



ELECTIONS BC
A non-partisan Office of the Legislature

856 (04/08)

GUIDE FOR CANDIDATES

Table of Contents

Introduction	1
Definitions	2
Nominees	3
Who can be nominated as a candidate	3
Who can not be nominated as a candidate	4
The Nomination Process	4
How to become a candidate	4
Nominators	5
Nomination Kits	6
Nomination documents	7
Nomination deposits	7
Filing nomination documents	8
Standing nominations	8
Filing a standing nomination	9
Completing (or finalizing) a standing nomination	10
Withdrawing a standing nomination	10
Nominations filed with the District Electoral Officer	11
Changes to nomination documents after filing	11
Withdrawal of nominations	12
Public Access to Nomination Documents	12
Political Party Endorsement of Candidates	13
Withdrawal of political party endorsement	13
Close of Nominations	14
Death of a Candidate	14
Challenge of the Nomination of a Candidate	15
Candidates' Leave from Employment	16

Delivery of Documents to Candidates	17
Material and Information Available to Candidates	17
Candidate Kits	18
Voters list	19
Appointment of Candidate Representatives and Financial Officers	19
Financial Agents	20
Deputy Financial Agents	22
Auditors	22
Official Agents	24
Scrutineers	24
Election Financing	25
Application of election financing rules	25
Responsibilities of a financial agent	26
Rules on Contributions	27
Definition of a political contribution	27
Volunteers	28
Limit on contributions received	29
Rules for making and accepting contributions	29
Prohibited contributions	30
Recording transfers within a party organization	30
Contributions to own campaign	31
Campaign loans	31
Campaign debts	32
Fundraising functions	32
Rules for dinners, etc.	32
Rules for auctions, garage sales, etc.	33
Anonymous contributions	34
Anonymous contribution limit	35

Valuing prop erty (goods) and ser vices	35
Dis counted prop erty (goods) and ser vices	36
In come tax re ceipts for con tri bu tions to can di dates	37
In come tax re ceipts for con tri bu tions to reg is tered polit i cal parties and reg is tered con stitu ency as so ci a tions	38
In come tax re ceipts for con tri bu tions to nom i na tion con tes tants.	38
Con tent re quire ments for in come tax re ceipts	38
Re cord ing re quire ments for con tri bu tions to can di dates	40
Sam ple re ceipt for polit i cal con tri bu tions for in come tax pur poses	41
Re cord ing re quire ments for con tri bu tions to nom i na tion con tes tants	42
Cand i date and Con tes tant Ex penses	43
Ex penses limit for can di dates	43
Ex penses limit for nom i na tion con tes tants	43
Elec tion and con tes tant ex penses	44
Trans fers by can di dates	45
Ex penses in curred to pro mote a can di date by a con stitu ency as so ci a tion or polit i cal party	45
Ex penses not sub ject to ex penses limit	45
Ad di tional rules about elec tion ex penses	46
Per sonal elec tion ex penses	47
Re cord ing can di date ex penses	47
Re cord ing nom i na tion con tes tant ex penses	48
Sur plus cam paign funds	48
Fin anc ing Re ports	49
Nom i na tion con tes tant fi nanc ing re ports	49
Elec tion fi nanc ing re ports by can di dates	50
Ad di tional re quire ments for fi nanc ing re ports.	51
Fil ing re quire ments for un suc cess ful can di dates	52
Au diting of re ports	52

Public inspection of election financing reports	52
Penalties	52
Non-compliance with the financing rules	52
Election Advertising	53
Sponsorship of election advertising	54
Prohibition against certain election advertising on General Voting Day	54
Candidate advertising must indicate sponsorship	54
Restrictions on rates charged for election advertising	55
Election Campaign Signs	55
Campaign Restrictions	56
100-metre No Campaigning Zones	57
District Electoral Offices	57
Voting Places	57
Election Results	58
Questions?	59

Introduction

The purpose of this guide is to provide information to candidates and prospective candidates for election as a Member of the Legislative Assembly of British Columbia. It provides an overview of the nomination procedures to become a candidate, and the responsibilities, rights and duties of candidates during provincial elections.

The *Election Act* establishes the rules and procedures governing the conduct of provincial elections. Where possible, section references to the applicable sections of the *Election Act* are provided. If any conflict arises between what appears in this guide and the *Election Act*, the Act is deemed to be the exclusive authority with respect to the conduct of elections 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.
V8W 1E7

Individuals who complete and file nomination documents with Elections BC will receive a complimentary copy of the Act as part of their Candidate Kit.

Definitions

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 has been issued a Certificate of Candidacy. For the purposes of election financing and election communications, the term candidate includes an individual who becomes a candidate or who was a candidate in an election.
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.
Election period:	The period between when an election is called (the Writ is issued) and when the Writ is returned. An election period is generally 51 days in duration. Writ Day is considered to be Day 0, General Voting Day is Day 28, and Writs are returned on Day 50.
Nomination contestant:	An individual seeking nomination as a candidate representing a registered political party in an election, whether or not any other individual seeks that nomination, and includes an individual who becomes a nomination contestant or who was a nomination contestant.
Political party:	An organization that has as a primary purpose the fielding candidates for election to the Legislative Assembly.

Nominees

The *Election Act* sets out qualifications for nomination. The *Election Act* and the *Constitution Act* specify who is disqualified from being a candidate in a provincial election.

Who can be nominated as a candidate

S.52 To qualify for nomination as a candidate in a provincial election, an individual must be:

- a Canadian citizen;
- 18 years of age or older on General Voting Day for the election;
- a resident of British Columbia for at least six months immediately before becoming a candidate;
- not be disqualified by the *Election Act* or any other enactment 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.

An individual is only entitled to be nominated as a candidate for one electoral district at a time. Candidates do not have to be resident in 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).

Who cannot be nominated as a candidate

S.30, Certain individuals are disqualified from being nominated as a candidate:
255-258

- members of the House of Commons of Canada (MPs);
- Judges of the Court of Appeal or the Supreme Court of British Columbia;
- individuals who have been disqualified from voting or holding office on conviction for vote buying, intimidation, corrupt voting, or subversion of an election by an official.

The Nomination Process (*Election Act, Part 5, Division 1*)

How to become a candidate

An individual who meets all of the qualifications must file a complete nomination in order to become a candidate. This involves filing the required nomination documents, including the signatures of 25 nominators from the electoral district in which the individual is seeking election, and paying a \$100 nomination deposit. An individual does not become a candidate until a complete nomination has been made and accepted, and a Certificate of Candidacy has been issued.

Certificates of Candidacy cannot be issued until an election is called.

The Certificate of Candidacy includes the candidate's name, the date on which the certificate is issued and the candidate's identity number. This number must be included on all income tax receipts issued by the candidate. **Candidates cannot issue income tax receipts until a Certificate of Candidacy has been issued. They may only issue tax receipts for contributions received in the period between when the certificate is issued and the Writ is returned.**

It should be noted that for the purposes of Parts 10 and 11 of the *Election Act* (Election Financing and Election Communications), a candidate is also defined as an individual who becomes a candidate or who was a candidate.

All nominations must be made in writing using the nomination documents provided by Elections BC [*Election Act*, section 54]. Nomination Kits contain all the documents a nominee will require.

It is important to note that nomination by a political party or constituency association does not make an individual a candidate in an election. In order to be a candidate in an election, an individual must complete the nomination process as outlined in the *Election Act*, and be issued a Certificate of Candidacy.

Nominators

Nominators must be voters who are resident in the electoral district for which the candidate is seeking election. A nominator does not have to be a registered voter, but must meet the qualifications to be a voter. The residential addresses of nominators will be checked when the nomination is filed. **Mailing addresses, such as post office boxes or business addresses, are not acceptable on nomination documents where residential addresses are specifically called for.**

A nomination requires the names and residential addresses of at least 25 nominators and a signed declaration of each nominator that she or he is qualified as a voter for the electoral district. It is the obligation of the nominee to ensure that a sufficient number of qualified voters sign the nomination papers. A voter may only nominate one candidate in an election.

If one or more of the nominators are not qualified to sign the nomination, the nomination is valid as long as it is made by at least the minimum number of qualified nominators [*Election Act*, section 53(3)]. Nominees are

encouraged to obtain the signatures of more than 25 nominators to protect the validity of the nominations in the event that some of the nominators are not qualified.

Nomination Kits

Nomination Kits are available from the Chief Electoral Office and Government Agents at any time, including before a Writ is issued. Nomination Kits are available from District Electoral Officer's offices as soon as the offices are established during an election.

Nomination Kits contain all necessary documents and information for making a nomination. Each kit contains:

- nomination booklet;
- solemn declaration of qualification;
- statement of disclosure form (as required by the *Financial Disclosure Act*);
- auditor appointment form;
- financial agent appointment form;
- deputy financial agent appointment form;
- official agent appointment form;
- Guide for Financial Agents;
- Guide for Candidates; and
- Guide to the *Election Act*.

Nomination documents

Nomination documents contain step-by-step instructions for completion. They should be completed in ink, and checked carefully prior to filing. In the case of multi-part forms, the lower left corner indicates which copy is to be submitted. Incomplete forms will not be accepted.

Some forms require a solemn declaration, which must be witnessed by a commissioner for taking affidavits. Government Agents, District Electoral Officers and certain Elections BC staff in Victoria are authorized to take solemn declarations at no charge for the purposes of the *Election Act*.

Mailing addresses, such as post office boxes or business addresses, are not acceptable on documents where residential addresses are specifically called for.

Elections BC does not administer the *Financial Disclosure Act*, and cannot provide advice or assistance to prospective candidates regarding completion of the Statement of Disclosure form. Individuals requiring advice or assistance in this regard should consult with their political party or seek legal counsel.

Nomination deposits

A nomination must be accompanied by a deposit of \$100. Only cash, certified cheques, travellers cheques or money orders are accepted. Certified cheques, money orders, or travellers cheques must be made payable to the Minister of Finance.

The nomination deposit will be returned to the financial agent of any candidate who receives at least 15 percent of the total votes accepted and counted in the election.

If a candidate dies before the close of General Voting for the election, the deposit is returned to the candidate's financial agent or another person determined by the Chief Electoral Officer.

If an electoral district is disestablished before an election is held, the deposit is returned to the financial agent.

In all other cases, the deposit is forfeited. For example, if a nominee does not complete a standing nomination or formally withdraws from the election, the deposit is forfeited.

Filing nomination documents

There are two methods of filing nominations. 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 a Writ, **or** file the nomination with the District Electoral Officer during the ordinary nomination period (Day 6 to Day 15 of an election).

The same Nomination Kit is used for both methods of nomination.

Standing nominations

- S. 57 Standing nominations allow nominees to complete many administrative tasks before a Writ is issued. This "fast tracking" of nominations allows a nominee to complete the nomination process before the nomination period has begun. This process is of benefit to nominees, as they can complete the nomination process and gain access to the voters list and issue tax receipts for contributions before candidates who use the ordinary nomination process.

Filing a standing nomination

Nominees can file standing nominations with the Chief Electoral Officer at any time up until 4:30 p.m. (Pacific time) on Day 5 of an election. To file a standing nomination, the nominee pays the \$100 nomination deposit and files all of the required nomination documentation, except the Statement of Disclosure form required by the *Financial Disclosure Act* and the solemn declaration of qualification to be a candidate. A standing nomination requires that nominees file **all** of the following:

Any time before 4:30 p.m. (Pacific time) on Day 5 of an election

- Completed nomination booklet (F320);
- \$100 nomination deposit (cash, certified cheque, money order, or traveller's cheque payable to Minister of Finance). Uncertified cheques will not be accepted;
- Financial agent appointment form (F325); and
- Auditor appointment form (F321).

Prospective candidates may also file the following **optional** forms with standing nominations:

- Deputy financial agent appointment forms (F327); and
- Official agent appointment form (F327).

Partial filings will not be accepted.

Completing (or finalizing) a standing nomination

A standing nomination can be completed only **after** a Writ has been issued. To complete the nomination, the nominee must file the Statement of Disclosure form required by the *Financial Disclosure Act* and the solemn declaration of qualification **before** 4:30 p.m. (Pacific time) on Day 5 of the election. If this is a Sunday or holiday, the next day that is not a Sunday or holiday will be included in the standing nomination period. Once these documents have been filed and accepted, a Certificate of Candidacy will be issued and the candidate will be given an identity number to include on all income tax receipts.

If a standing nomination has been filed with the Chief Electoral Officer, it must be completed by the deadline. If the standing nomination is not completed, it is deemed to have been withdrawn, and the nomination deposit is forfeited.

Standing nominations may only be accepted by the Chief Electoral Officer. However, to ensure the process is accessible for all nominees, the final two documents required to complete a standing nomination may be received by a Government Agent or District Electoral Officer, who will forward them to the Chief Electoral Officer for review and acceptance. It is your responsibility to ensure that documents are delivered to the Chief Electoral Officer by the deadline. Post marks will not be considered as proof of delivery.

Only the forms required to **complete** a standing nomination may be filed through the Government Agent or district electoral office. Nominees who have not completed a standing nomination by the end of Day 5 are deemed to have withdrawn. This means they will have to complete all of the required nomination documentation again and pay another \$100 nomination deposit if they wish to continue their candidacy.

Withdrawing a standing nomination

If a standing nomination has been filed, it can be withdrawn before the individual becomes a candidate by the nominee delivering a signed withdrawal to the Chief Electoral Officer.

Nominations filed with the District Electoral Officer

S.56 During the ordinary nomination period, nominations are only accepted by the District Electoral Officer for the electoral district in which the individual is seeking election. The ordinary nomination period begins at 9 a.m. on Day 6 of an election and ends at 1 p.m. (Pacific time) on Day 15. Nominations can be delivered to the district electoral office during regular office hours.

District Electoral Officers can specify other times and places during the ordinary nomination period for the acceptance of nomination papers. For example, in an electoral district that has two distinct geographical areas and where the district electoral office is inconvenient to one area, the District Electoral Officer may specify an alternative place and time for accepting nominations.

Nominations filed with the District Electoral Officer must be complete, and include the solemn declaration of qualification and the Statement of Disclosure form required by the *Financial Disclosure Act*. Partial filings will not be accepted.

Nomination papers received after 1 p.m. (Pacific time) on Day 15 of an election will not be accepted.

Note: If Day 15 is a holiday, the nomination period closes at 1 p.m. (Pacific time) on the next day that is not a holiday (a holiday is any statutory holiday or Sunday).

Changes to nomination documents after filing

S.58 After nomination documents have been filed, they may be amended by the District Electoral Officer on the basis of information provided by the candidate in writing in relation to matters of fact that have changed since the time of filing.

Withdrawal of nominations

S. 64 Candidates can withdraw their nominations by giving a signed notice to the District Electoral Officer. The candidate's signature on the notice of withdrawal must be witnessed by at least one individual, who must sign the withdrawal as witness. Candidates may not withdraw after 8 a.m. (Pacific time) on Day 26 of the election.

Candidates who withdraw their nominations, and nominees who fail to complete standing nominations forfeit the \$100 nomination deposit. Nomination documents are not returned to the individual in either instance.

Public Access to Nomination Documents

S. 59 Nomination documents, including a copy of the Statement of Disclosure form required by the *Financial Disclosure Act*, will be available for public inspection during regular office hours as soon as the nomination has been accepted. Nomination documents continue to be available for public inspection until one year after the return of the Writ for the election.

Section 275 of the *Election Act* provides that an individual can request that their residential address or phone number not be available for public inspection. If the candidate, any of the nominators, the financial agent, etc., make such a request in the nomination documentation, the residential phone number and residential address will be obscured for the purposes of public inspection.

Political Party Endorsement of Candidates

- S. 60 In order for a candidate's political party affiliation to be printed on a ballot, the candidate must indicate in the nomination papers the name of the **registered** political party they are nominated to represent **and** the party must file a written endorsement of the candidate signed by at least two principal officers of the party. A political party can only endorse one candidate at a time for an electoral district.

The endorsement of candidates by a political party must be delivered to either the Chief Electoral Officer or the District Electoral Officer before the end of the nomination period. It is anticipated that political parties will prefer to file a single endorsement with the Chief Electoral Officer indicating all their endorsed candidates.

Withdrawal of political party endorsement

The status of a candidate as a representative of a registered political party may be cancelled by either the candidate or the party until the end of the nomination period. Any change in this regard must be made in writing to the District Electoral Officer or Chief Electoral Officer, and be signed by the candidate or by two principal officers of the registered political party.

If the endorsement is cancelled, the candidate remains a candidate in the election, but the political party affiliation will not appear on the ballot.

Close of Nominations

The nomination period closes at 1:00 p.m. (Pacific time) on Day 15 of the election.

Individuals who have been issued Certificates of Candidacy are candidates in the election, subject only to a court order in the event of a challenge of a candidate. The names of all candidates in an electoral district will be announced by the District Electoral Officer.

If there is more than one candidate, the District Electoral Officer will announce that an election by voting is to be held and the date of General Voting Day.

If there is only one candidate, that candidate is elected by acclamation.

Death of a Candidate

S.65 If a candidate dies, proof of the candidate's death must be provided immediately to the Chief Electoral Officer. Based on the date of death, the Chief Electoral Officer will determine whether the nomination period will be extended or if the election will be cancelled and restarted.

The Act states that if a candidate dies before the end of the nomination period, the nomination period ends on which ever of the following is later:

- the end of the nomination period — which is 1 p.m. (Pacific time) on Day 15 of the election; or
- 1 p.m. on the sixth day after the date of death.

This means that if a candidate dies in the last days of the nomination period, the nomination period may be extended to ensure that the nomination period is continued for at least six days after the death.

If a candidate dies after the close of nominations but before the close of voting on General Voting Day, the election in that electoral district is cancelled. The election is started again as if the Writ for the election had been issued on the day the Chief Electoral Officer received the proof of the death. Individuals who were candidates in the cancelled election who wish to continue as candidates are not required to file new nomination documents or make another \$100 nomination deposit.

Challenge of the Nomination of a Candidate

S.66 The nomination of a candidate may be challenged by a voter of the electoral district or another candidate in the election. A challenge may be made to the Supreme Court of British Columbia between the time the individual becomes a candidate (when the candidate is issued a Certificate of Candidacy) and noon on the fourth day after the end of the nomination period. As the nomination period usually ends on the fifteenth day after the Writ is issued, this would be noon on Day 19.

A challenge may be made on the basis that:

- the individual is not qualified to be nominated or elected;
- the nomination was not made in accordance with the *Election Act*;
- the individual is not an independent candidate as indicated in the nomination documents; or
- the usual name indicated in the nomination documents is not the usual name of the individual.

The individual making the application must immediately notify the District Electoral Officer and the affected candidate of the challenge and the time and place at which it will be heard by the court.

The court must determine the challenge within 72 hours after the end of the period for commencing the challenge — excluding Saturdays, Sundays and other holidays. Not including any weekends and holidays, the latest day for the court’s determination of the challenge would normally be noon on Day 22.

In making a determination the court can:

- confirm the individual as a candidate;
- declare the individual is not a candidate;
- declare that the individual is not nominated as an independent candidate; or
- declare that the individual is or is not entitled to have the usual name shown in the nomination documents used on the ballot.

The court’s determination is final and may not be appealed.

Candidates’ Leave from Employment

S.67 Candidates are entitled to a leave without pay from their employment during the campaign. This leave is only available if the candidate has received the Certificate of Candidacy.

A candidate may request this leave by making a written request to their employer. The employer must grant the leave.

The leave can be either full time or part time as requested by the candidate. If part time leave is requested, the candidate must specify in the written request the days and hours of leave.

Candidates who are on paid or unpaid leave from their employment may continue to contribute to any pension, medical or other benefit plan as long as the employee pays both the employee's and the employer's contributions to the plan. A written request to this effect must be made before or immediately at the beginning of the leave.

Unless ended earlier by the candidate, the leave period ends as follows:

- if the candidate withdraws, the day after that withdrawal;
- if the nomination is challenged and the court declares the individual no longer to be a candidate, the day after that declaration; and
- in all other cases, the day after the official declaration of the election results under section 137 (this is after Final Count and is usually at least 13 days after General Voting Day).

Delivery of Documents to Candidates

- S. 68 Where the *Election Act* requires or authorizes a notice or other document to be served or given to a candidate, the document is deemed to have been personally served on the candidate if it is left at the service address indicated in the nomination documentation, or if it is given to the candidate's official agent.

Material and Information Available to Candidates

- S. 48 Candidates are provided with a number of resource items to assist them in their campaigns.

Candidate Kits

Every candidate is provided with a Candidate Kit by the Chief Electoral Officer, or District Electoral Officer, as applicable. The Candidate Kit includes the following material:

- one copy of the *Election Act*;
- one copy of the Guide for Scrutineers;
- two sample forms for the appointment of candidate representatives;
- map(s) of the electoral district in which the candidate is seeking election, showing the voting area boundaries;
- election calendar; and
- a street index of the electoral district, which shows the voting area for each residential address.

The Guide for Scrutineers and the appointment form for candidate representatives may be photocopied as required. Candidates may use appointment forms of their own design, provided they meet the requirements of the *Election Act*.

Voters list

During an election, the voters list is produced twice. The preliminary list is produced when an election is called, and contains the names and addresses of all registered voters in an electoral district. The revised list is produced on approximately Day 15, and reflects the changes, additions, and deletions which occurred during the revision period. The revised list is the list used on General Voting Day.

Candidates are entitled to receive copies of the voters list during an election. The voters list is provided at no charge as follows:

- two printed copies and one electronic copy (if available) of the preliminary voters list on approximately Day 4 of an election; and
- two printed copies and one electronic copy (if available) of the revised voters list on approximately Day 20 of an election.

The voters lists are provided at no charge to candidates, and are available from the District Electoral Officer. Candidates who require additional printed copies may receive up to eight more copies of each list upon request. Additional electronic copies are not available.

Access to and use of the voters list is restricted, and candidates, or their representatives on their behalf, are required to sign an undertaking that they will not use the list or the personal information it contains for any purpose other than the electoral purpose for which it was produced.

Appointment of Candidate Representatives and Financial Officers

- S. 69 A prospective candidate is required to appoint a financial agent and an auditor. Additionally, candidates may appoint an official agent and other candidate representatives to act on their behalf throughout a campaign period. A political party nomination contestant is not required to appoint a financial agent.

These appointments must be made in writing and be signed by both the candidate and the appointee. Appointment forms for financial agents, official agents and auditors are included in Nomination Kits. Sample appointment forms for scrutineers are provided in Candidate Kits.

All candidate representatives must carry a copy of their appointment whenever they are acting in their appointed role at an election proceeding and must present the copy to an election official when requested to do so. They also must take a solemn declaration to preserve the secrecy of the vote.

Candidate representatives are entitled to be present at most election proceedings; however, the absence of a candidate representative does not invalidate anything done in the election.

Financial Agents

S.175, 176 Candidates are required to have a financial agent. The financial agent is responsible for administering campaign finances in accordance with Part 10 of the *Election Act*. If the candidate was a political party nomination contestant, the financial agent must ensure that all of the nomination financial activities are recorded.

Candidates may either appoint another individual to act as financial agent, or may act as their own financial agent. A candidate must either indicate in the nomination documents that they are acting as their own financial agent, or a completed financial agent appointment form must be included with the nomination documents. A financial agent appointment form is included in the Nomination Kit.

Certain individuals are disqualified from acting as a financial agent. The following are disqualified:

- an election official, voter registration official or an employee of Elections BC;
- an individual who does not have full capacity to enter into contracts;

- an individual who is a member of the firm of the candidate's auditor; and
- individuals who have been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last seven years.

To act as financial agent, an individual must be capable of entering into contracts. While the *Election Act* does not specify any other qualifications, selecting a financial agent requires careful consideration. The statutory obligations of the financial agent are significant and require certain skills. A financial agent must be capable of managing campaign finances in accordance with the *Election Act* and candidates are strongly encouraged to appoint someone who is familiar with keeping financial records.

Candidates may have only one financial agent at a time; however, an individual can be a financial agent for more than one candidate. The same individual may be appointed as the official agent and the financial agent.

Once an appointment is made, candidates must deliver a copy of the appointment to the District Electoral Officer, if the candidate filed their nomination documents during the ordinary nomination period, or to the Chief Electoral Officer in relation to candidates who filed their nomination documents as a standing nomination.

If a candidate appoints a financial agent and that individual becomes disqualified, resigns, or ceases to hold that position for any other reason, the Chief Electoral Officer or District Electoral Officer, as applicable, must be notified immediately. In such cases, the candidate must make a new appointment or deliver a statement explaining to the Chief Electoral Officer or District Electoral Officer, as applicable, that the candidate will be acting as his or her own financial agent.

The appointment of a financial agent must be made in writing and must:

- include the name, mailing address and telephone number of the individual appointed and the effective date of the appointment;

- be signed by the candidate; and
- include a signed consent of the individual appointed to act as financial agent.

Deputy Financial Agents

S. 178 A financial agent may appoint individuals to act as deputy financial agents. These individuals may assist in accepting political contributions and issuing income tax receipts for those contributions. Deputy financial agents have the same authority and responsibility as a financial agent in relation to issuing income tax receipts.

Deputy financial agents may also be authorized in writing by the financial agent to incur election expenses (*Election Act*, section 193).

The rules regarding the qualifications and appointment of financial agents also apply to deputy financial agents. Appointment forms for deputy financial agents are included in the Nomination Kit.

Auditors

S. 179 Candidates are required to appoint an auditor. An auditing firm, rather than an individual, may be appointed as a candidate's auditor. The appointment of an auditor must be filed with a candidate's nomination documents. An auditor appointment form is included in the Nomination Kit.

An auditor can be appointed as the auditor for more than one organization or individual. For example, an auditor could be the appointed auditor for a party and any number of constituency associations or candidates.

An auditor must be qualified to be the auditor of a reporting company under the *Business Corporations Act*. This means that the individual is a C.A., C.G.A., or has been certified by the Auditor Certification Board.

The following are disqualified from acting as a candidate's auditor:

- an election official, voter registration official or an employee of Elections BC;
- an individual who does not have full capacity to enter into contracts;
- the candidate's financial agent;
- an individual who is a member of the same firm as the candidate's financial agent or a firm of which the candidate's financial agent is a member; and
- individuals who have been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last seven years.

The auditor is required to file a report for the candidate if the total political contributions or election expenses to be reported is equal to or exceeds \$10,000 [*Election Act*, section 213(1)]. The Chief Electoral Officer has the authority to request an audited report of the election financing report, even if the contributions and expenses are under \$10,000.

If the auditor ceases to hold that position or ceases to be qualified to act as auditor, a candidate must appoint a new auditor as soon as possible. If a new appointment is made, a copy of the appointment must be delivered to the District Electoral Officer or Chief Electoral Officer, as applicable.

Official Agents

S. 69 Any individual may be appointed as the official agent, and it is up to the candidate to define their duties. The official agent can act in the candidate's place throughout the election process. The official agent can appoint scrutineers and accept notices on the candidate's behalf.

Only one official agent may be appointed at any one time. The official agent must be appointed in writing, and must provide their signed consent to act in that capacity. The official agent may also be the financial agent.

The official agent is entitled to be at all voting proceedings — with the possible exception of some special voting opportunities where the number of candidate representatives may be limited, e.g., Special Voting held at acute care hospitals.

The appointment of an official agent may be rescinded. If an appointment is rescinded, and a new appointment is made, the appointment is not effective until the appointment form is delivered to the District Electoral Officer.

Scrutineers

S. 70, 93 A candidate or official agent may appoint scrutineers to represent the candidate by observing the conduct of voting and counting proceedings for an election.

There is no limit to the number of scrutineers that can be appointed; however, the number of scrutineers that may be present at a voting place or during the counting of ballots at one time is restricted.

A candidate is entitled to have one scrutineer present for each voting station at a voting place, at any one time. The official agent and one additional scrutineer may also be present. Additionally, scrutineers can be appointed to act as “runners” — these are candidate representatives temporarily present at voting places to convey information to and from scrutineers. The maximum number of runners entitled to be present at a voting place is one per voting station.

Cellular phones and other electronic communication devices may not be used in voting places.

During the counting process, each candidate is entitled to have one representative present for each ballot box that is being counted.

Candidates are only permitted to be present at a voting place during voting hours for the purpose of voting. Candidates are entitled to be present during the counting of ballots. The District Electoral Officer will advise candidates of the time and location for Final Count.

Election Financing (*Election Act*, Part 10)

Application of election financing rules

The financing rules apply to all individuals who seek election to the Legislative Assembly of British Columbia. This includes all candidates in a provincial general election or by-election, and individuals who are nomination contestants to represent a registered political party.

Nomination contestant rules in the *Election Act* only apply to nomination contestants of **registered** political parties. Registered political parties may establish internal financing requirements for nomination contests in addition to those specified under the *Election Act*. Any internal nomination rules established by political parties apply to the party nomination but do not override the rules of the *Election Act*.

Individuals who are considering or intending to seek office and who do become candidates under the *Election Act*, are considered candidates for the purposes of the financing rules. “Nomination contestants” include individuals who have not yet formally entered the nomination contest but who are considering seeking the nomination and who do become contestants. If undeclared nomination contestants, candidates, or self-declared candidates are accepting contributions or incurring expenses in preparation for entering the contest or election, they must follow the financing rules in relation to those contributions or expenses.

Responsibilities of a financial agent

The financial agent is the person responsible for ensuring a candidate’s campaign finances comply with Part 10 (Election Financing) of the *Election Act*. Some of the financial agent’s responsibilities include:

- accepting and recording all contributions to the campaign;
- issuing income tax receipts for contributions of money;
- determining the market value of contributions of property (goods) and services;
- incurring and recording election expenses;
- ensuring that all money received in relation to the campaign is deposited in a campaign account in a savings institution and that all campaign expenditures are made from that campaign account;
- keeping complete and accurate financial records;
- ensuring all financial records and receipts are kept in British Columbia for 5 years from the date of filing a report; and

- filing a election financing report within 90 days after General Voting Day for the election.

The *Interpretation Act* [section 29] defines a savings institution as a bank, a credit union, a trust company or extra provincial trust corporation authorized to carry on deposit business under the *Financial Institutions Act*, a corporation that is a subsidiary of a bank and is a loan company to which the *Loan Companies Act* (Canada) applies, or the B.C. Community Financial Services Corporation established under the *Community Financial Services Act*.

A financial agent is not personally responsible for any liability of an election campaign unless the liability is personally guaranteed by the financial agent.

Rules on Contributions

Definition of a political contribution

S.180 A political contribution is the amount of any money, or the value of any property (goods) or services provided, without compensation, by way of donation, advance, deposit, discount or otherwise to a candidate or nomination contestant, in relation to that individual's candidacy or nomination.

This means that any money, services, or property provided without compensation to a candidate's election campaign or a contestant's nomination campaign at **any** time, are political contributions. This is true whether the contribution was given before an individual is nominated as a candidate or became a nomination contestant according to a political party's rules, or whether the contribution was given after the election or nomination contest to pay off outstanding debts.

The definition of political contributions does **not** include:

- services provided by a volunteer;
- property of a volunteer, if it is provided or used in relation to the services of the individual as a volunteer;
- property or services provided by an election official, voter registration official, or other member of Elections BC staff in relation to their official duties;
- publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide newspaper, magazine or a radio or television program; and
- broadcasting time provided, without charge, as part of a bona fide public affairs program.

Volunteers

Volunteers are individuals who voluntarily perform the services and who receive no compensation, directly or indirectly, in relation to the services of the time spent providing the services. This means that 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 contribution from their employer and, if provided during a campaign period, an election expense.

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.

Limit on contributions received

There is no limit on the total amount of political contributions a campaign can accept. However, when filing their financial report, candidates must disclose the identity of contributors who donate more than \$250.

Rules for making and accepting contributions

S. 177, 186 There are several important rules which apply to those giving and those accepting contributions.

All contributions must be given to a candidate's financial agent or to someone authorized in writing by the financial agent. The financial agent must ensure that all money (whatever the amount) received by or on behalf of a candidate's campaign is deposited in a campaign account in a savings institution.

Nomination contestants can receive contributions on their own behalf.

Cash contributions of over \$100 cannot be accepted by either candidates or nomination contestants. Political contributions of more than \$100 must be made by cheque, money order or credit card with the name of the contributor shown on it.

Individuals and organizations can only make political contributions with their own money, goods and services. Making indirect contributions is prohibited. This means that an individual cannot give money, other property, or services to another person for that person to make as a contribution or provide "consideration" to a person for making a contribution.

Unregistered political parties and unregistered constituency associations are prohibited from making political contributions or transfers. This means that an unregistered constituency association must not provide any money or goods to a candidate's campaign or to a registered political party. An unregistered

constituency association must not allow the campaign to use any property of the association, including office space or computers.

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, government 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.

Prohibited contributions

- S. 189 If a prohibited contribution is received (for instance, \$200 cash anonymously by mail) the contribution must be returned within 30 days. If it is not possible to return the contribution to the contributor, it must be turned over to the Chief Electoral Officer. Financial agents must keep a record of prohibited contributions and how each instance was resolved.

Recording transfers within a party organization

- S. 180, 186 Any money, other property or services received by a candidate's election campaign from a registered political party or a registered constituency association must be recorded and disclosed as transfers rather than political contributions.

In the case of nomination contestants, any money, other property or services received from a registered political party or registered constituency association are to be recorded and disclosed as political contributions.

Unregistered political parties and constituency associations are not permitted to make transfers or political contributions to candidates or nomination contestants.

Contributions to own campaign

Money that a candidate or nomination contestant provides to their own campaign is treated like any other political contribution, and it must be recorded and disclosed as such.

This means that any money a candidate contributes to his or her own campaign must be given to the financial agent. The financial agent is required to ensure that the money is deposited in the campaign account in a savings institution. Funds may be withdrawn from that campaign account to pay any of the candidate's or nomination contestant's campaign expenses.

A candidate's contribution of money to their own campaign after the candidate has received their Certificate of Candidacy may be tax receipted like any other eligible contribution under the *Income Tax Act*. Contributions to a nomination contestant's campaign are not eligible for tax receipts, regardless of the source of the contribution.

Property or services provided by the candidate to their own campaign is not a political contribution.

Campaign loans

- S. 181 Loans in relation to a campaign are generally not considered to be political contributions. A loan becomes a political contribution if it is forgiven or written off. Additionally, if a loan is given with a preferential interest rate, the benefit derived from that preferential rate is a political contribution. A preferential interest rate is a rate of interest that is less than the prime rate of the principal banker to the government.

Campaign debts

- S. 181 If an election campaign or nomination campaign has any debts that remain unpaid for six months after they become due, and no legal proceedings to recover the debt have been commenced by the creditor, the amount of the unpaid debt becomes a political contribution and must be recorded as such.

Fundraising functions

Section 182 of the *Election Act* provides special rules for fundraising functions. These rules define what is, and what is not, a political contribution with respect to fundraising events.

Rules for dinners, etc.

If an **organization** buys a ticket to a fundraising event held in relation to an election campaign or nomination campaign, the price paid is a political contribution. If the organization buys fundraising tickets and provides those tickets to individuals for those individuals to attend the fundraising function, the organization is still the contributor for the purposes of the *Election Act*.

If an **individual** buys a ticket to a fundraising function and the ticket price is more than \$50, the individual is making a political contribution equal to the price of the ticket. If the price is \$50 or less, the price paid is not a political contribution unless the individual buys more than \$250 worth of tickets. If an individual buys tickets to give to other individuals to attend the fundraising function, the person who buys the tickets is still the contributor for the purposes of the *Election Act*.

For income tax receipting purposes, only the portion of the ticket price that exceeds the reasonably estimated cost of the event, on a per person basis, is the eligible political contribution for income tax purposes.

Example:

Sally Jones buys five tickets to a \$50 fundraising dinner for herself and to treat four of her friends. As the ticket price is \$50 or less and the total cost of the tickets (\$250) does not exceed \$250, the money is not considered a political contribution under the *Election Act*. This means that the money Sally paid is not recorded or disclosed as a political contribution. If the fundraising dinner is held on behalf of a candidate who has received their Certificate of Candidacy, and if the reasonably estimated cost of the event per person is only \$30, \$20 of the \$50 ticket is considered an eligible contribution under the *Income Tax Act* [ticket price (\$50) minus the reasonably estimated cost on a per person basis (\$30) equals the eligible political contributions (\$20)]. Sally will be entitled to an income tax receipt for \$100 (\$20 x 5 tickets).

Rules for auctions, garage sales, etc.

If property or services are donated for sale at a fundraising function, and have a market value of \$250 or less, the property or services are **not** considered political contributions.

If property or services are purchased at a fundraising event at greater than market value, the difference between the price paid and the market value is a political contribution.

Income tax receipts are only issued for eligible money contributions and cannot be issued for contributions of property (goods) or services.

Example:

A campaign is holding a garage sale to raise campaign funds. If an individual donates a black and white T.V. worth \$75 for resale at the garage sale, the individual donating the T.V. is not making a political contribution.

If the T.V. is sold at the garage sale for \$75 or less, the purchaser of the T.V. is not making a contribution and is not eligible for a income tax receipt. If the T.V. is sold for \$275, the purchaser is making a political contribution of \$200. It is also considered an eligible contribution under the *Income Tax Act* if the candidate has received their Certificate of Candidacy and candidates may issue receipts. The price paid for the T.V. (\$275) minus the market value of the T.V. (\$75) equals the value of the political contribution (\$200).

Important Note: Candidates and contestants are not permitted to use lotteries, raffles or any other gambling-type activity to raise money for their campaigns. It is illegal to conduct these activities without a provincial licence, and the Province of British Columbia will not issue such a license for the purpose of political fundraising.

Anonymous contributions

S.186 Anonymous contributions are not permitted unless the contribution is made in response to a general solicitation for funds (“passing the hat”) made at a function held by or on behalf of a nomination or election campaign **and** if the amount contributed by an individual has a value of **less than \$50**.

Individuals wishing to donate \$50 or more cannot do so anonymously, and should give the contribution directly to the financial agent, or place a cheque in “the hat” rather than cash, or put the contribution in an envelope with the date, the amount contributed, and the contributor’s name and address printed on the envelope.

An anonymous contribution means that a campaign does not know who made the contribution. An individual cannot request that a contribution be accepted and reported as an anonymous contribution.

When accepting contributions made anonymously at a function, a candidate's financial agent or a nomination contestant is required to record a description of the function at which the contributions were collected, the date of the function, the number of people at that function, and the total amount of anonymous contributions accepted.

Candidates and nomination contestants may want to consider having someone supervise the "passing of the hat" to ensure that no one places a \$50 bill or more in the hat. If there is a total of \$50 or more per individual in attendance, **the total amount collected by passing the hat will be considered a prohibited contribution** — not just the amount over \$50. Prohibited donations must be returned to the contributor or sent to the Chief Electoral Officer within 30 days for remittance to the consolidated revenue fund.

Example:

If 30 people were in attendance at an event where anonymous contributions were accepted and \$1,500 was received, the entire \$1,500 would be a prohibited contribution.

Anonymous contribution limit

- S. 188 The amount of anonymous contributions that a candidate's election campaign or nomination campaign can accept is limited to a total of \$3,000.

Valuing property (goods) and services

- S. 185 If property (goods) or services are donated to a campaign at no cost, the value of the contribution is the market value of the goods and services. The "market value" is the lowest price charged for an equivalent amount of equivalent property or services in the market area at the time the property or services are provided. Payable

tax for equivalent goods or services (G.S.T. and P.S.T.) should be included in the calculation of market value of donated goods or services.

Example:

If a printer provides campaign signs for free, the fair market value would be what the printer would normally charge, including taxes, for those signs.

When capital assets are donated, the contribution is the value of using the property.

Example:

If an individual gives a campaign office space at no charge, the individual is making a contribution equal to the market value of renting the office space.

If free advertising space in a periodical publication (magazines, newspapers, etc.) or free broadcast time is provided equitably to all candidates in the election, the value of the advertising is considered nil.

Discounted property (goods) and services

- S.180(2) If someone gives a campaign a discount on property (goods) and services, by offering them at less than market value, then that person is considered to have made a political contribution equal to the difference between the market value and the amount charged.

Example:

A printer gives a candidate a preferred rate on election signs. The signs would normally cost \$1,500, but the printer only charges the candidate \$1,000. The

printer's contribution to the campaign is valued and recorded as \$500.

If property and services are acquired from a campaign at greater than market value, the difference between market value and the price paid for the goods and services is a political contribution and must be recorded as such.

Income tax receipts for contributions to candidates

S.192 Candidates can issue income tax receipts for eligible contributions received only after the candidate has received his or her candidate identity number on the Certificate of Candidacy from Elections BC.

Income tax receipts may only be issued for **money** contributions given **after** the candidate has been issued a Certificate of Candidacy and before the return of the writ. A candidate cannot issue income tax receipts for contributions received before that date and may only issue income tax receipts as long as the individual remains a candidate — that is, until the date of the return of the Writ for the election, unless the individual earlier withdraws, dies, or is declared by a court no longer to be a candidate under section 66 of the *Election Act*.

Income tax receipts **cannot** be issued for political contributions of goods or services.

Income tax receipts for contributions to registered political parties and registered constituency associations

Registered political parties and registered constituency associations can issue income tax receipts for money contributions received year round.

Candidates are responsible for producing their own receipts. A sample receipt is included in this guide.

Income tax receipts for contributions to nomination contestants

- S. 186 Income tax receipts **cannot** be issued for contributions to nomination contests. British Columbia's *Income Tax Act* only permits candidates who have been issued a Certificate of Candidacy, and registered political parties and registered constituency associations to issue income tax receipts for contributions of money. It is illegal to give a contribution to a registered political party or registered constituency association with the understanding that the contribution will be given to a nomination contestant.

Content requirements for income tax receipts

Candidate's income tax receipts must meet the requirements of the *Income Tax Act* and Regulations. If any of the content requirements are missing from an income tax receipt, it will be invalid for tax credit purposes.

The *Income Tax Act* and Regulations specify that the form of the income tax receipt and all copies must indicate:

- that it is receipt for British Columbia income tax purposes;
- the serial number of the receipt (receipts must be printed with sequential serial numbers);

- the amount of the eligible political contribution;
- the date on which the political contribution was received;
- the name and address of the person making the contribution including, in the case of an individual, the given names of the individual;
- the signature of the financial agent;
- the name of the candidate;
- the electoral district in which the candidate is seeking election and the date of General Voting Day;
- the identity number assigned on the candidate's Certificate of Candidacy.

The Income Tax Commissioner will accept receipts with the signature of the financial agent pre-printed on the receipt. If pre-printed signatures are used, financial agents are strongly encouraged to take extra security measures with such receipts.

If a single receipt is issued for multiple contributions, the Income Tax Commissioner will accept a single date for the date received as long as it clearly indicates the taxation year in which the contributions were received.

Candidate's income tax receipts must include at least two parts:

- the original must be provided to the taxpayer for attachment to the taxpayer's tax return;
- one copy must be retained by the candidate's financial agent as part of the candidate's financial records;
- if the candidate is endorsed by a registered political party, a copy of the receipt must be forwarded to the party's financial agent.

If a replacement receipt is issued for a previously issued receipt, the replacement receipt must clearly indicate that it is a replacement and note the serial number of the original receipt.

Recording requirements for contributions to candidates

S. 190 The candidate's financial agent is required to record the following information for each political contribution made to a campaign, whatever the value of the contribution:

- the full name and address of the contributor;
- the value of the contribution;
- the date on which the contribution was made; and
- the class of the contributor.

The classes of contributors are: 1) individuals; 2) corporations; 3) unincorporated organizations engaged in business or commercial activity (partnerships and sole proprietors); 4) trade unions; 5) non-profit organizations; and 6) other contributors.

If the contributor is a numbered corporation or a class 3, 4, 5, or 6 contributor, the financial agent is also required to record the full names and addresses of at least two individuals who are directors, principal officers, or principal members of the organization.

For **fundraising events** held for a campaign, the financial agent is required to record:

- a description of the function;
- the date of the function; and
- the cost, gross income and the net income or loss arising from the function.

Sample receipt for political contributions for income tax purposes

Official Receipt for British Columbia Income Tax Purposes		(serial number)
Receipt for a contribution for the campaign to elect _____ <i>(name of candidate)</i>		
Identity number: _____	Issued at: _____	
Date received: _____	Date issued: _____	
We acknowledge with thanks your contribution of: \$ _____		
Contributed by: <i>(please print)</i>		
Name: _____		
Street: _____		
City: _____		
Postal Code: _____		
_____ <i>(authorized signature)</i>		
Electoral District: _____	Date of General Voting Day: _____	

In relation to all **anonymous contributions** received, the financial agent must record:

- a description of the function;
- the date of the function;
- the number of people in attendance; and
- the total amount of anonymous contributions received.

The financial agents of candidates endorsed by registered political parties are required to forward a copy of their political contributions records to the party's financial agent within 60 days after General Voting Day of the election. The party needs these records to meet the party's disclosure requirements. Parties are required to provide a global disclosure statement as part of their annual financing reports disclosing all contributors who donated \$250 or more to the party, any of its registered constituency associations or endorsed candidates.

Recording requirements for contributions to nomination contestants

- S. 209 A nomination contestant who becomes a candidate must report on the political contributions accepted as a political party nomination contestant in relation to seeking the nomination.

Nomination contestants must record all of the information required for contributions to a candidate, as outlined in the section above.

Candidate and Contestant Expenses

Expenses limit for candidates

- S. 199, 204 Election expenses for candidates are limited. Candidates for election in electoral districts with 25,000 or fewer registered voters may incur election expenses up to \$50,000. If a candidate is running in an electoral district with more than 25,000 registered voters, the \$50,000 limit is increased by 50 cents for every registered voter in excess of 25,000. If the candidate is running in an electoral district where the population density is less than two registered voters per square kilometre, the basic expense limit (\$50,000 plus any increases for more than 25,000 voters) is increased by 30 cents times the number of square kilometres — to a maximum of 25 percent of the basic expense limit.

All amounts are adjusted by the Chief Electoral Office to reflect changes in the Consumer Price Index.

Estimated election expenses limit are available from Elections BC and District Electoral Officers after an election is called. When the revised list is compiled, final expenses limits are calculated to reflect any necessary adjustments. Candidates must ensure that they obtain and observe the final expenses limit figures. Over-expenditures have serious consequences.

Expenses limit for nomination contestants

- S. 183 The *Election Act* does not impose any expenses limit for nomination contests. However, if the nomination is held during, or overlaps with an election campaign period, and the contestant becomes a candidate in the election, nomination expenses must be disclosed. If a candidate for a registered party incurs nomination contestant expenses during a campaign period that, in total, exceed 10 percent of the candidate's election expenses limit, the excess is deemed to be an election expense of the candidate.

While the *Election Act* does not impose expenses limit, political parties may establish their own limits for nomination contests.

Election and contestant expenses

S. 183, 184 203 An election expense is the value of property or services used during a campaign period by or on behalf of a candidate to promote or oppose, directly or indirectly, the election of a candidate.

A contestant expense is the value of property or services used by or on behalf of a nomination contestant to promote or oppose, directly or indirectly, the selection of a nomination contestant as the candidate to represent a registered political party.

These definitions mean that anything used in an election or nomination campaign is an election expense, even if the item was purchased before the election or the nomination contest was called.

Example:

An individual buys 1,000 campaign posters at a cost of a \$1 each two months before the election or nomination campaign. During the campaign period only 800 posters are used. The election or nomination expense with respect to the posters is the value of the 800 signs used – \$800.

Certain expenses are not considered to be election or contestant expenses. Services provided by a volunteer, property of a volunteer if it is provided or used in relation to the services of the individual as a volunteer, and the goods produced by a volunteer from the property of that individual are not considered election or contestant expenses. Goods and services provided by an election official or a staff member of Elections BC in relation to their official duties are not considered election or contestant expenses. Any services that a candidate or contestant personally provides to their own campaign, and any goods that a candidate or

contestant produces from their own property, are also excluded from the definition of election or contestant expenses.

Transfers by candidates

- S. 180 If a candidate's campaign transfers money, goods or services to their registered constituency association or, if the individual is a party candidate, to the registered party or any of that party's registered constituency associations, the transfer is not an election expense — it is recorded as a transfer.

Expenses incurred to promote a candidate by a constituency association or political party

- S. 183, 200 Only candidates, registered constituency associations and registered political parties can incur election expenses. A registered constituency association may only incur election expenses on its candidate's behalf after the election is called and before the candidate receives their Certificate of Candidacy.

If a registered party incurs election expenses for the primary purpose of promoting the election of a particular candidate, the election expense is deemed to be the candidate's expense and must be recorded and disclosed as such. This does not apply to an election expense incurred by a registered political party to promote the election of the party's leader. If the expense of the registered party is for promoting several candidates, the election expense must be divided appropriately and attributed to the applicable candidates.

Expenses not subject to expenses limit

- S. 203 Some expenses are not included in candidates' expenses limit. Those expenses are:

- the nomination deposit of a candidate;
- personal election expenses of a candidate;
- legal or accounting services provided to comply with this Act;
- services provided by a financial agent or auditor in that capacity;
- expenses incurred in holding a fundraising function if no deficit is incurred;
- communications a candidate sends exclusively to members of a registered political party or registered constituency association;
- interest on a loan for election expenses to a candidate, registered constituency association or registered political party; and
- the portion of transportation costs and costs for food, refreshments and communications equipment for which a political party or candidate is reimbursed by media representatives accompanying election tours.

Additional rules about election expenses

S. 177, 193 A candidate's campaign must have a separate and unique account in a savings institution.

All campaign expenditures must be paid from money held in the candidate's campaign account.

Only a financial agent or an individual authorized in writing by a financial agent can incur an election expense. An exception is made for a candidate's personal election expenses, which can be incurred directly and without authorization.

Personal election expenses

S. 183, 208 Personal election expenses include reasonable expenses for:

- payments for care of a child or other family member for which the candidate is normally directly responsible;
- travelling costs to, from, or within the electoral district;
- lodging, meals, and incidental charges related to such travel;
- renting a temporary residence if it is necessary for seeking the election; and
- accommodating any disability of the candidate.

Candidates must keep records of the personal expenses they incur. Candidates are required to give their financial agent a report of these expenses within 60 days after General Voting Day for the election.

Recording candidate expenses

S. 177 The financial agent must make every reasonable effort to ensure that all expenditures greater than \$25 are documented by a statement setting out the particulars of the expenditure (i.e., an invoice or a bill).

The financial agent must also keep track of political contributions of property (goods) and services that are used by the campaign.

Example:

If a printer donates leaflets to a campaign worth \$1,000 and the campaign used those leaflets, the financial agent would record an election expense of \$1,000, as well as recording that the printer made a \$1,000 contribution to the campaign. If

the campaign only used half of those leaflets, the election expense would be recorded as \$500, although it would still be reported that the printer made a \$1,000 contribution.

Recording nomination contestant expenses

- S. 209 The financial agent or the candidate must keep track of nomination contestant expenses and political contributions of property (goods) and services that are used by a nomination contestant's campaign. If a Writ is issued during a nomination contest, it may be necessary to report those expenses.

Surplus campaign funds

- S. 205 If, after the payment of all election expenses and any other reasonable expenses incidental to the candidacy (e.g., victory parties, thank you letters, etc.), there are campaign funds remaining, surplus funds must be transferred as follows:

- to the candidate's registered constituency association;
- to the candidate's registered political party, if there is no registered constituency association; or
- to the Chief Electoral Officer, if there is no registered political party.

Surplus funds transferred to the Chief Electoral Officer must be held in trust, together with the accumulated interest, and dealt with as follows:

- if the candidate becomes a candidate in an election any time up to and including the next general election, the Chief Electoral Officer must pay the funds to the financial agent of the candidate;

- if the person does not run in the next general election or in a by-election called before that time, the money is paid to the consolidated revenue fund of the Province.

Financing Reports

Nomination contestant financing reports

S. 183 If a political party nomination contestant becomes a candidate, information about the nomination contest must be included in the election financing report.

The election financing report will require the disclosure of:

- for each contributor who made one or more contributions to the nomination contest that in total have a value of more than \$250, the name of the contributor, the class of the contributor, the date the contribution was made and the amount of the contribution;
- for anonymous contributions received in relation to the nomination contest, a description of the function, the date, the number of people in attendance, and the total number of anonymous contributions received;
- for all other political contributions received in relation to the nomination contest, the aggregate value of the contributions received and the total number of contributors.

If a nomination contest overlaps or falls within the election campaign period and the contestant becomes a candidate for a registered political party, the nomination contestant expenses must be reported and if the nomination contestant expenses during the campaign exceed 10 percent of the candidate's limit the excess is counted as election expenses.

Example:

An electoral district has a candidate expenses limit of \$50,000. A nomination contest for a registered political party is held during the campaign period. If a nomination contestant who becomes a candidate spends more than \$5,000 in the nomination campaign, the excess will be attributed to election expenses. Thus, if a contestant spends \$10,000 for the nomination contest, \$5,000 would be counted towards the \$50,000 candidate expense limit.

If a nomination contest overlaps or falls within an election campaign period, the election financing report requires disclosure of nomination expenses, by category.

Election financing reports by candidates

S. 209 The financial agent is required to file an election financing report on a candidate's behalf. This report must be filed with the Chief Electoral Officer within 90 days after General Voting Day for the election.

Election financing reports must be on forms provided by Elections BC and must disclose the following information:

- the election expenses, reported by class, showing separately those expense that are not included for the purposes of the election expenses limit;
- for each contributor who made one or more political contributions that in total have a value of more than \$250, the name of the contributor, the class of the contributor, the date the contribution was made and the amount of the contribution;
- for anonymous contributions, a description of the function, the date, the number of people in attendance, and the total amount of anonymous contributions received;

- for all other political contributions, the aggregate value of the contribution received and the total number of contributors;
- the total amount of all income tax receipts issued for contributions received;
- any transfers received from the candidate's registered political party or registered constituency associations;
- a description of any fundraising functions, including the date, cost, gross income and the net income or loss arising from the function;
- details about any loans or guarantees received by the candidate and any conditions attached to them;
- the political contributions accepted by the candidate as a nomination contestant if the candidate was a nomination contestant;
- if the candidate incurred nomination expenses during the campaign period, those nomination contestant expenses that are not included as election expenses;
- any surplus campaign funds;
- details about any prohibited political contributions, and whether they were returned to the contributor or turned over to the Chief Electoral Officer; and
- any other income or expenses not otherwise disclosed in the report.

Additional requirements for financing reports

- S. 212, 213 Election financing reports must be prepared in accordance with generally accepted accounting principles and must be filed with a signed declaration of the financial agent.

If any of the information required to be contained in a financing report changes, or if a candidate or financial agent should discover that the report did not completely and accurately disclose the required information, a supplementary report must be filed with the Chief Electoral Officer within 30 days.

Filing requirements for unsuccessful candidates

All candidates are required to file a candidate financing report. These reports are required even if a candidate withdraws from an election.

Auditing of reports

S.213, 214 Election financing reports must be audited if the value of political contributions or election expenses is \$10,000 or more. An auditor's report must be filed with the election financing report.

Public inspection of election financing reports

S.209 Candidates' reports are available for public inspection at the Chief Electoral Office in Victoria during its regular office hours until one year after General Voting Day for the next general election.

Penalties

Non-compliance with the financing rules

S.221, 226, 263 There are significant penalties for failing to comply with the financing rules.

Candidates who have not filed a financing report at the end of late filing period face severe penalties. These individuals will be disqualified from being nominated, elected or holding office as an MLA until after the next general election, unless relief is granted by a court. If the person is an MLA, the member will lose their seat in the Legislative Assembly. Individuals who have failed to file a financing report may run in the next general election if the candidate files the outstanding report before the individual is nominated as a candidate and pays a late filing fee of \$10,000.

If a candidate is convicted for filing a false or misleading report, the candidate will be disqualified from being nominated, elected, or holding office as an MLA until after the next general election. Additionally, if the candidate is an MLA, the member will lose their seat in the Legislative Assembly.

Financial agents who fail to comply with the financing provisions are committing an offence and are liable to a fine of not more than \$5,000 or imprisonment for a term not longer than one year, or both.

Election Advertising (*Election Act, Part 11*)

Election advertising is advertising used during a campaign period to promote, directly or indirectly, the election of a candidate or registered political party. This includes all forms of advertising, such as media advertising, brochures, signs, etc.

Election advertising can only be conducted by a candidate, registered political party, registered constituency association, or a registered sponsor.

Sponsorship of election advertising

The sponsor of election advertising is the individual or organization who pays for the advertising, who receives the advertising as a contribution, or has election advertising conducted on their behalf.

An individual or organization must not sponsor election advertising with the property of any other individual or organization or indirectly through any other individual or organization.

A candidate, registered political party or registered constituency association may sponsor election advertising as an election expense, subject to the applicable election expenses limit. There is no specific limit for election advertising expenditures by candidates, registered political parties or registered constituency associations within their election expense limits.

Prohibition against certain election advertising on General Voting Day

- S.233 On General Voting Day there is a prohibition against conducting or sponsoring election advertising by publishing it in a newspaper or magazine or on radio or television. The prohibition against sponsoring election advertising on General Voting Day applies whether the publication is done within B.C. or outside the Province.

Candidate advertising must indicate sponsorship

- S.229, 231 Election advertising must not be conducted (or published) unless it identifies the name of the sponsor and indicates that it was authorized by the identified sponsor or, in the case of a candidate, the financial agent, and gives a British Columbia telephone number or British Columbia mailing address at which the sponsor or financial agent may be contacted regarding the advertising. For example:

Authorized by Jane Doe, financial agent, (250) 123-4567.

Candidates are required to make available an individual responsible for answering questions from the public that are directed to the address or phone number indicated on the advertising.

Restrictions on rates charged for election advertising

- S.232 Candidates must not be charged a rate for election advertising in a periodical publication (newspaper, magazine, etc.) or on radio or television that exceeds the lowest rate charged by the individual or organization publishing the advertising for equivalent advertising in the same medium during the same campaign period.

Election Campaign Signs

The sign policy of the Ministry of Transportation and Highways allows the placement of election campaign signs along most provincial highways on a first-come, first-served basis. There are, however, some exceptions. Election campaign signs are not allowed to be placed on:

- Highway 1, from Horseshoe Bay to Hope;
- Highway 5, from Hope to Kamloops;
- Highways 91 and 91A;
- Highway 99 from the United States' border to Horseshoe Bay;
- Highway 17 from Tsawwassen ferry terminal to Highway 99; and
- Highway 97C from Aspen Grove to Peachland.

On the highways where signs are allowed, there is no limit on the size of signs. But signs must not interfere with driver safety, such as impeding a driver's line of sight or being too close to an intersection.

There may be additional rules at the municipal level regarding where signs may be placed. Candidates and political parties are advised to check for municipal by-laws regulating the placement of signs in any municipality where they wish to erect signs.

All election campaign signs must be removed the day after the election by the people responsible for putting them up.

Campaign Restrictions

- S. 233, 234 There are certain restrictions relating to advertising and campaigning during voting periods and near voting places.

During voting hours of Advance Voting or General Voting, election advertising by means of a public address system or loudspeaker is not permitted within hearing distance of a voting place.

On General Voting Day, election advertising cannot be published in a newspaper or magazine or on radio or television.

100–metre No Campaigning Zones

District Electoral Offices

S. 234 During a campaign period (issue of a Writ to the end of voting on General Voting Day), no one may post, display or disseminate any election advertising or any material that identifies a candidate, a registered political party, or a registered constituency association within 100 metres of the building where the district electoral office is located. An exception is made for materials authorized by the District Electoral Officer.

If any contravening material is posted or displayed, etc., within the 100 metre no campaigning zone, the District Electoral Officer may enter the property where the materials are located and remove, cover or otherwise obscure them from view.

Voting Places

S. 234 While Advance Voting or General Voting is being conducted at a voting place, there is a 100–metre no–campaigning zone around the building where the voting is being conducted.

Within this 100–metre zone, a candidate or their representatives must not:

- post, display or disseminate any election advertising or any material that identifies the candidate, a registered political party or registered constituency association. An exception is made for materials authorized by the District Electoral Officer;
- canvass or solicit votes or otherwise attempt to influence how a voter votes;
- carry, wear or supply a flag, badge or other thing indicating that the individual using it is a supporter of a particular candidate or registered political party; and
- post, display, disseminate or openly leave a representation of a ballot marked for a particular candidate or registered political party.

Candidates are not permitted to be present at any voting location while voting is being conducted — except to vote.

Election Results (*Election Act, Part 7*)

At the close of voting on General Voting Day, an initial count is conducted. This preliminary result does not include any absentee ballots contained in certification envelopes.

Ballots in certification envelopes are counted at Final Count, which commences on Day 41 of the election period. Candidates are entitled to be present at the counting of ballots.

A candidate or their official agent may request that some or all of the ballots considered during the initial count be recounted during Final Count. This is not a judicial recount.

At the end of Final Count, the District Electoral Officer declares the official results. If there is a tie vote, or the margin between the candidate declared elected and the next candidate is less than 1/500 of the total ballots considered, an application for a judicial recount must be made by the District Electoral Officer.

An application for a judicial recount may also be made by a candidate, their representative, or a voter of the electoral district if they believe that votes were not correctly accepted or rejected or if errors were made in recording the votes. Applications for judicial recount must be made within six days after the conclusion of Final Count.

Once the outcome of the election is determined, the candidate who has received the most votes is declared elected, and the elected candidate is provided with a Certificate of Election by the District Electoral Officer. The Writ is then returned to the Chief Electoral Officer, who advises the Clerk of the Legislative Assembly of the outcome of the election.

Questions?

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

or contact

Elections British Columbia
Mailing Address: PO Box 9275 Stn Prov Govt, Victoria BC V8W 9J6
Phone: (250) 387-5305
Facsimile: (250) 387-3578
Toll-free Facsimile: 1-866-466-0665
Web site: <http://www.elections.bc.ca>
Email: electionsbce@gems3.gov.bc.ca