



CANDIDATE'S GUIDE

TO LOCAL ELECTIONS IN B.C.

2018



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Key Contacts

Ministry of Municipal Affairs and Housing

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

Ministry of Municipal Affairs and Housing

Governance and Structure Branch

PO Box 9839 Stn. Prov. Govt.

Victoria, BC V8W 9T1

Phone: 250 387-4020

Email: LGgovernance@gov.bc.ca

Website: www.gov.bc.ca/localelections

Elections BC

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

Elections BC

Phone: 250 387-5305

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

Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: lecf@elections.bc.ca

Website: www.elections.bc.ca/lecf

Ministry of Education

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

Ministry of Education

Legislation, Policy and Governance Branch

PO Box 9146 Stn. Prov. Govt.

Victoria, BC V8W 9H1

Phone: 250 387-8037

Email: EDUC.Governance.Legislation@gov.bc.ca

Website: www2.gov.bc.ca/gov/content/education-training/administration/legislation-policy/school-trustee-election-procedures

Enquiry BC

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

Enquiry BC

In Victoria call: 250 387-6121

In Vancouver call: 604 660-2421

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

Outside B.C.: 604 660-2421

Email: EnquiryBC@gov.bc.ca

Website: www2.gov.bc.ca/gov/content/home/contact-us

Municipal and Regional District Information

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

CivicInfoBC

Phone: 250 383-4898

Email: info@civicinfo.bc.ca

Website: www.civicinfo.bc.ca/directories

Other Resources

BC Laws

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

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

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

Elections Legislation

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

Crown Publications: Queen's Printer for British Columbia

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

Educational Materials

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

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

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

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

Educational materials developed by Elections BC are available online at: www.elections.bc.ca/lecf

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

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

- School Trustee Election Procedures in British Columbia

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

- BCSTA Guide to School Trustee Candidates

Disclaimer

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

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

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

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

New Elections Legislation – Shared Roles and Responsibilities

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

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

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

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

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

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

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

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

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

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

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

Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Local Elections Generally

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

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

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

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

Voting Opportunities

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

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

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

General Voting Day

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

Advance Voting

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

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

See Appendix B for other key election dates.

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

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

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

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

Special Voting

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

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

Mail Ballot Voting

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

Key Participants

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

Electors

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

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

A resident elector must:

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

A non-resident property elector must:

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

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

Candidates

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

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

Financial Agents

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

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

Volunteers

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

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

Third Party Sponsors

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

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

Elector Organizations

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

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

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

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

Key Election Administrators

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

Election Officials

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

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

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

Elections BC

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

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

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

B.C. CHIEF ELECTORAL OFFICER

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

About Being an Elected Official

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

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

Term of Office

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

Time Commitment

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

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

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

Absences from Meetings

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

Remuneration

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

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

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

Obligation to Vote

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

Ongoing Financial Disclosure

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

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

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

Privacy

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

The Ethics of Elected Office

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

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

Responsible Conduct

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

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

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

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

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

Codes of Conduct

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

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

Conflict of Interest and Other Ethical Standards

Disclosure of Conflict

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

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

CONFLICT OF INTEREST

Local Government Act
section 205

Community Charter,
sections 100-109

Vancouver Charter,
sections 145.2-145.92

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

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

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

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

CONTRACTUAL CONFLICT?

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

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

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

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

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

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

Inside Influence

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

Outside Influence

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

Accepting Gifts

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

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

Disclosure of Contracts

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

Use of Insider Information

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

Voting for an Illegal Expenditure

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

Consequences

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

Confidentiality

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

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

Elected Officials and Local Government Staff

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

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

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

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

Who May Run For Office

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

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

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

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

Local Government Employees

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

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

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

Local Government Contractors

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

B.C. Public Service Employees

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

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

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

Federal Employees

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

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

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

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

Volunteers

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

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

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

Who May Not Run For Office

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

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

Nomination Period and Declaration of Candidates

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

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

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

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

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

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

Who May Nominate

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

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

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

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

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

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

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

Endorsement by an Elector Organization

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

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

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

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

Nomination Packages

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

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

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

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

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

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

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

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

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

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

SOLEMN DECLARATIONS

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

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

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

Nomination Deposits

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

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

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

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

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

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

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

Challenge of Nomination

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

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

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

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

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

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

Withdrawing a Nomination

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

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

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

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

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

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

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

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

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

What are Election Campaigns?

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

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

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

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

ELECTION PERIOD AND CAMPAIGN PERIOD

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

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

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

Candidate Election Campaigns

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

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

Elector Organization Election Campaigns

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

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

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

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

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

Third Party Sponsor Advertising

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

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

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

Key Election Campaign Activities

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

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

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

LIST OF REGISTERED ELECTORS (VOTER'S LIST)

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

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

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

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

Canvassing

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

Telephone Banks

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

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

In-person Events

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

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

Advertising

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

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

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

Signs

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

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

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

Sponsorship Information

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

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

Local Election Offences and Penalties

Local Government Act – sections 161-166

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

Local Election Offences

Vote-buying

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

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

Intimidation

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

Campaigning Near a Voting Place

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

Providing or Distributing False Information

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

Contravening Voting Provisions

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

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

Reporting and Enforcement of Local Election Offences

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

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

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

Local Election Penalties

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

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

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

Local Election Officials' Authority

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

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

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

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

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

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

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

Candidate Representatives

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

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

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

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

Financial Agent

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

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

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

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

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

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

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

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

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

Official Agent

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

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

Scrutineers

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

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

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

Voting Times

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

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

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

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

Counting Ballots

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

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

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

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

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

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

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

Conduct at Voting Places

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

Candidate Conduct

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

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

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

Scrutineer Conduct

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

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

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

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

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

After General Voting Day

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

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

Announcing Results

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

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

Judicial Recount

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

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

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

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

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

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

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

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

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

Breaking Ties

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

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

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

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

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

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

Invalid Election

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

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

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

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

Oath of Office

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

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

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

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

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

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

Taking Office

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

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

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

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

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

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

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

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

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

Campaign Period Expense Limits

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

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

Campaign Contribution Limits

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

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

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

Elections BC Officials' Authority

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

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

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

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

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

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

Glossary

Sections 107-108 of the
Local Government Act

Sections 69-70 of the
Vancouver Charter

Sections 169-171 of the
Local Government Act

Sections 129-131 of the
Vancouver Charter

Section 1 of the *School Act*

Section 30(2) of the
School Act

address for service

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

advance voting opportunity

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

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

assent voting

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

B.C. Chief Electoral Officer

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

board

See entry for "regional district board".

board of education

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

by-election

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

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

campaign account

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

campaign contribution limits

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

campaign period

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

candidate

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

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

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

chief election officer

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

Section 54 of the
Local Government Act

Section 10 of the
Vancouver Charter

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

Section 30.01 of the
*Local Elections Campaign
Financing Act*

Section 47 of the *Local
Government Act*

Section 7 of the
Vancouver Charter

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

Sections 58 and 59 of the
Local Government Act

Section 14-15 of the
Vancouver Charter

Section 148 of the
Community Charter
Section 236 of the *Local
Government Act*

corporate officer

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

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

council

See entry for “municipal council”.

councillor

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

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

Section 115 of the
Community Charter

election bylaw

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

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

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

Section 56 of the
Local Government Act
Sections 12 of the
Vancouver Charter

election campaign

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

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

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

election period

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

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

Elections BC

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

elector

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

Sections 64-66 of the
Local Government Act

Sections 22-24 of the
Vancouver Charter

elector organization

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

Section 92 of the *Local
Government Act*

Section 45.3 of the
Vancouver Charter

electoral area director

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

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

endorsement

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

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

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

Section 92 of the *Local
Government Act*

Section 45.3 of the
Vancouver Charter

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

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

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

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

Section 5 of the
Islands Trust Act

Section 6 of the
Islands Trust Act

financial agent

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

financial disclosure statement

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

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

general local elections

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

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

general voting day

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

Islands Trust

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

Islands Trust Council

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

Islands Trust local trustee

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

jurisdiction

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

local community commission

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

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

local community commissioner

See entry for “local community commission”.

local elections

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

mayor

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

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

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

Section 243 of the *Local
Government Act*

Section 116 of the
Community Charter

Sections 114-121 of the
Community Charter

municipal council

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

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

Section 198(2) of the
Local Government Act

municipal director

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

Sections 3-40 of the
Local Government Act

municipality

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

Section 66 of the
Local Government Act

Section 24 of the
Vancouver Charter

non-resident property elector

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

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

referenda

See entry for “assent voting”.

Sections 193-194 of the
Local Government Act

regional district

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

Section 194-205 of the
Local Government Act

regional district board

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

resident elector

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

On the day of registration, a resident elector must:

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

Section 65 of the
Local Government Act

Section 23 of the
Vancouver Charter

school board

See entry for “board of education”.

school trustee

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

Section 1 of the *School Act*

scrutineer

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

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

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

specified parks board

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

Sections 485-497A of the
Vancouver Charter

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

specified parks board commissioners

See entry for “specified parks board”.

solemn declaration

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

Section 97 of the
Local Elections Campaign Financing Act

third party advertising

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

Section 11 of the
Local Elections Campaign Financing Act

third party sponsor

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

volunteer

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

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

Appendix A: Local Election Partner Roles and Responsibilities

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

Appendix A: Local Election Partner Roles and Responsibilities

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

Appendix B: 2018 General Local Elections Key Dates

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

Appendix B: 2018 General Local Elections Key Dates

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

Appendix B: 2018 General Local Elections Key Dates

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

Definitions:

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

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

ELECTIONS BC AND LOCAL CHIEF ELECTION OFFICER QUESTIONS AND ANSWERS

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

