to in paragraph (b) has not been given, 30 days after an individual who is responsible for filing a disclosure statement, or for ensuring that a disclosure statement is filed, becomes aware

- (i) that any of the required information disclosed in the disclosure statement, or in a previous supplementary report in relation to that disclosure statement, has changed, or
    - (ii) that the disclosure statement or a previous supplementary report did not completely and accurately disclose the information required to be included;
  - (b) if the BC chief electoral officer advises an individual referred to in paragraph (a) of concerns that circumstances referred to in that paragraph may apply and subsequently gives written notice to the individual or organization that a supplementary report is required, 30 days after that written notice is given.
- (2) Notice of the requirement for a supplementary report must be given as follows:
- (a) in the case of a requirement under subsection (1) (a), the individual who becomes aware of that requirement must notify the other individuals to whom that subsection applies;
  - (b) if written notice is given under subsection (1) (b), the BC chief electoral officer must also notify
    - (i) the other individuals to whom that subsection applies,
    - (ii) in the case of a supplementary report in relation to a candidate, the designated local authority officer, and
    - (iii) in the case of a supplementary report in relation to an elector organization, the designated local authority officer and the candidates endorsed by the elector organization.
- (3) A supplementary report must include the following:
- (a) a report of the changed, added or corrected information, as applicable;
  - (b) a statement of the circumstances that have led to the filing of the supplementary report;
  - (c) any other information or material required by regulation.
- (4) A supplementary report must be in a form approved by the BC chief elector officer and, as applicable, must
- (a) be filed in accordance with the regulations,
  - (b) comply with any other requirements established by regulation, and
  - (c) be accompanied by any other information or material required by regulation.
- (5) Responsibilities in relation to filing a supplementary report under this section are the same as for the applicable disclosure statement and, for these purposes, the following apply:
- (a) section 49 (1) [*candidate disclosure responsibilities*];
  - (b) section 50 (1) [*elector organization disclosure responsibilities*];

- (c) section 51 (1) [*third party disclosure responsibilities*];
  - (d) section 52 (1) [*non-election assent voting advertising sponsor disclosure responsibilities*].
- (6) The compliance deadline for filing a supplementary report is the later of
- (a) the end of the applicable 30-day period established under subsection (1) (a) or (b), and
  - (b) if applicable, the last date for filing the supplementary report as established by a court order for relief under section 68 [*court relief powers respecting disclosure requirements*].
- (7) For certainty, the acceptance of a campaign contribution or sponsorship contribution by an elector organization, third party sponsor or assent voting advertising sponsor, as applicable, that is subject to a prohibition under any of the following sections:
- (a) section 64 (3) (b);
  - (b) section 64 (4) (b);
  - (c) section 65 (1) (c) (ii);
  - (d) section 65 (1) (d) (ii);
  - (e) section 68.01 (5) (b);
  - (f) section 68.03 (3) (b);
  - (g) section 68.09 (3) (b)

for the sole purpose of paying debts as described in those sections is a change in required information for the purposes of subsection (1) of this section.

### **Required declarations**

- 55** (1) Subject to subsection (3), a disclosure statement or supplementary report must include a signed declaration of each of the individuals referred to in subsection (2), that, to the best of the knowledge and belief of the individual making the declaration, the statement or report, as applicable, completely and accurately discloses the information required under this Act.
- (2) As applicable, declarations of the following individuals are required for the purposes of subsection (1):
- (a) in the case of a disclosure statement or supplementary report in relation to a candidate, declarations of the candidate and the financial agent for the candidate are required;
  - (b) in the case of a disclosure statement or supplementary report in relation to an elector organization, declarations of the financial agent and the authorized principal official for the elector organization are required;
  - (c) in the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor

who is an individual, a declaration of the individual is required;

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

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

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

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

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

- 57** (1) This section applies if a required disclosure statement or supplementary report in accordance with this Division is not filed by the compliance deadline.
- (2) In the case of a disclosure statement or supplementary report in relation to a candidate, the candidate commits an offence and the financial agent for the candidate commits an offence.
- (3) In the case of a disclosure statement or supplementary report in relation to an elector organization, the elector organization commits an offence and the financial agent for the elector organization commits an offence.
- (4) In the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor, the sponsor commits an offence.

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

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

- 58** (1) Subject to this Part and any applicable regulations, until at least 5 years after general voting day for the election or assent voting to which a disclosure statement or supplementary report relates, the BC chief electoral officer must
- (a) make the information in the statement or report, other than a mailing address or residential address of a significant contributor, publicly available on an Elections BC authorized internet site, and
- (b) have a copy of the statement or report, other than a mailing address or residential address of a significant contributor, available for public inspection at the Elections BC office during its regular office hours.
- (2) Information must be made available under subsection (1) as follows:

- (a) in the case of information in a disclosure statement that is filed before the end of the period for filing without payment of a late filing penalty fee, as soon as practicable after the end of that period;
  - (b) in any other case, as soon as practicable after the BC chief electoral officer receives the disclosure statement or supplementary report.
- (3) If a disclosure statement or supplementary report includes personal information of an individual that is not required under this Act to be included, the BC chief electoral officer
- (a) is authorized to collect that information,
  - (b) may make, but is not required to make, the information available under subsection (1), and
  - (c) for purposes of subsection (1) (b), may obscure or delete the information or provide for inspection a copy of the statement or report that does not include that information.
- (4) Subject to section 63 [*restrictions on use of personal information*], on request and on payment of the reasonable costs of preparation or reproduction, a member of the public may obtain from the BC chief electoral officer
- (a) a record of the information made available under subsection (1) (a), or
  - (b) a copy of a record available for inspection under subsection (1) (b).
- (5) If an individual wishes to access, inspect or obtain a copy or other record under this section, the BC chief electoral officer may, before providing this service, require the individual to
- (a) satisfy the officer that any purpose for which personal information is to be used is permitted by section 63, and
  - (b) provide a signed statement that
    - (i) the individual, and
    - (ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record
 will not use personal information included in the copy or other record except for a purpose permitted under this Act.

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

- 59** (1) Subject to this Part, the local authority for a jurisdiction must make at least one of the following available to the public without charge at the local authority offices during its regular office hours:
- (a) internet access to information that is related to the jurisdiction and is required to be publicly available under section 58 (1) (a) [*public access to disclosure information — Elections BC responsibilities*];
  - (b) a copy of that information available for public inspection.

- (2) Subject to subsection (3), the local authority for a jurisdiction must, on request, provide a copy or other record of information referred to in subsection (1).
- (3) A local authority may, by bylaw, impose a fee for providing a copy or other record under subsection (2).
- (4) If a bylaw under subsection (3) applies, the local authority must make available to the public, on request, a report respecting how the fee was determined.
- (5) If an individual wishes to access, inspect or obtain a copy or other record of information under this section, a local authority official of the jurisdiction may, before providing this service, require the individual to
- (a) satisfy the official that any purpose for which personal information is to be used is permitted by section 63 [*restrictions on use of personal information*], and
  - (b) provide a signed statement that
    - (i) the individual, and
    - (ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record
 will not use personal information included in the copy or other record except for a purpose permitted under this Act.

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

- 60** (1) The BC chief electoral officer must make the following disqualification lists publicly available on an Elections BC authorized internet site:
- (a) in relation to candidate disqualification, the list must include
    - (i) the individuals who are subject to disqualification penalties under the following sections:
      - (A) section 64 (2) (b) [*candidate penalties for failure to disclose*];
      - (B) section 65 (1) (b) [*candidate conviction for false or misleading disclosure*];
      - (C) section 65.1 [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*];
      - (D) section 68.03 (1) [*unpaid monetary penalties — candidate*], and
    - (ii) the jurisdiction to which the disqualification relates;
  - (b) in relation to elector organization disqualification, the list must include
    - (i) the organizations that are subject to disqualification penalties under the following sections:
      - (A) section 64 (3) [*elector organization failure to disclose*];

- (B) section 65 (1) (c) *[elector organization conviction for false or misleading disclosure]*;
  - (C) section 68.01 (5) *[elector organization penalties for exceeding expense limits and amount available]*;
  - (D) section 68.03 (3) *[unpaid monetary penalties — elector organization]*, and
    - (ii) the jurisdiction to which the disqualification relates;
- (c) in relation to third party sponsor or assent voting advertising sponsor disqualification, the list must include the individuals and organizations that are subject to disqualification penalties under the following sections:
- (i) section 64 (4) *[third party sponsor or assent voting advertising sponsor failure to disclose]*;
  - (ii) section 65 (1) (d) *[third party sponsor or assent voting advertising sponsor conviction for false or misleading disclosure]*;
  - (iii) section 68.09 (3) *[third party sponsor penalties for exceeding third party advertising limit]*.
- (2) The disqualification lists under subsection (1) must be available for public inspection at the Elections BC office during its regular office hours.

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

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

- (a) any notices given under section 48 *[notice of failure to file within no-penalty fee period]* in relation to a disclosure statement for a candidate or elector organization;
- (b) any individuals or organizations that become subject to disqualification penalties referred to in section 60 (1) (a) or (b) *[disqualification lists — candidate or elector organization disqualification]*.

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

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

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

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

- (b) in relation to an elector organization,
    - (i) the name and mailing address of the financial agent for the elector organization as provided under section 19 [*each elector organization must have a financial agent*], and
    - (ii) the name of the authorized principal official of the elector organization as provided under section 21 [*responsible principal officials of elector organization*];
  - (c) in relation to a registered third party sponsor or assent voting advertising sponsor,
    - (i) the full name of the sponsor,
    - (ii) the information that is to be included under section 38 (2) (b) [*sponsor information to be provided in advertising by individual*] or 39 (2) (b) [*sponsor information to be provided in advertising by organization*], as applicable, and
    - (iii) in the case of a sponsor that is an organization, the name of the authorized principal official of the organization as provided under section 40 [*responsible principal officials of sponsor that is an organization*].
- (2) The BC chief electoral officer must keep information referred to in subsection (1) publicly available through the campaign period or assent voting proceedings period, as applicable, for the election or assent voting to which the information relates and may then continue to make the information publicly available for the period that officer considers appropriate.
- (3) For purposes of this section, the BC chief electoral officer
- (a) must have the information referred to in subsection (1) available for public inspection at the Elections BC office during its regular office hours, and
  - (b) may make the information otherwise publicly available, including by making it available on an Elections BC authorized internet site.

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

- 63** (1) Where this Act requires or authorizes the disclosure, public inspection or other use of or access to records containing personal information, the personal information may be used only as follows:
- (a) for purposes of this Act or other local elections legislation;
  - (b) for purposes of
    - (i) Division 6 [*Conflict of Interest*] or 7 [*Challenge of Council Member Qualification for Office*] of Part 4 of the *Community Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than municipal councils,

- (ii) sections 142.1 to 142.3 and 145.2 to 145.92 of the *Vancouver Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than the Council of the City of Vancouver,
  - (iii) Part 5 [*Conflict of Interest*] of the *School Act*, or
  - (iv) a conflict of interest provision of another enactment as prescribed by regulation;
- (c) for purposes authorized by the *Freedom of Information and Protection of Privacy Act*.
- (2) An individual or organization that uses personal information from records referred to in subsection (1), other than as permitted under that subsection, commits an offence.
- (3) To the extent of any inconsistency or conflict with the *Freedom of Information and Protection of Privacy Act*, this Act applies despite that Act.

## Part 5.1 — Expense Limits

### Division 1 — Establishment of Expense Limits for Elections

#### Expense limits — general local election

- 63.01** (1) Subject to any applicable regulations, in respect of an election for mayor to which this Act applies that is held as part of a general local election, the expense limit for a candidate during the campaign period,
- (a) for an election area that has a population of less than 10 000, is a prescribed amount, and
  - (b) for an election area that has a population of 10 000 or more, is an amount determined in accordance with the regulations using an incremental adjustment based on the population of the election area for which the election is being held.
- (2) Subject to any applicable regulations, in respect of an election to which this Act applies that is described in subsection (3) and is held as part of a general local election, the expense limit for a candidate during the campaign period,
- (a) for an election area that has a population of less than 10 000, is a prescribed amount, and
  - (b) for an election area that has a population of 10 000 or more, is an amount determined in accordance with the regulations using an incremental adjustment based on the population of the election area for which the election is being held.
- (3) For the purposes of subsection (2), the elections are as follows:
- (a) an election for a councillor;
  - (b) an election for an electoral area director;

- (c) an election for a Vancouver Park Board member;
  - (d) an election for a local trust area trustee;
  - (e) an election for a trustee on a board of education;
  - (f) an election prescribed under section 1 (1) (i) [*other elections to which this Act applies*].
- (4) Subject to any applicable regulations, in respect of an election for a regional trustee of a francophone education authority to which this Act applies that is held as part of a general local election, the expense limit for a candidate during the campaign period is a prescribed amount.

### **Limits and adjustments to reflect changes in consumer price index**

- 63.02** (1) In respect of each general local election that is called after January 1, 2019, the minister responsible in respect of elections under that minister's responsibility must establish the applicable expense limits for the election by
- (a) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the general local election will be held, and
  - (b) applying the ratio determined under paragraph (a) of this subsection to adjust the amounts under section 63.01.
- (2) For the purpose of making an adjustment under this section, the minister responsible has the discretion to determine
- (a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and
  - (b) which consumer price index is applicable for a particular time.

### **Specific expense limits to be made publicly available in advance of general local election**

- 63.03** (1) By April 30 of the year in which a general local election will be held, the minister responsible must provide to Elections BC the expense limits established under section 63.01 in relation to each election area for which elections under that minister's responsibility are to be held as part of the general local election.
- (2) By May 31 of the year in which a general local election will be held, Elections BC must make the information provided under subsection (1) publicly available on an Elections BC authorized internet site.

### **Expense limits — by-election**

- 63.04** Subject to any applicable regulations, the expense limits made publicly available under section 63.03 in respect of the most recent general local election in relation to an election area are the expense limits in respect of a by-election for that election area.

## Division 2 – General Restrictions in Relation to Expense Limits

### Prohibition against exceeding expense limits

- 63.05** (1) The campaign period expenses of an unendorsed candidate must not exceed the expense limit for the candidate.
- (2) In relation to a candidate endorsed by an elector organization, the total of the following must not exceed the expense limit for the candidate:
- (a) the campaign period expenses of the candidate;
  - (b) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate.
- (3) An unendorsed candidate for whom the campaign period expenses exceed the expense limit as referred to in subsection (1) commits an offence.
- (4) A candidate endorsed by an elector organization commits an offence
- (a) if the total of the expenses in subsection (2) (a) and (b) exceeds the expense limit for the candidate, and
  - (b) if the campaign period expenses exceed the amount available to the candidate under the final campaign financing arrangement with the elector organization.
- (5) An elector organization commits an offence
- (a) if the total of the expenses in subsection (2) (a) and (b) exceeds the expense limit for the candidate endorsed by the elector organization, and
  - (b) if the campaign period expenses exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

### Prohibition against incurring campaign period expenses if expense limits will be exceeded

- 63.06** (1) This section applies to the following individuals permitted under section 30 *[how payment in relation to election expenses may be made]* to incur liability for payment in relation to campaign period expenses of a candidate or an elector organization, as applicable:
- (a) subject to subsection (2) of this section, the financial agent for the candidate;
  - (b) an individual authorized in writing by the financial agent for the candidate or by the candidate if the candidate is his or her own financial agent;
  - (c) the financial agent for the electoral organization;
  - (d) an individual authorized in writing by the financial agent for the elector organization.

- (2) Subsection (1) (a) does not include a candidate who is his or her own financial agent.
- (3) An individual referred to in subsection (1) must not incur liability in relation to the campaign period expenses of the candidate or elector organization, as applicable, if this would result in the campaign period expenses exceeding the expense limit for the candidate.
- (4) An individual who contravenes this section commits an offence.

### **Division 3 – Campaign Financing Arrangements between Candidates and Elector Organizations**

#### **Written campaign financing arrangement required**

- 63.07** (1) An elector organization and a candidate who is to be endorsed by the elector organization must enter into a written campaign financing arrangement that apportions the expense limit for the candidate by establishing
- (a) the amount that is available for use by the candidate during the campaign period in the election campaign of the candidate, and
  - (b) the amount that is available for use by the elector organization during the campaign period in the election campaign of the endorsing elector organization.
- (2) For certainty, a campaign financing arrangement may apportion the entire expense limit for a candidate to the election campaign of the candidate or to the election campaign of the elector organization.
- (3) A campaign financing arrangement must
- (a) include an acknowledgement that the candidate is aware of the disclosure requirements set out in section 49 (3) *[required information in candidate disclosure statement]*,
  - (b) include an acknowledgement that the candidate is aware of the penalties under section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information]*,
  - (c) include a requirement that the elector organization notify the candidate as soon as practicable when the elector organization becomes aware that it has exceeded or will exceed the amount available under the campaign financing arrangement,
  - (d) include a requirement that the candidate notify the elector organization as soon as practicable when the candidate becomes aware that the candidate has exceeded or will exceed the amount available under the campaign financing arrangement, and
  - (e) address any other matters prescribed by regulation.
- (4) The campaign financing arrangement must be dated and be signed

- (a) by the candidate,
  - (b) if the candidate has a financial agent, by the financial agent for the candidate, and
  - (c) by the financial agent for the elector organization.
- (5) A candidate and an elector organization must not enter into a campaign financing arrangement after the campaign period begins.
- (6) An elector organization must not, at any one time, be a party to more campaign financing arrangements in an election for a particular class of office than there are positions to be filled for that class of office.
- (7) A candidate or an elector organization that contravenes this section commits an offence.

### **Attribution of elector organization expenses to candidate expense limits**

- 63.08** (1) If an elector organization endorses only one candidate, the campaign period expenses of the elector organization must be
- (a) attributed to the expense limit for that candidate, and
  - (b) applied against the amount available to the elector organization under the campaign financing arrangement with the candidate.
- (2) If an elector organization endorses more than one candidate, the campaign period expenses of the elector organization must be
- (a) attributed to those candidates in accordance with the regulations, and
  - (b) applied against the applicable amounts available to the elector organization under the campaign financing arrangements with the candidates.
- (3) For certainty, this section applies regardless of the campaign financing arrangement between an elector organization and a candidate.

### **Prohibition against incurring campaign period expenses unless campaign financing arrangement is in place**

- 63.09** An elector organization must not incur a campaign period expense unless the elector organization has entered into, with each candidate that the elector organization endorses or intends to endorse, a campaign financing arrangement that provides an amount available for use during the campaign period in the election campaign of the elector organization.

### **Amendment to and termination of campaign financing arrangement**

- 63.10** (1) Subject to this section and any applicable regulations, a campaign financing arrangement, including the apportionment referred to in section 63.07 [*written campaign financing arrangement required*], may be changed by written amendment.

- (2) An amendment to a campaign financing arrangement is not effective unless the amendment is dated and is signed
- (a) by the candidate,
  - (b) if the candidate has a financial agent, by the financial agent for the candidate, and
  - (c) by the financial agent for the elector organization.
- (3) In the case of an amendment respecting the apportionment referred to in section 63.07, the amendment
- (a) may be made no later than 3 days before general voting day, and
  - (b) may cover campaign period expenses that were incurred before the amendment became effective.
- (4) A campaign financing arrangement may be terminated in accordance with the regulations, by the candidate or the elector organization, before, but not after, the start of the campaign period for the election.

### **Effect of endorsement relationship ending**

- 63.11** (1) This section applies in relation to a candidate and an elector organization if any of the following circumstances apply:
- (a) the candidate withdraws from the election under section 101 (2) [*withdrawal, death or incapacity of candidate*] of the *Local Government Act* or section 52 (2) [*withdrawal, death or incapacity of candidate*] of the *Vancouver Charter*;
  - (b) the local election officer notifies the minister responsible under section 101 (4) of the *Local Government Act* or section 52 (4) of the *Vancouver Charter* that the candidate is incapacitated to an extent that will prevent the candidate from holding office;
  - (c) the candidate dies before the close of general voting;
  - (d) any other circumstances prescribed by regulation.
- (2) The effect of the circumstances described in subsection (1) in relation to the campaign period expenses of the candidate and the campaign period expenses of the elector organization, and the application of this Act to those expenses, are those prescribed by regulation.

## **Part 6 — Penalties and Court Orders for Relief**

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

#### **Penalties for failure to disclose**

- 64** (1) Subject to a court order for relief under section 68 (1) (c) [*relief from obligation to file*], the penalties under this section apply to a candidate, elector organization, third party sponsor or assent voting advertising sponsor for

which a disclosure statement or supplementary report in accordance with Part 5 [*Transparency Requirements for Local Elections and Assent Voting*] has not been filed by the compliance deadline.

- (2) The following penalties apply in relation to the failure to file a candidate disclosure statement or supplementary report:
  - (a) in the case of a candidate who was declared elected, the candidate ceases to hold office on the local authority and the seat of the member becomes vacant;
  - (b) in all cases, the candidate is disqualified until after the next general local election from being nominated for, elected to or holding office on a local authority.
- (3) The following penalties apply in relation to the failure to file an elector organization disclosure statement or supplementary report:
  - (a) the elector organization is disqualified from endorsing a candidate until after the next general local election;
  - (b) subject to subsection (4.1), the elector organization is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.
- (4) The following penalties apply in relation to the failure to file a third party disclosure statement or supplementary report, or an assent voting advertising disclosure statement or supplementary report:
  - (a) the sponsor is disqualified from sponsoring third party advertising or non-election assent voting advertising until after the next general local election;
  - (b) subject to subsection (4.1), the sponsor is prohibited from accepting sponsorship contributions until after the next general local election.
- (4.1) An elector organization, a third party sponsor or an assent voting advertising sponsor is not prohibited from accepting campaign contributions or sponsorship contributions, as applicable, for the sole purpose of paying debts incurred in respect of the election for which there was a failure to file a disclosure statement or supplementary report.
- (5) Subject to any applicable regulations, a candidate, elector organization, third party sponsor or assent voting advertising sponsor becomes subject to the penalties under this section as follows:
  - (a) if no application for relief under section 66 [*application for relief in relation to disclosure requirements*] in relation to the disclosure statement or supplementary report is made in accordance with that section, on the day after the compliance deadline for the disclosure statement or supplementary report;
  - (b) if an application referred to in paragraph (a) has been commenced, on the later of

- (i) 42 days after the compliance deadline, and
  - (ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.
- (6) An individual or organization that contravenes a prohibition that applies under this section commits an offence.
- (7) For certainty,
  - (a) the obligation to file a disclosure statement or supplementary report continues even after the candidate, elector organization, third party sponsor or assent voting advertising sponsor becomes subject to the penalties under this section, and
  - (b) the penalties under this section apply whether or not a prosecution for an offence under section 57 *[offence for failure to file by compliance deadline]* has been commenced.

### **Penalties for false or misleading disclosure**

- 65** (1) If a candidate, an elector organization, a third party sponsor or an assent voting advertising sponsor is convicted of an offence under section 84 *[general offence in relation to false or misleading information]* in relation to a disclosure statement or supplementary report, the following penalties apply at the time of conviction:
- (a) in the case of a candidate who was declared elected, the candidate ceases to hold office as a member of the local authority, the seat of the member becomes vacant and the candidate is disqualified until after the next general local election from being nominated for, being elected to or holding office as a member of a local authority;
  - (b) in the case of a candidate who was not declared elected, the candidate is disqualified until after the next general local election from being nominated for, being elected to or holding office as a member of a local authority;
  - (c) in relation to an elector organization, the elector organization
    - (i) is disqualified from endorsing a candidate until after the next general local election, and
    - (ii) subject to subsection (1.1), is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election;
  - (d) in relation to a third party sponsor or an assent voting advertising sponsor, the sponsor
    - (i) is disqualified from sponsoring third party advertising or non-election assent voting advertising until after the next general local election, and
    - (ii) subject to subsection (1.1), is prohibited from accepting sponsorship contributions until after the next general local

election.

- (1.1) An elector organization, a third party sponsor or an assent voting advertising sponsor is not prohibited from accepting campaign contributions or sponsorship contributions, as applicable, for the sole purpose of paying debts incurred in respect of the election for which there was false or misleading disclosure.
- (2) An individual or organization that contravenes a prohibition that applies under subsection (1) commits an offence.
- (3) If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.
- (4) In the case of a candidate who is subject to penalties under subsection (1), section 72 (2) and (3) [*candidate disqualification ends*] applies if the conviction is overturned on the final determination of an appeal.

### **Endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information**

- 65.1** (1) If an elector organization becomes subject to penalties under section 64 (3) or 65 (1) (c), the penalties set out in section 64 (2) or 65 (1) (a) and (b), as applicable, apply in relation to a candidate who was endorsed by the elector organization and in respect of whom the elector organization failed to meet disclosure requirements or disclosed false or misleading information.
- (2) A candidate becomes subject to the penalties under subsection (1) at the same time as the elector organization becomes subject to the penalties under section 64 (3) or 65 (1) (c), as applicable.
- (3) If a candidate becomes subject to penalties under this section, section 72 [*appeals and final determinations*] applies to the candidate if the conviction of the elector organization is overturned on the final determination of an appeal.

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

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

- 66** (1) An application to the Supreme Court for relief from disclosure requirements under this Act may be made in accordance with this Division.
- (2) An application under this section may be made as follows:
- (a) for relief in relation to a candidate disclosure statement or supplementary report, the application may be made by the candidate or the financial agent for the candidate;
  - (b) for relief in relation to an elector organization disclosure statement or supplementary report, the application may be made by the elector organization, the financial agent for the elector organization or a responsible principal official of the organization;

- (c) for relief in relation to a third party disclosure statement or supplementary report, or an assent voting advertising disclosure statement or supplementary report, the application may be made,
  - (i) in the case of a sponsor who is an individual, by the individual, and
  - (ii) in the case of a sponsor who is an organization, by the organization or a responsible principal official of the organization.
- (3) The time limit for filing the petition for an application under this section is the compliance deadline for the disclosure statement or supplementary report to which the application relates.
- (4) The petition for an application must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:
  - (a) in all cases, on the BC chief electoral officer;
  - (b) in the case of an application in relation to a candidate,
    - (i) on the individuals referred to in subsection (2) (a), and
    - (ii) if the candidate was declared elected, on the jurisdiction in relation to which the election was held;
  - (c) in the case of an application in relation to an elector organization,
    - (i) on the organization and individuals referred to in subsection (2) (b), and
    - (ii) on the candidates endorsed by the elector organization;
  - (d) in the case of an application in relation to a third party sponsor or assent voting advertising sponsor, on the organization and individuals referred to in subsection (2) (c).

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

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

- (2) The following apply in relation to an application referred to in subsection (1):
  - (a) the applicant must take all reasonable steps to have the application heard as soon as practicable;
  - (b) the applicant must provide notice of the date the application is set down for hearing and any adjournments to
    - (i) the jurisdiction in relation to which the election was held, and
    - (ii) the BC chief electoral officer;
  - (c) when deciding whether to grant relief under section 68, the court must consider whether the applicant acted diligently to have the

application heard as soon as practicable.

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

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

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

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

- (a) in relation to an order under subsection (1) (a) respecting a disclosure statement, order
  - (i) that the extension of time for filing the disclosure statement is subject to payment of the late filing penalty fee, or
  - (ii) that the disclosure statement may be filed without paying the late filing penalty fee;

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

(b.1) in relation to an order under subsection (1) respecting an elector organization disclosure statement, provide relief in relation to a candidate endorsed by the elector organization who is subject to a penalty under section 65.1 [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*];

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

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

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

- (a) in relation to a disclosure statement for the elector organization, the individuals who were responsible principal officials of the organization

at any time during the period

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

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

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

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

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

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

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

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

(b) ending on the day after the compliance deadline for filing the disclosure statement or supplementary report

exercised due diligence to ensure that the applicable disclosure requirements were met.

### **Division 3 — Expense Limit Penalties**

#### **Penalties for exceeding expense limits or amount available**

**68.01** (1) Subject to a court order for relief under section 68.06 (1) [*court relief powers*], the penalties under this section apply to a candidate or an elector organization in relation to exceeding an expense limit or the amount available under a final campaign financing arrangement.

(2) The penalty set out in subsection (3) applies to

(a) an unendorsed candidate if the campaign period expenses of the candidate exceeded the expense limit for the candidate, and

(b) a candidate endorsed by an elector organization if the total of the following exceeded the expense limit for the candidate:

(i) the campaign period expenses of the candidate;

(ii) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the

candidate.

- (3) In the case of a candidate who was declared elected, the candidate ceases to hold office as a member of the local authority and the seat of the member becomes vacant.
- (4) The penalties set out in subsection (5) apply to an elector organization if both of the following apply:
  - (a) the total of the following exceeded the expense limit for a candidate endorsed by the elector organization:
    - (i) the campaign period expenses of the candidate;
    - (ii) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate;
  - (b) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate exceeded the amount available to the elector organization under the final campaign financing arrangement with the candidate.
- (5) The elector organization
  - (a) is disqualified from endorsing a candidate until after the next general local election, and
  - (b) subject to subsection (6), is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.
- (6) An elector organization is not prohibited from accepting campaign contributions for the sole purpose of paying debts incurred in respect of the election in which expense limits or amounts available were exceeded.
- (7) Subject to any applicable regulations, if the fact that an expense limit or the amount available was exceeded is disclosed in the disclosure statement or supplementary report of a candidate or an elector organization, as applicable, the candidate or elector organization becomes subject to the penalties under this section as follows:
  - (a) if no application for relief under section 68.04 [*application for relief in relation to exceeding expense limits or amount available*] is made in accordance with that section,
    - (i) in the case of an unendorsed candidate, on the day after the compliance deadline for the statement or report, and
    - (ii) in the case of a candidate endorsed by an elector organization or of an elector organization, on the day after the later of the following:
      - (A) the candidate's compliance deadline;
      - (B) the elector organization's compliance deadline;

- (b) if an application referred to in paragraph (a) has been made, on the later of the following:
  - (i) 42 days after the time limit for making an application under the section;
  - (ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.
- (8) An individual or organization that contravenes a prohibition that applies under this section commits an offence.
- (9) For certainty, the penalties under this section apply whether or not a prosecution for an offence under section 63.05 (3), (4) or (5) *[prohibition against exceeding expense limits]* has been commenced.

### **Monetary penalties for exceeding expense limits or amount available**

**68.02** (1) Subject to a court order for relief under section 68.07 (1), *[court relief powers – monetary penalties]*, the monetary penalties under this section apply to a candidate or an elector organization in relation to exceeding an expense limit or the amount available under a final campaign financing arrangement.

- (2) The monetary penalties set out in subsection (3) apply to
  - (a) an unendorsed candidate if the campaign period expenses of the candidate exceeded the expense limit for the candidate, and
  - (b) a candidate endorsed by an elector organization if the campaign period expenses of the candidate exceeded the amount available to the candidate under the final campaign financing arrangement with the elector organization that endorsed the candidate.
- (3) A candidate must pay to the BC chief electoral officer,
  - (a) in the case of an unendorsed candidate, a monetary penalty equal to 2 times the amount by which the expense limit was exceeded, and
  - (b) in the case of a candidate endorsed by an elector organization, a monetary penalty equal to 2 times the amount by which the amount available to the candidate was exceeded.
- (4) The monetary penalty set out in subsection (5) applies to an elector organization if the endorsing elector organization's campaign period expenses that are attributable to the expense limit for the candidate exceeded the amount available to the elector organization under the final campaign financing arrangement with the candidate.
- (5) The elector organization must pay to the BC chief electoral officer a monetary penalty equal to 5 times the amount by which the amount available to the elector organization was exceeded.
- (6) Subject to any relief provided under section 68.08 *[individual relief from monetary penalty liability of responsible principal officials]*, if an elector organization is subject to a monetary penalty under subsection (5) of this

section, the individuals who were responsible principal officials of the organization at any time during the campaign period for the election to which the penalty relates are jointly and severally liable with the elector organization to pay the monetary penalty.

- (7) Subject to any applicable regulations, if the fact that an expense limit or the amount available was exceeded is disclosed in the disclosure statement or supplementary report of a candidate or an elector organization, as applicable, the candidate or elector organization becomes subject to the monetary penalties under this section as follows:
- (a) if no application for relief under section 68.04 is made in accordance with that section, on the day after the compliance deadline for the statement or report;
  - (b) if an application referred to in paragraph (a) has been made, on the later of the following:
    - (i) 42 days after the time limit for making an application under the section;
    - (ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.

### **Disqualification if monetary penalties unpaid**

**68.03** (1) If a candidate is subject to a monetary penalty under section 68.02 and does not pay the monetary penalty within 30 days of the date the candidate is subject to the penalty, the candidate is disqualified, subject to subsection (2) of this section, from being nominated for, being elected to or holding office as a member of a local authority until after the next general local election.

- (2) On payment by the candidate of the monetary penalty described in subsection (1), the candidate ceases to be disqualified under that subsection.
- (3) If an elector organization is subject to a monetary penalty under section 68.02 and does not pay the monetary penalty within 30 days of the date the elector organization is subject to the penalty, the elector organization, if the elector organization is not disqualified and prohibited under section 68.01 (5),
- (a) is disqualified from endorsing a candidate until after the next general local election, and
  - (b) subject to subsection (4), is prohibited from accepting campaign contributions or incurring election expenses until after the next general local election.
- (4) An elector organization is not prohibited from accepting campaign contributions for the sole purpose of paying debts incurred in respect of the election for which there was a failure to pay a monetary penalty.
- (5) An individual or organization that contravenes a prohibition that applies under this section commits an offence.

## **Division 4 — Court Orders for Relief in Relation to Exceeding Expense Limits or Amount Available**

### **Application for relief in relation to exceeding expense limits or amount available**

- 68.04** (1) An application to the Supreme Court for relief in relation to exceeding an expense limit or the amount available may be made in accordance with this Division.
- (2) An application for relief under this section may be made as follows:
- (a) in relation to an unendorsed candidate described in section 68.01 (2) (a) [*penalties for unendorsed candidate*] or 68.02 (2) (a) [*monetary penalties for unendorsed candidate*], by the candidate or the financial agent for the candidate;
  - (b) in relation to a candidate endorsed by an elector organization described in section 68.01 (2) (b) or 68.02 (2) (b), by the candidate or the financial agent for the candidate;
  - (c) in relation to an elector organization described in section 68.01 (4) or 68.02 (4), by the elector organization, the financial agent for the elector organization or a responsible principal official of the elector organization.
- (3) An application under this section may be made only if the fact that an expense limit or the amount available was exceeded is disclosed, or anticipated by the applicant to be disclosed, in the disclosure statement or supplementary report of the candidate or elector organization, as applicable, on or before the compliance deadline for the statement or report.
- (4) A petition for an application under this section must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:
- (a) in all cases, on the BC chief electoral officer;
  - (b) in the case of an application in relation to a candidate, on the candidate or the financial agent for the candidate and, if the candidate is endorsed by an elector organization, on the elector organization;
  - (c) in the case of an application in relation to an elector organization, on the financial agent for the elector organization or a responsible principal official of the elector organization, on the candidate endorsed by the elector organization and on the financial agent for the candidate, if the candidate has a financial agent;
  - (d) in the case of a candidate who was declared elected, on the jurisdiction in relation to which the election was held.

### **Special rules respecting applications for relief in relation to candidates exceeding expense limits**

- 68.05** (1) In the case of an application for relief in relation to a candidate exceeding the expense limit for the candidate, the applicant, no later than 14 days after a petition for the application is filed, must set the matter down for hearing by the Supreme Court.
- (2) The following apply in relation to an application under this section:
- (a) the applicant must take all reasonable steps to have the application heard as soon as practicable;
  - (b) the applicant must provide to the jurisdiction in relation to which the election was held and to the BC chief electoral officer notice of the date the application is set down for hearing and of any adjournments;
  - (c) when deciding whether to grant relief under this section, the court must consider whether the applicant acted diligently to have the application heard as soon as practicable.

### **Court relief powers respecting exceeding expense limits or amount available**

- 68.06** (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:
- (a) ordering that the penalty under section 68.01 (3) [*candidate penalties for exceeding expense limits or amount available*] does not apply to a candidate;
  - (b) ordering that the penalty under section 68.01 (5) [*elector organization penalties for exceeding expense limits or amount available*] does not apply to an elector organization.
- (2) The authority to provide relief under subsection (1) includes the authority to make any additional order the court considers appropriate to secure compliance with Part 5.1 [*Expense Limits*] to the extent the court considers reasonable in the circumstances.
- (3) In relation to an unendorsed candidate who is subject to a penalty under section 68.01 (3), the court may provide relief only if satisfied that
- (a) exceeding the expense limit did not materially affect the result of the election, and
  - (b) the candidate exercised due diligence to ensure that the candidate's campaign period expenses did not exceed the expense limit.
- (4) In relation to a candidate endorsed by an elector organization who is subject to a penalty under section 68.01 (3), the court may provide relief only if satisfied that
- (a) exceeding the expense limit did not materially affect the result of the election,
  - (b) the candidate exercised due diligence to ensure that the candidate's campaign period expenses did not exceed the amount available to the

candidate under the final campaign financing arrangement with the endorsing elector organization, and

- (c) the candidate acted in good faith in relation to the elector organization's campaign period expenses exceeding the amount available to the elector organization under the final campaign financing arrangement.

(5) In relation to an elector organization that is subject to a penalty under section 68.01 (5), the court may provide relief only if satisfied that

- (a) exceeding the expense limit for the candidate endorsed by the elector organization did not materially affect the result of the election, and
- (b) the individuals who are or may be liable under section 68.02 (6) exercised due diligence to ensure that the elector organization's campaign period expenses did not exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

### **Court relief powers respecting exceeding expense limits or amount available – monetary penalties**

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

- (a) ordering that all or part of the applicable monetary penalty under section 68.02 (3) [*monetary penalties for exceeding expense limits or amount available*] does not apply to a candidate;
- (b) ordering that all or part of the monetary penalty under section 68.02 (5) does not apply to an elector organization.

(2) The authority to provide relief under subsection (1) includes the authority to make any additional order the court considers appropriate to secure compliance with Part 5.1 [*Expense Limits*] to the extent the court considers reasonable in the circumstances.

(3) In relation to a candidate who is subject to a monetary penalty under section 68.02 (3), the court may provide relief only if satisfied that the candidate exercised due diligence to ensure that,

- (a) in the case of an unendorsed candidate, the candidate's campaign period expenses did not exceed the expense limit for the candidate, and
- (b) in the case of a candidate endorsed by an elector organization, the candidate's campaign period expenses did not exceed the amount available to the candidate under the final campaign financing arrangement.

(4) In relation to an elector organization that is subject to a monetary penalty under section 68.02 (5), the court may provide relief only if satisfied that the individuals who are or may be liable under section 68.02 (6) exercised due

diligence to ensure that the elector organization's campaign period expenses did not exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

### **Individual relief from monetary penalty liability of responsible principal officials**

- 68.08** (1) An individual who is or may be liable under section 68.02 (6) [*monetary penalties — principal officials*] may apply to the Supreme Court in accordance with this section for relief from the individual's liability.
- (2) A petition for an application under this section must be served on the following no later than 7 days after the petition is filed in the court registry:
- (a) the BC chief electoral officer;
  - (b) the elector organization;
  - (c) any individual, other than the applicant, who is or may be liable as referred to in subsection (1).
- (3) Subject to subsection (4), on the hearing of an application under this section, the court may provide relief from all or part of the applicant's liability to pay the elector organization's monetary penalty.
- (4) The court may provide relief only if satisfied that the applicant exercised due diligence to ensure that the elector organization's campaign period expenses that are attributable to the expense limit for the candidate did not exceed the amount available to the elector organization under the final campaign financing arrangement with that candidate.

## **Division 5 — Third Party Advertising Limits — Penalties and Court Orders for Relief**

### **Penalties for exceeding third party advertising limits**

- 68.09** (1) Subject to a court order for relief provided under section 68.11 (1), the penalties under this section apply to a third party sponsor in relation to exceeding a third party advertising limit.
- (2) The penalties set out in subsection (3) and the applicable monetary penalty set out in subsection (5) apply to a third party sponsor if the value of the third party advertising sponsored during the campaign period exceeded a third party advertising limit for the third party sponsor.
- (3) The third party sponsor
- (a) is disqualified from sponsoring third party advertising until after the next general local election, and
  - (b) subject to subsection (4), is prohibited from accepting sponsorship contributions until after the next general local election.
- (4) A third party sponsor is not prohibited from accepting sponsorship contributions for the sole purpose of paying debts incurred in respect of the

election in which third party advertising limits were exceeded.

- (5) The third party sponsor must pay to the BC chief electoral officer,
- (a) in the case of a third party sponsor that is an individual, a monetary penalty equal to 2 times the amount by which the third party advertising limit was exceeded, and
  - (b) in the case of a third party sponsor that is an organization, a monetary penalty equal to 5 times the amount by which the third party advertising limit was exceeded.
- (6) Subject to any applicable regulations, if the fact that a third party advertising limit was exceeded is disclosed in the disclosure statement or supplementary report of a third party sponsor, as applicable, the third party sponsor becomes subject to the penalties under this section as follows:
- (a) if no application for relief under section 68.10 is made in accordance with that section, on the day after the compliance deadline for the statement or report;
  - (b) if an application referred to in paragraph (a) has been made, on the later of the following:
    - (i) 42 days after the time limit for making an application under the section;
    - (ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.
- (7) Subject to any relief provided under section 68.12 *[individual relief from liability of responsible principal officials]*, if a third party sponsor that is an organization is subject to a monetary penalty under this section, the individuals who were responsible principal officials of the organization at any time during the campaign period for the election or elections to which the third party advertising relates are jointly and severally liable with the organization to pay the monetary penalty under this section in relation to the organization.
- (8) An individual or organization that contravenes a prohibition that applies under this section commits an offence.
- (9) For certainty, the penalties under this section apply whether or not a prosecution for an offence under section 41.5 (3) *[offence for exceeding third party advertising limits]* has been commenced.

### **Application for relief in relation to exceeding third party advertising limits**

- 68.10** (1) An application to the Supreme Court for relief in relation to a third party sponsor exceeding a third party advertising limit may be made in accordance with this section.
- (2) An application for relief under this section may be made by the following:
- (a) the third party sponsor;

- (b) if the third party sponsor is an organization, an individual who is or may be liable under section 68.09 (7).
- (3) An application under this section may be made only if the fact that a third party advertising limit was exceeded is disclosed, or anticipated by the applicant to be disclosed, in the disclosure statement or the supplementary report of the third party sponsor.
- (4) A petition for an application under this section must be filed on or before the compliance deadline for the disclosure statement or supplementary report of the third party sponsor.
- (5) A petition for an application under this section must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:
  - (a) the BC chief electoral officer;
  - (b) if the third party sponsor is an organization, the individuals who are or may be liable under section 68.09 (7).

### **Court relief powers respecting exceeding third party advertising limits**

- 68.11** (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:
- (a) ordering that the penalty under section 68.09 (3) does not apply to a third party sponsor;
  - (b) ordering that all or part of the applicable monetary penalty under section 68.09 (5) does not apply to a third party sponsor.
- (2) The authority to provide relief under subsection (1) includes the authority to make any additional order the court considers appropriate to secure compliance with Division 4 [*Third Party Advertising Limits*] of Part 3 [*Third Party Advertising*] to the extent the court considers reasonable in the circumstances.
- (3) In relation to a third party sponsor who is an individual, the court may provide relief only if satisfied that the third party sponsor exercised due diligence to ensure that the value of the third party advertising of that third party sponsor did not exceed the third party advertising limit for that third party sponsor.
- (4) In relation to a third party sponsor that is an organization, the court may provide relief only if satisfied that the individuals who are or may be liable under section 68.09 (7) exercised due diligence to ensure that the value of the third party advertising of the third party sponsor did not exceed the third party advertising limit for that third party sponsor.

### **Individual relief from liability of responsible principal officials**

- 68.12** (1) An individual who is or may be liable under section 68.09 (7) [*penalties — principal officials*] may apply to the Supreme Court in accordance with this section for relief from the individual's liability.

- (2) A petition for an application under this section must be served on the following no later than 7 days after the petition is filed in the court registry:
- (a) the BC chief electoral officer;
  - (b) the organization that is the third party sponsor;
  - (c) any individual, other than the applicant, who is or may be liable as referred to in subsection (1).
- (3) Subject to subsection (4), on the hearing of an application under this section, the court may provide relief from all or part of the applicant's liability to pay the third party sponsor's monetary penalty.
- (4) The court may provide relief only if satisfied that the applicant exercised due diligence to ensure that the value of the third party advertising of the third party sponsor did not exceed the third party advertising limit for that third party sponsor.

## **Division 6 – General Provisions in Relation to Court Orders for Relief**

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

- 69** (1) Subject to subsection (2), the Supreme Court may extend the date when a penalty would otherwise apply under any of the following sections:
- (a) section 64 (5) (b) (i) [*penalties apply 42 days after compliance deadline*];
  - (b) section 68.01 (7) (b) (i) [*penalties apply 42 days after compliance deadline*];
  - (c) section 68.02 (7) (b) (i) [*monetary penalties apply 42 days after compliance deadline*];
  - (d) section 68.09 (6) (b) (i) [*penalties apply 42 days after compliance deadline*].
- (2) The court may not make an order extending the time unless
- (a) the candidate, elector organization, third party sponsor or assent voting advertising sponsor has not yet become subject to the penalty or penalties for which an extension is requested,
  - (b) an application for relief under this Division has been filed, served and set down for hearing as required under this Division but has not yet been decided, and
  - (c) the court is satisfied that the applicant has acted diligently to have the application heard as soon as practicable.
- (3) A decision by the court under this section is final and may not be appealed.

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

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

organization the address for service of the individuals and organizations that are required to be served with the petition for the application.

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

- 71** (1) The BC chief electoral officer may set down an application under this Division for hearing by filing a request with the court registry and serving the request on the applicant and any other parties to the application as follows:
- (a) in the case of an application that may affect the qualification of a candidate who was declared elected to hold office, at any time for the purpose of ensuring that the entitlement of that candidate to continue to hold office as a member of the local authority is decided expeditiously;
  - (b) in any case, if the BC chief electoral officer considers that the applicant is not having the application heard as soon as practicable.
- (2) Subsection (1) applies whether or not the BC chief electoral officer is a party to the application and whether or not the applicant has set down the application for hearing.
- (3) The BC chief electoral officer may appeal an order of the court under this Division, whether or not that officer was a party to the application.

### **Appeals and final determinations**

- 72** (1) Penalties under this Act may not be stayed pending determination of an appeal of an order under this Division.
- (2) For certainty, if
- (a) a candidate, elector organization, third party sponsor or assent voting advertising sponsor has become subject to disqualification penalties under section 64 [*penalties for failure to disclose*], and
  - (b) on the final determination of an application under section 66 [*application for relief in relation to disclosure requirements*], the court provides relief from the disclosure requirements and, as applicable, there is compliance with the court order,
- the candidate, elector organization, third party sponsor or assent voting advertising sponsor ceases to be disqualified under section 64.
- (2.1) For certainty, if
- (a) a candidate endorsed by an elector organization is subject to disqualification penalties under section 65.1 [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*], and
  - (b) on the final determination of an application under section 66 [*application for relief in relation to disclosure requirements*] by the elector organization, the court provides relief for the elector organization,

the candidate ceases to be disqualified.

(2.2) For certainty, if

- (a) a candidate ceases to hold office as a member of the local authority under section 68.01 (3) [*candidate penalties for exceeding expense limits or amount available*], and
- (b) on the final determination of an application under section 68.04, the court provides relief from exceeding the expense limit or amount available and there is compliance with the court order,

subsection (3) of this section applies.

(3) If a candidate to whom subsection (2), (2.1) or (2.2) applies was declared elected before ceasing to hold office and if the term of office for which the candidate was elected has not ended,

- (a) that candidate is entitled to take office for any unexpired part of the term if that candidate is not otherwise disqualified, and
- (b) if that candidate exercises this right, the individual currently holding the office ceases to hold office.

(4) For the purposes of subsection (3) (b), if more than one individual currently holds the same office because more than one candidate who was declared elected ceased to hold an office and became disqualified under section 64, 65.1 or 68.01, and it is not known which of those individuals currently hold the offices vacated by the candidates, the decision in respect of which individuals cease to hold office is to be made in accordance with the regulations.

(5) For certainty, an elector organization that is subject to penalties under section 68.01 (5) ceases to be disqualified or prohibited under that section if, on the final determination of an application under section 68.04,

- (a) the court provides relief, and
- (b) there is compliance with the court order.

(6) For certainty, a third party sponsor that is subject to penalties under section 68.09 (3) [*penalties for exceeding third party advertising limits*] ceases to be disqualified or prohibited under that section if, on the final determination of an application under section 68.10 [*application for relief in relation to exceeding third party advertising limits*],

- (a) the court provides relief, and
- (b) there is compliance with the court order.

## **Part 7 — Enforcement**

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

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

**73** If an elected member of a local authority becomes subject to a penalty under any of the following sections, the BC chief electoral officer must report to the local authority, as applicable, that the seat of the member has become vacant or that the member has become disqualified to hold office:

- (a) section 64 (2) (a) [*candidate penalties for failure to disclose*];
- (b) section 64 (2) (b) [*candidate disqualification penalty for failure to disclose*];
- (c) section 65 (1) (a) [*candidate penalties for false or misleading disclosure*];
- (d) section 65 (1) (b) [*candidate conviction for false or misleading disclosure*];
- (e) section 65.1 [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*];
- (f) section 68.01 (3) [*candidate penalties for exceeding expense limits or amount available*];
- (g) section 68.03 (1) [*unpaid monetary penalties — candidate*].

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

- 74** (1) The BC chief electoral officer must conduct periodic reviews of the financial affairs and accounts of candidates, elector organizations, third party sponsors and assent voting advertising sponsors in relation to general compliance with this Act and the regulations under this Act.
- (2) In addition to general reviews under subsection (1), the BC chief electoral officer may do any of the following:
- (a) conduct an investigation of the financial affairs of a candidate, elector organization, third party sponsor or assent voting advertising sponsor in relation to compliance with this Act and the regulations under this Act;
  - (b) conduct an audit of the accounts of an individual or organization referred to in paragraph (a);
  - (c) conduct an investigation of any matter that the BC chief electoral officer considers might constitute an offence under this Act or might be a contravention of a provision of Parts 2 to 7 of this Act or of a regulation under this Act;
  - (d) conduct an investigation of a complaint received by the BC chief electoral officer regarding non-compliance by an individual or organization referred to in paragraph (a) or the financial agent for such an individual or organization.
- (3) For purposes of this section, the BC chief electoral officer or a representative of the BC chief electoral officer may inspect and make copies of the records of an

individual or organization referred to in subsection (1).

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

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

- 75** (1) If the BC chief electoral officer receives a complaint alleging that a provision of this Act or a regulation under this Act has been contravened, the BC chief electoral officer must consider whether to investigate the matter.
- (2) The BC chief electoral officer must refuse to investigate if, in the view of the BC chief electoral officer, the complaint appears to be frivolous, vexatious or obviously unfounded.
- (3) If a complaint is made in writing and the BC chief electoral officer decides not to conduct an investigation, the BC chief electoral officer must notify the complainant in writing of the reasons for this decision.

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

- 76** For the purposes of administering compliance with this Act and the regulations under this Act, the BC chief electoral officer has the following powers in addition to all others provided under this Act:
- (a) to require the following to provide a supplementary report:
    - (i) a candidate or the financial agent for a candidate;
    - (ii) an elector organization or the financial agent for an elector organization;
    - (iii) a third party sponsor;
    - (iv) an assent voting advertising sponsor;
  - (b) to require an individual or organization referred to in paragraph (a) to provide further information respecting compliance with this Act and the regulations under this Act;
  - (c) to require a local authority to provide to the BC chief electoral officer the originals or copies, as requested by the BC chief electoral officer, of records received or obtained by a local authority under this Act or other local elections legislation, or created by a local authority official in relation to this Act or other local elections legislation, including records that include personal information.

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

- 77** (1) For the purposes of administering compliance with the requirements under this Act in relation to
- (a) Part 3 [*Third Party Advertising*],
  - (b) section 42 [*application of third party advertising rules to non-election assent voting advertising*], or

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

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

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

- (a) whether the individual identified under section 44 (1) (a) [*advertising must include sponsorship information*] is or is not the sponsor of the election advertising or non-election assent voting advertising, or is or is not the financial agent for the sponsor;
- (b) the individual's compliance with the requirements referred to in subsection (1);
- (c) if the individual is a financial agent for an elector organization, compliance by the elector organization with the requirements referred to in subsection (1);
- (d) if the individual is a responsible principal official of an elector organization or an organization that is a registered sponsor, compliance by the elector organization or sponsor with the requirements referred to in subsection (1);
- (e) any other matter the BC chief electoral officer considers will assist in determining whether there has been compliance with the requirements referred to in subsection (1).

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

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

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

- (a) order an individual or organization to correct, discontinue, remove or destroy the election advertising or non-election assent voting advertising;
- (b) cover the election advertising or non-election assent voting advertising, or otherwise obscure it from view;
- (c) remove, or remove and destroy, the election advertising or non-election assent voting advertising.

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

- (3) The authority under subsection (2) may be used to enter into a place that is occupied as a private dwelling only if the occupier consents or the entry is made under the authority of a warrant under this or another Act.
- (4) On being satisfied on oath or affirmation that access to property is necessary for purposes of this section, a justice may issue a warrant authorizing an individual named in the warrant to enter on or into property and take action as authorized by the warrant.
- (5) An individual or organization that does not comply with an order under subsection (1) (a) commits an offence.

### **Enforcement of monetary penalties**

- 78.1** (1) In relation to a monetary penalty under section 68.02 (3) or (5) or 68.09 (5), the BC chief electoral officer may issue and file with the Supreme Court a certificate specifying the name of the candidate, elector organization or third party sponsor, as applicable, and the amount owed under those sections by the candidate, elector organization or third party sponsor.
- (2) A certificate filed under subsection (1) has the same effect and is enforceable in the same manner as a judgment of the Supreme Court in favour of the government for the recovery of a debt in the amount specified in the certificate.

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

- 79** (1) On application of the BC chief electoral officer, the Supreme Court may grant an injunction
- (a) requiring an individual or organization to comply with this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has not complied or is likely not to comply with the Act or regulation, or
  - (b) restraining an individual or organization from contravening this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has contravened or is likely to contravene the Act or regulation.
- (2) An order granting an injunction under subsection (1) may be made without notice to others if it is necessary to do so in order to protect the public interest.
- (3) A contravention of this Act or a regulation under this Act may be restrained under subsection (1) whether or not a penalty or other remedy has been provided under this Act.

## **Division 2 — Offences**

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

- 80** (1) Section 5 [*offence to contravene an enactment*] of the *Offence Act* does not apply to this Act or the regulations under this Act.
- (2) Any penalty under this Part is in addition to and not in place of any other penalty to which an individual or organization may be liable under this Act in respect of the same matter.
- (3) An individual or organization is not guilty of an offence under this Act if the individual or organization exercised due diligence to prevent the commission of the offence.

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

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

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

- 82** (1) The time limit for laying an information to commence a prosecution respecting an offence under this Act is one year after the facts on which the information is based first came to the knowledge of the BC chief electoral officer.
- (2) A document purporting to have been issued by the BC chief electoral officer, certifying the day on which the BC chief electoral officer became aware of the facts on which an information is based, is admissible without proof of the signature or official character of the individual appearing to have signed the document and, in the absence of evidence to the contrary, is proof of the matter certified.

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

- 83** (1) An act or thing done or omitted by an officer, director, principal official, employee or agent of an organization within the scope of the individual's authority to act on behalf of the organization is deemed to be an act or thing done or omitted by the organization.
- (2) If an organization commits an offence under this Act, an officer, director, principal official, employee or agent of the organization who authorizes, permits or acquiesces in the offence commits the same offence, whether or not the organization is convicted of the offence.
- (3) A prosecution for an offence under this Act may be brought against an unincorporated organization in the name of the organization and, for these purposes, an unincorporated organization is deemed to be a person.

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

- 84** (1) An individual or organization that does any of the following commits an offence:
- (a) provides false or misleading information when required or authorized under this Act to provide information;
  - (b) makes a false or misleading statement or declaration when required under this Act to make a statement or declaration.
- (2) In the case of false or misleading information in a disclosure statement or supplementary report, the candidate, elector organization, third party sponsor or assent voting advertising sponsor for which the disclosure statement or supplementary report is filed commits an offence.

### **Higher penalty offences**

- 85** (1) This section applies to the offences under the following provisions:
- (a) section 57 [*offence for failure to file by compliance deadline*];
  - (b) section 84 [*general offence in relation to false or misleading information*];
  - (c) any provision of the regulations prescribed for purposes of this section.
- (2) An individual who commits an offence to which this section applies is liable to a fine of not more than \$10 000 or imprisonment for a term not longer than 2 years, or both.
- (3) An organization that commits an offence to which this section applies is liable to a fine of not more than \$20 000.

### **Lower penalty offences**

- 86** (1) This section applies to offences under this Act other than offences to which section 85 applies.
- (2) An individual who commits an offence to which this section applies is liable to a fine of not more than \$5 000 or imprisonment for a term not longer than one year, or both.
- (3) An organization that commits an offence to which this section applies is liable to a fine of not more than \$10 000.

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

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

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

- 87** (1) The BC chief electoral officer is responsible for administering compliance with this Act and the regulations under this Act in relation to candidates, elector

organizations, financial agents, third party sponsors, assent voting advertising sponsors and other individuals and organizations regulated under this Act.

- (2) In relation to the responsibilities under subsection (1), the BC chief electoral officer must
  - (a) conduct general reviews of election and assent voting financing matters that are dealt with under this Act and of their administration under this Act, and
  - (b) after each general local election, prepare a report respecting that officer's role in administering compliance with this Act and the regulations under this Act in relation to that general local election and any other elections or assent voting held since the last report under this section.
- (3) The BC chief electoral officer must make a report under this section publicly available on an Elections BC authorized internet site.

### **Administrative matters**

- 88** (1) Section 10 [*general staff of the chief electoral officer*] of the *Election Act* applies to the BC chief electoral officer in relation to that officer's duties of office under this Act.
- (2) The BC chief electoral officer may delegate in writing to an individual appointed under section 10 (1) [*Elections BC employees*] of the *Election Act* the authority to exercise any power and perform any duty assigned to the BC chief electoral officer under this Act, subject to any limits or conditions imposed by the BC chief electoral officer.
  - (3) All necessary expenses required for the BC chief electoral officer to perform that officer's duties of office under this Act must be paid out of the general fund of the consolidated revenue fund.
  - (4) The BC chief electoral officer must approve all amounts to be paid under the authority of this section, with this approval authority subject to any applicable regulations.
  - (5) Amounts that are to be paid to the BC chief electoral officer under this Act and are received by that officer must be paid into the consolidated revenue fund.

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

- 89** (1) Subject to this section and any applicable regulations, if, in reviewing a disclosure statement or supplementary report, the BC chief electoral officer becomes aware of an error or omission that the BC chief electoral officer considers does not materially affect the substance of the statement or report, that officer may correct the error or omission.
- (2) A correction under this section may be made only with
    - (a) the consent of the candidate, elector organization, third party sponsor or assent voting advertising sponsor in relation to which the

disclosure statement or supplementary report was filed, or

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

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

- 90** (1) Subject to this section and any applicable regulations, the BC chief electoral officer may, on request, make an order extending the time period for filing a disclosure statement without payment of a late filing penalty fee that would otherwise apply.
- (2) [Repealed 2016-9-35.]
  - (3) The BC chief electoral officer may make an order under this section only if satisfied, having regard to the purposes of this Act,
    - (a) that it is appropriate to provide the extension, and
    - (b) that the disclosure statement cannot be filed within the time period that would otherwise apply by reason of an emergency or other extraordinary circumstance.

### **Retention of disclosure records**

- 91** (1) The BC chief electoral officer must retain the disclosure statements and supplementary reports under this Act until at least 5 years after general voting day for the election or assent voting to which they relate.
- (2) The minister responsible for the administration of the *Information Management Act* may require that, after the end of the retention period, the records referred to in subsection (1) be archived
    - (a) in the digital archives established by the *Information Management Act*, or
    - (b) in the museum archives of government established by the *Museum Act*.
  - (3) For purposes of subsection (2), the BC chief electoral officer must give notice to the minister before the end of each retention period.

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

- 92** (1) As soon as practicable after an individual is declared to be a candidate, the local election officer must provide the following to the BC chief electoral officer:
- (a) the full name of the candidate;
  - (b) if applicable, the usual name of the candidate proposed to be used on the ballot;
  - (c) the jurisdiction in relation to which and the office for which the individual is a candidate;

- (d) the mailing address for the candidate as provided in the nomination documents;
  - (e) a copy of the information and material provided under section 90 (1) *[other information to be provided by candidate]* of the *Local Government Act* or section 45.1 (1) of the *Vancouver Charter*, as applicable, or the information provided in that material;
  - (f) if applicable, the name of the elector organization that is endorsing the candidate;
  - (g) other information as required by regulation.
- (2) As soon as practicable after receiving the endorsement documents for an elector organization, the local election officer must provide the following to the BC chief electoral officer:
- (a) a copy of the statement provided under section 93 (1) (a) *[endorsement documents]* of the *Local Government Act* or section 45.4 (1) (a) of the *Vancouver Charter*, as applicable, or the information provided in that statement;
  - (b) a copy of the information and material provided under section 94 *[additional elector organization information]* of the *Local Government Act* or section 45.5 of the *Vancouver Charter*, as applicable, or the information provided in that material;
  - (c) other information as required by regulation.
- (3) If the local election officer receives updated information respecting any of the information or material to be provided to the BC chief electoral officer under this section, that local election officer must ensure that the updated information is provided to the BC chief electoral officer as soon as practicable.
- (4) The local election officer must provide the following to the BC chief electoral officer as soon as practicable:
- (a) the names of the candidate or candidates declared elected in an election for the jurisdiction;
  - (b) other information or material as required by regulation.
- (5) If applicable, the BC chief electoral officer must provide to the applicable designated local authority officer information or material as required by regulation.

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

### **Technical Advisory Committee**

- 93** (1) The Technical Advisory Committee is established consisting of the individuals appointed under subsection (2).
- (2) Subject to subsection (4), the following individuals may be appointed as members of the advisory committee:

- (a) a representative appointed by the Union of British Columbia Municipalities;
  - (b) a representative appointed by the Local Government Management Association;
  - (c) a representative appointed by the British Columbia School Trustees Association;
  - (d) a staff member of Elections BC appointed by the BC chief electoral officer;
  - (e) a staff member of the ministry of the minister responsible for the administration of this Act, appointed by the Inspector of Municipalities;
  - (f) a staff member of the ministry of the minister responsible for the administration of the *Election Act*, appointed by the Deputy Attorney General;
  - (g) a staff member of the ministry of the minister responsible for the administration of the *School Act*, appointed by the deputy minister of that ministry;
  - (h) any other representative appointed as provided by regulation.
- (3) Subject to subsection (4), a member of the advisory committee may designate another individual to attend a committee meeting in the member's place and that individual may act in the member's place at that meeting.
- (4) The following are not eligible to be appointed under subsection (2) or designated under subsection (3):
- (a) an individual elected or appointed as a member of a local authority;
  - (b) an individual elected as a member of the Legislative Assembly;
  - (c) an individual appointed as a member of the Executive Council.
- (5) An individual may be reappointed to the advisory committee.
- (6) The members of the advisory committee must elect a chair and vice chair from among the committee's members.

### **Role of advisory committee**

- 94** (1) The role of the advisory committee is to be a forum for discussing matters of common interest to the represented authorities respecting the administration and application of this Act and the regulations under this Act.
- (2) Without limiting subsection (1), the advisory committee is to be a forum for discussing the following:
- (a) the development and provision of public information and education respecting this Act and the regulations under this Act;
  - (b) the development and provision of information and training for local authority officials respecting the administration of this Act and the

- regulations under this Act;
- (c) the provision of specific advice to participants in the election or assent voting process respecting the application of this Act and the regulations under this Act;
- (d) the forms for disclosure statements and supplementary reports to be considered for approval by the BC chief electoral officer.

### **Advisory committee meetings**

- 95** (1) Subject to this Division, the advisory committee may make rules governing its practices and procedures.
- (2) Meetings of the advisory committee may be called at any time by the chair of the committee.
  - (3) If requested in writing by 2 or more members of the advisory committee, the chair of the committee must call a meeting of the committee as soon as practicable.
  - (4) A meeting of the advisory committee may be conducted using electronic or other communications facilities, and a member participating in a meeting using such facilities is deemed to be present at the meeting.
  - (5) The cost of a committee member attending a meeting, other than the cost of the representative of the BC chief electoral officer, is not part of the administrative costs incurred by that officer under this Act.
  - (6) The advisory committee must make available to the public, on request, a summary of the proceedings of a meeting of the committee.

## **Division 3 — Miscellaneous**

### **Address for service requirements and delivery of notices**

- 96** (1) In relation to a requirement under this Act or other local elections legislation for an individual or organization to provide an address for service at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization, the individual or organization satisfies this requirement by providing a mailing address or email address as the address for service.
- (2) In addition to the required address under subsection (1), the individual or organization may provide one or more of the following as an additional address for service:
    - (a) an email address in addition to the mailing address;
    - (b) a mailing address in addition to the email address;
    - (c) a fax number;
    - (d) any other form of address prescribed by regulation.

- (3) In relation to a requirement or authority under this Act or other local elections legislation to
- (a) serve a notice or other communication on an individual or organization that has provided an address for service, or
  - (b) give a notice or other communication to such an individual or organization,
- that service or notice may be made by sending the record to the most recent address for service provided by the individual or organization.
- (4) If a notice or other communication is sent in accordance with subsection (3), the communication is deemed to have been received by the individual or organization to which it was sent as follows:
- (a) if the communication is sent by ordinary or registered mail to the mailing address provided as an address for service, on the 5th day after it is mailed;
  - (b) if the communication is sent by email to the email address provided as an address for service, on the 3rd day after it is sent;
  - (c) if the communication is sent by fax to the fax number provided as an address for service, on the 3rd day after it is faxed;
  - (d) if the communication is sent to a form of address prescribed by regulation, as provided by the regulations.
- (5) Where this Act requires or permits service of a notice or other communication on a jurisdiction, the service is effected if the communication is served on the designated local authority officer for the jurisdiction.
- (6) For certainty, this section provides additional means of service and does not affect other means of service authorized by law.

### **Solemn declarations**

- 97** (1) If a solemn declaration is required to be provided under this Act, the declaration must be
- (a) made on oath or by solemn affirmation,
  - (b) made before an individual authorized to take the oath or solemn affirmation, and
  - (c) signed by the individual making the oath or solemn affirmation and by the individual taking it.
- (2) The following individuals are authorized to take a solemn declaration required under this Act:
- (a) a commissioner for taking affidavits for British Columbia;
  - (b) the BC chief electoral officer or a delegate authorized under section 88 (2) [*delegation to Elections BC staff*];

(c) a local election officer or a delegate authorized by such an officer under other local elections legislation.

(3) If applicable, the solemn declaration must be made in a form prescribed by regulation.

### **Information updating obligations**

**98** The obligations under this Act to provide updated information and material to the BC chief electoral officer end when all disclosure and record retention obligations under this Act in relation to the candidate, elector organization, third party sponsor or assent voting advertising sponsor, as applicable, have been fulfilled.

### **Population**

**98.1** (1) Subject to subsection (2), for the purposes of this Act and the regulations under this Act, the population of an election area or the geographic area associated with a jurisdiction is to be taken from the most recent population estimates issued annually by the director under the *Statistics Act* (British Columbia) based on the Census of Canada.

(2) The minister responsible may determine the population of an election area or the geographic area associated with a jurisdiction

- (a) if the population of an election area or the geographic area associated with a jurisdiction has not been established by a Census of Canada, or
- (b) in other prescribed special circumstances.

## **Division 4 — Orders and Regulations**

### **Ministerial orders in special circumstances**

**99** (1) If the minister responsible in relation to an election or assent voting considers it necessary because of special circumstances respecting

- (a) the election or assent voting, or
- (b) a candidate, elector organization, third party sponsor or assent voting advertising sponsor,

that minister may make any order the minister considers appropriate to achieve the purposes of this Act.

(2) Without limiting subsection (1), but subject to subsection (3), an order under this section may provide an exception to or modification of this Act or a regulation under this Act, including extending a time period or establishing a new date in place of a date set under this Act and giving any other directions the minister considers appropriate in relation to this.

(3) An order under this section may not provide relief

- (a) that could be provided under section 90 [*late filing extensions in extraordinary circumstances*], or

- (b) that could be provided by a court order for relief, or that could have been provided by such a court order if an application had been made within the applicable time limit under this Act.
- (4) For certainty, the authority under this section may be exercised in relation to circumstances described in section 101 [*withdrawal, death or incapacity of candidate*] of the *Local Government Act* or section 52 of the *Vancouver Charter*, but is additional to the authority under those sections, section 167 [*minister orders in special circumstances*] of the *Local Government Act* or section 127 of the *Vancouver Charter*.

### **Power to make regulations – general**

**100** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations as follows:

- (a) respecting any matter for which regulations are contemplated by this Act;
- (b) defining any word or expression used but not defined in this Act, including, for certainty, defining a word or expression to which section 2 (1) [*other definitions that apply to this Act*] of the Schedule to this Act applies;
- (c) in relation to elections prescribed under section 1 (1) (i) [*other elections to which this Act applies*], prescribing the office, jurisdiction, local authority, election area and applicable legislation in relation to a prescribed election;
- (d) in relation to section 42 [*application of third party advertising rules to non-election assent voting advertising*], in addition to the authority under subsection (4) of this section, making any other regulations the Lieutenant Governor in Council considers necessary or advisable in relation to the application of the following to non-election assent voting:
  - (i) Divisions 1 to 3 of Part 3 [*Third Party Advertising*];
  - (ii) any other provisions of this Act or the regulations that apply in relation to those Divisions;
- (e) in relation to the application of this Act and regulations under this Act to by-elections or elections by acclamation, making any regulations the Lieutenant Governor in Council considers necessary or advisable in relation to the application of this Act or the regulations under this Act to such elections, including regulations as referred to in subsection (4);
  - (e.1) for the purposes of section 72 (4) [*how to decide which individual ceases to hold office*], establishing the procedure and process to determine which individual ceases to hold office;

- (f) in relation to section 93 (2) (h) [*other members of the advisory committee*], providing for additional members of the advisory committee and establishing who is to appoint an additional member.
- (3) A regulation under this Act may confer a discretion on the BC chief electoral officer.
- (4) Where this Act contemplates that a provision of the Act may be subject to regulations, the authority to make the contemplated regulations includes authority to do any or all of the following:
- (a) provide exceptions to the provision;
  - (b) establish limits on the application of the provision;
  - (c) modify the rules, or the effect of the rules, that would otherwise apply under the provision;
  - (d) establish rules that operate in place of or as an alternative to the provision;
  - (e) establish conditions in relation to the operation of an exception, limit, modification or rule established under this subsection.
- (5) A regulation under this Act may
- (a) establish different classes of jurisdictions, geographic areas associated with a jurisdiction, election areas, elected offices, elections, assent voting, candidates, organizations, sponsors, circumstances, things or other matters, and
  - (b) make different provisions, including exceptions, for those classes.

### **Power to make regulations – campaign contribution limits**

- 100.01** (1) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting campaign contribution limits, including, without limitation, but subject to subsection (3), as follows:
- (a) for the purposes of section 30.03 [*application of Division*], prescribing the election, jurisdiction, election area or geographic area associated with a jurisdiction to which Division 5 [*Campaign Contribution Limits*] of Part 2 [*Candidate and Elector Organization Campaign Financing*] applies;
  - (b) for the purposes of section 30.04 [*campaign contribution limits for 2019 and subsequent years*],
    - (i) prescribing the amounts of the campaign contribution limits, or
    - (ii) respecting how an amount of a campaign contribution limit is determined, including prescribing that an amount is determined on the basis of
      - (A) prescribed population ranges, or
      - (B) a prescribed formula that takes into account the population of an election area or the geographic area

associated with a jurisdiction;

- (c) respecting amounts of campaign contribution limits, and the application of the campaign contribution limits, for a candidate referred to in section 4 (2) [*candidate running in multiple elections*];
  - (d) respecting amounts of campaign contribution limits, and the application of the campaign contribution limits, for an elector organization referred to in section 5 (2) [*endorsing in multiple jurisdictions*].
- (2) In making a regulation under subsection (1), the Lieutenant Governor in Council may do one or more of the following:
- (a) establish rules respecting
    - (i) how campaign contribution limits apply or are determined in the calendar year in which an applicable campaign contribution limit is prescribed,
    - (ii) how campaign contributions made in the calendar year in which an applicable campaign contribution limit is prescribed before the date the applicable campaign contribution limit is prescribed are dealt with, including whether they are included in determining if an eligible individual exceeds the applicable campaign contribution limit for that calendar year,
    - (iii) how permissible loans are dealt with, including if and how they are included for the purpose of determining if an eligible individual exceeds an applicable campaign contribution limit, and
    - (iv) how loans made or accepted and debts arising before the date an applicable campaign contribution limit is prescribed are dealt with;
  - (b) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of more effectively determining and applying campaign contribution limits;
  - (c) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in determining or applying campaign contribution limits.
- (3) A regulation under sections 30.03 and 30.04 may be made only on the recommendation of the minister responsible.

### **Power to make regulations — third party advertising limits**

- 100.1** (1) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting third party advertising limits, including, without limitation, but subject to subsection (2), as follows:

- (a) for the purposes of section 41.1 (a) (ii) [*direct third party advertising limits*], establishing an amount based on a prescribed percentage of the expense limit for a prescribed class of candidates;
  - (b) for the purposes of section 41.7 [*attribution of value of directed advertising*], respecting the basis on which third party advertising must be attributed, including prescribing factors or principles to be considered when attributing third party advertising.
- (2) A regulation under section 41.1 (a) may be made only on the recommendation of the minister responsible.

### **Power to make regulations — expense limits**

- 100.2** (1) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting expense limits, including, without limitation, but subject to subsection (3), as follows:
- (a) for the purposes of section 63.01 (1) (b) and (2) (b) [*expense limits — election areas with population of 10 000 or more*], determining the amount of the expense limit, including establishing formulas to determine the amount;
  - (b) respecting the expense limit for a candidate referred to in section 4 (2) [*candidate running in multiple elections*];
  - (c) prescribing a form for a campaign financing arrangement for candidates and elector organizations;
  - (d) for the purposes of section 63.08 (2) [*attribution of elector organization expenses to candidate expense limits*], respecting the basis on which the campaign period expenses must be attributed, including prescribing factors or principles to be considered when attributing campaign period expenses;
  - (e) for the purposes of section 63.10 [*amendment to and termination of campaign financing arrangement*], prescribing the form and manner of the termination of the campaign financing arrangement and the information that must be included in the termination, establishing the process for termination, including the notice requirements, and respecting the restrictions on or obligations of a candidate and an elector organization following the termination;
  - (f) for the purposes of section 63.11 [*effect of endorsement relationship ending*], respecting the effect of the ending of an endorsement relationship, including prescribing notice requirements and effects on parties other than the elector organization and the candidate endorsed by the elector organization, and respecting the restrictions on or obligations of a candidate and an elector organization following the ending of an endorsement relationship.

- (2) The authority to make a regulation under subsection (1) (b) of this section includes the authorities set out in section 100 (4) (a) to (e).

- (3) A regulation under section 63.01 may be made only on the recommendation of the minister responsible.

### Commencement and application

- 101** (1) The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 <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** (1) In this Act:

**"address for service"**, in relation to an individual or organization, means an address provided in accordance with section 96 [*address for service requirements and delivery of notices*] as an address at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization;

**"advisory committee"** means the Technical Advisory Committee under section 93 [*Technical Advisory Committee*];

**"amount available"**, in relation to an expense limit for a candidate who is or was endorsed by an elector organization, means the amount apportioned under section 63.07 [*written campaign financing arrangement required*] or the amended amount under section 63.10 [*amendment to and termination of campaign financing arrangement*] as available for use in the election campaign of the candidate or elector organization, as applicable;

**"applicable campaign contribution limit"** means a campaign contribution limit that is established

(a) under section 30.01 [*campaign contribution limits for 2017 and 2018*], or

(b) under section 30.04 [*campaign contribution limits for 2019 and subsequent years*] and applies to an election prescribed under section 30.03 [*application of Division*];

**"assent voting"** means voting to which this Act applies under section 2 [*assent voting to which this Act applies*];

**"assent voting advertising"** means assent voting advertising within the meaning of section 8 [*what is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising*];

**"assent voting advertising disclosure statement"** means a disclosure statement required under section 46 (1) (d) [*disclosure statements for assent voting advertising sponsors*];

**"assent voting advertising sponsor"** means

- (a) an individual or organization that sponsors non-election assent voting advertising,
- (b) an individual or organization that registers under Division 3 [*Registration of Third Party Sponsors*] of Part 3 [*Third Party Advertising*] as it applies to non-election assent voting advertising, and
- (c) in relation to obligations applicable under this Act to an individual or organization as an assent voting advertising sponsor, an individual or organization that was an assent voting advertising sponsor;

**"assent voting proceedings period"** means the period applicable in relation to non-election assent voting under section 10 (3) [*what is the assent voting proceedings period*];

**"authorized principal official"** means,

- (a) in relation to an elector organization, the responsible principal official designated as required under section 21 (1) (b) [*principal official authorized to make declarations for elector organization*], or
- (b) in relation to a third party sponsor or assent voting advertising sponsor that is an organization, the responsible principal official designated as required under section 40 (1) (b) [*principal official authorized to make declarations for organization*];

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

**"campaign account"** means an account established under section 18 [*requirement for candidate campaign account*] or 20 [*requirement for elector organization campaign account*];

**"campaign contribution"** means a campaign contribution within the meaning of any of the following sections:

- (a) section 13 [*campaign contributions to candidate and elector organization generally*];
- (b) section 13.01 [*campaign contributions through fundraising functions*];

(c) section 13.02 [*campaign contributions through loans*];

**"campaign financing arrangement"** means the arrangement between a candidate and an elector organization as required under section 63.07 [*written campaign financing arrangement required*], or as amended under section 63.10 [*amendment to and termination of campaign financing arrangement*], as applicable;

**"campaign period"** means the period applicable in relation to an election under section 10 (2) [*what is a campaign period*];

**"campaign period expense"** means a campaign period expense within the meaning of section 15 [*what are campaign period expenses*];

**"candidate"** includes

- (a) an individual who intends to become a candidate in an election,
- (b) an individual who is seeking or intends to seek endorsement by an elector organization in relation to an election, and
- (c) in relation to obligations applicable under this Act to an individual as a candidate, an individual who was a candidate;

**"candidate disclosure statement"** means a disclosure statement required under section 46 (1) (a) [*candidate disclosure statement*];

**"compliance deadline"** means the applicable compliance deadline under section 47 (4) [*compliance deadline for filing disclosure statements*] or 54 (6) [*compliance deadline for filing supplementary report*];

**"court order for relief"** means a court order under the following Divisions of Part 6 [*Penalties and Court Orders for Relief*], as applicable:

- (a) Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*];
- (b) Division 4 [*Court Orders for Relief in Relation to Exceeding Expense Limits or Amount Available*];
- (c) Division 5 [*Third Party Advertising Limits — Penalties and Court Orders for Relief*];

**"cumulative third party advertising limit"** means the overall amount prescribed under section 41.1 (b) [*cumulative third party advertising limit*] for directed advertising and issue advertising;

**"declared"**, in relation to a candidate, means declared as a candidate under section 97 [*declaration of candidates*] of the *Local Government Act* or section 46 of the *Vancouver Charter*;

**"designated local authority officer"**, in relation to a matter, means

- (a) the local authority official assigned responsibility for the matter by the local authority, or

- (b) if no such assignment has been made, whichever of the following is applicable:
- (i) in relation to a municipality other than the City of Vancouver, the municipal corporate officer;
  - (ii) in relation to the City of Vancouver or the Vancouver Park Board, the City Clerk;
  - (iii) in relation to a regional district, the regional district corporate officer;
  - (iv) in relation to the Islands Trust, the secretary;
  - (v) in relation to a board of education, the secretary treasurer;
  - (vi) in relation to any other jurisdiction, the official designated by regulation;

**"directed advertising"** means directed advertising within the meaning of section 12 [*types of third party advertising — issue advertising and directed advertising*];

**"disclosure requirements"** means the applicable requirements and obligations under Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 in relation to a disclosure statement or supplementary report;

**"disclosure statement"** means a disclosure statement required under section 46 [*disclosure statements required for candidates, elector organizations and advertising sponsors*];

**"election"** means an election to which this Act applies under section 1 [*elections to which this Act applies*];

**"election advertising"** means election advertising within the meaning of section 7 [*what is election advertising*];

**"election area",**

- (a) in relation to an election under the *Local Government Act*, has the same meaning as in the *Local Government Act*,
- (b) in relation to an election under the *School Act*, has the same meaning as in the *School Act*,
- (c) in relation to an election under the *Vancouver Charter*, has the same meaning as in the *Vancouver Charter*, and
- (d) in relation to an election prescribed under section 1 of this Act, has the prescribed meaning;

**"election campaign"** means, as applicable,

- (a) an election campaign of a candidate within the meaning of section 4 [*what is the election campaign of a candidate*], or

(b) an election campaign of an elector organization within the meaning of section 5 [*what is the election campaign of an elector organization*];

**"election expense"** means an election expense within the meaning of section 14 [*election expenses of candidates and elector organizations*];

**"election period"** means an election period within the meaning of section 10 (1) [*what is an election period*];

**"election period expense"** means an election period expense within the meaning of section 15 [*what are election period expenses*];

**"Elections BC"** means the office administered by the BC chief electoral officer under the *Election Act*;

**"Elections BC authorized internet site"** means an internet site

(a) maintained by Elections BC, or

(b) authorized by the BC chief electoral officer to be used for purposes of this Act;

**"elector organization"** includes

(a) an organization that intends to endorse a candidate in an election, and

(b) in relation to obligations applicable under this Act to an organization as an elector organization, an organization that was an elector organization;

**"elector organization disclosure statement"** means a disclosure statement required under section 46 (1) (b) [*disclosure statements for elector organizations*];

**"eligible individual"** means an individual who is

(a) a resident of British Columbia, and

(b) a Canadian citizen or a permanent resident as defined in the *Immigration and Refugee Protection Act (Canada)*;

**"endorsed"**, in relation to a candidate or an elector organization, includes the candidate having entered into a campaign financing arrangement with the elector organization before endorsement documents are filed with the local election officer;

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

**"expense limit"** means the applicable limit for a candidate established under section 63.01 [*expense limits — general local election*] or 63.04 [*expense limits — by-election*];

**"final campaign financing arrangement"** means a campaign financing arrangement as it reads on general voting day;

**"financial agent"** means,

- (a) in relation to a candidate, the financial agent under section 17 [*each candidate must have a financial agent*],
- (b) in relation to an elector organization, the financial agent under section 19 [*each elector organization must have a financial agent*], and
- (c) in relation to obligations applicable under this Act to an individual as financial agent, an individual who was a financial agent;

**"fundraising function"** includes a social function held by, or on behalf of, a candidate or elector organization for the purpose of obtaining funds for the candidate or elector organization;

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

**"incurring a campaign period expense"** means using property or services in such a manner that the value of the property or services is a campaign period expense;

**"incurring an election expense"** means using property or services in such a manner that the value of the property or services is an election expense;

**"incurring an election period expense"** means using property or services in such a manner that the value of the property or services is an election period expense;

**"issue advertising"** means issue advertising within the meaning of section 12 [*types of third party advertising — issue advertising and directed advertising*];

**"jurisdiction"** means,

- (a) in relation to an election, the applicable jurisdiction referred to in section 1 [*elections to which this Act applies*] for which the election is being held, and
- (b) in relation to assent voting, the jurisdiction for which the assent voting is being held;

**"late filing deadline"** means the late filing deadline as established under section 47 (2) [*filing up to 120 days after general voting day on payment of penalty fee*];

**"late filing penalty fee"** means the applicable penalty fee under section 47 (2);

**"loan"**, in relation to a loan made by an eligible individual, includes an interest free loan;

**"local authority"** means the local authority of a jurisdiction to which this Act applies under section 1 [*elections to which this Act applies*] or 2 [*assent voting*]

*to which this Act applies];*

**"local authority offices"** means,

- (a) in relation to a local government, the local government offices, and
- (b) in relation to another form of local authority, the location of the regular office of the designated local authority officer;

**"local election officer"**, in relation to a jurisdiction, means

- (a) the chief election officer for the jurisdiction, or
- (b) if at the applicable time no individual is appointed as that official, the designated local authority officer;

**"local elections legislation"** means

- (a) this Act and the regulations under this Act,
- (b) the enactments referred to in sections 1 [*elections to which this Act applies*] and 2 [*assent voting to which this Act applies*] and the regulations under those enactments, as they apply in relation to elections or assent voting to which this Act applies, and
- (c) any other prescribed enactment as it applies in relation to elections or assent voting to which this Act applies;

**"local government"** includes the council of the City of Vancouver;

**"market value"**, in relation to property or services, means the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time;

**"minister responsible"** means,

- (a) in relation to an election, the minister responsible for the enactment under which the applicable local authority is established or continued, and
- (b) in relation to assent voting, the minister responsible for the enactment under which the assent voting is required or authorized to be held;

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

**"non-election assent voting advertising"** means non-election assent voting advertising within the meaning of section 8 (4) [*non-election assent voting advertising*];

**"organization"** means a corporation or an unincorporated organization;

**"permissible loan"** means a loan that is made to a candidate or elector organization for campaign use or to a third party sponsor or assent voting advertising sponsor for sponsorship use

- (a) by a savings institution at a rate of interest that is not less than the prime rate of the principal banker to the government on the date the loan is received, or
- (b) by an eligible individual;

**"personal election expenses"** means the personal election expenses in relation to a candidate within the meaning of section 14 (7) [*exclusions from election expenses*];

**"personal information of an individual"** means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*;

**"principal official"**, in relation to an organization, means,

- (a) in the case of an organization that is a corporation, a director of the corporation, and
- (b) in the case of an organization that is not a corporation, a director or a principal officer of the organization or, if there are no directors or principal officers, a principal member of the organization;

**"property"** means property or the use of property, as applicable;

**"provided without compensation"** means provided without compensation by way of donation, advance, deposit, discount or otherwise;

**"registered"**, in relation to a third party sponsor or non-election assent voting advertising sponsor, means registered under Division 3 [*Registration of Third Party Sponsors*] of Part 3 [*Third Party Advertising*];

**"required contact information"**, in relation to an individual, means all of the following:

- (a) a mailing address for the individual;
- (b) a telephone number at which the individual can be contacted;
- (c) an email address at which the individual can be contacted, unless the individual does not have such an address;

**"responsible principal official"** means,

- (a) in relation to an elector organization, an individual identified under section 21 [*responsible principal officials of elector organization*] as a responsible principal official of the organization, and
- (b) in relation to a third party sponsor or assent voting advertising sponsor that is an organization, an individual identified under section 40 [*responsible principal officials of sponsor that is an organization*] as a responsible principal official of the organization;

**"shared election expense"** means

- (a) election advertising sponsored jointly by 2 or more candidates, such that a portion of the total value of the election advertising attributed

under section 16 (6) [*valuation of election expenses*] to each candidate is an election expense of each of the candidates participating in the sponsorship, or

- (b) property or services, other than election advertising, used jointly by 2 or more candidates, such that a portion of the total value of the property or services attributed under section 16 (6) to each candidate is an election expense of each of the candidates participating in that use;

**"shared third party advertising"** means third party advertising sponsored jointly by 2 or more third party sponsors, such that a portion of the total value of the third party advertising attributed to each third party advertising sponsor under section 33 (6) [*valuation rules for third party advertising*] is third party advertising of each of the third party sponsors participating in the third party advertising;

**"significant contributor"** means,

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

**"solemn declaration"** means a declaration on oath or by solemn affirmation in accordance with section 97 [*solemn declarations*];

**"specifically related"**, in relation to election advertising, means specifically related within the meaning of section 12 [*types of third party advertising — issue advertising and directed advertising*];

**"sponsor"**, in relation to election advertising or non-election assent voting advertising, means the individual or organization that is the sponsor within the meaning of section 9 [*who is the sponsor of election advertising or non-election assent voting advertising*];

**"sponsorship contribution"** means a sponsorship contribution within the meaning of section 32 [*sponsorship contributions generally*] or 32.01 [*sponsorship contributions through loans*] to a third party sponsor or assent voting advertising sponsor;

**"sponsorship use"** means,

- (a) in relation to a contribution or permissible loan to an individual or organization that is or becomes a third party sponsor, use in relation to sponsorship of third party advertising by the individual or organization, and
- (b) in relation to a contribution or permissible loan to an individual or organization that is or becomes an assent voting advertising sponsor, use in relation to sponsorship of non-election assent voting advertising by the individual or organization;

**"supplementary report"** means a supplementary report required under section 54 [*requirement for supplementary report*];

**"third party advertising"** means election advertising that is third party advertising within the meaning of section 11 [*what is third party advertising*];

**"third party advertising limit"** means the applicable limit for a third party sponsor established under section 41.1 [*third party advertising limit — general local election*] or 41.4 [*third party advertising limits — by-election*];

**"third party disclosure statement"** means a disclosure statement required under section 46 (1) (c) [*disclosure statements for third party sponsors*];

**"third party sponsor"** means

- (a) an individual or organization that sponsors or intends to sponsor third party advertising,
- (b) an individual or organization that registers as a third party sponsor under Division 3 [*Registration of Third Party Sponsors*] of Part 3, and
- (c) in relation to obligations applicable under this Act to the individual or organization as a third party sponsor, an individual or organization that was a third party sponsor;

**"unendorsed candidate"** means a candidate who is not endorsed by an elector organization;

**"volunteer"** means an individual who provides services for no remuneration or material benefit, but does not include

- (a) an individual who is employed by an employer, if the employer makes the services available at the employer's expense, or
- (b) an individual who is self-employed, if the services provided by the individual are normally sold or otherwise charged for by the individual.

(2) For the purposes of the definition of "eligible individual", the rules set out in section 67 [*rules for determining residence*] of the *Local Government Act* apply to determine if an individual is resident in British Columbia.

## How this Act applies in relation to other legislation

**2 (1) Subject to the definitions under this Act,**

- (a) the definitions in the *Community Charter* and the *Local Government Act* apply to this Act in relation to elections to which Part 3 [*Electors and Elections*] of the *Local Government Act* applies and in relation to assent voting to which Part 4 [*Assent Voting*] of that Act applies, and
- (b) the definitions in the *Vancouver Charter* apply to this Act in relation to elections to which Part I [*Electors and Elections*] of the *Vancouver Charter* applies and in relation to assent voting to which Part II [*Assent Voting*] of that Act applies.

- (2) So far as the terms defined can be applied, the definitions under this Act extend to all enactments in relation to election and assent voting matters that are dealt with by this Act.

**References to other Acts**

- 3** Where this Act or a regulation under this Act refers to the *Community Charter*, *Local Government Act* or *Vancouver Charter*, or a provision of one of those Acts, the reference extends to an election, assent voting or other matter under another enactment to which the referenced Act or provision applies.