

ELECTIONS BC

For Your Information

Date: March 16, 2005

Changes to the *Election Act*

There have been many changes to the *Election Act* since the May 16, 2001 provincial general election. Following are summaries of some of the more significant amendments.

Bill 59 received Royal Assent in October 2002. This amended the *Election Act* as follows:

Section 180(5)(a) – Definition of a volunteer

Volunteers can receive no compensation, directly or indirectly, in relation to their services or the time spent providing the services.

Employers cannot continue to pay people while they are working as volunteers. If they do continue to get paid, they are not volunteers and the value of their services is a political contribution from their employer and an expense (an election expense if during a campaign period). Such political contributions are not tax receiptable.

If an individual uses paid vacation time to work on a campaign they will be considered a volunteer as long as they have not been directed by their employer to provide the services and the employer does not provide any extra vacation or leave.

Section 186(4) – Restrictions on making political contributions

Charitable organizations are not allowed to make political contributions. A charitable organization includes any organization whose objectives are the relief of poverty, advancement of education or religion, protection of health, governmental or municipal purposes, or other purposes beneficial to the community. This definition applies whether or not the organization is a registered charity for income tax purposes.

Section 235 – Election opinion surveys

It is not necessary to publish the methodology used for election opinion surveys.

Sections 236 to 238 – Election advertising limits

There are no spending limits for election advertising sponsors.

Bill 66 received Royal Assent in May 2003. This legislation amended the *Election Act* as follows:

Section 30(b) – Voting prohibition for prisoners serving sentences longer than two years

The *Election Act* was amended to remove the prohibition on prisoners serving sentences longer than two years from voting in provincial elections. This brings the province in line with a Supreme Court of Canada ruling in 2002 that a similar provision in the *Canada Elections Act* was unconstitutional.

Bill 90 received Royal Assent in December 2003. The amendment to the *Election Act* included:

Section 42 – Enumerations

This amendment removed the requirement to conduct a general enumeration in May 2004, a full year before the general election in May 2005.

Bill 54 received Royal Assent in May 2004. Amendments to the *Election Act* included:

Sections 32(5) and (6) – Rules for determining where an individual is resident

These new sections of the *Election Act* allow an individual who has no dwelling place to register as a voter on the basis that the individual's place of residence is a shelter, hostel or similar institution that provides food, lodging or other social services.

Section 39.1 – Registration and updating based on National Register of Electors Information

This new section of the *Election Act* allows Elections BC to use the federal voters list to update and add voters to the provincial voters list.

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