

- (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 is prohibited from voting
    - (i) under Division 17 of this Part as it applies to elections or voting on any other matter under this or any other Act, or
    - (ii) under Division 17 of Part I of the *Vancouver Charter* as it applies to elections or voting on any other matter under that or any other Act;
  - (d) a person who has contravened section 151 (3) 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**

- 50** (1) In order to be registered as a resident elector of a jurisdiction, a person must meet all the following requirements on the day of registration:
- (a) the person must be an individual who is, or who will be on the general voting day for the jurisdiction, age 18 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 52, for at least 6 months immediately before that day;
  - (d) the person must have been a resident of the jurisdiction, as determined in accordance with section 52, for at least 30 days immediately before that day;
  - (e) the person must not be disqualified by this Act or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) If a municipality is incorporated or the boundaries of a jurisdiction are extended, 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 52, of the area that becomes the municipality or is included in the jurisdiction.

### **Non-resident property electors**

- 51** (1) In order to be registered as a non-resident property elector of a jurisdiction, 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 jurisdiction;
  - (b) the person must be an individual who is, or who will be on the general voting day for the jurisdiction, age 18 or older;
  - (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 52, for at least 6 months immediately before that day;

- (e) the person must have been a registered owner of real property in the jurisdiction for at least 30 days immediately before that day;
  - (e.1) 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;
  - (f) the person must not be disqualified by this Act or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) A person may only register as a non-resident property elector in relation to one parcel of real property in a jurisdiction.
- (3) If a municipality is incorporated or the boundaries of a jurisdiction are extended, 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 becomes the municipality or is included in the jurisdiction.
- (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 paragraphs (b) to (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**

- 52** (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 person establishes for the purposes of attending an educational institution a new area in which the person is a resident that 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.

### **When a person may register as an elector**

**53** (1) A person may register as an elector

- (a) at the time of voting in accordance with section 57 or 57.1, or
- (b) by advance registration in accordance with section 56, if this is available.

(2) If a bylaw under section 59 is in effect for a jurisdiction, a person entitled to register as a resident elector of the jurisdiction may effectively register as such by registering as a voter under the *Election Act* in sufficient time to have the person's name appear on the Provincial list of voters that becomes, under the bylaw, the register of resident electors for the jurisdiction.

### **Voting day registration only**

**54** A local government may, by bylaw, limit registration of electors to registration at the time of voting.

### **Application for registration**

**55** (1) An application for registration as an elector must include the following information:

- (a) in the case of registration as a resident elector,
  - (i) the full name of the applicant,
  - (ii) the residential address of the applicant, and the mailing address if this is different, and
  - (iii) either the birth date or the last 6 digits of the social insurance number of the applicant;
- (b) in the case of registration as a non-resident property elector,
  - (i) the full name of the applicant,
  - (ii) the address or legal description of the real property in relation to which the person is registering and the mailing address of the applicant, and
  - (iii) either the birth date or the last 6 digits of the social insurance number of the applicant;
- (c) a declaration that the applicant meets the requirements of section 49 (1) (a) and (b) to be registered as an elector;
- (d) any other information required by regulation under section 156 to be included.

(5) An objection must be made in writing, signed by the person making it and include the following:

- (a) the name and address, as shown in the list of registered electors, of the person against whose registration the objection is made;
- (b) the basis of the objection, including a statement of the facts that the objector believes support this;
- (c) the name and address of the person making the objection.

(6) On receiving an objection, the designated local government officer must make a reasonable effort to notify the person against whom the objection is made of

- (a) the objection,
- (b) the name of the person who made the objection, and
- (c) the basis on which the objection is made.

### Resolving objections

**65** (1) An objection under section 64 on the basis of death must be resolved by the designated local government officer in accordance with the following:

- (a) that official must have a search made of the records under the *Vital Statistics Act*;
- (b) if a record of death is found and that official is satisfied that it applies to the person whose registration is being objected to, that official must remove the person's name from the register of electors;
- (c) if a record of death is not found and that official is unable to contact the person, the official must proceed in accordance with subsection (2) (c) and (d).

(2) An objection on the basis that a person is not entitled to be registered as an elector must be resolved by the designated local government officer in accordance with the following:

- (a) if, after receiving notice of the objection, the person provides proof satisfactory to that official of the person's entitlement to be registered or makes a solemn declaration as to that entitlement, the person's name is to stay on the register of electors;
- (b) if, after receiving notice of the objection, the person does not provide proof of entitlement or make a solemn declaration as to entitlement, that official must remove the person's name from the register of electors;
- (c) if that official is unable to contact the person, that official must require the person who made the objection to provide proof satisfactory to that official of the basis of the objection and, if this is done, must remove the name from the register of electors;
- (d) if the person who made the objection does not provide satisfactory proof as required by paragraph (c), the name is to stay on the register of electors.

## Division 5 — Qualifications for Office

### Who may hold elected office as a member of a local government

**66** (1) A person is qualified to be nominated for office, and to be elected to and hold office, as a member of 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, age 18 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 52, for at least 6 months immediately before the relevant time;
- (d) the person must not be disqualified by 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 as a member of 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 67 as an employee of a local government, except as authorized under that section;
- (c) a person who is prohibited from holding elected office
  - (i) under Division 17 of this Part as it applies to elections or voting on any other matter under this or any other Act, or
  - (ii) under Division (17) of Part I of the *Vancouver Charter* as it applies to elections or voting on any other matter under that or any other Act;
- (d) a person who is disqualified under
  - section 92 [*failure to file disclosure statement*], or
  - section 92.4 [*disqualification for false or incomplete reports*];
  - (d.1) a person who is disqualified under Division 7 [*Disqualification*] of Part 4 of the *Community Charter*;
  - (d.2) a person who is disqualified under section 141 [*circumstances in which a person is disqualified from Council*] of the *Vancouver Charter*;
- (e) a person who is disqualified under any other enactment.

### **Disqualification of local government employees**

**67** (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 156 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 156.

(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 and 56 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 143.

#### **Only one elected office at a time in the same local government**

- 68** (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 37 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.

(4) A person may subscribe as nominator to as many nomination documents as, but not more than, the number of persons who are to be elected to fill the office for which the election is being held.

(5) Even if one or more of the nominators is not qualified in accordance with this section, a nomination is valid as long as the nomination is made by at least the minimum number of qualified nominators.

### Nomination documents

**72 (1)** A nomination for local government office must be in written form and must include the following:

- (a) the full name of the person nominated;
- (b) the usual name of the person nominated, if the full name of the person is different from the name the person usually uses and the person wishes to have his or her usual name on the ballot instead;
- (c) the office for which the person is nominated;
- (d) if applicable, a statement that the person nominated is endorsed by an elector organization in accordance with section 79 and wishes to have the endorsement of this elector organization included on the ballot;
- (e) the residential address of the person nominated, and the mailing address if this is different;
- (f) the names and residential addresses of the nominators and, if a nominator is a non-resident property elector, the address of the property in relation to which the nominator is such an elector;
- (g) a statement signed by the nominators that, to the best of their knowledge, the person nominated is qualified under section 66 to be nominated.

(2) A nomination must be accompanied by the following:

- (a) a statement signed by the person nominated consenting to the nomination;
- (b) a solemn declaration of the person nominated, either made in advance or taken by the chief election officer at the time the nomination documents are delivered,
  - (i) that he or she is qualified under section 66 [*who may hold office*] to be nominated for the office,
  - (ii) that, to the best of the person's knowledge, the information provided in the nomination documents is true, and
  - (iii) that the person fully intends to accept the office if elected;
- (c) if the person nominated requests under subsection (1) (d) that endorsement by an elector organization be shown on the ballot,
  - (i) the solemn declaration under section 79, and
  - (ii) the written consent of the person nominated to the endorsement;
- (d) the written disclosure required by section 2 (1) of the *Financial Disclosure Act*.

(3) A person must not consent to be nominated knowing that he or she is not qualified to be nominated.

(4) The chief election officer may require a person nominated to provide a telephone number at which the person may be contacted.

## Division 7 — Candidates and Representatives

### Ballot showing candidate endorsement by elector organization

- 79** (1) In order for an organization, whether incorporated or unincorporated, to have its endorsement of a candidate included on a ballot, the organization must
- (a) have been in existence for at least 60 days immediately before the solemn declaration under subsection (3) is made, and
  - (b) have had throughout the period referred to in paragraph (a) a membership of at least 50 electors of the municipality or regional district for which the election is being held.
- (2) An organization must indicate its endorsement by authorizing a director or other official to make the solemn declaration described in subsection (3).
- (3) The solemn declaration of the official of the elector organization must include the following:
- (a) a statement that, to the best of the knowledge, information and belief of the official, the elector organization
    - (i) has been in existence for at least 60 days immediately before the date on which the solemn declaration is made,
    - (ii) has had throughout the period referred to in subparagraph (i) a membership of at least 50 electors of the municipality or regional district for which the election is being held, and
    - (iii) has authorized the official to make the solemn declaration;
  - (b) the name of the candidate endorsed by the elector organization;
  - (c) the corporate name, if any, of the elector organization, the usual name of the organization and any abbreviations, acronyms and other names used by the elector organization;
  - (d) a statement as to which name, abbreviation or acronym referred to in paragraph (c) is the one that the elector organization wishes to have included on the ballot;
  - (e) the name of the director or other official responsible for the financial affairs of the elector organization;
  - (f) the name of the president, chair or other chief official of the elector organization and an address and telephone number at which this person can be contacted;
  - (g) any other matter required to be included by regulation under section 156.
- (4) The name, abbreviation or acronym referred to in subsection (3) (d) must not
- (a) include any matter that is prohibited by section 105 from being included on the ballot, or
  - (b) be, in the opinion of the chief election officer, so similar to the name, abbreviation or acronym of another elector organization whose endorsement of a candidate appeared on a ballot at the preceding general local election or a later election as to be confusing to the electors.

(5) A solemn declaration under subsection (3) may be made in relation to more than one candidate in an election, but only one elector organization endorsement may be shown on a ballot in relation to a candidate.

(6) An elector organization endorsement must not appear on a ballot if, before 4 p.m. on the 29th day before general voting day,

(a) the elector organization withdraws its endorsement by delivering to the chief election officer by that time

(i) a written withdrawal signed by a director or other official of the elector organization, and

(ii) a solemn declaration of the official signing the withdrawal that, to the best of that person's knowledge, information and belief, the elector organization has authorized the person to make the withdrawal, or

(b) the candidate withdraws the request to have the elector organization endorsement appear on the ballot by delivering a signed withdrawal to the chief election officer by that time.

#### **Withdrawal, death or incapacity of candidate**

**80** (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 only withdraw by delivering a signed request to withdraw to the chief election officer 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 reasonably possible after receiving it.

(4) The chief election officer must notify the minister if, between the declaration of an election by voting under section 76 (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**

**81** (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 reasonably possible after the appointment is made.
- (3) An appointment as a candidate representative may only be rescinded 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**

- 82** (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 81,
  - (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 8 — Campaign Financing**

### **Definitions**

- 83** In this Division:

**"campaign account"** means an account for a candidate, elector organization or campaign organizer that is required under section 85.1 (1);

**"campaign contribution"** means the amount of any money or the value of any property or services provided, by donation, advance, deposit, discount or otherwise, to a candidate, elector organization or campaign organizer for use in an election campaign or towards the election expenses of an election campaign, including for certainty

- (a) the amount of any money provided by a candidate for the election campaign, and
- (b) in relation to an election campaign of a campaign organizer who is an individual, the amount of any money provided by the individual for the election campaign;

**"campaign organizer"** means

(a) an organization, whether incorporated or unincorporated, other than an elector organization, that undertakes, or intends to undertake, an election campaign that

- (i) augments or operates in place of, or
- (ii) is intended to augment or operate in place of

the election campaign of one or more candidates or of one or more elector organizations, or both, or

- (b) an individual who
  - (i) undertakes, or intends to undertake, an election campaign referred to in paragraph (a), other than an election campaign for the individual as a candidate, and
  - (ii) accepts, or intends to accept, campaign contributions in relation to the campaign from any other individual or any organization, whether incorporated or unincorporated;

**"disclosure statement"** means a disclosure statement under section 90;

**"election campaign"** means an election campaign within the meaning of section 84;

**"election expense"** means the value of property and services used in an election campaign by or on behalf of a candidate, elector organization or campaign organizer,

- (a) in relation to an election that is part of a general local election, during the calendar year in which the election is held, and
- (b) in relation to another election, after the date of the vacancy for which the election is being held;

**"elector organization"** means an elector organization that endorses or intends to endorse a candidate within the meaning of section 79;

**"late filing period"** means the period specified under section 90.2 (a) [*30 day late filing period for disclosure statements*];

**"money"** includes cash, a negotiable instrument and a payment by means of a credit card;

**"property"** means property or the use of property, as applicable;

**"supplementary report"** means a supplementary report under section 90.1.

### **Election campaign**

**84** (1) In relation to a candidate, an election campaign is a campaign for any of the following purposes in relation to an election, including such a campaign undertaken before the person is nominated or declared a candidate:

- (a) to promote the election of the candidate, or to oppose the election of another candidate;
- (b) to approve of a course of action advocated by the candidate, or to disapprove of a course of action advocated by another candidate;
- (c) to promote an elector organization or campaign organizer or its program, or to oppose an elector organization or campaign organizer or its program;

(d) to approve of a course of action advocated by an elector organization or campaign organizer, or to disapprove of a course of action advocated by an elector organization or campaign organizer;

(e) to promote the selection of the person to be endorsed by an elector organization, or to oppose the selection of another person for this;

(f) to promote the selection of the person to have an election campaign undertaken or augmented by a campaign organizer, or to oppose the selection of another person for this.

(2) In relation to an elector organization, an election campaign is a campaign for any of the following purposes in relation to one or more elections that are being conducted in a municipality or regional district at the same time, including such a campaign undertaken before the elector organization endorses a candidate:

(a) to promote the election of a candidate, or to oppose the election of a candidate;

(b) to approve of a course of action advocated by a candidate, or to disapprove of a course of action advocated by a candidate;

(c) to promote an elector organization or campaign organizer or its program, or to oppose an elector organization or campaign organizer or its program;

(d) to approve of a course of action advocated by an elector organization or campaign organizer, or to disapprove of a course of action advocated by an elector organization or campaign organizer.

(3) In relation to a campaign organizer, an election campaign is a campaign for any of the following purposes in relation to one or more elections that are being conducted in a municipality or regional district at the same time:

(a) to promote the election of a candidate, or to oppose the election of a candidate;

(b) to approve of a course of action advocated by a candidate, or to disapprove of a course of action advocated by a candidate;

(c) to promote an elector organization or campaign organizer or its program, or to oppose an elector organization or campaign organizer or its program;

(d) to approve of a course of action advocated by an elector organization or campaign organizer, or to disapprove of a course of action advocated by an elector organization or campaign organizer;

(e) to promote the selection of a person to be endorsed by an elector organization, or to oppose the selection of another person for this.

#### **Financial agent required for candidates, elector organizations and campaign organizers**

**85** (1) Subject to subsection (2), a candidate must appoint one individual as financial agent, who may also be the official agent of the candidate.

(2) If a financial agent is not appointed for a candidate, the candidate is deemed to be his or her own financial agent.

(3) An elector organization must appoint one individual as financial agent.

(4) Subject to subsection (5), a campaign organizer must appoint one individual as financial agent.

- (5) If a campaign organizer that is an individual does not appoint a financial agent, the individual is deemed to be his or her own financial agent.
- (6) An appointment of a financial agent must
- (a) be made in writing and signed by the candidate, an authorized official of the elector organization or the campaign organizer or an authorized official of the campaign organizer, as applicable, and
  - (b) include the name and address of the person appointed.
- (7) The appointment of a financial agent must be delivered to the chief election officer, or a person designated by the chief election officer for this purpose, as follows:
- (a) in the case of a financial agent for a candidate or elector organization, as soon as reasonably possible after the appointment is made or the chief election officer is appointed, whichever occurs later;
  - (b) in the case of a financial agent for a campaign organizer, no later than the time when the information referred to in section 85.01 (3) [*information to be provided to chief election officer*] is required to be provided under that section.
- (8) An appointment under this section may be rescinded only in the same manner as the appointment was made.

#### **Information to be provided to chief election officer**

- 85.01** (1) A candidate must deliver the following information to the chief election officer as soon as reasonably possible after the person is declared to be a candidate under section 74 [*declaration of candidates*]:
- (a) the name of the financial agent of the candidate and an address and telephone number at which the financial agent can be contacted;
  - (b) any other information required to be included by regulation under section 156.
- (2) An elector organization must deliver the following information to the chief election officer as soon as reasonably possible after it becomes an elector organization within the meaning of this Part or after the chief election officer is appointed, whichever is later:
- (a) the legal name of the elector organization;
  - (b) the usual name of the elector organization, if this is different from its legal name, and any abbreviations, acronyms and other names used by the elector organization;
  - (c) the name of the financial agent of the elector organization and an address and telephone number at which the financial agent can be contacted;
  - (d) the name of the president, chair or other chief official of the elector organization and an address and telephone number at which that person can be contacted;
  - (e) the name of the director or other official responsible for the financial affairs of the elector organization;
  - (f) any other information required to be included by regulation under section 156.
- (3) A campaign organizer must deliver to the chief election officer information respecting the campaign organizer equivalent to the information required under subsection (2) for an elector organization no later than as soon as reasonably possible after the campaign organizer

- (a) has incurred election expenses greater than \$500, or
- (b) has received campaign contributions greater than \$500,

but may deliver that information at any time after that officer is appointed.

(4) If the information delivered to the chief election officer under this section changes, the candidate, elector organization or campaign organizer must deliver revised information to the chief election officer as soon as reasonably possible.

### **Campaign accounts**

**85.1** (1) The financial agent for a candidate, elector organization or campaign organizer must open one or more campaign accounts at a savings institution

- (a) before incurring an election expense that is expected to be paid from money available to the election campaign of the candidate, elector organization or campaign organizer, or
- (b) as soon as practicable after the financial agent receives a campaign contribution of money,

whichever occurs first.

(2) A campaign account must be in the name of the election campaign of the candidate, elector organization or campaign organizer, as applicable, and must be used exclusively for the purposes of that election campaign.

(3) The financial agent must ensure that

- (a) all campaign contributions of money are deposited into a campaign account for the campaign of the applicable candidate, elector organization or campaign organizer, and
- (b) all payments for election expenses are made from a campaign account for that campaign.

### **Restrictions on accepting contributions and incurring expenses**

**86** (1) A candidate, elector organization or campaign organizer must not accept campaign contributions or incur election expenses except through the financial agent or a person authorized by the financial agent.

(2) A person must not accept a campaign contribution that the person has reason to believe is made in contravention of this Division.

### **Restrictions on making campaign contributions**

**87** (1) A person or unincorporated organization must not do any of the following:

- (a) make a campaign contribution to a candidate, elector organization or campaign organizer except by making it to the financial agent or a person authorized by the financial agent;
- (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 for the election campaign 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 or campaign organizer in relation to one or more elections that are conducted at the same time in a regional district or municipality if, in total, the campaign contributions would be equal in value to more than \$50;

(e) make a campaign contribution indirectly by giving the money, property or services to a person or unincorporated organization for that person or organization to make as a campaign contribution.

(2) If a candidate, elector organization or campaign organizer is given an anonymous campaign contribution that exceeds the limit established by subsection (1), the candidate, elector organization or campaign organizer must give the campaign contribution to the municipality or regional district for which the election is being held for the use of that municipality or regional district in the discretion of its local government.

### **Financial agent must record contributions and expenses**

**88** (1) For the purposes of complying with the reporting requirements of this Division, a financial agent must record the following for each campaign contribution made to the candidate, elector organization or campaign organizer for whom the financial agent is acting:

(a) the value of the contribution;

(b) the date on which the contribution was made;

(c) the full name and address of the contributor, unless it is an anonymous contribution;

(d) the class of the contributor as described in subsection (3);

(e) if the contributor is a numbered corporation or an unincorporated organization, the full names and addresses of at least 2 individuals

(i) who are directors of the organization, or

(ii) if there are no individual directors, who are principal officers or principal members of the organization.

(2) Subsection (1) does not apply to campaign contributions of services referred to in section 89 (2) [*services deemed to have nil value*].

(3) Contributors must be classified as follows:

(a) individuals;

(b) corporations;

(c) unincorporated organizations engaged in business or commercial activity;

(d) trade unions;

(e) non-profit organizations;

(f) other contributors.

(4) The financial agent must maintain records of election expenses sufficient to meet the requirements of this Division.

(5) The records required by this section must be retained by the financial agent, candidate, elector organization or campaign organizer until 7 years after general voting day for the election to which they relate.

### **Valuation of campaign contributions and election expenses**

- 89** (1) Unless otherwise provided, the value of property or services used by or provided to a candidate, elector organization or campaign organizer is
- (a) the actual amount paid or to be paid, if this is equal to or greater than the fair market value of the property or use of the property or of the services, or
  - (b) the fair market value of the property or the use of the property or of the services, if no price is paid or to be paid or if the price is less than the fair market value.
- (2) The value of the following services is deemed to be nil:
- (a) services provided by a volunteer within the meaning of subsection (3);
  - (b) services provided by a financial agent to comply with the requirements of this Part;
  - (c) professional services provided to comply with the requirements of this Part;
  - (d) free election advertising space provided to a candidate, elector organization or campaign organizer in a periodical publication if the advertising space is made available on an equitable basis to all other candidates.
- (3) A volunteer is an individual who provides services for no remuneration or material benefit, but does not include
- (a) an individual who is self-employed if the services provided are normally sold or otherwise charged for by the individual, or
  - (b) an individual if the employer of the individual makes the services available at the employer's expense.
- (4) If a person provides property or services to a candidate, elector organization or campaign organizer for use in an election campaign at less than the fair market value of the property or services, the person is deemed to have made a campaign contribution of the difference between the fair market value and the amount charged.
- (5) If a debt owed by a candidate, elector organization or campaign organizer for an election expense remains unpaid 6 months or more after becoming due, the amount due is deemed to be a campaign contribution unless the creditor has commenced legal proceedings to recover the debt.

#### **Transfer of candidate's surplus campaign funds**

- 89.1** (1) This section applies if, after the election and after the payment of a candidate's election expenses and any other reasonable expenses incidental to the candidate's election campaign, there is a balance remaining in an account referred to in section 85.1 [*campaign accounts*] for the candidate.
- (2) If the candidate made campaign contributions in relation to his or her election campaign, the financial agent may refund the campaign contributions to the candidate, to the extent that the total balance in the accounts permits this.
- (3) If, after any refund under subsection (2), the total balance in the accounts is less than \$500, the financial agent may pay the balance to the candidate or in accordance with the directions of the candidate.
- (4) If, after any refund under subsection (2), the total balance in the accounts is \$500 or more, the financial agent of the candidate must pay the balance as soon as practicable to the municipality or regional district for which the election was held.

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

- (a) if the person in respect of whom they were paid is a candidate within the meaning of section 74 [*declaration of candidates*] in an election for the municipality or regional district in the next general local election or in a by-election called before that time, the municipality or regional district must pay the funds to the financial agent of 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 part of the general revenue of the municipality or regional district.

### **Duty to file disclosure statement**

**90** (1) Within 120 days after general voting day for an election, the financial agent of

- (a) each person who was declared to be a candidate under section 74,
- (b) each elector organization, and
- (c) each campaign organizer subject to the requirement under section 85.01 (3) [*information to be provided to chief election officer*]

must file with the designated local government officer a disclosure statement in accordance with this section.

(2) The candidate, elector organization or campaign organizer must ensure that the financial agent files a disclosure statement in accordance with this section.

(3) For certainty, a disclosure statement is required even if the candidate receives no campaign contributions, incurs no election expenses, is acclaimed, dies, withdraws from the election or is declared by a court to no longer be a candidate.

(4) A disclosure statement must include the following in relation to the election campaign of the candidate, elector organization or campaign organizer:

- (a) the total amount of campaign contributions;
- (b) for each person or unincorporated organization who made a campaign contribution of \$100 or more, the information referred to in section 88 (1) (a) to (e) [*records of contributions*] other than the address of an individual;
- (c) for each anonymous campaign contribution that was given to the municipality or regional district under section 87 (2), the information referred to in section 88 (1) (a) and (b) [*records of contributions*];
- (d) for contributions not referred to in paragraph (b) or (c), the total value of the campaign contributions received and the total number of contributors from whom they were received;
- (e) the total amount of election expenses;
- (f) the total amount of election expenses in each class prescribed by regulation under section 156;
- (g) any transfers received from the municipality or regional district under section 89.1 (5) (a) [*transfer of candidate's surplus election funds*];

(h) any balance for a candidate as referred to in section 89.1 (1) [*candidate's surplus election funds*], or any equivalent deficit, on the day the report is prepared;

(i) if there was a surplus as referred to in section 89.1 (1) [*candidate's surplus election funds*], how that surplus was dealt with;

(i.1) the name and address of the savings institution for the accounts required under section 85.1 [*campaign accounts*];

(i.2) in the case of a disclosure statement for a candidate who was endorsed by an elector organization, the name of the elector organization;

(i.3) in the case of a disclosure statement for an elector organization, the names of the candidates endorsed by the elector organization;

(i.4) in the case of a disclosure statement for a campaign organizer, the names of the candidates and elector organizations in relation to which the campaign organizer undertook an election campaign;

(j) any other information required by regulation under section 156.

(4.1) The requirements of subsection (4) (i.2) and (i.3) apply even if a withdrawal under section 79 (6) [*ballot showing candidate endorsement by elector organization*] was made by the elector organization or by the candidate.

(5) For the purposes of this section, if a person or unincorporated organization makes more than one campaign contribution to a candidate, elector organization or campaign organizer, the person or organization is deemed to have made a single campaign contribution in an amount equal to the total value of the actual campaign contributions.

(6) The disclosure statement must be accompanied by solemn declarations of the persons referred to in subsection (7) that, to the best of the knowledge, information and belief of the person making the declaration,

(a) the disclosure statement completely and accurately discloses the required information, and

(b) the requirements of this Division have been met in relation to the election campaign of the candidate, elector organization or campaign organizer, as applicable.

(7) Declarations under subsection (6) must be made by the following persons:

(a) in each case, the financial agent filing the disclosure statement;

(b) in the case of a disclosure statement for a candidate, the candidate;

(c) in the case of a disclosure statement for an elector organization, the individual identified as the chief official of the elector organization in the most recent information provided under section 85.01 [*information to be provided to chief election officer*];

(d) in the case of a disclosure statement for a campaign organizer, the individual identified as the chief official of the campaign organizer in the most recent information provided under section 85.01 [*information to be provided to chief election officer*].

### **Duty to file supplementary reports**

**90.1** (1) A supplementary report must be filed with the designated local government officer within 30 days after the financial agent, or the candidate, elector organization or campaign organizer for whom a disclosure statement was filed, becomes aware that

- (a) any of the information reported in the disclosure statement has changed, or
- (b) the disclosure statement did not completely and accurately disclose the information required to be included in the disclosure statement.

(2) A supplementary report under this section must

- (a) report the new information in accordance with the requirements of section 90 [*disclosure statements*], and
- (b) state the circumstances that have led to the filing of the report.

(3) A supplementary report under this section must be accompanied by solemn declarations of the persons referred to in section 90 (7) that, to the best of the knowledge, information and belief of the person making the declaration,

- (a) the report completely and accurately discloses the required information, and
- (b) the requirements of this Division have been met in relation to the election campaign of the candidate, elector organization or campaign organizer, as applicable.

#### **Late filing of disclosure statements**

**90.2** The penalties under sections 92 [*candidate disqualification*] and 92.1 [*elector organization or campaign organizer disqualification*] do not apply in the following circumstances:

- (a) if the disclosure statement is filed within 30 days after the time period established by section 90 (1) [*duty to file disclosure statement*] and a late filing penalty of \$500 is paid to the municipality or regional district;
- (b) if an order under section 91 relieves the candidate, elector organization or campaign organizer from the obligation to file the disclosure statement;
- (c) if
  - (i) an order under section 91 does not relieve the candidate, elector organization or campaign organizer from the obligation to file the disclosure statement but does provide other relief, and
  - (ii) the disclosure statement complies with the order and is filed by the end of the late filing period under paragraph (a) or the time set for filing by the order, as applicable.

#### **Court order for relief from filing obligations**

**91** (1) A candidate, elector organization or campaign organizer may apply to the Supreme Court in accordance with this section for relief from an obligation to file a disclosure statement or supplementary report.

(2) An application in relation to a disclosure statement must be made before the end of the late filing period, but an application in relation to a supplementary report may be made at any time.

(3) No later than 7 days after a petition commencing an application is filed in the court registry, it must be served on the municipality or regional district in relation to which the election was held.

(4) No later than 14 days after the petition is filed, the applicant must apply to have the matter set down for hearing by the Supreme Court and the date set by the court for hearing must be no later than 28 days after the petition is filed.

(5) On the hearing of an application, the court may do the following:

- (a) relieve the candidate, elector organization or campaign organizer
  - (i) from the obligation to file the disclosure statement or supplementary report, or
  - (ii) from specified obligations in relation to the statement or report,

if the court considers that, in relation to the non-compliance, the financial agent and, if applicable, the candidate have acted in good faith;

(b) grant an extension of the time for filing if the court considers that, in relation to the non-compliance, the financial agent and, if applicable, the candidate have acted in good faith;

(c) make any additional order the court considers appropriate to secure compliance with this Division to the extent the court considers reasonable in the circumstances;

(d) refuse to grant an extension or other relief.

(6) If the court grants an extension under subsection (5) (b) for a disclosure statement, the order must specify whether the penalty referred to in section 90.2 (a) [*late filing period*] must be paid in order for the statement to be filed.

#### **Candidate disqualification for failure to file disclosure statement**

**92** (1) Unless a court order under section 91 [*court order for relief*] relieves the candidate from the obligation to file a disclosure statement, a candidate for whom the disclosure statement is not filed before the end of the late filing period is subject to the following penalties:

(a) in the case of a candidate who is declared elected, at the applicable time under subsection (2) the council member ceases to hold office and the seat of the member becomes vacant;

(b) in all cases, from the applicable time under subsection (2) the person is disqualified from being nominated for, elected to or holding office on a local government, the council of the City of Vancouver or a board of school trustees, or as a local trustee of the Islands Trust, until after the next general local election.

(2) The time at which a candidate becomes subject to the penalties under subsection (1) is as follows:

(a) if no application under section 91 is commenced, at the end of the late filing period;

(b) if an application under section 91 is commenced but the matter is not set for hearing in accordance with section 91 (4), 15 days after the petition was filed;

(c) if, on an application under section 91, the Supreme Court refuses to grant relief from the obligation to file the disclosure statement, at the time of that decision;

(d) if, on an application under section 91, the Supreme Court grants relief but the candidate does not comply with the court order, at the end of the late filing period or at the time set for filing by the order, as applicable.

(3) If a person who is subject to subsection (2) (c) or (d) appeals the decision of the Supreme Court, the appeal does not operate to stay the penalties under this section.

(4) On the final determination of an appeal, if the court relieves the candidate from the obligation to file the disclosure statement, or grants other relief and the candidate complies with the court order,

(a) if the term of office for which the candidate was elected has not ended,

(i) the candidate is entitled to take office for any unexpired part of the term, and

(ii) if the candidate exercises this right, any person currently holding the office ceases to hold office, and

(b) the candidate is entitled to be elected at any following election if otherwise qualified.

### **Disqualification of elector organization or campaign organizer for failure to file**

**92.1** (1) Unless a court order under section 91 [*court order for relief*] relieves the elector organization or campaign organizer from the obligation to file a disclosure statement, an elector organization or campaign organizer for whom the disclosure statement is not filed before the end of the late filing period

(a) is disqualified from endorsing a candidate under section 79 of this Act, section 51 of the *Vancouver Charter*, or those sections as they apply for the purposes of another Act, and

(b) is prohibited from accepting campaign contributions or incurring election expenses in relation to future elections

until after the next general local election.

(2) The time at which an elector organization or campaign organizer becomes subject to the penalties under subsection (1) is as follows:

(a) if no application under section 91 is commenced, at the end of the late filing period;

(b) if an application under section 91 is commenced but the matter is not set for hearing in accordance with section 91 (4), 15 days after the petition was filed;

(c) if, on an application under section 91, the Supreme Court refuses to grant relief from the obligation to file the disclosure statement, at the time of that decision;

(d) if, on an application under section 91, the Supreme Court grants relief but the elector organization or campaign organizer does not comply with the court order, at the end of the late filing period or at the time set for filing by the order, as applicable.

(3) If an elector organization or campaign organizer that is subject to subsection (2) (c) or (d) appeals the decision of the Supreme Court, the appeal does not operate to stay the penalties under this section.

### **Public notice of failure to file**

**92.2** (1) Reports respecting the following must be presented at an open meeting of the local government of the municipality or regional district in relation to which the election was held:

- (a) the name of any candidate, elector organization or campaign organizer for whom a disclosure statement is not filed within the time period under section 90 (1) *[duty to file disclosure statement]*;
- (b) the name of any candidate, elector organization or campaign organizer for whom a disclosure statement is not filed by the end of the late filing period;
- (c) the name of any candidate who is subject to a penalty under section 92 *[disqualification for failure to file]* or any elector organization or campaign organizer that is subject to a penalty under section 92.1 *[disqualification for failure to file]*.

(2) A report under subsection (1) must be presented as soon as practicable after the local government officer assigned responsibility under section 198 *[corporate administration]* becomes aware of the applicable circumstances referred to in that subsection.

(3) The local government officer assigned responsibility under section 198 *[corporate administration]* must send to the inspector a copy of any report under subsection (1) (c), together with a copy of the nomination under section 72 (1) for the candidate or a copy of the solemn declaration under section 79 (2) *[endorsement declaration]* for the elector organization, as applicable.

### **Disqualification list**

**92.3** The inspector must have available for public inspection a list of the individuals and organizations identified in a report under

- (a) section 92.2 (3) *[report to inspector respecting disqualification for failure to file disclosure statement]*,
- (b) section 64.2 (3) of the *Vancouver Charter*, or
- (c) a section referred to in paragraph (a) or (b) as it applies for the purposes of another Act.

### **Candidate disqualification for false or incomplete reports**

**92.4** (1) Subject to subsection (3), if

- (a) a disclosure statement for a candidate does not comply with the requirements of section 90 (4), subject to any relief in relation to those requirements provided by court order under section 91, or
- (b) a supplementary report for a candidate does not comply with the requirements of section 90.1 (2), subject to any relief in relation to those requirements provided by court order under section 91,

the candidate is disqualified from being nominated for, elected to or holding office on a local government, the council of the City of Vancouver or a board of school trustees, or as a local trustee of the Islands Trust, until after the next general local election.

(2) For certainty, if a candidate is disqualified by reason of subsection (1) (a), the filing of a supplementary report does not relieve the candidate from the disqualification.

(3) A candidate is not disqualified under subsection (1) if he or she exercised due diligence to ensure that the applicable requirements were met.

### **Disqualification of elector organization or campaign organizer for false or incomplete reports**

**92.5** (1) Subject to subsection (3) and any relief in relation to the applicable requirements that is provided by court order under section 91, if

(a) a disclosure statement for an elector organization or campaign organizer does not comply with the requirements of section 90 (4), or

(b) a supplementary report for an elector organization or campaign organizer does not comply with the requirements of section 90.1 (2),

the elector organization or campaign organizer

(c) is disqualified from endorsing a candidate under section 79 of this Act or section 51 of the *Vancouver Charter*, or those sections as they apply for the purposes of another Act, and

(d) is prohibited from accepting campaign contributions or incurring election expenses in relation to future elections

until after the next general local election.

(2) For certainty, if an elector organization or campaign organizer is subject to the penalties under subsection (1) by reason of subsection (1) (a), the filing of a supplementary report does not relieve the elector organization or campaign organizer from those penalties.

(3) An elector organization or campaign organizer is not subject to the penalties under subsection (1) if its financial agent exercised due diligence to ensure that the applicable requirements were met.

#### **Disclosure statements and supplementary reports to be available for public inspection**

**93** (1) The disclosure statements and signed declarations under section 90 and the supplementary reports and signed declarations under section 90.1

(a) must be available for public inspection in the local government offices during their regular office hours from the time of filing until 7 years after general voting day for the election to which they relate, and

(b) if a bylaw under subsection (2) of this section applies, must be made available to the public in accordance with the bylaw.

(2) A local government may, by bylaw, provide for public access to documents referred to in subsection (1), during all or part of the period referred to in subsection (1) (a), in any manner the local government considers appropriate, including by the Internet or other electronic means.

(3) A person who inspects or otherwise accesses a document referred to in subsection (1) under this section must not use the information included in it except for the purposes of the following:

(a) this Part;

(b) Division 6 [*Conflict of Interest*] or Division 7 [*Disqualification*] of Part 4 of the *Community Charter*;

(c) sections 141, 142.1 to 142.3 and 145.2 to 145.92 of the *Vancouver Charter*.

### **Division 9 — Voting Opportunities**

#### **Voting opportunities for electors**

- (5.1) A person who inspects materials referred to in subsection (3) must not use the information in them except for the purposes of this Part.
- (5.2) Despite section 95 (3) of the *Community Charter* and section 27 (7) of the *Interpretation Act*, a person who is entitled to inspect the materials referred to in subsection (3) of this section is not entitled to obtain a copy of those materials.
- (6) The following materials must be destroyed as soon as possible following 8 weeks after the declaration of the official election results under section 136:
- (a) [Repealed 1999-37-38.]
  - (b) the ballots used in the election;
  - (c) any stubs for ballots used in the election;
  - (d) any copies of the list of registered electors used for the purposes of voting proceedings;
  - (e) the voting books used in the election;
  - (f) any solemn declarations and any written statements or declarations in relation to voting proceedings, other than those used for the registration of electors.
- (7) As exceptions, subsection (6) does not apply
- (a) if otherwise ordered by a court, or
  - (b) if the materials relate to an election that is the subject of an application under section 143, until the final determination of that application or the court authorizes their destruction.
- (8) Unless otherwise provided under this Act, a person may not inspect a ballot.

## Division 17 — Election Offences

### Vote buying

- 151** (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**

**152** (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.

### **Prohibition against certain election advertising on general voting day**

**152.1** (1) For the purposes of this section:

**"election advertising"** means advertising used

- (a) to promote or oppose, directly or indirectly, the election of a candidate,
- (b) to promote or oppose, directly or indirectly, an elector organization that is endorsing a candidate, or
- (c) to promote or oppose, directly or indirectly, a campaign organizer;

**"sponsor"** means

- (a) a person who is liable to pay for election advertising, or
- (b) if the services of conducting the election advertising are provided without charge as a campaign contribution within the meaning of Division 8 [*Campaign Financing*], the candidate, elector organization or campaign organizer to whom the services are provided as a contribution.

(2) On general voting day, a person or unincorporated organization must not conduct election advertising by publishing it in a newspaper or magazine or on radio or television.

(3) A person or unincorporated organization must not act as sponsor or agree to act as sponsor of election advertising that is or is to be conducted on general voting day by a means referred to in subsection (1), whether the publication is done within British Columbia or outside British Columbia.

### Other election offences

**153** (1) In relation to nominations, a person must not do any of the following:

- (a) contravene section 72 (3);
- (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 79 (6) (a) with the authorization of the elector organization.

(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 114 (1) 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 113 (2) 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 102 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) 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 campaign organizer;
- (c) display or distribute a sign, a document or other material regarding a candidate, elector organization or campaign organizer, except as authorized by the chief election officer;

(d) display, distribute, post or openly leave a representation of a ballot marked for a particular candidate in an election.

(5) In relation to Division 8 [*Campaign Financing*] of this Part, a person must not contravene any of the following:

- (a) section 85 [*financial agent required*];
- (b) section 85.1 [*campaign accounts*];
- (c) section 86 [*restrictions on contributions and expenses*];
- (d) section 87 [*restrictions on making campaign contributions*];
- (e) section 89.1 (4) [*transfer of candidate's surplus*];
- (f) section 90 [*duty to file disclosure statement*];
- (g) section 90.1 [*duty to file supplementary reports*].

(6) 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 133,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) impede or obstruct an election official or other person in performing duties and exercising powers given to the person under this Part.

(7) 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**

- 153.1** (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.

### **Penalties**

**154** (1) A person who contravenes section 151 or 152 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) a prohibition for a period of not longer than 6 years from holding an elected local government office;
- (d) a prohibition for a period of not longer than 6 years from voting in local government elections.

(2) A person or unincorporated organization who contravenes section 152.1 or 153 is guilty of an offence and is liable to one or more of the following penalties:

- (a) a fine of not more than \$5 000;
- (b) imprisonment for a term not longer than one year;
- (c) a prohibition for a period of not longer than 6 years from holding an elected local government office;
- (d) a prohibition for a period of not longer than 6 years from voting in local government elections.

(3) Any penalty under this Division is in addition to and not in place of any other penalty provided in this Part.

(4) 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.

## Division 18 — General

### Powers of minister in relation to elections

**155** (1) If the minister considers that special circumstances regarding an election require this, the minister may make any order the minister considers appropriate to achieve the purposes of this Part, including an order providing an exception to this Act or a bylaw or regulation under this Act.

(2) Without limiting subsection (1), the minister may make an order 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.

### Regulations

**156** (1) In relation to this Part, the Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*, including regulations for any matter for which regulations are contemplated by this Part.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) prescribing information that must be included under section 55 in an application for registration as an elector, which may be different for resident electors and non-resident property electors;
- (a.1) prescribing classes of documents that may be accepted as evidence for the purpose of section 57 [*how to register as a resident elector at the time of voting*] or 57.1 [*how to register as a non-resident property elector at the time of voting*];