



ELECTIONS BC

A non-partisan Office of the Legislature

855 (04/08)

GUIDE TO THE *ELECTION ACT*

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General Information

The *Election Act*

This guide answers the most common enquiries Elections BC receives regarding the British Columbia *Election Act*. Where possible, references are provided to the applicable sections of the Act.

The purpose of the *Election Act* is to provide a framework for the provincial electoral process, and to ensure that the constitutional right to vote is accessible for the voters of British Columbia.

If any part of this document conflicts with what appears in the *Election Act*, the Act is deemed to be the exclusive authority with respect to the conduct of elections and the registration of voters in British Columbia.

The *Election Act* is available on the Elections BC Web site (www.elections.bc.ca) or may be purchased from Crown Publications, 521 Fort Street, Victoria, B.C.

Electoral districts

The Province is divided into electoral districts or constituencies, each represented by one Member of the Legislative Assembly. There are currently 79 electoral districts. A voter may vote in an election only for the electoral district in which the individual is resident.

Electoral district boundaries are reviewed after every second general election to ensure that each Member of the Legislative Assembly represents approximately the same number of people. The review is conducted by a commission established under the *Electoral Boundaries Commission Act*. The *Electoral Districts Act* contains detailed legal descriptions of all electoral district boundaries.

Voting areas

- S. 80 Electoral districts are subdivided into voting areas. A voting area is generally a geographic area containing up to 400 registered voters. This division is for administrative purposes to ensure sufficient voting places are provided and that the voting place locations are accessible. Special voting areas may also be established to enhance access to voting.

Calling an election

- S. 24 To call an election, the Lieutenant Governor in Council must issue an order directing the Chief Electoral Officer to prepare and issue the Writs of Election. A Writ is addressed and directed to the District Electoral Officer of each electoral district in which an election is to be held. Each Writ includes the dates for the nomination of candidates and the date of General Voting Day and Return Day. Writs are also published in *The British Columbia Gazette*. An election is called when the Writ for the election is issued by the Chief Electoral Officer.

Election period

An election period is generally 51 days in duration. This period starts on the day the Writ is issued to the District Electoral Officer and ends on the day the Writ is returned to the Chief Electoral Officer.

Timetable of the election period

Day 0	Writ Day
Day 6	Beginning of nomination period
Day 7	Closing Day for general voter registration
Day 15	End of nomination period
Day 28	General Voting Day
Day 41	Final Count begins
Day 50	Return of Writ

Officials

Chief Electoral Officer

- S. 4–13 The Chief Electoral Officer is responsible for the fair and impartial administration of provincial elections under the authority of the *Election Act*. The Chief Electoral Officer is appointed by the Lieutenant Governor on recommendation of the Legislative Assembly. As a statutory Officer of the Legislature, the Chief Electoral officer reports directly to the Legislative Assembly through the Speaker. The Chief Electoral Officer cannot be a member of a political party, make contributions to a party or candidate, or vote in any provincial election.

District Electoral Officers

- S. 18 A District Electoral Officer is appointed for each electoral district by the Chief Electoral Officer. The District Electoral Officer is responsible for administering elections in their electoral district and ensuring that the provisions of the *Election Act* are observed. A Deputy District Electoral Officer is appointed in each electoral district to assist in these duties.

District Registrar of Voters

- S. 22 District Registrar of Voters (DRVs) are responsible for voter registration in their assigned area. During provincial elections, this role is held by District Electoral Officers. Between elections, this role is held by staff of Elections BC. Deputy District Electoral Officers may be appointed to assist the DRV. Government Agents are usually appointed as Deputy District Registrar of Voters.

Election Officials

- S. 17, 19, 20, 88 Election officials in an electoral district are appointed by the District Electoral Officer. They are required to take an oath of office and sign a Declaration of Secrecy. This ensures that voting is conducted in a non-partisan manner and that the secrecy of the vote is maintained. Candidates and their representatives are not permitted to be election officials.

A Voting Officer is responsible for conducting the vote at their assigned voting station. The Voting Officer issues ballots and maintains the ballot box. At the close of voting, the Voting Officer counts the ballots.

A Voting Clerk assists the Voting Officer. The Voting Clerk maintains the voting book for an assigned voting station. This book contains the signatures of all voters who received ballots and voted at the voting station. After the close of voting, the Voting Clerk records the votes on a tally sheet as they are counted.

A Supervisory Voting Officer may be appointed to a voting place with several voting stations to oversee the operation of that voting place.

A Certificate Writer is responsible for issuing Advance Voting certificates to voters at Advance Voting.

Other election officials may also be appointed to assist voters in locating their correct voting station, to maintain order in a voting place or to register voters at a voting place.

Voter Qualifications

Who may vote

- S. 29 To vote in an election for an electoral district, an individual must:
- be a Canadian citizen;
 - be 18 years of age or older on General Voting Day for the election;
 - be a resident of the electoral district;
 - have been a resident of British Columbia for at least six months immediately preceding General Voting Day for the election;
 - be registered as a voter for the electoral district, or register in conjunction with voting; and
 - not be disqualified from voting in the election.

Who is disqualified from voting

- S. 30 The following individuals are not entitled to vote in an election:
- the Chief Electoral Officer and the Deputy Chief Electoral Officer; and
 - an individual who is prohibited from voting because of conviction for a serious election offence such as bribery.

Voter Registration

Who can register to vote

- S. 31 Any individual who is qualified to vote may register. A registered voter who ceases to meet any of the qualifications is not entitled to continue to be registered.

How and when to register

- S. 32–42 To register as a voter, a qualified individual must complete an “Application for Registration as a Provincial Voter”. This form is available online (www.elections.bc.ca), or from Elections BC or Government Agents offices on any business day, except during the closed period for general registration during an election.

Qualified individuals who are registered federally on the National Register of Electors may automatically be registered and added to the Provincial Voters List. The National Register of Electors is also used to update the registration information for voters on the Provincial Voters List.

Voters who change their name or address can notify Elections BC to have their registration updated. Updates for registered voters may be made online, by mail, phone, fax or in person. Elections BC also receives address change information from the Insurance Corporation of B.C. This allows registered voters who have a British Columbia drivers licence or British Columbia identification card to have their voter registration updated automatically.

Voters are encouraged to register, update, and confirm their registration through the Elections BC Web site (www.elections.bc.ca).

In addition to on-going registration, special registration drives and other registration activities are conducted as required.

Registration during an election

- S. 33, 34, 41 During the first eight days of an election, general registration is available to all voters. From eight days after an election has been called until two days after General Voting Day, registration is only permitted in conjunction with voting. Qualified voters may register at any voting opportunity. To register at the time of voting, a voter must provide two pieces of personal identification, showing, in combination, their name, current residential address and signature.

Provincial Voters List

- S. 45–51 The Provincial Voters List is prepared by the Chief Electoral Officer and contains the names and addresses of registered voters in each electoral district. The purpose of the Provincial Voters List is to ensure that only qualified voters vote in a provincial election, and only one vote is allowed per voter. A copy of the voters list is provided to each voting place to confirm the registration status and voting area assignments of all registered voters in the electoral district.

The Provincial Voters List is not available for public sale, and its use and access is restricted.

The Provincial Voters List is under constant revision. The voters list is fully computerized and maintained by Elections BC staff. The voters list is updated based on information provided by voters, the Insurance Corporation of B.C., Vital Statistics notices of deceased persons, the National Register of Electors and new applications for voter registration.

A voter may object to the registration of another voter if they believe the voter is not qualified to be registered. Objections must be made in writing to the District Registrar of Voters.

Candidates

Who may be nominated

S. 52 To be qualified for nomination as a candidate for election as a Member of the Legislative Assembly, an individual must:

- be a Canadian citizen;
- be 18 years of age or older on General Voting Day for the election;
- have been a resident of British Columbia for at least 6 months immediately before the individual becomes a candidate; and
- not be disqualified from voting in an election or from being nominated for, being elected to or holding office as a Member of the Legislative Assembly, or be otherwise disqualified by law.

A person may not be nominated as a candidate for more than one electoral district at any one time. A candidate does not have to be a resident of the electoral district in which they are seeking election.

A person who holds another elected office (e.g., municipal councillor, school trustee) may be nominated as a candidate in a provincial election, with the exception of Members of the House of Commons of Canada (MPs). MPs and judges of the Court of Appeal of the Supreme Court of British Columbia are disqualified from being candidates.

Nomination of candidates

S. 54–57 Nominees may file their nomination as a standing nomination or as an ordinary nomination.

Standing nominations may be filed with the Chief Electoral Officer at any time before the end of the 5th day following the issue of a writ of election. Standing nominations enable nominees to file all of their documents,

with the exception of the Solemn Declaration of Qualification and Statement of Disclosure, before the Writ is issued. The remaining two documents must be submitted to Elections BC between Day 0 and Day 5 of an election.

Ordinary nominations may only be filed between 9 a.m. on Day 6 and 1 p.m. (Pacific time) on Day 15 of an election and must be submitted to the District Electoral Officer for the electoral district in which a nominee is seeking election.

All nominations must be signed by at least 25 voters and accompanied by a \$100 deposit. When all the required nomination documents are accepted for filing, a certificate is issued indicating the individual is a candidate in the election.

Who may make nominations

- S. 53 A nomination must be made by at least 25 voters for the electoral district for which the election is being held. An individual may nominate only one candidate in an election.

Candidates' agents and financial officers

- S. 69, 175–177 A candidate must appoint a financial agent to ensure their finances are administered in accordance with the *Election Act*. A candidate may be their own financial agent. Candidates are also required to appoint an auditor. A candidate may appoint an official agent to represent them during an election. An individual may be appointed as both the financial agent and the official agent.

Scrutineers and other candidate representatives

- S. 70 A candidate or the candidate's official agent may appoint scrutineers and other candidate representatives to observe the voting and counting proceedings for an election. The main function of a scrutineer is to represent a candidate at the voting place and to protect the candidate's interests by observing the proceedings to ensure that the election is conducted in accordance with the provisions of the *Election Act*.

Voting

General information

All times referred to in the *Election Act* are local time, except for the close of nominations and voting hours on General Voting Day, which are Pacific time.

Voting hours on General Voting Day are from 8 a.m. to 8 p.m., Pacific time. Prior to the opening of the voting places, all ballot boxes are checked to ensure that they are empty and then sealed to prevent tampering. All voting officials and candidate representatives must sign the Declaration of Secrecy. When the voting places close, only those voters who arrived at the voting place and who are waiting to vote are entitled to cast their ballots. No campaign materials are permitted in voting places, or within 100 metres of voting places.

Advance Voting

- S. 76, 97 Advance Voting is held from 12 noon to 9 p.m. on the Wednesday, Thursday, Friday and Saturday of the week preceding General Voting Day. Advance Voting is available to any voter and all Advance Voting locations are wheelchair accessible.

Absentee Voting

- S. 99–101 Voters who are unable to attend their assigned voting location on General Voting Day, or the Advance Voting location(s) in their electoral district of residence, may vote at any other voting location in the Province. Absentee votes are placed in ballot envelopes, and are counted at Final Count.

Alternative Absentee Voting

S. 102 **Who may vote by Alternative Absentee Voting**

An individual may vote by Alternative Absentee Voting if:

- they expect to be absent from British Columbia on General Voting Day;
- they have a physical disability, illness or injury or their mobility is impaired; or
- they will be in a location that is remote from a voting place, or will be unable to attend a voting place because of weather or other environmental conditions or for another reason beyond the individual's control.

S. 103–106 **When Alternative Absentee Voting is held**

Alternative Absentee Voting is available at the district electoral office as soon as the office is established during an election. Alternative Absentee Voting in the district electoral office is available until 4 p.m. (Pacific time) on General Voting Day.

Voters who are entitled to vote by Alternative Absentee Voting, but cannot vote in the district electoral office, may apply to the District Electoral Officer for an Alternative Absentee Voting package. Applications are accepted until 4 p.m. (Pacific time) on General Voting Day. This voting package contains instructions, a ballot and the envelopes necessary to return the marked ballot by mail and protect the secrecy of the vote. Alternative Absentee Voting packages must be received by the District Electoral Officer by the close of voting on General Voting Day.

Special Voting

- S. 77, 98 The District Electoral Officer may establish special voting opportunities to assist those eligible voters who wish to vote but are unable to attend a regular voting place on General Voting Day because they are in a hospital, mental health facility, long-term care facility or correctional centre. Special voting opportunities are often set up to visit long-term care facilities and remote work sites such as logging and mining camps. Voting at these “special” locations is by ballot envelope.

Voters needing assistance

- S. 109 Assistance is available to voters unable to mark a ballot because of a physical disability or difficulty with reading or writing. An election official or an individual accompanying the voter may mark the voter’s ballot in accordance with the wishes of the voter. If the voter is assisted by someone other than an election official, the person assisting the voter must take an oath of secrecy. A template is available at all voting places to allow voters who are visually impaired to mark their own ballot.

Voters needing a translator

- S. 109, 269 A voter may be assisted by a translator if the voter has difficulty reading the ballot or the instructions for voting. If the translator is not an election official, the individual assisting the voter must make a solemn declaration that they are capable of making the translation and that they will preserve the secrecy of the ballot. District Electoral Officers attempt to hire election officials who are fluent in the language of the local community.

Time off from work for voting

- S. 74 Any employee who is entitled to vote is entitled to have four consecutive hours free from employment during voting hours on General Voting Day for the purpose of voting.

If the individual's hours of employment do not allow for four consecutive hours free from work, the employer must allow the individual time off from employment to provide those hours. The employer may set the time off to vote that is convenient to the employer.

It is an offence for an employer to deduct payment or exact any penalty from an employee for time off for voting.

Signature and declaration of voters

- S. 96–101, All voters are required to sign a voting book or certification envelope declaring their eligibility to vote prior
111 to receiving a ballot.

Voters may also be required to provide identification, evidence of eligibility or take an oath if their right to vote is challenged at the voting place.

Ballots

- S. 86 Ballots are printed by the District Electoral Officer after the nomination period closes. Candidates are listed in alphabetical order by surname, and may have the name of the registered political party that endorses them included. A candidate may choose to be shown as "Independent" or have only their name listed. No other information about candidates is shown on the ballot.

Beside each candidate's name is a blank circle where the voter makes their mark. Ballots are bound in books and have a stub and a counterfoil. The stub and counterfoil are numbered and are removed from the ballot by the Voting Officer before it is placed in a ballot box. The voter may place the ballot into the ballot box or observe a Voting Officer deposit the ballot.

Write-in ballots have a blank space instead of candidate names. Write-in ballots are used by absentee voters. Voters write or print the name of their candidate or political party of choice. Ballots are not rejected for errors in spelling if the intent of the voter is clear.

Spoiled ballots

- S. 113 If a voter makes a mistake marking a ballot, the voter may obtain a replacement ballot by giving the spoiled ballot to the election official. Spoiled ballots are never placed in a ballot box and are not included in the count of valid ballots at the close of voting.

Restrictions on election campaigning and election advertising

- S. 234 The *Election Act* prohibits a number of activities while Advance Voting or General Voting is being conducted, including:
- campaigning within 100 metres of a building where voting is being conducted;
 - posting or distributing campaign materials within 100 metres of a building where voting is being conducted;
 - conducting election advertising by public address system or loud speaker within hearing distance of a voting place.

Throughout a campaign period, election advertising or campaign materials must not be posted or distributed within 100 metres of a building where an office of the District Electoral Officer is located.

Counting the Votes

Initial Count

- S. 115–126 At the close of voting on General Voting Day, the ballot boxes are opened and the Voting Officers count the ballots from General Voting and Advance Voting. This is called the Initial Count. Candidates and their representatives are entitled to be present during Initial Count to ensure it is done in a fair and impartial manner. After Initial Count is completed, the District Electoral Officer may announce the preliminary results for the election. No ballot envelopes containing absentee ballots are opened until Final Count.

Final Count

- S. 127–137 Votes in ballot envelopes are counted by the District Electoral Officer at Final Count. Final Count usually begins on Day 41. This allows enough time for ballot envelopes of absentee voters to be sent to the District Electoral Officers for the electoral district in which the voters are registered. Prior to the counting of ballots in ballot envelopes, the ballot envelopes are checked to ensure that no duplicate voting or voting by unregistered voters has occurred. Final Count can take up to three days. At the conclusion of Final Count the District Electoral Officer declares the results and announces the election of the candidate who received the most votes.

Rejected ballots

- S. 123 Ballots are rejected if the ballot is marked for more than one candidate, is blank, does not clearly indicate the intent of the voter or the voter could be identified by the ballot marks. In the case of write-in ballots, they will also be rejected if marked for a person who is not a candidate for election in the electoral district or for a registered political party that does not have a candidate for election in the electoral district.

Judicial recounts

- S. 139–145 At the conclusion of Final Count, in the event of a very close election or tie vote a judicial recount must be requested by the District Electoral Officer. If a voter or candidate believe errors were made in the review and counting of ballots, a recount of ballots may be requested following Final Count. A judicial recount is conducted by a Judge of the Supreme Court and must be requested no more than six days after the completion of Final Count.

The purpose of a recount is to ensure that all ballots were accepted or rejected by the same standards and that the counting is correct.

Registration of Political Parties and Constituency Associations

- S. 154–162, Political parties and constituency associations must be registered with Elections BC in order to issue income
186 tax receipts for political contributions, have the party name appear on a ballot, make political contributions
or incur election expenses.

Financial Reporting

- S. 207, 209, Registered political parties and registered constituency associations are required to file annual financial
210, 211, reports by March 31 each year. These reports must disclose the contributions and other income received and
244 all expenditures made by the organization during the previous calendar year.

Following an election, candidates, registered political parties, registered constituency associations and election advertising sponsors must all file election financing reports within 90 days after General Voting Day. These reports must disclose contributions, other income and expenditures associated with the election.

Party leadership contestants must file financing reports within 90 days after a leader is selected.

Political Contributions

- S. 180–182 Political contributions received by registered political parties, registered constituency associations, 186–192 candidates and election advertising sponsors must be disclosed. Contributors of over \$250 in a single year or election campaign must be identified in the financing reports.

Anonymous contributions must be less than \$50 each and may only be accepted at functions in response to a general request for funds. Registered political parties and registered constituency associations may only accept up to \$10,000 in anonymous contributions in a calendar year. Candidates, leadership contestants and nomination contestants must not accept more than \$3,000 in anonymous contributions in relation to any one election or contest. Unregistered political parties, unregistered constituency associations and charitable organizations must not make political contributions.

Registered political parties, registered constituency associations and candidates are authorized to issue income tax receipts for political contributions of money. Political contributions of goods and services are not tax receiptable.

Election Expenses Limits

- S. 196–204 During an election, a candidate’s expenses limit is \$50,000 including the value of donated goods and/or services. Candidates in electoral districts with more than 25,000 registered voters, or an average of fewer than two registered voters per square kilometre, are entitled to increased expenses limits.

A registered political party is limited to \$1.25 per registered voter in each electoral district in which the party has a candidate.

For each election, the Chief Electoral Officer must adjust each of the applicable amounts above to account for changes in the Consumer Price Index. The adjusted amounts are then used to calculate the election expenses limits for the election.

Election Advertising

- S. 228–239 Election advertising is advertising used during a campaign period to promote or oppose, directly or indirectly, the election of a candidate or a registered political party.

Sponsors must be registered with Elections BC. Election advertising must identify the sponsor. On General Voting Day, no election advertising may be published in a newspaper or magazine or be broadcast on television or radio.

Election advertising sponsors must file a disclosure report if the total value of the election advertising they sponsored during a campaign period is \$500 or more. Election advertising sponsored by candidates, registered political parties and registered constituency associations is disclosed as an election expense in their election financing reports.

Glossary of Election Terms

Advance Voting	A voting opportunity held between the hours of 12 noon and 9 p.m. on the Wednesday, Thursday, Friday and Saturday of the week preceding General Voting Day.
Campaign Period	The period between when an election is called and the close of General Voting for the election.
Candidate	An individual who has satisfied the requirements of the <i>Election Act</i> and been issued a Certificate of Candidacy. For the purposes of election financing and election communications, the term candidate also includes an individual who becomes a candidate or was a candidate in an election.
Certificate Writer	A voting official responsible for issuing Advance Voting certificates.
Chief Electoral Officer	An Officer of the Legislature appointed by the Lieutenant Governor on the recommendation of the Legislative Assembly. The Chief Electoral Officer is responsible for the supervision and administration of the B.C. <i>Election Act</i> .
Constituency	See “Electoral District.”
Constituency Association	An organization formed for an electoral district as the local organization of a political party or as the local organization to support an independent Member of the Legislative Assembly for that electoral district.
Deputy Chief Electoral Officer	Assists the Chief Electoral Officer with the duties of that office and serves in that capacity during absences.

Deputy District Electoral Officer	Appointed by the Chief Electoral Officer to assist the District Electoral Officer with the duties of that office. If the District Electoral Officer becomes incapacitated, this person assumes the duties.
District Electoral Officer	One District Electoral Officer is appointed by the Chief Electoral Officer for each electoral district to administer elections in that district.
District Registrar of Voters	An individual reporting to the Chief Electoral Officer responsible for the preparation and maintenance of the Provincial Voters List through the registration of voters in one or more electoral districts.
Electoral District	The Province is divided into electoral districts (constituencies), each represented by one Member of the Legislative Assembly.
Final Count	The time during an election period when all ballots contained in ballot envelopes are counted by the District Electoral Officer and the initial ballot counts completed on General Voting Day are confirmed. Final Count ordinarily begins 41 days after an election is called.
Financial Agent	An individual appointed to administer the finances of an organization or individual. Registered political parties, registered constituency associations, candidates and leadership contestants each must have a financial agent.
General Election	Elections called on the same date for all electoral districts in the Province.
General Voting Day	The day on which the election is held. General Voting Day is the 28th day after the date of the issue of the Writ of Election (if a holiday, then the next day that is not a holiday). Voting hours are 8 a.m. to 8 p.m. (Pacific time).

National Register of Electors	The National Register of Electors (NRoE) is a list of registered voters maintained by the Chief Electoral Officer of Canada for the purposes of federal elections.
Nomination Period	A period for the nomination of candidates in each electoral district. A nominee may either file a standing nomination with the Chief Electoral Officer at any time prior to the end of the fifth day after the issue of the Writ of Election, or file an ordinary nomination with the District Electoral Officer. The ordinary nomination period begins at 9 a.m. on the sixth day following the issue of a Writ of Election and ends at 1 p.m. (Pacific time) on Day 15.
Official Agent	Every candidate may appoint an official agent to serve as a representative during an election. An individual may be appointed as both the financial agent and the official agent of the same candidate.
Political Party	An organization that has as a primary purpose the fielding of candidates for election to the Legislative Assembly.
Provincial Voters List	The Provincial Voters List is prepared by the Chief Electoral officer for use at an election. The voters list contains the names and addresses of registered voters in each electoral district.
Return Day	Return Day is usually Day 50, the day on which the Writ of Election and other specified election documents must be returned to the Chief Electoral Officer by the District Electoral Officer.
Scrutineer	An individual appointed in writing by a candidate or the candidate's official agent to observe the conduct of voting and counting proceedings for an election.

Time	All times referred to in the <i>Election Act</i> are local times, except for the close of nominations and voting hours on General Voting Day which are Pacific time.
Voter	An individual who meets the qualifications to be registered as a voter.
Voting Area	An electoral district is divided into voting areas for the purpose of assigning voters to voting places. A voting area is generally a geographic area containing up to 400 registered voters.
Voting Clerk	An individual appointed by the District Electoral Officer to assist the Voting Officer.
Voting Officer	The election official appointed by the District Electoral Officer to conduct the vote at a particular voting station.
Voting Place	A building or part of a building or other facility to which the voters of one or more voting areas are assigned for the purpose of voting.
Voting Screen	The compartment within a voting place behind which a voter marks the ballot while screened from observation.
Voting Station	The location in a voting place where a particular ballot box is situated and voters of a specific voting area are assigned to vote.
Writ of Election	The document issued by the Chief Electoral Officer which officially directs a District Electoral Officer to conduct an election in the electoral district.
Writ Day	The day on which the Writ of Election is issued and an election is called.

Questions?

For more information

Phone toll-free 1-800-661-8683 / TTY 1-888-456-5448

or contact

Elections British Columbia

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