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This Act is current to May 19, 2026

See the Tables of Legislative Changes for this Act's legislative history, including any changes not in force.

LOCAL ELECTIONS CAMPAIGN FINANCING ACT

[SBC 2014] CHAPTER 18

Assented to May 29, 2014

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Part 1 — General

Division 1 — Application and Interpretation

Elections to which this Act applies

1 (1) This Act applies to the following elections:

(a) an election under the *Local Government Act* for a mayor;

(b) an election under the *Local Government Act* for a councillor;

(c) an election under the *Local Government Act* for an electoral area director on a regional district board;

(d) an election under the *Vancouver Charter* for the mayor;

(e) an election under the *Vancouver Charter* for a councillor;

(f) an election under the *Vancouver Charter* for a Park Board member;

(g) an election under the *Islands Trust Act* for a local trust area trustee;

(h) an election under the *School Act* for a trustee on a board of education;

(i) other elections prescribed by regulation.

(2) In relation to the paragraph of subsection (1) referred to in column 1 of the following table, for an election for the class of office referred to in column 2 of the table, the jurisdiction in relation to the election is that referred to in column 3 of the table and the local authority in relation to the election is that referred to in column 4 of the table:

Column 1 **Paragraph**	Column 2 **Office**	Column 3 **Jurisdiction**	Column 4 **Local Authority**
(a)	Mayor	The municipality	The council
(b)	Councillor	The municipality	The council
(c)	Electoral area director	The regional district	The board
(d)	Mayor	The City of Vancouver	City Council
(e)	Councillor	The City of Vancouver	City Council
(f)	Vancouver Park Board member	The City of Vancouver	The Park Board
(g)	Islands Trust local trust area trustee	The trust council	The trust council
(h)	Board of education trustee	The board of education	The board of education
(i)	Office for prescribed election	As prescribed	As prescribed

Assent voting to which this Act applies

2 (1) This Act also applies to the following:

(a) voting under Part 4 *[Assent Voting]* of the *Local Government Act* or Part II *[Assent Voting]* of the *Vancouver Charter*;

(b) voting to which provisions of either of those Parts apply.

(2) The local authority in relation to assent voting is the local authority of the jurisdiction for which the assent voting is being held.

Definitions and other interpretation rules

3 The Schedule to this Act establishes definitions for terms used in this Act and rules of interpretation that apply in relation to this Act.

Division 2 — Key Concepts

What is the election campaign of a candidate

4 (1) An election campaign of a candidate is a campaign, undertaken by or on behalf of the candidate in relation to an election in which the individual is or intends to be a candidate, for any of the following purposes:

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

(b) to oppose, directly or indirectly, the election of any other candidate in the same election;

(c) to promote, directly or indirectly, the selection of the candidate for endorsement by an elector organization;

(d) to promote, directly or indirectly, the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement;

(e) to oppose, directly or indirectly, an elector organization that is endorsing any other candidate in the same election;

(f) to oppose, directly or indirectly, the selection of another individual for endorsement, in relation to the same election, by the elector organization that is endorsing the candidate or from which the candidate is seeking endorsement.

(2) If an individual is a candidate in relation to multiple elections that are being held at the same time, election campaigning of the candidate in relation to each of those elections is considered for purposes of this Act to be a separate election campaign.

What is the election campaign of an elector organization

5 (1) An election campaign of an elector organization is a campaign, undertaken by or on behalf of the elector organization in relation to one or more elections, being held at the same time for the same jurisdiction, in which the elector organization is endorsing or intends to endorse a candidate, for any of the following purposes:

(a) to promote, directly or indirectly, the elector organization;

(b) to promote, directly or indirectly, the election of a candidate endorsed or intended to be endorsed by the elector organization;

(c) to oppose, directly or indirectly, the election of a candidate in the same election who is not endorsed by the elector organization;

(d) to oppose, directly or indirectly, another elector organization in relation to the same election or another election for the same

jurisdiction that is being held at the same time;

(e) to oppose, directly or indirectly, the selection of an individual to be endorsed by another elector organization in relation to an election referred to in paragraph (d).

(2) If an elector organization is endorsing candidates or intends to endorse candidates in elections for more than one jurisdiction that are being held at the same time, election campaigning of the elector organization in relation to each of the jurisdictions is considered for purposes of this Act to be a separate election campaign.

When elections, or elections and assent voting, are considered to be held at the same time

6 (1) Elections are considered to be held at the same time if

(a) the elections are part of a general local election, or

(b) in the case of other elections, the general voting day established for the elections is the same day.

(2) An election is considered to be held at the same time as assent voting if the general voting day established for the election is the same as the general voting day established for the assent voting.

What is election advertising

7 (1) Subject to subsection (2) and any applicable regulations, election advertising is the transmission to the public by any means,

(a) during the campaign period, of any of the following:

(i) a communication that promotes or opposes, directly or indirectly, the election of a candidate or an elector organization that is endorsing a candidate, including a communication that takes a position on an issue with which the candidate or elector organization is associated;

(ii) assent voting advertising that is election advertising under section 8 (3) *[assent voting advertising that is election advertising]*;

(iii) any other communications prescribed by regulation, and

(b) during the pre-campaign period for a general local election, of any of the following:

(i) a communication that promotes or opposes, directly or indirectly, the election of a candidate or an elector organization that is endorsing a candidate;

(ii) assent voting advertising that is election advertising under section 8 (3);

(iii) any other communications prescribed by regulation.

(2) Subject to any applicable regulations, election advertising does not include the following:

(a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;

(b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be an election or assent voting;

(c) the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization;

(d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging, of the individual's personal views;

(e) any other transmissions prescribed by regulation.

(3) For certainty, election advertising includes the following activities, if the activities are conducted on a commercial basis:

(a) canvassing voters, in person, by telephone or over the internet, to attempt to influence how voters vote;

(b) mailing material that contains a communication referred to in subsection (1).

What is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising

8 (1) Subject to subsection (5), assent voting advertising is the transmission to the public by any means, during the following applicable periods, of a communication that promotes or opposes, directly or indirectly, a particular result in the assent voting:

(a) in the case of assent voting that is relevant to a general local election, the pre-campaign period and campaign period for the general local election;

(b) in the case of assent voting that is relevant to an election other than a general local election, the campaign period for the election;

(c) in the case of other assent voting, the assent voting proceedings period.

(2) Assent voting is relevant to an election if the assent voting is being held

(a) at the same time as the election, and

(b) for the same jurisdiction as that election or for a voting area that is all or part of the same jurisdiction.

(3) Assent voting advertising that is relevant to an election is election advertising.

(4) Assent voting advertising that is not relevant to an election is non-election assent voting advertising.

(5) Subject to any applicable regulations, assent voting advertising does not include the following:

(a) the publication without charge, in a bona fide periodical publication or a radio or television program, of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary;

(b) the distribution of a publication, or the promotion of the sale of a publication, for no less than its market value, if the publication was planned to be sold whether or not there was to be assent voting;

(c) the transmission of a communication directly by an individual or organization to the employees, members or shareholders of the individual or organization;

(d) the transmission of an expression by an individual, on a non-commercial basis on the internet, by telephone or by text messaging, of the individual's personal views;

(e) any other transmissions prescribed by regulation.

(6) For certainty, assent voting advertising includes the following activities, if the activities are conducted on a commercial basis:

(a) canvassing voters, in person, by telephone or over the internet, to attempt to influence how voters vote;

(b) mailing material that contains a communication referred to in subsection (1).

Who is the sponsor of election advertising or non-election assent voting advertising

9 (1) Subject to subsection (2) and any applicable regulations, the sponsor of election advertising or non-election assent voting advertising is whichever of the following is applicable:

(a) if the service of transmitting the communication to the public is provided without charge

(i) as a campaign contribution, or any other form of contribution, to a candidate or elector organization, or

(ii) as a sponsorship contribution, or any other form of contribution, to a third party sponsor in relation to election advertising or to an assent voting advertising sponsor in relation to non-election assent voting advertising,

the individual or organization to which the service is provided;

(b) if the service of transmitting the communication to the public is provided with charge, the individual or organization that pays or is

liable to pay for the communication to be transmitted.

(c) [Repealed 2017-21-2.]

(2) If the individual or organization that would otherwise be the sponsor within the meaning of subsection (1) is acting on behalf of another individual or organization, that other individual or organization is the sponsor.

Election, pre-campaign, campaign and assent voting proceedings period

10 (1) The election period in relation to an election is the period that

(a) begins, as applicable,

(i) in the case of an election that is part of a general local election, at the start of the calendar year in which the election is held,

(ii) in the case of a by-election, on the day the local authority office that is to be filled by the by-election becomes vacant, or

(iii) in the case of any other election, on the date specified by or determined under the regulations, and

(b) ends at the beginning of the campaign period for the election.

(1.1) The pre-campaign period in relation to a general local election is the period that

(a) begins on the eighty-ninth day before general voting day for the election, and

(b) ends on the twenty-ninth day before general voting day for the election.

(2) The campaign period in relation to an election is the period that

(a) begins on the twenty-eighth day before general voting day for the election, and

(b) ends, as applicable,

(i) in the case of an election by voting, at the close of general voting for the election, or

(ii) in the case of an election by acclamation, at the end of general voting day.

(3) The assent voting proceedings period in relation to non-election assent voting is the period that

(a) begins on the twenty-eighth day before general voting day for the assent voting, and

(b) ends at the close of general voting for the assent voting.

What is third party advertising

11 Third party advertising is election advertising, other than election advertising sponsored

(a) by a candidate as part of the candidate's election campaign, or

(b) by an elector organization as part of the elector organization's election campaign.

Types of third party advertising — issue advertising and directed advertising

12 (1) Subject to any applicable regulations, third party advertising is issue advertising if

(a) it is a communication respecting an issue of public policy, including, for certainty, an assent voting issue, and

(b) it is not specifically related to any candidate or elector organization.

(2) Directed advertising is third party advertising that is not issue advertising.

(3) Third party advertising is specifically related to a candidate if

(a) the communication names the candidate, includes an image or likeness of the candidate or identifies the candidate by voice or physical description, or

(b) any other circumstances prescribed by regulation apply.

(4) Third party advertising is specifically related to an elector organization if

(a) the communication names the elector organization or includes a logo or likeness of a logo used by the elector organization, or

(b) any other circumstances prescribed by regulation apply.

Part 2 — Candidate and Elector Organization Campaign Financing

Division 1 — General Concepts: Campaign Contributions and Election Expenses

Campaign contributions to candidate and elector organization generally

13 (1) Subject to this section and any applicable regulations, the following are campaign contributions:

(a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to

(i) a candidate for campaign use, or

(ii) an elector organization for any use;

(b) if property or services are provided at less than market value to a candidate for campaign use or to an elector organization for any use, the difference between the market value of the property or services at the time provided and the amount charged;

(c) if property or services are acquired for greater than market value from a candidate for the purpose of obtaining funds for campaign use or from an elector organization for the purpose of obtaining funds for any use, the difference between

(i) the market value of the property or services at the time acquired, and

(ii) the amount charged;

(d) the amount of any money provided by a candidate for use in the candidate's own campaign;

(e) [Repealed 2017-21-3.]

(f) the amount of any money provided to an elector organization by an individual who is seeking endorsement by that elector organization, other than money provided by way of transfer under section 23 (4) (b) *[candidate transfers before endorsement]*;

(g) membership fees for an elector organization;

(h) the unpaid amount of a debt, other than a debt arising from a loan, in relation to an election expense, if

(i) the candidate or elector organization is liable for payment in relation to the election expense,

(ii) any part of that debt remains unpaid for 6 months after the debt has become due, and

(iii) no legal proceedings to recover the debt have been commenced by the creditor;

(i) any other provision of property or services prescribed by regulation.

(2) For certainty, this section applies to the provision of property or services to a candidate or elector organization whether the provision was before or after the start of a campaign period.

(3) For certainty, nothing in subsection (1) (h) affects the rights of a creditor in relation to a debt that becomes a campaign contribution under that subsection.

(3.1) If the unpaid amount of a debt referred to in subsection (1) (h) of this section

(a) is payable to an organization or an individual, other than an eligible individual, and

(b) becomes a campaign contribution under that subsection,

section 28 *[dealing with prohibited campaign contributions]* applies as if the unpaid amount of the debt were a campaign contribution made or accepted in contravention of this Act or the regulations under this Act.

(3.2) The unpaid amount of a debt referred to in subsection (1) (h) becomes a campaign contribution under that subsection in the calendar year in which the debt arises.

(4) For purposes of this Act, property or services are considered to be provided for campaign use if they are provided to a candidate for use in the election campaign of the candidate or towards the election expenses of such a campaign.

(5) Subject to any applicable regulations, the value of the following is not a campaign contribution:

(a) services provided by a volunteer;

(b) non-monetary property of a volunteer that is provided or used in relation to services of the individual;

(b.1) non-monetary property or services provided by a candidate for use in the candidate's own campaign;

(b.2) non-monetary property or services provided by an elector organization for use by the elector organization for any purpose;

(c) property or services provided by an election official, or by the BC chief electoral officer, in the official capacity of the election official or BC chief electoral officer;

(d) publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program;

(e) broadcasting time provided, without charge, as part of a bona fide public affairs program;

(f) producing, promoting or distributing a publication for no less than its market value, if the publication was planned to be sold whether or not there was to be an election;

(g) any other property or services prescribed by regulation.

(6) Subject to any applicable regulations, the value of the following is not a campaign contribution, but must be disclosed in accordance with the requirements under Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 *[Transparency Requirements for Local Elections and Assent Voting]*:

(a) in relation to transfers of property or provision of services between a candidate and an elector organization,

(i) transfers from campaign accounts under section 23 *[campaign transfers between candidates and elector organizations]*,

(ii) the provision of non-monetary property or services by a candidate to the elector organization that is endorsing the candidate, and

(iii) the provision of non-monetary property or services by an elector organization to a candidate who is endorsed by the elector organization;

(b) in relation to the provision of property or services by the jurisdiction for which an election is being held,

(i) payment under section 24 (5) (a) *[candidate surplus carried over to next election]* to a candidate in the election, or

(ii) the provision to a candidate in the election of free election advertising transmission, if the transmission is made available on an equitable basis to all other candidates in the election;

(c) any other provision of property or services prescribed by regulation.

Campaign contributions through fundraising functions

13.01 (1) An organization or an individual, other than an eligible individual, must not pay a charge per individual for a fundraising function.

(2) If an eligible individual makes a payment of greater than $50 for one or more charges per individual for a fundraising function, the amount of the payment is a campaign contribution by the eligible individual.

(3) An individual or organization that contravenes subsection (1) commits an offence.

Campaign contributions through loans

13.02 (1) Subject to any applicable regulations, a permissible loan made to a candidate or elector organization is not a campaign contribution, but

(a) the loan must be disclosed in accordance with the requirements under Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 *[Transparency Requirements for Local Elections and Assent Voting]*, and

(b) if the loan is made by an eligible individual, it must be treated as if it were a campaign contribution for the purpose of determining whether the eligible individual exceeds an applicable campaign contribution limit.

(2) Despite subsection (1), the unpaid amount of a permissible loan made by an eligible individual to a candidate or elector organization is a campaign contribution in the calendar year in which the loan is made if

(a) that part of the loan remains unpaid for 6 months after it becomes due and no legal proceedings to recover the loan have been commenced by the eligible individual, or

(b) the eligible individual forgives that part of the loan.

(3) Despite subsection (1), the unpaid amount of a permissible loan made by a savings institution to a candidate or elector organization is a campaign contribution in the calendar year in which the loan is made if the savings institution does not make commercially reasonable efforts to collect or enforce that part of the loan.

(4) In the circumstances described in subsection (3), section 28 *[dealing with prohibited campaign contributions]* applies as if the unpaid amount of the loan were a campaign contribution made or accepted in contravention of this Act or the regulations under this Act.

(5) For certainty, nothing in subsection (2) or (3) affects the rights of a creditor in relation to a permissible loan that becomes a campaign contribution under those subsections.

Election expenses of candidates and elector organizations

14 (1) Subject to this section and any applicable regulations, an election expense in relation to an election is the value of property or services used in an election campaign.

(2) As applicable,

(a) the value of property or services used as referred to in subsection (1) in the election campaign of a candidate is an election expense of the candidate, and

(b) the value of property or services used as referred to in subsection (1) in the election campaign of an elector organization is an election expense of the elector organization.

(3) For purposes of this Act, if a candidate sponsors assent voting advertising that is relevant to the election in which the individual is a candidate, the assent voting advertising is considered to be election advertising sponsored by the candidate as part of the candidate's election campaign and its value is an election expense of the candidate.

(4) For purposes of this Act, if an elector organization sponsors assent voting advertising that is relevant to an election in which the organization is endorsing a candidate, the assent voting advertising is considered to be election advertising sponsored by the elector organization as part of the elector organization's election campaign and its value is an election expense of the elector organization.

(5) Subject to any applicable regulations, the value of the use of the following is not an election expense:

(a) property or services that are excluded from being campaign contributions under section 13 (5) *[exclusions from campaign contributions]*;

(b) if applicable, the nomination deposit of a candidate;

(c) services provided by a candidate in relation to that individual's election campaign;

(d) goods produced by a candidate from property of the candidate;

(e) goods produced by an individual as a volunteer from property of the individual;

(f) any other property or services prescribed by regulation.

(6) Subject to any applicable regulations, the value of each of the following is an election expense, but is not to be included as an election expense for the

purpose of determining whether a candidate or an elector organization has exceeded an expense limit under Part 5.1 *[Expense Limits]*:

(a) personal election expenses within the meaning of subsection (7) in relation to a candidate;

(b) legal or accounting services provided to comply with this Act and the regulations under this Act;

(c) services provided by a financial agent in that capacity;

(d) the cost of any communication that an elector organization transmits exclusively to its members;

(e) property and services used exclusively for the day-to-day administration of an elector organization office that operates on a continuing basis outside of campaign periods or election periods, including salaries and wages paid by the elector organization to its permanent staff;

(f) interest on a permissible loan to a candidate or elector organization for election period expenses or campaign period expenses;

(g) any other expenses prescribed by regulation.

(7) The following expenses, if they are reasonable, are personal election expenses in relation to a candidate:

(a) payments for care of a child or other family member for whom the candidate is normally directly responsible;

(b) the cost of the candidate travelling to, within or from the election area;

(c) the cost of lodging, meals and incidental charges in relation to the candidate while travelling as referred to in paragraph (b);

(d) expenses in relation to any disability of the candidate, including the costs in relation to any individual the candidate requires to assist the candidate in performing the functions necessary for seeking election;

(e) any other expenses prescribed by regulation in relation to candidates.

What are election period and campaign period expenses

15 Subject to any applicable regulations,

(a) an election period expense in relation to an election is an election expense that is incurred during the election period, and

(b) a campaign period expense in relation to an election is an election expense that is incurred during the campaign period.

Valuation rules for campaign contributions, election period expenses and campaign period expenses

16 (1) Subject to any applicable regulations, the rules in this section apply for the purpose of determining the value of a campaign contribution or of an election

expense unless otherwise expressly provided under this Act.

(2) The value of any property or services is

(a) the price paid for the property or services, or

(b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.

(3) In the case of property that is a capital asset, the value of the property is the market value of using the property.

(4) Subject to subsection (5), the value of election advertising sponsored by

(a) a candidate as part of the candidate's election campaign, or

(b) an elector organization as part of the elector organization's election campaign

is the value of the property and services used in preparing the communication and transmitting it to the public.

(5) The value of the transmission of the following election advertising sponsored by a candidate is deemed to be nil:

(a) election advertising referred to in section 13 (6) (b) (ii) *[free equitable advertising by jurisdiction]*;

(b) election advertising transmitted without charge if such transmission without charge is also made available on an equitable basis to all other candidates in the election;

(c) other election advertising prescribed by regulation.

(6) The value of shared election expenses must be attributed to the participating candidates in accordance with the regulations.

Division 2 — Campaign Accounting

Each candidate must have a financial agent

17 (1) A candidate must have a financial agent.

(2) A candidate may appoint an individual as financial agent in accordance with this section, but, if no financial agent is appointed, the candidate is the candidate's own financial agent.

(3) A candidate may not have more than one financial agent at the same time.

(4) The appointment of a financial agent for a candidate must

(a) be made in writing,

(b) include

(i) the full name of the individual appointed,

(ii) the effective date of the appointment, and

(iii) the required contact information for the individual,

(c) be signed by the candidate, and

(d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.

(5) If the nomination documents for a candidate identify an appointed financial agent for a candidate, the candidate must deliver the following to the local election officer before the end of the nomination period:

(a) a copy of the financial agent's appointment;

(b) a copy of the financial agent's consent to act;

(c) any other information or material required by regulation.

(6) A candidate or the candidate's financial agent must, as soon as practicable, provide updated information and material in accordance with the applicable requirements under subsections (4) and (5) if there is any change in who is the financial agent for the candidate or in other information or material that is required to be provided under this section.

(7) Updated information or material required under subsection (6) must be provided as follows:

(a) to the local election officer, if the change occurs before the declaration of the results of the election;

(b) to the BC chief electoral officer, if the change occurs after the declaration of those results.

(8) For certainty,

(a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and

(b) the financial agent for a candidate may also be the official agent for the candidate.

(9) A financial agent appointed for a candidate is not personally liable for any liability of the candidate in relation to the election campaign of the candidate unless the liability is personally guaranteed by the financial agent.

(10) A candidate who contravenes this section commits an offence.

Requirement for candidate campaign account

18 (1) A candidate must have at least one campaign account for the candidate's election campaign, established in accordance with this section, if any of the circumstances described in subsection (2) apply.

(2) The financial agent for the candidate must open one or more campaign accounts at a savings institution by the earliest of the following:

(a) as soon as practicable after the financial agent receives a campaign contribution of money;

(b) before receiving a transfer of money under section 23 *[campaign transfers between candidates and elector organizations]*;

(c) before receiving payment of money under section 24 (5) (a) *[candidate surplus carried over to next election]*;

(d) before becoming liable for payment in relation to an election expense or intended election expense of the candidate.

(3) A campaign account under this section

(a) must be in the name of the election campaign of the candidate,

(b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and

(c) must not receive deposits other than those required or permitted under this section.

(4) The financial agent must ensure that

(a) all campaign contributions, transfers and payments received as referred to in subsection (2) (a) to (c) are deposited into a campaign account of the candidate,

(b) the only amounts deposited into a campaign account of the candidate are amounts permitted to be deposited under this section,

(c) all payments referred to in subsection (2) (d) are paid, directly or by reimbursement, from a campaign account of the candidate, and

(d) a campaign account of the candidate is not used for any purpose other than one permitted under this section.

(5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:

(a) if applicable, payment of the candidate's nomination deposit;

(b) if the candidate has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;

(c) [Repealed 2017-21-6.]

(d) making a transfer of money under section 23 *[campaign transfers between candidates and elector organizations]*;

(e) making payments referred to in or authorized under section 24 *[what happens if a candidate has surplus campaign funds]*;

(f) making payments required under section 28 *[dealing with prohibited campaign contributions]*;

(g) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the candidate's campaign;

(g.1) making payments on a permissible loan;

(h) any other purpose permitted by regulation.

(6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the candidate:

(a) interest on amounts on deposit in the campaign account;

(a.1) a permissible loan;

(b) any other deposits permitted by regulation.

(7) A candidate or financial agent who contravenes this section commits an offence.

Each elector organization must have a financial agent

19 (1) An elector organization must have an individual appointed as financial agent for the organization in accordance with this section by the earliest of the following:

(a) before accepting a campaign contribution;

(b) before incurring an election expense;

(c) before becoming liable for payment in relation to an election expense or intended election expense;

(d) before accepting a transfer from a candidate under section 23 *[campaign transfers between candidates and elector organizations]*.

(2) An elector organization may not have more than one financial agent at the same time.

(3) The appointment of a financial agent for an elector organization must

(a) be made in writing,

(b) include

(i) the full name of the individual appointed,

(ii) the effective date of the appointment, and

(iii) the required contact information for the individual,

(c) be signed by the authorized principal official of the elector organization, and

(d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.

(4) [Repealed 2021-5-8.]

(5) If the individual appointed as financial agent resigns, dies or no longer has the capacity to act as financial agent, the elector organization must appoint a new financial agent as soon as possible.

(6) and (7) [Repealed 2021-5-8.]

(8) For certainty,

(a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and

(b) a responsible principal official of an elector organization may be the financial agent for the organization.

(9) A financial agent for an elector organization is not personally liable for any liability of the elector organization in relation to the election campaign of the elector organization unless the liability is personally guaranteed by the financial agent.

(10) For certainty, the individual most recently appointed as financial agent for an elector organization has the responsibilities of that position under this Act.

(11) An elector organization that contravenes this section commits an offence.

Requirement for elector organization campaign account

20 (1) An elector organization must have at least one campaign account for each election campaign of the elector organization, established in accordance with this section, if any of the circumstances described in subsection (2) apply.

(2) The financial agent for the elector organization must open one or more campaign accounts at a savings institution by the earliest of the following:

(a) as soon as practicable after the financial agent receives a campaign contribution of money;

(b) before receiving a transfer of money to the elector organization under section 23 *[campaign transfers between candidates and elector organizations]*;

(c) before becoming liable for payment in relation to an election expense or intended election expense of the elector organization.

(3) A campaign account under this section

(a) must be in the name of the election campaign of the elector organization,

(b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and

(c) must not receive deposits other than those required or permitted under this section.

(4) The financial agent must ensure that

(a) all campaign contributions and transfers received as referred to in subsection (2) (a) or (b) are deposited into a campaign account of the elector organization,

(b) the only amounts deposited into a campaign account of the elector organization are amounts permitted to be deposited under this section,

(c) all payments referred to in subsection (2) (c) are paid, directly or by reimbursement, from a campaign account of the elector organization, and

(d) a campaign account of the elector organization is not used for any purpose other than one permitted under this section.

(5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:

(a) if the elector organization has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;

(b) [Repealed 2017-21-7.]

(c) making a transfer or payment under section 23 *[campaign transfers between candidates and elector organizations]*;

(d) making payments and transfers referred to in and payments under section 30.17 *[transfer of elector organization's surplus campaign funds]*;

(e) making payments required under section 28 *[dealing with prohibited campaign contributions]*;

(f) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the elector organization's campaign;

(f.1) making payments on a permissible loan;

(g) any other purpose permitted by regulation.

(6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the elector organization:

(a) interest on amounts on deposit in the campaign account;

(a.1) a permissible loan;

(b) any other deposits permitted by regulation.

(7) An elector organization or financial agent who contravenes this section commits an offence.

Responsible principal officials of elector organization

21 (1) From the earlier of the appointment of a financial agent and the time of submitting an application for registration until the elector organization has been deregistered in accordance with this Act, an elector organization

(a) must have at least 2 principal officials of the elector organization who have consented to be responsible principal officials of the organization, and

(b) must have one of those responsible principal officials designated as the authorized principal official who is to

(i) make declarations required under this Act or other local elections legislation in relation to the elector organization, and

(ii) retain records as required under section 22.

(2) and (3) [Repealed 2021-5-10.]

(4) For certainty, the individual identified as the authorized principal official of an elector organization in the most recent information and material provided under section 30.07 (2) *[information to be included in application for registration]* or 30.11 (1) *[notice of change in registration information]*, as applicable, has the responsibilities of that position under this Act.

(5) An elector organization that contravenes this section commits an offence.

Recording requirements for candidates and elector organizations

22 (1) The financial agent for a candidate or elector organization must record and maintain records sufficient to allow compliance with the disclosure requirements under this Act.

(1.1) Without limiting subsection (1), the financial agent must record the following in relation to a permissible loan made to the candidate or elector organization, as applicable:

(a) if the loan is made by an eligible individual, the full name and residential address of the eligible individual;

(b) if the loan is made by a savings institution, the name of the savings institution;

(c) the amount of the loan;

(d) the date the loan is made;

(e) the date the loan is due;

(f) the rate of interest, if any, charged for the loan;

(g) if the loan is made by a savings institution, the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed;

(h) any other information prescribed by regulation.

(1.2) Without limiting subsection (1), if the financial agent for an elector organization or a financial agent for a candidate must comply with section 30.05 *[campaign contribution limits — elector organization and endorsed candidates]*, the financial agent must record the following:

(a) the date the financial agent for an elector organization returned a campaign contribution to a contributor under section 30.05 (5) (a), the amount of the campaign contribution and the full name of the contributor;

(b) the date the financial agent for an elector organization paid an amount equal to the value of a campaign contribution to a contributor under section 30.05 (5) (b), the amount paid and the full name of the contributor;

(c) the date the financial agent for an elector organization paid an amount of a permissible loan to a lender under section 30.05 (5) (c), the amount of the permissible loan paid and, if the lender is an eligible individual, the full name of the lender;

(d) the date the financial agent for a candidate returned a campaign contribution to a contributor under section 30.05 (7) (a), the amount of the campaign contribution and the full name of the contributor;

(e) the date the financial agent for a candidate paid an amount equal to the value of a campaign contribution to a contributor under section 30.05 (7) (b), the amount paid and the full name of the contributor;

(f) the date the financial agent for a candidate paid an amount of a permissible loan to a lender under section 30.05 (7) (c), the amount of the permissible loan paid and, if the lender is an eligible individual, the full name of the lender;

(g) any other information prescribed by regulation.

(2) Without limiting subsection (1), the financial agent must record the following:

(a) for each campaign contribution received by the candidate or elector organization, the information required under section 29 *[campaign contribution information that must be recorded]*;

(b) for each transfer between accounts of the candidate or elector organization under section 18 (5) (b) *[transfer between candidate accounts]* or 20 (5) (a) *[transfer between elector organization accounts]*, the accounts involved in the transfer and the amount and date of the transfer;

(c) for each transfer from the candidate or elector organization under section 23 *[campaign transfers between candidates and elector organizations]*, the amount, date and recipient of the transfer;

(d) for each transfer received by the candidate or elector organization under section 23 *[campaign transfers between candidates and elector*

organizations], the amount, date and source of the transfer;

(e) for each provision of property or services under section 13 (6) (a) (ii) *[candidate provision to elector organization]*, received by an elector organization, the candidate providing the property or services, the description of the property or services and the date the property or services are provided;

(f) for each provision of property or services under section 13 (6) (a) (iii) *[elector organization provision to candidate]*, received by a candidate, the elector organization providing the property or services, a description of the property or services and the date the property or services are provided;

(g) any other information required by regulation.

(3) The recording, maintenance and retention of records under this section and related receipts must be done in accordance with any requirements established by regulation.

(4) The records and material required under this section must be retained as follows:

(a) records and material for a candidate must be retained in British Columbia

(i) by the financial agent until all disclosure requirements under this Act in relation to the candidate have been fulfilled, and

(ii) after those disclosure requirements have been fulfilled, by the candidate until 5 years after general voting day for the election to which the records and material relate;

(b) records and material for an elector organization must be retained in British Columbia

(i) by the financial agent until the following disclosure requirements have been fulfilled:

(A) all disclosure requirements under this Act in relation to the applicable elections;

(B) the requirements to file an annual financial report or supplementary report, and

(ii) after those disclosure requirements have been fulfilled, by the authorized principal official of the elector organization until 5 years after the following, as applicable:

(A) general voting day for the election or elections to which the records and material relate;

(B) the compliance deadline for filing the annual financial report or supplementary report to which the records and material relate.

(5) A financial agent, candidate or authorized principal official that contravenes this section commits an offence.

Campaign transfers between candidates and elector organizations

23 (1) A candidate who is endorsed by an elector organization may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.

(2) An elector organization that endorses a candidate may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate.

(3) For certainty, a transfer between a candidate and an endorsing elector organization under subsection (1) or (2) may be made after the end of the campaign period for the election.

(4) If a candidate is seeking endorsement by an elector organization,

(a) the elector organization may provide money to the candidate by way of a transfer from a campaign account of the elector organization to a campaign account of the candidate, and

(b) the candidate may provide money to the elector organization by way of a transfer from a campaign account of the candidate to a campaign account of the elector organization.

(5) If an amount is transferred under subsection (4) (b) and the candidate is not endorsed by the elector organization, an amount equal to the amount transferred must be returned to the candidate from the campaign account of the elector organization.

(6) [Repealed 2017-21-9.]

(7) An elector organization that contravenes subsection (5) commits an offence.

What happens if a candidate has surplus campaign funds

24 (1) This section applies if, after an election, there is a balance remaining in a campaign account of a candidate after

(a) payment of liabilities in relation to the candidate's election expenses and any other reasonable expenses incidental to the candidate's election campaign, and

(b) any transfers under section 23 *[campaign transfers between candidates and elector organizations]*.

(2) If the candidate made one or more campaign contributions of money to the candidate's election campaign, to the extent that the total balance remaining in the campaign accounts of the candidate after payments or transfers referred to in subsection (1) permits this, the financial agent may pay an amount equal to those campaign contributions to the candidate.

(3) If, after any payment under subsection (2), the total balance remaining in the campaign accounts of the candidate is less than $500, the financial agent must pay the balance to the candidate or in accordance with the directions of the candidate.

(4) If, after any payment under subsection (2), the total balance remaining in the campaign accounts of the candidate is $500 or more, the financial agent must pay the balance as soon as practicable to the jurisdiction in relation to which the election was held.

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

(a) if the candidate referred to in that subsection is declared a candidate in an election for that jurisdiction in the next general local election, or in a by-election for the jurisdiction called before that time, the jurisdiction must pay the funds to the financial agent for the candidate for use in the election;

(b) if the funds are not paid out under paragraph (a), the funds cease to be trust funds and become funds of that jurisdiction for use in the discretion of the local authority.

(6) A financial agent who contravenes this section commits an offence.

Repealed

25 [Repealed 2021-5-12.]

Division 3 — Rules in Relation to Campaign Contributions and Election Expenses

Restrictions on making campaign contributions

26 (0.1) An organization or an individual, other than an eligible individual, must not make a campaign contribution.

(1) An eligible individual must not do any of the following:

(a) make a campaign contribution to a candidate or elector organization other than by making it to the financial agent or an individual authorized in writing by the financial agent to receive such contributions;

(b) make an anonymous campaign contribution that has a value of more than $50;

(c) make a number of anonymous campaign contributions to the same candidate in relation to one or more election campaigns of the candidate for elections that are being held at the same time if, in total, the campaign contributions would be equal in value to more than $50;

(d) make a number of anonymous campaign contributions to the same elector organization in relation to one or more election campaigns of

the elector organization for elections that are being held at the same time if, in total, the campaign contributions would be equal in value to more than $50;

(e) make a campaign contribution, other than an anonymous campaign contribution that is permitted under this Act, without disclosing to the individual receiving the campaign contribution the information required to be recorded under section 29 *[campaign contribution information that must be recorded]*;

(f) make a campaign contribution with money, non-monetary property or services of another individual or organization.

(g) [Repealed 2017-21-10.]

(1.1) An eligible individual must not make campaign contributions in a calendar year that, in total, exceed an applicable campaign contribution limit.

(2) An elector organization must not make a campaign contribution of money to its own campaign or to the campaign of a candidate who is or is intended to be endorsed by the elector organization.

(2.01) An individual or organization must not make a campaign contribution indirectly by providing money, non-monetary property or services to an eligible individual

(a) for the eligible individual to make as a campaign contribution, or

(b) as consideration for that eligible individual making a campaign contribution.

(3) An individual or organization that contravenes this section commits an offence.

Restrictions in relation to accepting campaign contributions

27 (1) A candidate or elector organization must not accept campaign contributions except through

(a) the financial agent for the candidate or elector organization, or

(b) an individual authorized in writing by that financial agent.

(1.01) A financial agent or an individual authorized under subsection (1) must not accept

(a) a campaign contribution from an organization or an individual, other than an eligible individual, or

(b) campaign contributions from an eligible individual that exceed an applicable campaign contribution limit.

(2) A financial agent or individual authorized as referred to in subsection (1) must not accept

(a) a campaign contribution for which the information required to be recorded under section 29 *[campaign contribution information that must be recorded]* has not been provided, or

(b) any other campaign contribution that the individual or organization has reason to believe is made in contravention of this Act or the regulations under this Act.

(3) If an individual authorized as referred to in subsection (1) becomes aware that a campaign contribution may have been made in contravention of this Act or the regulations under this Act, the individual must inform the financial agent as soon as practicable.

(4) An individual or organization that contravenes this section commits an offence.

Restrictions on making loans to candidates and elector organizations

27.01 (1) Subject to subsection (2), an individual or organization must not make a loan

(a) to a candidate for campaign use, or

(b) to an elector organization for any use.

(2) An eligible individual or a savings institution may make a permissible loan

(a) to a candidate for campaign use, or

(b) to an elector organization for any use.

(3) As an exception to subsection (2), an eligible individual must not make a permissible loan to a candidate for campaign use or to an elector organization for any use in an amount that would bring the total value of campaign contributions and permissible loans made by the eligible individual to an amount greater than an applicable campaign contribution limit.

(4) For certainty, this section applies whether the permissible loan is made or accepted before or after the start of a campaign period.

(5) An individual or organization that contravenes this section commits an offence.

Restrictions in relation to accepting loans for campaign use

27.02 (1) A candidate must not accept a loan, other than a permissible loan, for campaign use.

(1.1) An elector organization must not accept a loan, other than a permissible loan, for any use.

(2) A candidate must not accept a permissible loan from an eligible individual for campaign use and an elector organization must not accept a permissible loan from an eligible individual for any use if the amount of the loan would bring the total value of campaign contributions and permissible loans made by the eligible individual to an amount greater than an applicable campaign contribution limit.

(3) If a candidate, elector organization or financial agent for a candidate or elector organization becomes aware that the candidate or elector organization, as applicable, has accepted a loan in contravention of subsection (1), (1.1) or (2), the

financial agent must, within 30 days after the candidate, elector organization or financial agent becomes aware of the contravention,

(a) return the loan to the lender, or

(b) pay to the lender an amount equal to the value of the loan.

(4) If subsection (3) applies, the financial agent for the candidate or elector organization must record the following for each loan:

(a) the circumstances in which the loan was accepted;

(b) the information required under section 22 (1.1) *[recording requirements for loans]*;

(c) when and how the loan was dealt with in accordance with subsection (3) of this section;

(d) any other information prescribed by regulation.

(5) For certainty, this section applies whether the loan is made or accepted before or after the start of a campaign period.

(6) A financial agent, candidate or elector organization that contravenes this section commits an offence.

Dealing with prohibited campaign contributions

28 (1) If a financial agent becomes aware that a campaign contribution was made or accepted in contravention of this Act or the regulations under this Act, the financial agent must, within 30 days after the financial agent becomes aware of the contravention,

(a) return the campaign contribution to the contributor, or

(b) pay to the contributor an amount equal to the value of the campaign contribution.

(2) If a financial agent is not able to comply with subsection (1), the financial agent must, as soon as practicable, deal with the campaign contribution as follows:

(a) in the case of a contribution of money, pay to the BC chief electoral officer an amount equal to the value of the contribution;

(b) in any other case, either

(i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or

(ii) deal with the contribution in accordance with the directions of that officer.

(3) An amount to be paid under this section must be paid from a campaign account of the applicable candidate or elector organization, unless all campaign accounts of the candidate or elector organization have been closed.

(4) A financial agent who contravenes this section commits an offence.

Campaign contribution information that must be recorded

29 (1) Subject to subsection (2) and any applicable regulations, the financial agent for a candidate or elector organization must record the following for each campaign contribution made to the candidate or elector organization:

(a) the value of the campaign contribution;

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

(c) unless it is an anonymous campaign contribution, the full name, mailing address and, if it is different, residential address of the contributor;

(d) whether the campaign contribution is an anonymous campaign contribution;

(e) [Repealed 2017-21-13.]

(f) any other information required by regulation.

(2) If section 28 *[dealing with prohibited campaign contributions]* applies in relation to a campaign contribution, the financial agent must maintain records of the following for each such contribution:

(a) the circumstances in which the contribution was received;

(b) to the extent possible, the information required under subsection (1) (a) to (d) of this section;

(b.1) if the contribution was made by an organization, the name of the organization;

(c) when and how the contribution was dealt with in accordance with section 28;

(d) any other information required by regulation.

(3) A financial agent who contravenes this section commits an offence.

How payment in relation to election expenses may be made

30 (1) Subject to any applicable regulations, an individual or organization must not make a payment in relation to an election expense or intended election expense of a candidate or elector organization except as permitted under subsection (2) or (3).

(2) An individual may make a payment referred to in subsection (1) in relation to the election campaign of a candidate if

(a) the payment is either

(i) made out of a campaign account of the candidate, or

(ii) reimbursed from a campaign account of the candidate on the production of receipts, and

(b) the individual making the payment is

(i) the candidate,

(ii) the financial agent for the candidate, or

(iii) an individual authorized in writing by that financial agent.

(3) An individual may make a payment referred to in subsection (1) in relation to the election campaign of an elector organization if

(a) the payment is either

(i) made out of a campaign account of the elector organization, or

(ii) reimbursed from a campaign account of the elector organization on the production of receipts, and

(b) the individual making the payment is

(i) the financial agent for the elector organization, or

(ii) an individual authorized in writing by that financial agent.

(4) An individual or organization that contravenes subsection (1) commits an offence.

Division 4 — Campaign Contribution Limits for 2017 and 2018

Campaign contribution limits for 2017 and 2018

30.01 (1) Subject to any applicable regulations, in relation to the 2018 general local election, for each of 2017 and 2018, the campaign contribution limit is $1 200 for a candidate who is not endorsed by an elector organization in relation to an election campaign of the candidate.

(2) Subject to any applicable regulations, in relation to the 2018 general local election, for each of 2017 and 2018, the campaign contribution limit is $1 200 for any one elector organization and all the candidates endorsed by the elector organization in relation to an election campaign of the elector organization.

Campaign contributions — elector organizations and endorsed candidates

30.02 Section 30.05 *[campaign contributions — elector organizations and endorsed candidates]* applies in relation to an applicable campaign contribution limit for 2017 and 2018.

Division 5 — Campaign Contribution Limits

Application of Division

30.03 As an exception to section 1 *[elections to which this Act applies]*, this Division applies to one or more of the following:

(a) an election prescribed by regulation;

(b) an election prescribed by regulation in an election area prescribed by regulation;

(c) an election prescribed by regulation for all the election areas in the geographic area associated with a jurisdiction prescribed by

regulation.

Campaign contribution limits for 2019 and subsequent years

30.04 (1) In this section, **"base year"** means 2019 or a subsequent calendar year for which a campaign contribution limit is established under subsection (2) or (3).

(2) Subject to any applicable regulations, the campaign contribution limit for a base year is, for a candidate who is not endorsed by an elector organization in relation to an election campaign of the candidate, an amount prescribed by regulation or determined in accordance with the regulations.

(3) Subject to any applicable regulations, the campaign contribution limit for a base year is, for any one elector organization and all the candidates endorsed by the elector organization in relation to an election campaign of the elector organization, an amount prescribed by regulation or determined in accordance with the regulations.

(4) Subject to any applicable regulations, for a calendar year other than a base year, the BC chief electoral officer must establish the campaign contribution limits for that year by

(a) determining the ratio between the consumer price index at January 1 of the base year and the consumer price index at January 1 of the year in which the limit applies, and

(b) applying the ratio to adjust the amount prescribed or determined under subsection (2) and (3) that is to apply for that year.

(5) For the purpose of establishing a campaign contribution limit under subsection (4), the BC chief electoral officer has the discretion to determine

(a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and

(b) which consumer price index is applicable for a particular time.

(6) As soon as practicable after January 1 of each year, the BC chief electoral officer must

(a) have the campaign contribution limits established under subsection (4) published in the Gazette, and

(b) make that information publicly available on an Elections BC authorized internet site.

Campaign contributions — elector organizations and endorsed candidates

30.05 (1) In this section, **"excess campaign contributions"** means

(a) permissible loans made by an eligible individual, and

(b) campaign contributions

that are accepted by an elector organization and the candidates endorsed by the elector organization and that, in total, exceed an applicable campaign contribution limit.

(2) As soon as practicable after an elector organization endorses a candidate in an election, the financial agent for the candidate must provide to the financial agent for the elector organization the following information in relation to the election campaign of the candidate for that election:

(a) the amount and date of each campaign contribution accepted by the candidate;

(b) the full name of the contributor of each campaign contribution accepted by the candidate, unless the contributor is an anonymous contributor;

(c) the amount and date of each permissible loan made by an eligible individual and accepted by the candidate;

(d) the full name of the eligible individual who made the permissible loan;

(e) any other information prescribed by regulation.

(3) As soon as practicable after receiving the information under subsection (2), the financial agent for the elector organization must review the information.

(4) If, after the review under subsection (3) or at any other time after an elector organization endorses a candidate, the financial agent for the elector organization becomes aware that there are excess campaign contributions, the financial agent for the elector organization must comply with subsection (5) and, if applicable, subsection (6).

(5) If there are excess campaign contributions, the financial agent for the elector organization must do one or more of the following:

(a) return to one or more contributors one or more campaign contributions accepted by the elector organization;

(b) pay to one or more contributors an amount equal to the value of one or more campaign contributions accepted by the elector organization;

(c) pay to one or more lenders an amount of one or more permissible loans made to and accepted by the elector organization.

(6) If, after complying with subsection (5), the financial agent for the elector organization determines that there continue to be excess campaign contributions, the financial agent for the elector organization must, as soon as practicable, notify the financial agent for one or more candidates of the excess campaign contributions.

(7) As soon as practicable after receiving a notification under subsection (6), a financial agent for a candidate must do one or more of the following to ensure that there are no excess campaign contributions:

(a) return to one or more contributors one or more campaign contributions accepted by the candidate;

(b) pay to one or more contributors an amount equal to the value of one or more campaign contributions accepted by the candidate;

(c) pay to one or more lenders an amount of one or more permissible loans made to and accepted by the candidate.

(8) A financial agent who contravenes this section commits an offence.

Division 6 — Registration of Elector Organizations

Requirement to register

30.06 (1) An elector organization must be registered in order to do any of the following:

(a) endorse a candidate;

(b) accept a campaign contribution;

(c) enter into a campaign financing arrangement;

(d) incur an election expense.

(2) If the registration of an elector organization is suspended under this Act, during the period of the suspension, the elector organization must not do anything referred to in subsection (1) (a) to (d).

(3) Subject to sections 64 (4.1), 65 (1.1), 68.01 (6) and 68.03 (4) *[contributions accepted for purpose of paying debts]*, an elector organization that is not registered, or an individual acting on behalf of an organization that is not registered, must not do anything that a registered elector organization may do under subsection (1) of this section.

(4) An elector organization that contravenes this section commits an offence.

Application for registration — elector organization

30.07 (1) In order to be registered, an elector organization must

(a) submit to the BC chief electoral officer an application for registration in accordance with this section,

(b) have a membership that, at the time the signed declaration referred to in subsection (4) is made, includes at least 50 electors of a jurisdiction for which an election is to be held,

(c) have a financial agent appointed in accordance with section 19 *[each elector organization must have a financial agent]*,

(d) have a campaign account established in accordance with section 20, and

(e) have at least 2 principal officials who have consented to be responsible principal officials in accordance with section 21.

(2) An application for registration must be signed by the authorized principal official of the elector organization and must include the following:

(a) the legal name of the elector organization, if applicable;

(b) the usual name of the elector organization, if the usual name is different from the legal name, or if the elector organization has no legal name;

(c) any abbreviations, acronyms or other names used by the elector organization to refer to itself;

(d) the name, abbreviation or acronym by which the elector organization proposes to be identified on the ballot;

(e) the name of each jurisdiction for which the elector organization intends to endorse a candidate in an election;

(f) the address of the place or places where records of the elector organization are maintained;

(g) the name, required contact information and address for service of the authorized principal official of the elector organization;

(h) the name, mailing address and address for service of each of the other responsible principal officials of the elector organization;

(i) signed consents of the responsible principal officials to act as responsible principal officials and, as applicable, as the authorized principal official of the elector organization;

(j) a copy of the appointment and consent of the financial agent referred to in section 19;

(k) the names and addresses of the savings institutions at which the elector organization maintains a campaign account;

(l) the names and addresses of the savings institutions at which the elector organization maintains an account other than a campaign account;

(m) a statement of the assets and liabilities of the elector organization as of a date not earlier than 90 days before the date the application is submitted to the BC chief electoral officer;

(n) a signed statement of the financial agent of the elector organization, verifying the accuracy of the statement submitted under paragraph (m);

(o) any other information required by regulation.

(3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

(4) An application for registration must be accompanied by a signed declaration of the authorized principal official of the elector organization that, to the best of the knowledge and belief of the authorized principal official, the following are true:

(a) the applicant has a membership of at least 50 electors of the jurisdiction for which it seeks to endorse a candidate;

(b) the applicant is not prohibited from reregistering as a result of having been deregistered under Division 1 *[Penalties for Failure to Comply with Disclosure Requirements]* of Part 6;

(c) the information provided in the application is complete and accurate;

(d) the individual making the declaration is the authorized principal official of the applicant;

(e) the applicant

(i) understands the requirements and restrictions that apply to the applicant under this Act, and

(ii) intends to fully comply with all of those requirements and restrictions;

(f) the applicant intends to endorse a candidate in an election;

(g) the applicant has authorized the official to make the signed declaration;

(h) any other matter prescribed by regulation.

Prohibitions regarding elector organization names and other identification

30.08 (1) An elector organization must not be registered if any of the forms of identification referred to in section 30.07 (2) (a) to (d)

(a) is likely, in the opinion of the BC chief electoral officer, to be confused with that of another elector organization

(i) that is currently registered in relation to the same jurisdiction,

(ii) that has an earlier application for registration, in relation to the same jurisdiction, pending before the BC chief electoral officer, or

(iii) that was registered in relation to the same jurisdiction at any time during the previous 10 years, or

(b) includes any information that is prohibited by section 115 (3) of the *Local Government Act* from being included on a ballot.

(2) Despite subsection (1), the BC chief electoral officer may register an elector organization in a circumstance where any of the forms of identification referred to in section 30.07 (2) (a) to (d) is the same as or similar to that of another elector organization if both of the following apply:

(a) the other elector organization has been deregistered for at least the previous 4 years;

(b) the name of the other elector organization has not appeared on a ballot at any time in the past 10 years.

(3) For the purposes of this section, an elector organization is registered in relation to a jurisdiction if

(a) in its application for registration under section 30.07, the elector organization names the jurisdiction as a jurisdiction for which the elector organization intends to endorse a candidate in an election, and

(b) the elector organization is registered under section 30.09.

Processing of applications for registration

30.09 (1) The BC chief electoral officer must consider each application for registration that is received and determine whether the applicant elector organization meets the requirements for registration.

(2) Subject to subsection (3), a determination under subsection (1) must be completed within 30 days after the application is received.

(3) If an election is called and an application for registration is received within 30 days of the date on which the nomination period begins, a determination under subsection (1) must be made within 30 days after the general voting day for the election.

(4) If the applicant elector organization meets the requirements for registration, the BC chief electoral officer must

(a) register the elector organization in the register of elector organizations, and

(b) notify the elector organization of the date on which it was registered.

(5) The BC chief electoral officer

(a) may require the authorized principal official to provide any additional information or evidence the BC chief electoral officer considers necessary to make a determination under subsection (1), and

(b) has the discretion to determine whether an elector organization applying for registration is the same as one that was previously registered or a new applicant for registration.

(6) If an applicant elector organization does not meet the requirements for registration, the BC chief electoral officer must notify the elector organization in writing and provide written reasons for rejecting the application.

(7) Subject to subsection (8), an elector organization whose application does not meet the requirements set out in section 30.07 may submit an amended application.

(8) If the requirements set out in section 30.07 are not met within 30 days of the receipt by an applicant of a notification under subsection (6), the BC chief electoral officer must discontinue the consideration of the application under this section.

Register to be open to public

30.10 (1) The BC chief electoral officer must maintain a register of the elector organizations that are registered, suspended or deregistered under this Act.

(2) The register of elector organizations must

(a) be made publicly available on an Elections BC authorized internet site,

(b) be available for public inspection at the office of the BC chief electoral officer during its regular office hours, and

(c) include the name of the financial agent of each elector organization, the required contact information for the financial agent and the information referred to in section 30.07 (2) (a) to (e) and (g).

Change in registration information

30.11 (1) If there is any change to the information referred to in section 30.07 (2) *[information included in application for registration]*, the elector organization must file with the BC chief electoral officer a notice of the change as soon as practicable.

(1.1) If, under section 115 (2) *[use of a shorter name, abbreviation or acronym]* of the *Local Government Act*, a chief election officer identifies an elector organization on a ballot using a name, abbreviation or acronym that is shorter than a name, abbreviation or acronym included in the register of elector organizations, the elector organization must, as soon as practicable, file with the BC chief electoral officer a notice of the chief election officer's use of the shorter name, abbreviation or acronym.

(2) A notice filed under subsection (1) or (1.1) must be in a form approved by the BC chief electoral officer and must be signed by the authorized principal official of the elector organization.

(3) If satisfied that a notice under subsection (1) or (1.1) is authorized by the elector organization for which it is made, the BC chief electoral officer must amend the register of elector organizations to reflect the change referred to in subsection (1) or the use referred to in subsection (1.1).

(4) On request by the BC chief electoral officer, an elector organization must provide any information or evidence that the BC chief electoral officer considers necessary to confirm that any of the following information is correct:

(a) the information in the notice referred to in subsection (1) or (1.1);

(b) the information referred to in section 30.07 (2) currently filed with the BC chief electoral officer.

(5) If the elector organization does not file a notice of a change in accordance with subsection (1) within 60 days after the date of the change, the BC chief electoral officer may suspend the registration of an elector organization, and the suspension continues until the notice is filed in accordance with subsection (1).

(5.1) If the elector organization does not file a notice in accordance with subsection (1.1) within 60 days after the authorized principal official becomes aware of the chief election officer's use of the shorter name, abbreviation or acronym, the BC chief electoral officer may suspend the registration of the elector organization, and the suspension continues until the notice is filed in accordance with subsection (1.1).

(6) An elector organization that contravenes subsection (1), (1.1) or (4) commits an offence.

Change in elector organization name or form of identification

30.12 (1) Subject to subsection (1.1), a registered elector organization must not make a change to a form of identification referred to in section 30.07 (2) (a) to (d) *[forms of identification included in application for registration]*, unless the change has been approved in advance by the BC chief electoral officer.

(1.1) Subsection (1) does not apply in relation to a change made for the purpose of using the name, abbreviation or acronym by which the elector organization is identified on a ballot under section 115 (2) *[use of a shorter name, abbreviation or acronym]* of the *Local Government Act*.

(2) For the purposes of subsection (1), the elector organization must apply to the BC chief electoral officer as provided in section 30.11 (2), and sections 30.08 *[prohibitions regarding elector organization names and other identification]* and 30.09 *[processing of applications for registration]* apply.

(3) An elector organization that contravenes subsection (1) commits an offence.

How elector organization may be deregistered

30.13 An elector organization may be deregistered as follows:

(a) by voluntary deregistration in accordance with section 30.14;

(b) by deregistration in accordance with Division 1 *[Penalties for Failure to Comply with Disclosure Requirements]* or Division 3 *[Expense Limit Penalties]* of Part 6.

Voluntary deregistration

30.14 (1) A registered elector organization may apply to the BC chief electoral officer for deregistration in accordance with this section.

(2) An elector organization may not apply for deregistration under this section if the elector organization is subject to deregistration or suspension because

(a) it has not filed disclosure statements, annual financial reports or supplementary reports in accordance with Part 5 *[Transparency Requirements for Local Elections and Assent Voting]*,

(b) a candidate endorsed by the elector organization has not filed disclosure statements or supplementary reports in accordance with Part 5, or

(c) it has election expenses greater than the amount permitted by Part 5.1 *[Expense Limits]* and has not yet paid an applicable penalty under section 68.02 *[monetary penalties for exceeding expense limits or amount available]*.

(3) An application for deregistration must be in a form approved by the BC chief electoral officer, must be signed by the authorized principal official of the elector organization and must include the following:

(a) the legal name of the elector organization, if applicable;

(b) the name of each jurisdiction for which the elector organization endorsed or intended to endorse a candidate in an election;

(c) the name, required contact information and address for service of the authorized principal official of the elector organization.

(4) If satisfied that an application for deregistration is authorized by the elector organization for which it is made, the BC chief electoral officer must deregister the elector organization.

(5) If an elector organization applying to be deregistered has endorsed a candidate in an election in progress, the BC chief electoral officer must not deregister the elector organization until after general voting day for the election.

Notice of deregistration or suspension

30.15 (1) The BC chief electoral officer must specify and record in the register the effective date of the deregistration or suspension of an elector organization.

(2) The BC chief electoral officer must give notice of a deregistration or suspension, including the effective date and the reasons for the deregistration or suspension, to the deregistered or suspended elector organization.

Disclosure statements required on deregistration

30.16 (1) An elector organization that is deregistered must file the following with the BC chief electoral officer within 6 months of deregistration:

(a) a financial report prepared in accordance with section 45.1 *[annual financial reports]* for the period from the date of the last annual financial report prepared in accordance with that section up to and including the last day the elector organization was registered;

(b) a report of the financial activity of the elector organization between the end of the period referred to in paragraph (a) and the date, as

applicable,

(i) on which the funds of the organization are transferred under section 30.17, or

(ii) on which the organization reports to the BC chief electoral officer that there are no funds to be transferred;

(c) any other information required by regulation.

(2) An elector organization that contravenes this section commits an offence.

Transfer of elector organization's surplus campaign funds

30.17 The financial agent of an elector organization that is deregistered may pay to the elector organization, or in accordance with the directions of the elector organization, the balance remaining in the campaign account of the elector organization after

(a) the payment of the elector organization's election expenses and any other reasonable expenses incidental to the elector organization's election campaign, and

(b) the completion of any transfers in accordance with section 23 (2) *[campaign transfers from elector organization to endorsed candidates]*.

Reregistration

30.18 (1) Unless it is deregistered under section 30.14, an elector organization that has been deregistered may not apply to be reregistered until after the general local election following the effective date of the deregistration.

(2) An elector organization that is deregistered under section 30.14 may apply to be reregistered at any time.

(3) In order to reregister, an elector organization must

(a) submit to the BC chief electoral officer an application for reregistration that complies with the requirements set out under section 30.07 *[application for registration — elector organization]*,

(b) satisfy the BC chief electoral officer that the elector organization is the same elector organization that was previously registered,

(c) fulfill the requirements established under this Act, including, without limitation, filing annual financial reports and disclosure statements and paying monetary penalties, unless the elector organization has been granted relief from the requirements in accordance with section 68, 68.07 or 68.18 *[court relief powers]*, and

(d) file with the BC chief electoral officer a report on the elector organization's financial activities since it was deregistered.

Part 3 — Third Party Advertising

Division 1 — General

Independence requirements for third party sponsors

31 (1) Subject to this section, an individual or organization must not sponsor third party advertising on behalf of or together with a candidate or elector organization in relation to the election campaign of the candidate or elector organization.

(2) A candidate may, as a third party sponsor, sponsor election advertising that is not an election expense of the candidate.

(3) An elector organization may, as a third party sponsor, sponsor election advertising that is not an election expense of the elector organization.

(4) An individual or organization that contravenes this section commits an offence.

Sponsorship contributions generally

32 (1) Subject to this section and any applicable regulations, the following are sponsorship contributions:

(a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to an individual or organization for sponsorship use;

(b) if property or services are provided at less than market value to an individual or organization for sponsorship use, the difference between the market value of the property or services at the time provided and the amount charged;

(c) if

(i) a third party sponsor offers property or services for the purpose of obtaining funds for sponsorship use, and

(ii) the property or services are acquired from the third party sponsor at greater than market value,

the difference between the market value of the property or services at the time acquired and the amount charged;

(d) the unpaid amount of a debt, other than a debt arising from a loan, in relation to the preparation or transmission of third party advertising sponsored by a third party sponsor, if

(i) the third party sponsor is liable for payment in relation to that preparation or transmission,

(ii) any part of that debt remains unpaid for 6 months after the debt has become due, and

(iii) no legal proceedings to recover the debt have been commenced by the creditor;

(e) the provision to a third party sponsor of property or services prescribed by regulation.

(2) For certainty, nothing in subsection (1) (d) affects the rights of a creditor in relation to a debt that becomes a sponsorship contribution under that subsection.

(2.1) If the unpaid amount of a debt referred to in subsection (1) (d) of this section

(a) is payable to an organization or an individual, other than an eligible individual, and

(b) becomes a sponsorship contribution under that subsection,

section 35 *[dealing with prohibited sponsorship contributions]* applies as if the unpaid amount of the debt were a sponsorship contribution made or accepted in contravention of this Act or the regulations under this Act.

(3) Subject to any applicable regulations, the value of the following is not a sponsorship contribution:

(a) property and services that are deemed to have a nil value under section 33 (5) *[advertising expenses deemed to have nil value]*;

(b) any other property or services prescribed by regulation.

Sponsorship contributions through loans

32.01 (1) Subject to any applicable regulations, a permissible loan to a third party sponsor is not a sponsorship contribution, but

(a) the loan must be disclosed in accordance with the requirements under Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 *[Transparency Requirements for Local Elections and Assent Voting]*, and

(b) if the loan is made by an eligible individual, it must be treated as if it were a sponsorship contribution for the purpose of determining whether the eligible individual has complied with section 34 (1.01) *[prohibition against exceeding sponsorship contribution limit]*.

(2) Despite subsection (1), the unpaid amount of a permissible loan made by an eligible individual to a third party sponsor is a sponsorship contribution if

(a) that part of the loan remains unpaid for 6 months after it becomes due and no legal proceedings to recover the loan have been commenced by the eligible individual, or

(b) the eligible individual forgives that part of the loan.

(3) Despite subsection (1), the unpaid amount of a permissible loan made by a savings institution to a third party sponsor is a sponsorship contribution if the savings institution does not make commercially reasonable efforts to collect or enforce the loan.

(4) In the circumstances described in subsection (3), section 35 *[dealing with prohibited sponsorship contributions]* applies as if the unpaid amount of the loan were a sponsorship contribution made or accepted in contravention of this Act or the regulations under this Act.

(5) For certainty, nothing in subsection (2) or (3) affects the rights of a creditor in relation to a permissible loan that becomes a sponsorship contribution under those subsections.

Valuation rules for third party advertising and sponsorship contributions

33 (1) Unless otherwise expressly provided under this Act, the rules in this section apply for the purpose of determining the value of third party advertising or a sponsorship contribution.

(2) The value of any property or services is

(a) the price paid for the property or services, or

(b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.

(3) In the case of property that is a capital asset, the value of the property is the market value of using the property.

(4) Subject to subsection (5), the value of third party advertising is the value of property and services used in preparing the communication and transmitting it to the public.

(5) The value of the following property and services used as referred to in subsection (4) is deemed to be nil:

(a) services provided by an individual, as the third party sponsor or as a volunteer;

(b) any other property or services prescribed by regulation.

(6) The value of shared third party advertising must be attributed to the participating individuals and organizations in accordance with the regulations.

Division 2 — Rules in Relation to Sponsorship Contributions and Sponsored Advertising

Restrictions on making sponsorship contributions

34 (0.1) An organization or an individual, other than an eligible individual, must not make a sponsorship contribution.

(1) An eligible individual must not do any of the following:

(a) make an anonymous sponsorship contribution that has a value of more than $50;

(b) make a number of anonymous sponsorship contributions to the same third party sponsor in relation to one or more elections that are being

held at the same time if, in total, the sponsorship contributions would be equal in value to more than $50;

(c) make a sponsorship contribution, other than an anonymous sponsorship contribution that is permitted under this Act, without disclosing to the third party sponsor receiving the sponsorship contribution the information required to be recorded under section 36 *[records of sponsorship contributions and sponsored advertising]*;

(d) make a sponsorship contribution with money, non-monetary property or services of another individual or organization.

(e) [Repealed 2017-21-17.]

(1.01) An eligible individual must not make, in a calendar year, sponsorship contributions that, in total, exceed the applicable sponsorship contribution limit.

(1.1) An individual or organization must not make a sponsorship contribution indirectly by providing money, non-monetary property or services to an eligible individual

(a) for the eligible individual to make as a sponsorship contribution, or

(b) as consideration for that eligible individual making a sponsorship contribution.

(2) An individual or organization that contravenes this section commits an offence.

Restrictions on making loans for sponsorship use

34.01 (1) Subject to subsection (2), an individual or organization must not make a loan to a third party sponsor for sponsorship use.

(2) An eligible individual or a savings institution may make a permissible loan to a third party sponsor for sponsorship use.

(3) As an exception to subsection (2), an eligible individual must not make a permissible loan to a third party sponsor for sponsorship use in an amount that would bring the total value of sponsorship contributions and permissible loans made by the eligible individual to an amount greater than the applicable sponsorship contribution limit.

(4) For certainty, this section applies whether the permissible loan is made or accepted before or after the start of a campaign period.

(5) An individual or organization that contravenes this section commits an offence.

Restrictions in relation to accepting sponsorship contributions

34.02 (1) A third party sponsor must not accept

(a) a sponsorship contribution from an organization or an individual, other than an eligible individual, or

(b) sponsorship contributions from an eligible individual that exceed the applicable sponsorship contribution limit.

(2) A third party sponsor must not accept

(a) a sponsorship contribution for which the information required to be recorded under section 36 *[records of sponsorship contributions and sponsored advertising]* is not provided, or

(b) any other sponsorship contribution that the sponsor has reason to believe is made in contravention of this Act or the regulations under this Act.

(3) A third party sponsor that contravenes this section commits an offence.

Restrictions in relation to accepting loans for sponsorship use

34.03 (1) A third party sponsor must not accept a loan, other than a permissible loan, for sponsorship use.

(1.1) A third party sponsor must not accept a permissible loan for sponsorship use from an eligible individual if the amount of the loan would bring the total value of sponsorship contributions and permissible loans made by the eligible individual to an amount greater than the applicable sponsorship contribution limit.

(2) If a third party sponsor becomes aware that it has accepted a loan in contravention of subsection (1) or (1.1), the third party sponsor must, within 30 days after becoming aware of the contravention,

(a) return the loan to the lender, or

(b) pay to the lender an amount equal to the value of the loan.

(3) If subsection (2) applies, the third party sponsor must maintain records of the following for each loan:

(a) the circumstances in which the loan was accepted;

(b) the information required under section 36 (2.1) *[records of sponsorship contributions — loans]*;

(c) when and how the loan was dealt with in accordance with subsection (2) of this section;

(d) any other information prescribed by regulation.

(4) For certainty, this section applies whether the loan is made or accepted before or after the start of a campaign period.

(5) A third party sponsor that contravenes this section commits an offence.

Dealing with prohibited sponsorship contributions

35 (1) [Repealed 2017-21-19.]

(2) If a third party sponsor becomes aware that a sponsorship contribution was made or accepted in contravention of this Act or the regulations under this Act,

the third party sponsor must, within 30 days after becoming aware of the contravention,

(a) return the sponsorship contribution to the contributor, or

(b) pay to the contributor an amount equal to the value of the sponsorship contribution.

(3) If a third party sponsor is not able to comply with subsection (2), the third party sponsor must, as soon as practicable, deal with the sponsorship contribution as follows:

(a) in the case of a sponsorship contribution of money, pay to the BC chief electoral officer an amount equal to the value of the sponsorship contribution;

(b) in any other case, either

(i) pay to the BC chief electoral officer an amount equal to the value of the contribution, or

(ii) deal with the contribution in accordance with the directions of that officer.

(4) An individual or organization that contravenes this section commits an offence.

Records of sponsorship contributions and sponsored advertising

36 (1) Subject to subsection (2) and any applicable regulations, for each sponsorship contribution received by a third party sponsor, the individual or organization must maintain records of the following information:

(a) the value of the sponsorship contribution;

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

(c) unless it is an anonymous sponsorship contribution, the full name, mailing address and, if it is different, residential address of the contributor;

(d) whether the sponsorship contribution is an anonymous sponsorship contribution;

(e) [Repealed 2017-21-20.]

(f) any other information required by regulation.

(2) If section 35 *[dealing with prohibited sponsorship contributions]* applies in relation to a sponsorship contribution, the sponsor must maintain records of the following for each such sponsorship contribution:

(a) the circumstances in which the sponsorship contribution was received;

(b) to the extent possible, the information required under subsection (1) (a) to (d) of this section;

(b.1) if the contribution was made by an organization, the name of the organization;

(c) when and how the sponsorship contribution was dealt with in accordance with section 35;

(d) any other information required by regulation.

(2.1) The sponsor must maintain records of the following in relation to a permissible loan made to the sponsor:

(a) if the loan is made by an eligible individual, the full name and residential address of the eligible individual;

(b) if the loan is made by a savings institution, the name of the savings institution;

(c) the amount of the loan;

(d) the date the loan is made;

(e) the date the loan is due;

(f) the rate of interest, if any, charged for the loan;

(g) if the loan is made by a savings institution, the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed;

(h) any other information prescribed by regulation.

(3) A third party sponsor must maintain records and material respecting the sponsored third party advertising that are sufficient to meet the reporting requirements under this Act.

(4) The records and material required under this section must be retained in British Columbia

(a) by the sponsor, in the case of a third party sponsor who is an individual, and

(b) by the authorized principal official, in the case of a third party sponsor that is an organization,

until 5 years after general voting day for the election to which the records and material relate.

(5) The recording, maintenance and retention of records and material under this section and related receipts must be done in accordance with any requirements established by regulation.

(6) An individual or organization that contravenes this section commits an offence.

Division 2.1 — Sponsorship Contribution Limit

Sponsorship contribution limit for 2021

36.01 Subject to any applicable regulations, the sponsorship contribution limit for 2021 is equal to the amount of the campaign contribution limit for that year.

Sponsorship contribution limit for 2022 and subsequent years

36.02 (1) In this section, **"base year"** means 2022 or a subsequent calendar year for which a sponsorship contribution limit is established under subsection (2).

(2) Subject to any applicable regulations, the sponsorship contribution limit for a base year is an amount prescribed by regulation or determined in accordance with the regulations.

(3) Subject to any applicable regulations, for a calendar year other than a base year, the BC chief electoral officer must establish the sponsorship contribution limit for that year by

(a) determining the ratio between the consumer price index at January 1 of the base year and January 1 of the year in which the limit applies, and

(b) applying the ratio to adjust the amount prescribed or determined under subsection (2).

(4) For the purpose of establishing a sponsorship contribution limit under subsection (3), the BC chief electoral officer has the discretion to determine

(a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and

(b) which consumer price index is applicable for a particular time.

Division 3 — Registration of Third Party Sponsors

Prohibition against sponsoring third party advertising if not registered

37 (1) An individual or organization that is not registered under this Division must not sponsor third party advertising.

(2) An individual or organization that contravenes subsection (1) commits an offence.

Application for registration — individual as third party sponsor

38 (1) An individual who wishes to register as a third party sponsor must submit to the BC chief electoral officer an application for registration that complies with the requirements under this Division.

(2) The application for registration must include the following information:

(a) the full name of the applicant and, if this is different, the usual name of the individual;

(b) the name of the sponsor and the mailing address, telephone number or email address that are to be used by the sponsor for the purpose of compliance with section 44 *[advertising must include sponsorship information]*;

(c) the required contact information for the individual;

(d) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the individual;

(e) any other information required by regulation.

(3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

(4) In order to be accepted, an application for registration must be accompanied by a solemn declaration of the applicant that, to the best of the knowledge and belief of the applicant, the following are true:

(a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 31 *[independence requirements for third party sponsors]*;

(b) the applicant is not prohibited under this Act from sponsoring third party advertising;

(c) the information provided in the application is complete and accurate;

(d) the applicant

(i) understands the requirements and restrictions that apply to the applicant under this Act, and

(ii) intends to fully comply with all of those requirements and restrictions;

(e) any other matter prescribed by regulation.

(5) The third party sponsor must, as soon as practicable, provide updated information and material to the BC chief electoral officer in accordance with the requirements under subsections (2) and (3) if there is any change in the information or material that is required to be provided to the BC chief electoral officer under this section.

(6) A third party sponsor that contravenes subsection (5) commits an offence.

Application for registration — organization as third party sponsor

39 (1) An organization that wishes to register as a third party sponsor must submit to the BC chief electoral officer an application for registration that complies with the requirements under this Division.

(2) The application for registration must include the following information:

(a) the full name of the organization and any abbreviations, acronyms and other names used by the organization;

(b) the name of the sponsor and the mailing address, telephone number or email address that are to be used by the sponsor for the purpose of

compliance with section 44 *[advertising must include sponsorship information]*;

(c) a mailing address and telephone number at which the organization can be contacted;

(d) an email address at which the organization can be contacted, unless the organization does not have such an address;

(e) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the organization;

(f) the name, required contact information and address for service of the authorized principal official of the organization;

(g) the name, mailing address and address for service of each of the other responsible principal officials of the organization;

(h) any other information required by regulation.

(3) An application for registration must be in a form approved by the BC chief electoral officer and, as applicable, must be filed in accordance with and comply with any other requirements established by regulation.

(4) In order for an application for registration to be accepted, the organization must provide the following to the BC chief electoral officer:

(a) signed consents of the responsible principal officials to act as responsible principal officials of the organization;

(b) a solemn declaration in accordance with subsection (5) of the authorized principal official of the organization.

(5) For purposes of subsection (4) (b), the authorized principal official of the applicant organization must make a solemn declaration that, to the best of the knowledge and belief of that official, the following are true:

(a) the applicant is, and intends to continue to be, in compliance with the independence requirements of section 31 *[independence requirements for third party sponsors]*;

(b) the applicant is not prohibited under this Act from sponsoring third party advertising;

(c) the information provided in the application is complete and accurate;

(d) the individual making the declaration is the authorized principal official of the applicant;

(e) the applicant

(i) understands the requirements and restrictions that apply to the applicant under this Act, and

(ii) intends to fully comply with all of those requirements and restrictions;

(f) any other matter prescribed by regulation.

(6) The third party sponsor must, as soon as practicable, provide updated information and material to the BC chief electoral officer in accordance with the requirements under subsections (2), (3) and (4) (a) if there is any change in who is the authorized principal official of the organization, in who are the responsible principal officials of the organization or in any other information or material that is required to be provided to the BC chief electoral officer under this section.

(7) A third party sponsor that contravenes subsection (6) commits an offence.

Responsible principal officials of third party sponsor that is an organization

40 (1) From the time of applying for registration until all obligations applicable under this Act to the organization have been fulfilled, a third party sponsor that is an organization

(a) must have at least 2 principal officials of the organization who have consented to be responsible principal officials of the organization, and

(b) must have one of those responsible principal officials designated as the authorized principal official who is to

(i) make declarations required under this Act or other local elections legislation in relation to the organization, and

(ii) retain records and material as required under section 36 *[records of sponsorship contributions and sponsored advertising]*.

(2) An organization that contravenes subsection (1) commits an offence.

Registration by BC chief electoral officer

41 (1) Subject to this section, as soon as practicable after receiving an application in accordance with this Division, the BC chief electoral officer must register the applicant as a third party sponsor and notify the applicant of this registration.

(2) Subsection (1) does not apply if the BC chief electoral officer has reason to believe that any of the following apply:

(a) the applicant is prohibited under this Act from sponsoring third party advertising;

(b) the application for registration does not meet the requirements under this Division;

(c) information in the required solemn declaration is false;

(d) any other circumstances prescribed by regulation apply.

(3) The BC chief electoral officer may refuse to register an applicant under a name that, in the opinion of that officer,

(a) is likely to be confused with a name, abbreviation or acronym of a candidate, elector organization or registered third party sponsor, or

(b) in the case of an application by an organization, is likely to be confused with a name, abbreviation or acronym used by another organization.

(4) If the BC chief electoral officer refuses to register an applicant, that officer must provide the applicant with reasons for the refusal and an opportunity to provide further information for a reconsideration of the decision.

(5) Registration under this Division is effective only for the election or elections in relation to which the application for registration was made.

Division 4 — Third Party Advertising Limits

Third party advertising limits — general local election

41.1 Subject to any applicable regulations, in respect of an election to which this Act applies that is held as part of a general local election,

(a) the third party advertising limit for a third party sponsor during the campaign period for third party advertising that is directed advertising,

(i) in relation to an election area that has a population of less than 15 000, is a prescribed amount, and

(ii) in relation to an election area that has a population of 15 000 or more

(A) for a mayor or councillor,

(B) for an electoral area director,

(C) for a Vancouver Park Board member,

(D) for a local trust area trustee,

(E) for a trustee on a board of education,

(F) for a regional trustee of a francophone education authority, and

(G) prescribed under section 1 (1) (i) *[other elections to which this Act applies]*,

is determined in accordance with the regulations, and

(b) the cumulative third party advertising limit for a third party sponsor during the campaign period for third party advertising that is directed advertising or issue advertising is a prescribed amount.

Limits and adjustments to reflect changes in consumer price index

41.2 (1) In respect of each general local election that is called after January 1, 2019,

(a) the minister responsible for the administration of the enactment under which the election is being held must establish the third party advertising limit under section 41.1 (a) (i) by

(i) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of

the calendar year in which the election will be held, and

(ii) applying the ratio determined under subparagraph (i) of this paragraph to adjust the amount under section 41.1 (a) (i), and

(b) the minister responsible for the administration of the *Local Government Act* must establish the cumulative third party advertising limit by

(i) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the election will be held, and

(ii) applying the ratio determined under subparagraph (i) of this paragraph to adjust the amount under section 41.1 (b).

(2) For the purpose of making an adjustment under this section, the minister responsible has the discretion to determine

(a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and

(b) which consumer price index is applicable for a particular time.

Specific third party advertising limits to be made publicly available in advance of general local election

41.3 (1) By April 30 of the year in which a general local election will be held,

(a) the minister responsible must provide to Elections BC the third party advertising limits established under section 41.1 (a) in relation to each election area for which elections under that minister's responsibility are to be held as part of a general local election, and

(b) the minister responsible for the administration of the *Local Government Act* must provide to Elections BC the cumulative third party advertising limit prescribed under section 41.1 (b).

(2) By May 31 of the year in which a general local election will be held, Elections BC must make the third party advertising limits provided under subsection (1) publicly available on an Elections BC authorized internet site.

Third party advertising limits — by-election

41.4 Subject to any applicable regulations, the third party advertising limits made publicly available under section 41.3 in respect of the most recent general local election in relation to an election area are the third party advertising limits in respect of a by-election for that election area.

Prohibition against third party advertising exceeding third party advertising limits

41.5 (1) Subject to subsection (2), in respect of an election,

(a) a third party sponsor must not sponsor directed advertising such that the total value of the directed advertising sponsored by the third party sponsor for any election is greater than the third party advertising limit established under section 41.1 (a) *[directed advertising limits]* in relation to the election area for which the election is held,

(b) in the case of 2 or more third party sponsors jointly sponsoring advertising, the third party sponsors must not sponsor directed advertising such that the total value of the shared directed advertising sponsored by those third party sponsors for any election is greater than the third party advertising limit established under section 41.1 (a) in relation to the election area for which the election is held,

(c) a third party sponsor must not sponsor third party advertising that is directed advertising or issue advertising such that the total value of the third party advertising sponsored by the third party sponsor is greater than the cumulative third party advertising limit, or

(d) in the case of 2 or more third party sponsors jointly sponsoring advertising, the third party sponsors must not sponsor third party advertising that is directed advertising or issue advertising such that the total value of the shared third party advertising sponsored by those third party sponsors is greater than the cumulative third party advertising limit.

(2) The value of any prescribed class of third party advertising prescribed by regulation as being excluded is not to be included in determining whether a third party sponsor has exceeded the applicable third party advertising limit.

(3) An individual or organization that contravenes this section commits an offence.

Prohibition against attempting to circumvent third party advertising limits

41.6 (1) A third party sponsor must not circumvent or attempt to circumvent, in any manner, the third party advertising limit for the third party sponsor.

(2) An individual or organization that contravenes this section commits an offence.

Attribution of value of directed advertising

41.7 (1) If directed advertising is specifically related to one or more candidates, one or more elector organizations or one or more of both candidates or elector organizations, in 2 or more election areas, the third party sponsor must, in accordance with the regulations, attribute the value of the directed advertising to the third party advertising limit established under section 41.1 (a) *[directed advertising limits]* in relation to each election area for which the election is held.

(2) An individual or organization that contravenes this section commits an offence.

Part 4 — Non-Election Assent Voting Advertising and Other Assent Voting Advertising Rules

Application of third party advertising rules to non-election assent voting advertising

42 (1) Subject to any exceptions provided by this Act and any applicable regulations,

(a) Divisions 1 to 3 of Part 3 *[Third Party Advertising]*, and

(b) any other provisions of this Act or the regulations that apply in relation to those Divisions

apply to non-election assent voting advertising during an assent voting proceedings period as if the assent voting advertising were third party advertising during a campaign period.

(2) For certainty, Part 7 *[Enforcement]* applies in relation to provisions that are made applicable under this Part in relation to non-election assent voting advertising.

Assent voting advertising by local government

43 Part 3 *[Third Party Advertising]* and Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 do not apply to assent voting advertising sponsored by the local government of the jurisdiction for which the assent voting is being held.

Part 5 — Transparency Requirements for Local Elections and Assent Voting

Division 1 — Sponsorship of Election Advertising and Assent Voting Advertising

Advertising must include sponsorship information

44 (1) Subject to any applicable regulations, an individual or organization must not sponsor election advertising or assent voting advertising, or transmit such advertising to the public, unless the advertising

(a) identifies,

(i) in the case of advertising sponsored by a candidate or elector organization as part of the candidate's or elector organization's campaign, the name of the financial agent, or

(ii) in any other case, the name of the sponsor,

(b) indicates that it was authorized by the identified financial agent or sponsor,

(c) gives a telephone number, email address or mailing address at which the financial agent or sponsor may be contacted regarding the advertising,

(d) if applicable, indicates that the sponsor is a registered third party sponsor or assent voting advertising sponsor under this Act, and

(e) meets any other requirements established by regulation.

(2) If information is required to be provided under subsection (1),

(a) any telephone number given must have a British Columbia area code,

(b) any mailing address given must be within British Columbia, and

(c) the sponsor must make available an individual to be responsible for answering questions from individuals who are directed to the telephone number, email address or mailing address.

(3) The information required under subsection (1) must be provided

(a) in English or in a manner that is understandable to readers of English, and

(b) if all or part of the election advertising is in a language other than English, in the other language or in a manner that is understandable to readers of that other language.

(4) For certainty, in the case of advertising that is sponsored in combination by multiple sponsors, the requirements of this section apply in relation to each sponsor.

(5) An individual or organization that contravenes this section commits an offence.

(6) Subsection (5) does not apply to an individual or organization in relation to election advertising referred to in section 7 (3) *[canvassing voters and mailing material if on commercial basis]* unless the individual or organization is the sponsor of the advertising.

(7) The BC chief electoral officer, or a person acting on the direction of the BC chief electoral officer, may require an individual or organization to discontinue any activity referred to in section 7 (3) that does not meet the requirements set out in subsections (1) to (3) of this section.

Restrictions on general voting day advertising

45 (1) An individual or organization must not sponsor or agree to sponsor election advertising or non-election assent voting advertising that is or is to be transmitted to the public on general voting day, whether the transmission is within British Columbia or outside British Columbia.

(2) An individual or organization must not transmit election advertising or non-election assent voting advertising to the public on general voting day.

(3) Subject to section 163 (4) *[prohibition against certain activities within 100 metres of voting proceedings on general voting day]* of the *Local Government Act* and section 125 (4) of the *Vancouver Charter*, subsections (1) and (2) of this section do not apply in respect of any of the following election advertising or non-election assent voting advertising:

(a) communication on the internet, if the communication was transmitted to the public on the internet before general voting day and was not changed before the close of general voting;

(b) communication by means of signs, posters or banners;

(c) communication by the distribution of pamphlets;

(c.1) communication that is transmitted to the public on the internet for the sole purpose of encouraging voters to vote in the election;

(d) any other election advertising or non-election assent voting advertising prescribed by regulation.

(4) An individual or organization that contravenes this section commits an offence.

Division 2 — Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors

Annual financial reports by elector organizations

45.1 (1) The financial agent of a registered elector organization must file, and the responsible principal officials of the registered elector organization must ensure that the financial agent files, with the BC chief electoral officer a financial report of the elector organization respecting the previous calendar year.

(2) Subject to any applicable regulations, an annual financial report under subsection (1) must include information respecting the following, provided in accordance with the regulations:

(a) the election expenses the elector organization incurred during the year;

(b) the campaign contributions the elector organization accepted during the year, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;

(c) any campaign contributions received during the year by the elector organization but returned or otherwise dealt with in accordance with section 28 *[dealing with prohibited campaign contributions]*;

(d) the assets, liabilities and surplus or deficit of the elector organization at the end of the year;

(e) transfers of property and provision of services as referred to in section 13 (6) (a) *[campaign transfers between candidates and elector organizations]*;

(f) the fundraising functions held by or on behalf of the elector organization during the year;

(g) any income received and any expenditures made or incurred by the elector organization during the year, if these are not otherwise

disclosed in the annual financial report;

(h) any loans or guarantees received by the elector organization during the year and any conditions attached to them, including

(i) the date the loan is due, and

(ii) for permissible loans, the information recorded in accordance with section 22 (1.1) *[recording requirements for loans]*;

(i) any permissible loans received before the year for which the annual financial report is made if there is an outstanding balance, indicating for each the information recorded in accordance with section 22 (1.1);

(j) property and services to which section 13 (6) (c) *[other exclusions from campaign contributions that must be disclosed]* applies;

(k) any other matters for which information is required by regulation.

(3) The first annual financial report of a registered elector organization under this section must include the information referred to in subsection (2) for the period from the date of the statement of the assets and liabilities of the organization included in the application for registration to the end of the calendar year for which the report is made.

Time limits for filing annual financial reports — late filing on payment of penalty, compliance deadline

45.2 (1) In order to avoid a late filing penalty fee, the financial agent must, by March 31 in each year, file an annual financial report respecting the previous calendar year.

(2) If an annual financial report is not filed by March 31 in a year, it may be filed within 30 days after that date on payment to the BC chief electoral officer of a late filing penalty fee of $500.

(3) The compliance deadline for filing an annual financial report is the later of

(a) the late filing deadline for the annual financial report, and

(b) if applicable, the last date for filing the annual financial report as established by a court order for relief under section 68 *[court relief powers respecting disclosure requirements]*.

Disclosure statements required for candidates, elector organizations and advertising sponsors

46 (1) A disclosure statement in accordance with this Division must be filed with the BC chief electoral officer as follows:

(a) for each individual who was declared to be a candidate in an election, a candidate disclosure statement respecting the election is required;

(b) for each elector organization that endorsed one or more candidates in relation to one or more elections for a jurisdiction that were held at

the same time, an elector organization disclosure statement respecting those elections is required;

(c) for each individual or organization that sponsored third party advertising or registered under Division 3 *[Registration of Third Party Sponsors]* of Part 3, a third party disclosure statement respecting the activities of the sponsor in relation to the applicable elections is required;

(d) for each individual or organization that sponsored non-election assent voting advertising or registered under Division 3 of Part 3 as it applies in relation to that advertising, an assent voting advertising disclosure statement respecting the activities of the sponsor in relation to the applicable assent voting is required.

(2) For certainty, the following apply in relation to the obligations under subsection (1):

(a) a candidate disclosure statement is required even if the individual has no election expenses, receives no campaign contributions, is acclaimed, withdraws from the election or is declared by a court to no longer be a candidate;

(b) an elector organization disclosure statement is required even if the elector organization has no election expenses, receives no campaign contributions, withdraws its endorsement of a candidate or is declared by a court to not be qualified to endorse a candidate;

(c) a third party disclosure statement is required

(i) even if the individual or organization registered but did not in fact sponsor any third party advertising, and

(ii) if the individual or organization did sponsor third party advertising, even if the individual or organization did not apply to register or did apply but was refused registration;

(d) an assent voting advertising disclosure statement is required

(i) even if the individual or organization registered but did not in fact sponsor any non-election assent voting advertising, and

(ii) if the individual or organization did sponsor non-election assent voting advertising, even if the individual or organization did not apply to register or did apply but was refused registration.

(3) The following apply in relation to what is to be disclosed in a single disclosure statement:

(a) in relation to a candidate referred to in section 4 (2) *[candidate running in multiple elections]*, a separate candidate disclosure statement must be filed in relation to each election in which the individual was a candidate;

(b) in relation to an elector organization referred to in section 5 (2) *[endorsing in multiple jurisdictions]*, a separate elector organization disclosure statement must be filed in relation to each jurisdiction for which the organization endorsed a candidate in an election;

(c) in relation to an individual or organization that sponsored third party advertising in relation to multiple elections being held at the same time, a single disclosure statement must be filed in relation to all those elections;

(d) in relation to an individual or organization that sponsored non-election assent voting advertising in relation to multiple assent voting events being held at the same time, a separate disclosure statement must be filed in relation to each jurisdiction for which the assent voting was held.

Time limits for filing disclosure statements — filing on time, late filing on payment of penalty fee, compliance deadline

47 (1) A disclosure statement must be filed

(a) within 90 days after general voting day for the election or assent voting to which it relates, or

(b) if applicable, within the period established under section 90 *[late filing extensions in extraordinary circumstances]*,

in order to avoid a late filing penalty fee.

(2) If a disclosure statement is not filed within the applicable time period under subsection (1), it may be filed within 120 days after general voting day for the election or assent voting on payment to the BC chief electoral officer of a late filing penalty fee of $500.

(3) For certainty, if separate disclosure statements are required under section 46 (3) *[disclosure statement coverage]*, a late filing penalty fee applies in relation to each disclosure statement.

(4) The compliance deadline for filing a disclosure statement is the later of

(a) the late filing deadline for the disclosure statement, and

(b) if applicable, the last date for filing the disclosure statement as established by a court order for relief under section 68 *[court relief powers respecting disclosure requirements]*.

Notice of failure to file within no-penalty fee period

48 (1) If a disclosure statement is not filed before the end of the time period under section 47 (1) *[time limit for filing disclosure statements without penalty fee]* or an annual financial report is not filed before the date referred to in section 45.2 (1) *[time limit for filing annual financial reports without penalty fee]*, the BC chief electoral officer must, as soon as practicable, give notice as follows:

(a) in relation to a candidate disclosure statement, to the candidate and the financial agent;

(b) in relation to an elector organization disclosure statement or annual financial report, to the following:

(i) the elector organization;

(ii) the financial agent for the elector organization;

(iii) the responsible principal officials of the elector organization;

(iv) the candidates endorsed by the elector organization;

(c) in relation to a third party sponsor or assent voting advertising disclosure statement, to the sponsor and, if the sponsor is an organization, to the responsible principal officials of the organization.

(2) The notice under subsection (1) must include the following information:

(a) that the disclosure statement or annual financial report, as applicable, was not filed within the time for filing without payment of a late filing penalty fee;

(b) the date of the late filing deadline and the late filing penalty fee that must be paid;

(c) the penalties that may apply under this Act for failure to file the disclosure statement or annual financial report, as applicable;

(d) that an application may be made to the Supreme Court for relief under Division 2 *[Court Orders for Relief in Relation to Disclosure Requirements]* of Part 6;

(e) any other information prescribed by regulation.

Candidate disclosure statement — information and other requirements

49 (1) The financial agent for the candidate must file the candidate disclosure statement, and the candidate must ensure that the financial agent files the disclosure statement as required.

(2) Subject to any applicable regulations, a candidate disclosure statement must include information respecting the following, provided in accordance with the regulations:

(a) the individuals who were at any time financial agents of the candidate, the campaign accounts of the candidate, and other matters respecting compliance with Part 2 *[Candidate and Elector Organization Campaign Financing]*;

(b) the election period expenses of the candidate;

(c) the campaign period expenses of the candidate;

(c.1) election expenses of the candidate referred to in section 14 (6) *[election expenses not included in expense limit]*;

(d) campaign contributions received by the candidate, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;

(e) amounts, other than campaign contributions, election period expenses and campaign period expenses, deposited into or paid from a campaign account of the candidate or transferred between campaign accounts of the candidate;

(f) property and services to which section 13 (6) (b) or (c) *[exclusions from campaign contributions that must be disclosed]* applies;

(f.1) the information referred to in section 22 (1.1) *[recording requirements for loans]*;

(f.2) any amount outstanding on a loan;

(g) if section 24 *[what happens if a candidate has surplus campaign funds]* applies, the amount of the balance remaining in the campaign accounts of the candidate and how the surplus has been dealt with;

(h) if applicable, that the candidate was a third party sponsor during the campaign period for the election;

(i) if applicable, other matters for which information is required by regulation.

(3) In addition to the requirements under subsection (2), a disclosure statement must include the following, provided in accordance with the regulations:

(a) for a candidate who was endorsed by an elector organization,

(i) a copy of the campaign financing arrangement between the candidate and the elector organization, and of any amendments to the campaign financing arrangement, regardless of whether the campaign financing arrangement was terminated by the candidate or the elector organization,

(ii) if the campaign financing arrangement was terminated, a copy of the documentation evidencing the termination, and

(iii) information respecting the following:

(A) transfers of property and provision of services as referred to in section 13 (6) (a) *[campaign transfers between candidates and elector organizations]*;

(B) any other matters for which information is required by regulation;

(b) for a candidate who sought endorsement from an elector organization but was not endorsed, information respecting the following:

(i) transfers of property and provision of services as referred to in section 13 (6) (a);

(ii) any other matters for which information is required by regulation.

Elector organization disclosure statement — information and other requirements

50 (1) The financial agent for the elector organization must file the elector organization disclosure statement, and the responsible principal officials of the elector organization must ensure that the financial agent files the disclosure statement as required.

(2) Subject to any applicable regulations, an elector organization disclosure statement must include information respecting the following, provided in accordance with the regulations:

(a) the candidates endorsed by the elector organization;

(b) the individuals who were at any time financial agents of the elector organization, the campaign accounts of the elector organization, and other matters respecting compliance with Part 2 *[Candidate and Elector Organization Campaign Financing]*;

(c) the election period expenses of the elector organization;

(d) the campaign period expenses of the elector organization;

(d.1) election expenses of the elector organization referred to in section 14 (6) *[election expenses not included in expense limit]*;

(d.2) for each candidate endorsed by the elector organization, the campaign period expenses of the elector organization that are attributable to the candidate's expense limit;

(e) campaign contributions received by the elector organization, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;

(e.1) the information referred to in section 22 (1.1);

(e.2) any amount outstanding on a loan;

(f) [Repealed 2017-21-22.]

(g) amounts, other than campaign contributions, election period expenses and campaign period expenses, deposited into or paid from a campaign account of the elector organization or transferred between campaign accounts of the elector organization;

(h) transfers of property and provision of services as referred to in section 13 (6) (a) *[campaign transfers between candidates and elector organizations]*;

(i) property and services to which section 13 (6) (c) *[other exclusions from campaign contributions that must be disclosed]* applies;

(j) the amount of any balance remaining in the campaign accounts of the elector organization before any surplus was dealt with;

(k) if applicable, that the elector organization was a third party sponsor during the campaign period for the election or elections to which the elector organization disclosure statement relates;

(l) any other matters for which information is required by regulation.

Third party disclosure statement — information and other requirements

51 (1) The third party sponsor must file the third party disclosure statement and, if the sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.

(2) Subject to subsection (3) and any applicable regulations, the disclosure statement for the sponsor must include information respecting the following, provided in accordance with the regulations:

(a) the sponsored third party advertising;

(b) the sponsor's own funds used in relation to sponsoring that advertising;

(c) the sponsorship contributions received by the sponsor, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;

(c.1) the information referred to in section 36 (2.1) *[records of sponsorship contributions — loans]*;

(c.2) any amount outstanding on a loan;

(d) any other matters for which information is required by regulation.

(3) If the total value of third party advertising sponsored by an individual or organization in relation to elections being held at the same time is less than $500, the disclosure statement for the sponsor must include information respecting the advertising as required by regulation.

(4) If an individual or organization sponsored directed third party advertising in relation to elections for multiple election areas being held at the same time, the statement must separately disclose that advertising in relation to each election area to which the directed advertising was specifically related.

(5) [Repealed 2016-9-16.]

Non-election assent voting advertising disclosure statement — information and other requirements

52 (1) The assent voting advertising sponsor must file the assent voting advertising disclosure statement and, if the sponsor is an organization, the responsible principal officials of the organization must ensure that the disclosure statement is filed as required.

(2) Subject to subsection (3) and any applicable regulations, the disclosure statement for the sponsor must include information respecting the following, provided in accordance with the regulations:

(a) the sponsored non-election assent voting advertising;

(b) the sponsor's own funds used in relation to sponsoring that advertising;

(c) the sponsorship contributions received by the sponsor, including information respecting identification of significant contributors and the residential address of each significant contributor but not the mailing address, if different;

(c.1) the information referred to in section 36 (2.1);

(c.2) any amount outstanding on a loan;

(d) any other matters for which information is required by regulation.

(3) If, in relation to all assent voting covered by the disclosure statement, the total value of non-election assent voting advertising sponsored by an individual or organization is less than $500, the disclosure statement for the sponsor must include information respecting that advertising as required by regulation.

(4) [Repealed 2016-9-17.]

Other requirements in relation to disclosure statements and annual financial reports

53 In addition to all other requirements established by this Division, a disclosure statement or annual financial report must be in a form approved by the BC chief electoral officer and, as applicable, must

(a) be filed in accordance with the regulations,

(b) comply with any other requirements established by regulation, and

(c) be accompanied by any other information or material required by regulation.

Requirement for supplementary report

54 (1) A supplementary report in accordance with this Division must be filed with the BC chief electoral officer as follows:

(a) in the case of a supplementary report in relation to a disclosure statement, if advice referred to in paragraph (c) has not been given, 30 days after an individual who is responsible for filing the disclosure statement, or for ensuring that the disclosure statement is filed, becomes aware

(i) that any of the required information disclosed in the disclosure statement, or in a previous supplementary report in relation to that disclosure statement, has changed, or

(ii) that the disclosure statement or a previous supplementary report did not completely and accurately disclose the information required to be included;

(b) in the case of a supplementary report in relation to an annual financial report, if advice referred to in paragraph (c) has not been given, 30 days after an individual who is responsible for filing the annual financial report, or for ensuring that the annual financial report is filed, becomes aware

(i) that any of the required information disclosed in the annual financial report, or in a previous supplementary report in relation to that annual financial report, has changed, or

(ii) that the annual financial report did not completely and accurately disclose the information required to be included;

(c) if the BC chief electoral officer advises an individual referred to in paragraph (a) or (b) of concerns that circumstances referred to in paragraph (a) or (b), as applicable, may apply and subsequently gives written notice to the individual or organization that a supplementary report is required, 30 days after that written notice is given.

(2) Notice of the requirement for a supplementary report must be given as follows:

(a) in the case of a requirement under subsection (1) (a) or (b), the individual who becomes aware of that requirement must notify the other individuals to whom that subsection applies;

(b) if written notice is given under subsection (1) (c), the BC chief electoral officer must also notify

(i) the other individuals to whom that subsection applies,

(ii) in the case of a supplementary report in relation to a candidate, the designated local authority officer, and

(iii) in the case of a supplementary report in relation to an elector organization, the designated local authority officer and the candidates endorsed by the elector organization.

(3) A supplementary report must include the following:

(a) a report of the changed, added or corrected information, as applicable;

(b) a statement of the circumstances that have led to the filing of the supplementary report;

(c) any other information or material required by regulation.

(4) A supplementary report must be in a form approved by the BC chief electoral officer and, as applicable, must

(a) be filed in accordance with the regulations,

(b) comply with any other requirements established by regulation, and

(c) be accompanied by any other information or material required by regulation.

(5) Responsibilities in relation to filing a supplementary report under this section are the same as for the applicable disclosure statement or annual financial report and, for these purposes, the following apply:

(a) section 45.1 (1) *[elector organization annual disclosure responsibilities]*;

(b) section 49 (1) *[candidate disclosure responsibilities]*;

(c) section 50 (1) *[elector organization disclosure statement]*;

(d) section 51 (1) *[third party disclosure responsibilities]*;

(e) section 52 (1) *[non-election assent voting advertising sponsor disclosure responsibilities]*.

(6) The compliance deadline for filing a supplementary report is the later of

(a) the end of the applicable 30-day period established under subsection (1) (a), (b) or (c), and

(b) if applicable, the last date for filing the supplementary report as established by a court order for relief under section 68 *[court relief powers respecting disclosure requirements]*.

(7) For certainty, if an elector organization, third party sponsor or assent voting advertising sponsor, as applicable, is subject to a prohibition under any of the following provisions, and accepts a campaign contribution or sponsorship contribution for the sole purpose of paying debts as described in those provisions, that acceptance is a change in required information for the purpose of subsection (1) of this section:

(a) section 64 (3) (b);

(b) section 64 (4) (b);

(c) section 65 (1) (c) (ii);

(d) section 65 (1) (d) (ii);

(e) section 68.01 (5) (b);

(f) section 68.03 (3) (b);

(g) section 68.09 (3) (b).

Required declarations

55 (1) Subject to subsection (3), a disclosure statement, annual financial report or supplementary report must include a signed declaration of each of the individuals referred to in subsection (2), that, to the best of the knowledge and belief of the individual making the declaration, the statement or report, as applicable, completely and accurately discloses the information required under this Act.

(2) As applicable, declarations of the following individuals are required for the purposes of subsection (1):

(a) in the case of a disclosure statement or supplementary report in relation to a candidate, declarations of the candidate and the financial agent for the candidate are required;

(b) in the case of a disclosure statement, annual financial report or supplementary report in relation to an elector organization, declarations of the financial agent and the authorized principal official for the elector organization are required;

(c) in the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor who is an individual, a declaration of the individual is required;

(d) in the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor that is an organization, a declaration of the authorized principal official for the organization is required.

(3) If an application has been commenced under section 66 *[application for relief in relation to disclosure requirements]*, in relation to the disclosure statement, annual financial report or supplementary report, a declaration under subsection (1) may be modified to indicate the deficiencies in the report for which relief is being sought in the application.

Disclosure requirements are subject to court orders for relief

56 The disclosure requirements in relation to a disclosure statement, annual financial report or supplementary report are subject to any applicable court order for relief under Division 2 *[Court Orders for Relief in Relation to Disclosure Requirements]* of Part 6.

Offence for failure to file by compliance deadline

57 (1) This section applies if a required disclosure statement, annual financial report or supplementary report in accordance with this Division is not filed by the compliance deadline.

(2) In the case of a disclosure statement or supplementary report in relation to a candidate, the candidate commits an offence and the financial agent for the candidate commits an offence.

(3) In the case of a disclosure statement, annual financial report or supplementary report in relation to an elector organization, the elector organization commits an offence and the financial agent for the elector organization commits an offence.

(4) In the case of a disclosure statement or supplementary report in relation to a third party sponsor or assent voting advertising sponsor, the sponsor commits an offence.

Division 3 — Public Access to Information

Public access to disclosure information — Elections BC responsibilities

58 (0.1) Subject to this Part and any applicable regulations, until at least 5 years after the compliance deadline for an annual financial report, the BC chief electoral officer must

(a) make the information in the annual financial report and in any supplementary report in relation to the annual financial report, other than a mailing address or residential address of a significant contributor, publicly available on an Elections BC authorized internet site, and

(b) have a copy of the annual financial report and any supplementary report, other than a mailing address or residential address of a significant contributor, available for public inspection at the Elections BC office during its regular office hours.

(1) Subject to this Part and any applicable regulations, until at least 5 years after general voting day for the election or assent voting to which a disclosure statement or supplementary report relates, the BC chief electoral officer must

(a) make publicly available on an Elections BC authorized internet site the information in the statement or report, other than

(i) a mailing address or residential address of a significant contributor, or

(ii) a telephone number, mailing address or residential address of a candidate, and

(b) have available for public inspection at the Elections BC office during its regular office hours a copy of the statement or report in which the following must be obscured or deleted:

(i) a mailing address or residential address of a significant contributor;

(ii) a telephone number, mailing address or residential address of a candidate.

(2) Information must be made available under subsections (0.1) and (1) as follows:

(a) in the case of information in a disclosure statement or annual financial report that is filed before the end of the period for filing without payment of a late filing penalty fee, as soon as practicable after the end of that period;

(b) in any other case, as soon as practicable after the BC chief electoral officer receives the disclosure statement or supplementary report.

(3) If a disclosure statement, annual financial report or supplementary report includes personal information of an individual that is not required under this Act to be included, the BC chief electoral officer

(a) is authorized to collect that information,

(b) may make, but is not required to make, the information available under subsection (1), and

(c) for purposes of subsection (1) (b), may obscure or delete the information or provide for inspection a copy of the statement or report that does not include that information.

(4) Subject to section 63 *[restrictions on use of personal information]*, on request and on payment of the reasonable costs of preparation or reproduction, a member of the public may obtain from the BC chief electoral officer

(a) a record of the information made available under subsection (0.1) (a) or (1) (a), or

(b) a copy of a record available for inspection under subsection (0.1) (b) or (1) (b).

(5) If an individual wishes to access, inspect or obtain a copy or other record under this section, the BC chief electoral officer may, before providing this service, require the individual to

(a) satisfy the officer that any purpose for which personal information is to be used is permitted by section 63, and

(b) provide a signed statement that

(i) the individual, and

(ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record

will not use personal information included in the copy or other record except for a purpose permitted under this Act.

Public access to disclosure information — local authority responsibilities

59 (1) Subject to this Part, the local authority for a jurisdiction must make at least one of the following available to the public without charge at the local authority offices during its regular office hours:

(a) internet access to information that is related to the jurisdiction and is required to be publicly available under section 58 (1) (a) *[public access to disclosure information — Elections BC responsibilities]*;

(b) a copy of that information available for public inspection.

(2) Subject to subsection (3), the local authority for a jurisdiction must, on request, provide a copy or other record of information referred to in subsection (1).

(3) A local authority may, by bylaw, impose a fee for providing a copy or other record under subsection (2).

(4) If a bylaw under subsection (3) applies, the local authority must make available to the public, on request, a report respecting how the fee was determined.

(5) If an individual wishes to access, inspect or obtain a copy or other record of information under this section, a local authority official of the jurisdiction may, before providing this service, require the individual to

(a) satisfy the official that any purpose for which personal information is to be used is permitted by section 63 *[restrictions on use of personal information]*, and

(b) provide a signed statement that

(i) the individual, and

(ii) if applicable, any individual or organization on whose behalf the first individual is accessing, inspecting or obtaining the copy or other record

will not use personal information included in the copy or other record except for a purpose permitted under this Act.

Disqualification lists to be maintained

60 (1) The BC chief electoral officer must make the following disqualification lists publicly available on an Elections BC authorized internet site:

(a) in relation to candidate disqualification, the list must include

(i) the individuals who are subject to disqualification penalties under the following sections:

(A) section 64 (2) (b) *[candidate penalties for failure to disclose]*;

(B) section 65 (1) (b) *[candidate conviction for false or misleading disclosure]*;

(C) section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information]*;

(D) section 68.03 (1) *[unpaid monetary penalties — candidate]*, and

(ii) the jurisdiction to which the disqualification relates;

(b) [Repealed 2021-5-35.]

(c) in relation to third party sponsor or assent voting advertising sponsor disqualification, the list must include the individuals and organizations that are subject to disqualification penalties under the following sections:

(i) section 64 (4) *[third party sponsor or assent voting advertising sponsor failure to disclose]*;

(ii) section 65 (1) (d) *[third party sponsor or assent voting advertising sponsor conviction for false or misleading disclosure]*;

(iii) section 68.09 (3) *[third party sponsor penalties for exceeding third party advertising limit]*.

(2) The disqualification lists under subsection (1) must be available for public inspection at the Elections BC office during its regular office hours.

Reports to local authority respecting non-compliance

61 (1) The BC chief electoral officer must, as soon as practicable, notify the designated local authority officer of a jurisdiction respecting the following in relation to an election or assent voting for the jurisdiction:

(a) any notices given under section 48 *[notice of failure to file within no-penalty fee period]* in relation to a disclosure statement for a candidate or elector organization;

(b) any individuals who become subject to disqualification penalties referred to in section 60 (1) (a) *[disqualification lists — candidate disqualification]*.

(2) As soon as practicable after being notified under subsection (1), the designated local authority officer must prepare a report respecting the notice, and the report must be presented at an open meeting of the local authority.

Reports to local election officer respecting deregistration or suspension of elector organization

61.1 If an elector organization is deregistered or suspended under any of the following provisions, the BC chief electoral officer must, as soon as practicable, report the deregistration or suspension to the local election officer for each jurisdiction for which the elector organization has endorsed a candidate in an election or has proposed to endorse a candidate in an election:

(a) section 30.14 *[voluntary deregistration]*;

(b) section 64 (3) (a) *[elector organization penalties for failure to file reports]*;

(c) section 64 (5.2) (a) *[suspension of elector organization pending decision of court]*;

(d) section 68.01 (5) (a) *[elector organization penalties for exceeding expense limits or amount available]*;

(e) section 68.01 (7.1) (b) (i) *[suspension of elector organization pending decision of court]*.

Other information to be publicly available

62 (1) The BC chief electoral officer must, as soon as practicable, make the following publicly available:

(a) in relation to the financial agent for a candidate,

(i) if the financial agent is appointed under section 17 *[each candidate must have a financial agent]*, the financial agent's name

and address for service, as provided under section 17 (4) (d) or, if applicable, under section 17 (6), or

(ii) if the candidate is the financial agent, the candidate's name and address for service, as provided under section 92 (1) (e) *[provision of information between Elections BC and local authorities]* or, if applicable, under section 92 (3);

(b) [Repealed 2021-5-38.]

(c) in relation to a registered third party sponsor or assent voting advertising sponsor,

(i) the full name of the sponsor,

(ii) the information that is to be included under section 38 (2) (b) *[sponsor information to be provided in advertising by individual]* or 39 (2) (b) *[sponsor information to be provided in advertising by organization]*, as applicable, and

(iii) in the case of a sponsor that is an organization, the name of the authorized principal official of the organization as provided under section 40 *[responsible principal officials of sponsor that is an organization]*.

(2) The BC chief electoral officer must keep information referred to in subsection (1) publicly available through the campaign period or assent voting proceedings period, as applicable, for the election or assent voting to which the information relates and may then continue to make the information publicly available for the period that officer considers appropriate.

(3) For purposes of this section, the BC chief electoral officer

(a) must have the information referred to in subsection (1) available for public inspection at the Elections BC office during its regular office hours, and

(b) may make the information otherwise publicly available, including by making it available on an Elections BC authorized internet site.

Restrictions on use of personal information

63 (1) Where this Act requires or authorizes the disclosure, public inspection or other use of or access to records containing personal information, the personal information may be used only as follows:

(a) for purposes of this Act or other local elections legislation;

(b) for purposes of

(i) Division 6 *[Conflict of Interest]* or 7 *[Challenge of Council Member Qualification for Office]* of Part 4 of the *Community Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than municipal councils,

(ii) sections 142.1 to 142.3 and 145.2 to 145.92 of the *Vancouver Charter*, including, for certainty, for purposes of those provisions as they apply to local authorities other than the Council of the City of Vancouver,

(iii) Part 5 *[Conflict of Interest]* of the *School Act*, or

(iv) a conflict of interest provision of another enactment as prescribed by regulation;

(c) for purposes authorized by the *Freedom of Information and Protection of Privacy Act*.

(2) An individual or organization that uses personal information from records referred to in subsection (1), other than as permitted under that subsection, commits an offence.

(3) To the extent of any inconsistency or conflict with the *Freedom of Information and Protection of Privacy Act*, this Act applies despite that Act.

Part 5.1 — Expense Limits

Division 1 — Establishment of Expense Limits for Elections

Expense limits — general local election

63.01 (1) Subject to any applicable regulations, in respect of an election for mayor to which this Act applies that is held as part of a general local election, the expense limit for a candidate during the campaign period,

(a) for an election area that has a population of less than 10 000, is a prescribed amount, and

(b) for an election area that has a population of 10 000 or more, is an amount determined in accordance with the regulations using an incremental adjustment based on the population of the election area for which the election is being held.

(2) Subject to any applicable regulations, in respect of an election to which this Act applies that is described in subsection (3) and is held as part of a general local election, the expense limit for a candidate during the campaign period,

(a) for an election area that has a population of less than 10 000, is a prescribed amount, and

(b) for an election area that has a population of 10 000 or more, is an amount determined in accordance with the regulations using an incremental adjustment based on the population of the election area for which the election is being held.

(3) For the purposes of subsection (2), the elections are as follows:

(a) an election for a councillor;

(b) an election for an electoral area director;

(c) an election for a Vancouver Park Board member;

(d) an election for a local trust area trustee;

(e) an election for a trustee on a board of education;

(f) an election prescribed under section 1 (1) (i) *[other elections to which this Act applies]*.

(4) Subject to any applicable regulations, in respect of an election for a regional trustee of a francophone education authority to which this Act applies that is held as part of a general local election, the expense limit for a candidate during the campaign period is a prescribed amount.

Limits and adjustments to reflect changes in consumer price index

63.02 (1) In respect of each general local election that is called after January 1, 2019, the minister responsible in respect of elections under that minister's responsibility must establish the applicable expense limits for the election by

(a) determining the ratio between the consumer price index at January 1, 2019 and the consumer price index at January 1 of the calendar year in which the general local election will be held, and

(b) applying the ratio determined under paragraph (a) of this subsection to adjust the amounts under section 63.01.

(2) For the purpose of making an adjustment under this section, the minister responsible has the discretion to determine

(a) whether to use a consumer price index prepared by the director under the *Statistics Act* (British Columbia) or a consumer price index published by Statistics Canada under the *Statistics Act* (Canada), and

(b) which consumer price index is applicable for a particular time.

Specific expense limits to be made publicly available in advance of general local election

63.03 (1) By April 30 of the year in which a general local election will be held, the minister responsible must provide to Elections BC the expense limits established under section 63.01 in relation to each election area for which elections under that minister's responsibility are to be held as part of the general local election.

(2) By May 31 of the year in which a general local election will be held, Elections BC must make the information provided under subsection (1) publicly available on an Elections BC authorized internet site.

Expense limits — by-election

63.04 Subject to any applicable regulations, the expense limits made publicly available under section 63.03 in respect of the most recent general local election in relation to an election area are the expense limits in respect of a by-election for that election area.

Division 2 — General Restrictions in Relation to Expense Limits

Prohibition against exceeding expense limits

63.05 (1) The campaign period expenses of an unendorsed candidate must not exceed the expense limit for the candidate.

(2) In relation to a candidate endorsed by an elector organization, the total of the following must not exceed the expense limit for the candidate:

(a) the campaign period expenses of the candidate;

(b) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate.

(3) An unendorsed candidate for whom the campaign period expenses exceed the expense limit as referred to in subsection (1) commits an offence.

(4) A candidate endorsed by an elector organization commits an offence

(a) if the total of the expenses in subsection (2) (a) and (b) exceeds the expense limit for the candidate, and

(b) if the campaign period expenses exceed the amount available to the candidate under the final campaign financing arrangement with the elector organization.

(5) An elector organization commits an offence

(a) if the total of the expenses in subsection (2) (a) and (b) exceeds the expense limit for the candidate endorsed by the elector organization, and

(b) if the campaign period expenses exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

Prohibition against incurring campaign period expenses if expense limits will be exceeded

63.06 (1) This section applies to the following individuals permitted under section 30 *[how payment in relation to election expenses may be made]* to incur liability for payment in relation to campaign period expenses of a candidate or an elector organization, as applicable:

(a) subject to subsection (2) of this section, the financial agent for the candidate;

(b) an individual authorized in writing by the financial agent for the candidate or by the candidate if the candidate is the candidate's own financial agent;

(c) the financial agent for the electoral organization;

(d) an individual authorized in writing by the financial agent for the elector organization.

(2) Subsection (1) (a) does not include a candidate who is the candidate's own financial agent.

(3) An individual referred to in subsection (1) must not incur liability in relation to the campaign period expenses of the candidate or elector organization, as applicable, if this would result in the campaign period expenses exceeding the expense limit for the candidate.

(4) An individual who contravenes this section commits an offence.

Division 3 — Campaign Financing Arrangements between Candidates and Elector Organizations

Written campaign financing arrangement required

63.07 (1) An elector organization and a candidate who is to be endorsed by the elector organization must enter into a written campaign financing arrangement that apportions the expense limit for the candidate by establishing

(a) the amount that is available for use by the candidate during the campaign period in the election campaign of the candidate, and

(b) the amount that is available for use by the elector organization during the campaign period in the election campaign of the endorsing elector organization.

(2) For certainty, a campaign financing arrangement may apportion the entire expense limit for a candidate to the election campaign of the candidate or to the election campaign of the elector organization.

(3) A campaign financing arrangement must

(a) include an acknowledgement that the candidate is aware of the disclosure requirements set out in section 49 (3) *[required information in candidate disclosure statement]*,

(b) include an acknowledgement that the candidate is aware of the penalties under section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information]*,

(c) include a requirement that the elector organization notify the candidate as soon as practicable when the elector organization becomes aware that it has exceeded or will exceed the amount available under the campaign financing arrangement,

(d) include a requirement that the candidate notify the elector organization as soon as practicable when the candidate becomes aware that the candidate has exceeded or will exceed the amount available under the campaign financing arrangement, and

(e) address any other matters prescribed by regulation.

(4) The campaign financing arrangement must be dated and be signed

(a) by the candidate,

(b) if the candidate has a financial agent, by the financial agent for the candidate, and

(c) by the financial agent for the elector organization.

(5) A candidate and an elector organization must not enter into a campaign financing arrangement after the campaign period begins.

(6) An elector organization must not, at any one time, be a party to more campaign financing arrangements in an election for a particular class of office than there are positions to be filled for that class of office.

(7) A candidate or an elector organization that contravenes this section commits an offence.

Attribution of elector organization expenses to candidate expense limits

63.08 (1) If an elector organization endorses only one candidate, the campaign period expenses of the elector organization must be

(a) attributed to the expense limit for that candidate, and

(b) applied against the amount available to the elector organization under the campaign financing arrangement with the candidate.

(2) If an elector organization endorses more than one candidate, the campaign period expenses of the elector organization must be

(a) attributed to those candidates in accordance with the regulations, and

(b) applied against the applicable amounts available to the elector organization under the campaign financing arrangements with the candidates.

(3) For certainty, this section applies regardless of the campaign financing arrangement between an elector organization and a candidate.

Prohibition against incurring campaign period expenses unless campaign financing arrangement is in place

63.09 An elector organization must not incur a campaign period expense unless the elector organization has entered into, with each candidate that the elector organization endorses or intends to endorse, a campaign financing arrangement that provides an amount available for use during the campaign period in the election campaign of the elector organization.

Amendment to and termination of campaign financing arrangement

63.10 (1) Subject to this section and any applicable regulations, a campaign financing arrangement, including the apportionment referred to in section 63.07 *[written campaign financing arrangement required]*, may be changed by written amendment.

(2) An amendment to a campaign financing arrangement is not effective unless the amendment is dated and is signed

(a) by the candidate,

(b) if the candidate has a financial agent, by the financial agent for the candidate, and

(c) by the financial agent for the elector organization.

(3) In the case of an amendment respecting the apportionment referred to in section 63.07, the amendment

(a) may be made at any time on or before general voting day, and

(b) may cover campaign period expenses that were incurred before the amendment became effective.

(4) A campaign financing arrangement may be terminated in accordance with the regulations, by the candidate or the elector organization, before, but not after, the start of the campaign period for the election.

Effect of endorsement relationship ending

63.11 (1) This section applies in relation to a candidate and an elector organization if any of the following circumstances apply:

(a) the candidate withdraws from the election under section 101 (2) *[withdrawal, death or incapacity of candidate]* of the *Local Government Act* or section 52 (2) *[withdrawal, death or incapacity of candidate]* of the *Vancouver Charter*;

(b) the local election officer notifies the minister responsible under section 101 (4) of the *Local Government Act* or section 52 (4) of the *Vancouver Charter* that the candidate is incapacitated to an extent that will prevent the candidate from holding office;

(c) the candidate dies before the close of general voting;

(d) any other circumstances prescribed by regulation.

(2) The effect of the circumstances described in subsection (1) in relation to the campaign period expenses of the candidate and the campaign period expenses of the elector organization, and the application of this Act to those expenses, are those prescribed by regulation.

Part 6 — Penalties and Court Orders for Relief

Division 1 — Penalties for Failure to Comply with Disclosure Requirements

Penalties for failure to disclose

64 (1) Subject to a court order for relief under section 68 (1) (c) *[relief from obligation to file]*, the penalties under this section apply to a candidate, elector organization,

third party sponsor or assent voting advertising sponsor for which a disclosure statement, supplementary report or, if applicable, annual financial report in accordance with Part 5 *[Transparency Requirements for Local Elections and Assent Voting]* has not been filed by the compliance deadline.

(2) The following penalties apply in relation to the failure to file a candidate disclosure statement or supplementary report:

(a) in the case of a candidate who was declared elected, the candidate ceases to hold office on the local authority and the seat of the member becomes vacant;

(b) in all cases, the candidate is disqualified until after the next general local election from being nominated for, elected to or holding office on a local authority.

(3) The following penalties apply in relation to the failure to file an elector organization disclosure statement, annual financial report or supplementary report:

(a) the elector organization must be deregistered;

(b) subject to subsection (4.1), the elector organization is prohibited from accepting campaign contributions or incurring election expenses until it is reregistered under section 30.18 *[reregistration]*.

(4) The following penalties apply in relation to the failure to file a third party disclosure statement or supplementary report, or an assent voting advertising disclosure statement or supplementary report:

(a) the sponsor is disqualified from sponsoring third party advertising or non-election assent voting advertising until after the next general local election;

(b) subject to subsection (4.1), the sponsor is prohibited from accepting sponsorship contributions until after the next general local election.

(4.1) An elector organization, a third party sponsor or an assent voting advertising sponsor is not prohibited from accepting campaign contributions or sponsorship contributions, as applicable, for the sole purpose of paying debts incurred in respect of the election for which there was a failure to file a disclosure statement or supplementary report.

(5) Subject to any applicable regulations, a candidate, third party sponsor or assent voting advertising sponsor becomes subject to the penalties under this section as follows:

(a) if no application for relief under section 66 *[application for relief in relation to disclosure requirements]* in relation to the disclosure statement or supplementary report is made in accordance with that section, on the day after the compliance deadline for the disclosure statement or supplementary report;

(b) if an application referred to in paragraph (a) has been commenced, on the later of

(i) 42 days after the compliance deadline, and

(ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.

(5.1) Subject to any applicable regulations, if no application for relief under section 68 *[court relief powers respecting disclosure requirements]* is made by an elector organization in relation to a disclosure statement, annual financial report or supplementary report, the elector organization becomes subject to the penalties under subsection (3) of this section on the day after the compliance deadline for the disclosure statement, annual financial report or supplementary report.

(5.2) If an application for relief under section 68 is commenced by the compliance deadline,

(a) the BC chief electoral officer must suspend the registration of the elector organization pending the decision of the court, and

(b) the elector organization becomes subject to the penalties under subsection (3) of this section on the later of

(i) 42 days after the compliance deadline, and

(ii) if applicable, the date set by the court under section 68.

(6) An individual or organization that contravenes a prohibition that applies under this section commits an offence.

(7) For certainty,

(a) the obligation to file a disclosure statement, annual financial report or supplementary report continues even after the candidate, elector organization, third party sponsor or assent voting advertising sponsor becomes subject to the penalties under this section, and

(b) the penalties under this section apply whether or not a prosecution for an offence under section 57 *[offence for failure to file by compliance deadline]* has been commenced.

Penalties for false or misleading disclosure

65 (1) If a candidate, an elector organization, a third party sponsor or an assent voting advertising sponsor is convicted of an offence under section 84 *[general offence in relation to false or misleading information]* in relation to a disclosure statement, supplementary report or, if applicable, annual financial report, the following penalties apply at the time of conviction:

(a) in the case of a candidate who was declared elected, the candidate ceases to hold office as a member of the local authority, the seat of the member becomes vacant and the candidate is disqualified until after the next general local election from being nominated for, being elected to or holding office as a member of a local authority;

(b) in the case of a candidate who was not declared elected, the candidate is disqualified until after the next general local election from being nominated for, being elected to or holding office as a member of a local authority;

(c) in relation to an elector organization, the elector organization

(i) must be deregistered, and

(ii) subject to subsection (1.1), is prohibited from accepting campaign contributions or incurring election expenses until it is reregistered under section 30.18 *[reregistration]*;

(d) in relation to a third party sponsor or an assent voting advertising sponsor, the sponsor

(i) is disqualified from sponsoring third party advertising or non-election assent voting advertising until after the next general local election, and

(ii) subject to subsection (1.1), is prohibited from accepting sponsorship contributions until after the next general local election.

(1.1) An elector organization, a third party sponsor or an assent voting advertising sponsor is not prohibited from accepting campaign contributions or sponsorship contributions, as applicable, for the sole purpose of paying debts incurred in respect of the election for which there was false or misleading disclosure.

(2) An individual or organization that contravenes a prohibition that applies under subsection (1) commits an offence.

(3) If a conviction referred to in subsection (1) is appealed, the penalties under that subsection may not be stayed on the appeal.

(4) In the case of a candidate who is subject to penalties under subsection (1), section 72 (2) and (3) *[candidate disqualification ends]* applies if the conviction is overturned on the final determination of an appeal.

Endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information

65.1 (1) If an elector organization becomes subject to penalties under section 64 (3) or 65 (1) (c), the penalties set out in section 64 (2) or 65 (1) (a) and (b), as applicable, apply in relation to a candidate who was endorsed by the elector organization and in respect of whom the elector organization failed to meet disclosure requirements or disclosed false or misleading information.

(2) A candidate becomes subject to the penalties under subsection (1) at the same time as the elector organization becomes subject to the penalties under section 64 (3) or 65 (1) (c), as applicable.

(3) If a candidate becomes subject to penalties under this section, section 72 *[appeals and final determinations]* applies to the candidate if the conviction of the elector organization is overturned on the final determination of an appeal.

Division 2 — Court Orders for Relief in Relation to Disclosure Requirements

Application for relief in relation to disclosure requirements

66 (1) An application to the Supreme Court for relief from disclosure requirements under this Act may be made in accordance with this Division.

(2) An application under this section may be made as follows:

(a) for relief in relation to a candidate disclosure statement or supplementary report, the application may be made by the candidate or the financial agent for the candidate;

(b) for relief in relation to an elector organization disclosure statement, annual financial report or supplementary report, the application may be made by the elector organization, the financial agent for the elector organization or a responsible principal official of the organization;

(c) for relief in relation to a third party disclosure statement or supplementary report, or an assent voting advertising disclosure statement or supplementary report, the application may be made,

(i) in the case of a sponsor who is an individual, by the individual, and

(ii) in the case of a sponsor who is an organization, by the organization or a responsible principal official of the organization.

(3) The time limit for filing the petition for an application under this section is the compliance deadline for the disclosure statement, annual financial report or supplementary report to which the application relates.

(4) The petition for an application must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:

(a) in all cases, on the BC chief electoral officer;

(b) in the case of an application in relation to a candidate,

(i) on the individuals referred to in subsection (2) (a), and

(ii) if the candidate was declared elected, on the jurisdiction in relation to which the election was held;

(c) in the case of an application in relation to an elector organization,

(i) on the organization and individuals referred to in subsection (2) (b), and

(ii) on the candidates endorsed by the elector organization;

(d) in the case of an application in relation to a third party sponsor or assent voting advertising sponsor, on the organization and individuals referred to in subsection (2) (c).

Special rules respecting applications for relief that are related to candidate disclosure requirements

67 (1) In the case of an application for relief in relation to a candidate disclosure statement or supplementary report, no later than 14 days after the petition is filed, the applicant must set down the matter for hearing by the Supreme Court.

(2) The following apply in relation to an application referred to in subsection (1):

(a) the applicant must take all reasonable steps to have the application heard as soon as practicable;

(b) the applicant must provide notice of the date the application is set down for hearing and any adjournments to

(i) the jurisdiction in relation to which the election was held, and

(ii) the BC chief electoral officer;

(c) when deciding whether to grant relief under section 68, the court must consider whether the applicant acted diligently to have the application heard as soon as practicable.

Court relief powers respecting disclosure requirements

68 (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:

(a) changing the compliance deadline by extending the time period for filing the disclosure statement, annual financial report or supplementary report;

(b) ordering that the disclosure statement, annual financial report or supplementary report need not comply with specified disclosure requirements;

(c) ordering that the disclosure statement, annual financial report or supplementary report need not be filed.

(2) The authority to provide relief under subsection (1) includes authority to do the following:

(a) in relation to an order under subsection (1) (a) respecting a disclosure statement or annual financial report, order

(i) that the extension of time for filing the disclosure statement or annual financial report is subject to payment of the late filing penalty fee, or

(ii) that the disclosure statement or annual financial report may be filed without paying the late filing penalty fee;

(b) in relation to an order under subsection (1) respecting a candidate disclosure statement, provide relief in relation to forfeiture of any applicable nomination deposit;

(b.1) in relation to an order under subsection (1) respecting an elector organization disclosure statement, provide relief in relation to a candidate endorsed by the elector organization who is subject to a penalty under section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information]*;

(b.2) in relation to an order under subsection (1) respecting an elector organization that is suspended under section 64 (5.2) *[penalties for failure to disclose — suspension of registration pending decision of court]*, make an additional order that the suspension be cancelled, immediately or at a time or on conditions specified by the court;

(c) in any case, make any additional order the court considers appropriate to secure compliance with Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 to the extent the court considers reasonable in the circumstances.

(3) In relation to candidate disclosure requirements, the court may provide relief under this section only if satisfied that the candidate exercised due diligence to ensure that the applicable disclosure requirements were met.

(4) In relation to elector organization disclosure requirements, the court may provide relief under this section only if satisfied that the following individuals exercised due diligence to ensure that the applicable disclosure requirements were met:

(a) in relation to a disclosure statement or annual financial report for the elector organization, the individuals who were responsible principal officials of the organization at any time during the period

(i) beginning on the day on which the BC chief electoral officer registered the organization, and

(ii) ending on the day after the compliance deadline for filing the disclosure statement or annual financial report;

(b) in relation to a supplementary report for the elector organization, the individuals who were responsible principal officials of the organization at any time during the period

(i) beginning on the day on which the BC chief electoral officer registered the organization, and

(ii) ending on the day after the compliance deadline for filing the supplementary report.

(5) In relation to disclosure requirements for a third party sponsor or assent voting advertising sponsor who is an individual, the court may provide relief under this

section only if satisfied that the sponsor exercised due diligence to ensure that the applicable disclosure requirements were met.

(6) In relation to disclosure requirements for a third party sponsor or assent voting advertising sponsor that is an organization, the court may provide relief under this section only if satisfied that the individuals who were responsible principal officials of the organization at any time during the period

(a) beginning on the day on which the organization became subject to the requirement to register under Part 3 *[Third Party Advertising]*, and

(b) ending on the day after the compliance deadline for filing the disclosure statement or supplementary report

exercised due diligence to ensure that the applicable disclosure requirements were met.

Division 3 — Expense Limit Penalties

Penalties for exceeding expense limits or amount available

68.01 (1) Subject to a court order for relief under section 68.06 (1) *[court relief powers]*, the penalties under this section apply to a candidate or an elector organization in relation to exceeding an expense limit or the amount available under a final campaign financing arrangement.

(2) The penalty set out in subsection (3) applies to

(a) an unendorsed candidate if the campaign period expenses of the candidate exceeded the expense limit for the candidate, and

(b) a candidate endorsed by an elector organization if the total of the following exceeded the expense limit for the candidate:

(i) the campaign period expenses of the candidate;

(ii) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate.

(3) In the case of a candidate who was declared elected, the candidate ceases to hold office as a member of the local authority and the seat of the member becomes vacant.

(4) The penalties set out in subsection (5) apply to an elector organization if both of the following apply:

(a) the total of the following exceeded the expense limit for a candidate endorsed by the elector organization:

(i) the campaign period expenses of the candidate;

(ii) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate;

(b) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate exceeded the amount available to the elector organization under the final campaign financing arrangement with the candidate.

(5) The elector organization

(a) must be deregistered, and

(b) subject to subsection (6), is prohibited from accepting campaign contributions or incurring election expenses until it is reregistered under section 30.18 *[reregistration]*.

(6) An elector organization is not prohibited from accepting campaign contributions for the sole purpose of paying debts incurred in respect of the election in which expense limits or amounts available were exceeded.

(7) Subject to any applicable regulations, if the fact that an expense limit or the amount available was exceeded is disclosed in the disclosure statement or supplementary report of a candidate, the candidate becomes subject to the penalties under this section as follows:

(a) if no application for relief under section 68.04 *[application for relief in relation to exceeding expense limits or amount available]* is made in accordance with that section,

(i) in the case of an unendorsed candidate, on the day after the compliance deadline for the statement or report, and

(ii) in the case of a candidate endorsed by an elector organization, on the day after the later of the following:

(A) the candidate's compliance deadline;

(B) the elector organization's compliance deadline;

(b) if an application referred to in paragraph (a) has been made, on the later of the following:

(i) 42 days after the time limit for making an application under the section;

(ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.

(7.1) Subject to any applicable regulations, if the fact that an expense limit or the amount available was exceeded is disclosed in the disclosure statement or supplementary report of an elector organization, the elector organization becomes subject to the penalties under this section as follows:

(a) if no application for relief under section 68.04 *[application for relief in relation to exceeding expense limits or amount available]* is made by an elector organization in accordance with that section, the elector organization becomes subject to the penalties under subsection (5) of this section on the day after the later of the following:

(i) the compliance deadline for the candidate endorsed by the elector organization;

(ii) the elector organization's compliance deadline;

(b) if an application for relief under section 68.04 is made,

(i) the registration of the elector organization must be suspended pending the decision of the court, and

(ii) the elector organization becomes subject to the penalties under subsection (5) of this section on the later of the following:

(A) 42 days after the time limit for making an application under section 68.04;

(B) if applicable, the date set by the court under section 69 *[extension of time before penalties apply]*.

(8) An individual or organization that contravenes a prohibition that applies under this section commits an offence.

(9) For certainty, the penalties under this section apply whether or not a prosecution for an offence under section 63.05 (3), (4) or (5) *[prohibition against exceeding expense limits]* has been commenced.

Monetary penalties for exceeding expense limits or amount available

68.02 (1) Subject to a court order for relief under section 68.07 (1), *[court relief powers — monetary penalties]*, the monetary penalties under this section apply to a candidate or an elector organization in relation to exceeding an expense limit or the amount available under a final campaign financing arrangement.

(2) The monetary penalties set out in subsection (3) apply to

(a) an unendorsed candidate if the campaign period expenses of the candidate exceeded the expense limit for the candidate, and

(b) a candidate endorsed by an elector organization if both of the following apply:

(i) the total of the following exceeded the expense limit for the candidate:

(A) the campaign period expenses of the candidate;

(B) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate;

(ii) the campaign period expenses of the candidate exceeded the amount available to the candidate under the final campaign financing arrangement with the elector organization that endorsed the candidate.

(3) A candidate must pay to the BC chief electoral officer,

(a) in the case of an unendorsed candidate, a monetary penalty in an amount of up to 2 times the amount by which the expense limit was

exceeded, as determined by the BC chief electoral officer, and

(b) in the case of a candidate endorsed by an elector organization, a monetary penalty in an amount of up to 2 times the amount by which the amount available to the candidate was exceeded, as determined by the BC chief electoral officer.

(4) The monetary penalty set out in subsection (5) applies to an elector organization if both of the following apply:

(a) the total of the following exceeded the expense limit for a candidate endorsed by the elector organization:

(i) the campaign period expenses of the candidate;

(ii) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate;

(b) the campaign period expenses of the endorsing elector organization that are attributable to the expense limit for the candidate exceeded the amount available to the elector organization under the final campaign financing arrangement with the candidate.

(5) The elector organization must pay to the BC chief electoral officer a monetary penalty in an amount of up to 5 times the amount by which the amount available to the elector organization was exceeded, as determined by the BC chief electoral officer.

(6) Subject to any relief provided under section 68.08 *[individual relief from monetary penalty liability of responsible principal officials]*, if an elector organization is subject to a monetary penalty under subsection (5) of this section, the individuals who were responsible principal officials of the organization at any time during the campaign period for the election to which the penalty relates are jointly and severally liable with the elector organization to pay the monetary penalty.

(7) Subject to any applicable regulations, if the fact that an expense limit or the amount available was exceeded is disclosed in the disclosure statement or supplementary report of a candidate or an elector organization, as applicable, the candidate or elector organization becomes subject to the monetary penalties under this section as follows:

(a) if no application for relief under section 68.04 is made in accordance with that section, on the day after the compliance deadline for the statement or report;

(b) if an application referred to in paragraph (a) has been made, on the later of the following:

(i) 42 days after the time limit for making an application under the section;

(ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.

Disqualification or deregistration if monetary penalties unpaid

68.03 (1) If a candidate is subject to a monetary penalty under section 68.02 and does not pay the monetary penalty within 30 days of the date the candidate is subject to the penalty, the candidate is disqualified, subject to subsection (2) of this section, from being nominated for, being elected to or holding office as a member of a local authority until after the next general local election.

(2) On payment by the candidate of the monetary penalty described in subsection (1), the candidate ceases to be disqualified under that subsection.

(3) If an elector organization is subject to a monetary penalty under section 68.02 and does not pay the monetary penalty within 30 days of the date the elector organization is subject to the penalty, the elector organization, if the elector organization is not disqualified and prohibited under section 68.01 (5),

(a) the elector organization must be deregistered, and

(b) subject to subsection (4), is prohibited from accepting campaign contributions or incurring election expenses until it is reregistered under section 30.18 *[reregistration]*.

(4) An elector organization is not prohibited from accepting campaign contributions for the sole purpose of paying debts incurred in respect of the election for which there was a failure to pay a monetary penalty.

(5) An individual or organization that contravenes a prohibition that applies under this section commits an offence.

Division 4 — Court Orders for Relief in Relation to Exceeding Expense Limits or Amount Available

Application for relief in relation to exceeding expense limits or amount available

68.04 (1) An application to the Supreme Court for relief in relation to exceeding an expense limit or the amount available may be made in accordance with this Division.

(2) An application for relief under this section may be made as follows:

(a) in relation to an unendorsed candidate described in section 68.01 (2) (a) *[penalties for unendorsed candidate]* or 68.02 (2) (a) *[monetary penalties for unendorsed candidate]*, by the candidate or the financial agent for the candidate;

(b) in relation to a candidate endorsed by an elector organization described in section 68.01 (2) (b) or 68.02 (2) (b), by the candidate or the financial agent for the candidate;

(c) in relation to an elector organization described in section 68.01 (4) or 68.02 (4), by the elector organization, the financial agent for the elector organization or a responsible principal official of the elector organization.

(3) An application under this section may be made only if the fact that an expense limit or the amount available was exceeded is disclosed, or anticipated by the applicant to be disclosed, in the disclosure statement or supplementary report of the candidate or elector organization, as applicable, on or before the compliance deadline for the statement or report.

(4) A petition for an application under this section must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:

(a) in all cases, on the BC chief electoral officer;

(b) in the case of an application in relation to a candidate, on the candidate or the financial agent for the candidate and, if the candidate is endorsed by an elector organization, on the elector organization;

(c) in the case of an application in relation to an elector organization, on the financial agent for the elector organization or a responsible principal official of the elector organization, on the candidate endorsed by the elector organization and on the financial agent for the candidate, if the candidate has a financial agent;

(d) in the case of a candidate who was declared elected, on the jurisdiction in relation to which the election was held.

Special rules respecting applications for relief in relation to candidates exceeding expense limits

68.05 (1) In the case of an application for relief in relation to a candidate exceeding the expense limit for the candidate, the applicant, no later than 14 days after a petition for the application is filed, must set the matter down for hearing by the Supreme Court.

(2) The following apply in relation to an application under this section:

(a) the applicant must take all reasonable steps to have the application heard as soon as practicable;

(b) the applicant must provide to the jurisdiction in relation to which the election was held and to the BC chief electoral officer notice of the date the application is set down for hearing and of any adjournments;

(c) when deciding whether to grant relief under this section, the court must consider whether the applicant acted diligently to have the application heard as soon as practicable.

Court relief powers respecting exceeding expense limits or amount available

68.06 (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:

(a) ordering that the penalty under section 68.01 (3) *[candidate penalties for exceeding expense limits or amount available]* does not apply to a candidate;

(b) ordering that the penalty under section 68.01 (5) *[elector organization penalties for exceeding expense limits or amount available]* does not apply to an elector organization.

(2) The authority to provide relief under subsection (1) includes the authority to do the following:

(a) in relation to an order under subsection (1) respecting an elector organization that is suspended under section 68.01 (7.1) *[penalties for exceeding expense limits or amount available — suspension of registration pending decision of court]*, make an additional order that the suspension be cancelled, immediately or at a time or on conditions specified by the court;

(b) in any case, make any additional order the court considers appropriate to secure compliance with Part 5.1 *[Expense Limits]* to the extent the court considers reasonable in the circumstances.

(3) In relation to an unendorsed candidate who is subject to a penalty under section 68.01 (3), the court may provide relief only if satisfied that

(a) exceeding the expense limit did not materially affect the result of the election, and

(b) the candidate exercised due diligence to ensure that the candidate's campaign period expenses did not exceed the expense limit.

(4) In relation to a candidate endorsed by an elector organization who is subject to a penalty under section 68.01 (3), the court may provide relief only if satisfied that

(a) exceeding the expense limit did not materially affect the result of the election,

(b) the candidate exercised due diligence to ensure that the candidate's campaign period expenses did not exceed the amount available to the candidate under the final campaign financing arrangement with the endorsing elector organization, and

(c) the candidate acted in good faith in relation to the elector organization's campaign period expenses exceeding the amount available to the elector organization under the final campaign financing arrangement.

(5) In relation to an elector organization that is subject to a penalty under section 68.01 (5), the court may provide relief only if satisfied that

(a) exceeding the expense limit for the candidate endorsed by the elector organization did not materially affect the result of the election, and

(b) the individuals who are or may be liable under section 68.02 (6) exercised due diligence to ensure that the elector organization's campaign period expenses did not exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

Court relief powers respecting exceeding expense limits or amount available — monetary penalties

68.07 (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:

(a) ordering that all or part of the applicable monetary penalty under section 68.02 (3) *[monetary penalties for exceeding expense limits or amount available]* does not apply to a candidate;

(b) ordering that all or part of the monetary penalty under section 68.02 (5) does not apply to an elector organization.

(2) The authority to provide relief under subsection (1) includes the authority to make any additional order the court considers appropriate to secure compliance with Part 5.1 *[Expense Limits]* to the extent the court considers reasonable in the circumstances.

(3) In relation to a candidate who is subject to a monetary penalty under section 68.02 (3), the court may provide relief only if satisfied that the candidate exercised due diligence to ensure that,

(a) in the case of an unendorsed candidate, the candidate's campaign period expenses did not exceed the expense limit for the candidate, and

(b) in the case of a candidate endorsed by an elector organization, the candidate's campaign period expenses did not exceed the amount available to the candidate under the final campaign financing arrangement.

(4) In relation to an elector organization that is subject to a monetary penalty under section 68.02 (5), the court may provide relief only if satisfied that the individuals who are or may be liable under section 68.02 (6) exercised due diligence to ensure that the elector organization's campaign period expenses did not exceed the amount available to the elector organization under the final campaign financing arrangement with the candidate endorsed by the elector organization.

Individual relief from monetary penalty liability of responsible principal officials

68.08 (1) An individual who is or may be liable under section 68.02 (6) *[monetary penalties — principal officials]* may apply to the Supreme Court in accordance with this section for relief from the individual's liability.

(2) A petition for an application under this section must be served on the following no later than 7 days after the petition is filed in the court registry:

(a) the BC chief electoral officer;

(b) the elector organization;

(c) any individual, other than the applicant, who is or may be liable as referred to in subsection (1).

(3) Subject to subsection (4), on the hearing of an application under this section, the court may provide relief from all or part of the applicant's liability to pay the elector organization's monetary penalty.

(4) The court may provide relief only if satisfied that the applicant exercised due diligence to ensure that the elector organization's campaign period expenses that are attributable to the expense limit for the candidate did not exceed the amount available to the elector organization under the final campaign financing arrangement with that candidate.

Division 5 — Third Party Advertising Limits — Penalties and Court Orders for Relief

Penalties for exceeding third party advertising limits

68.09 (1) Subject to a court order for relief provided under section 68.11 (1), the penalties under this section apply to a third party sponsor in relation to exceeding a third party advertising limit.

(2) The penalties set out in subsection (3) and the applicable monetary penalty set out in subsection (5) apply to a third party sponsor if the value of the third party advertising sponsored during the campaign period exceeded a third party advertising limit for the third party sponsor.

(3) The third party sponsor

(a) is disqualified from sponsoring third party advertising until after the next general local election, and

(b) subject to subsection (4), is prohibited from accepting sponsorship contributions until after the next general local election.

(4) A third party sponsor is not prohibited from accepting sponsorship contributions for the sole purpose of paying debts incurred in respect of the election in which third party advertising limits were exceeded.

(5) The third party sponsor must pay to the BC chief electoral officer,

(a) in the case of a third party sponsor that is an individual, a monetary penalty in an amount of up to 2 times the amount by which the third party advertising limit was exceeded, as determined by the BC chief electoral officer, and

(b) in the case of a third party sponsor that is an organization, a monetary penalty in an amount of up to 5 times the amount by which the third party advertising limit was exceeded, as determined by the BC chief electoral officer.

(6) Subject to any applicable regulations, if the fact that a third party advertising limit was exceeded is disclosed in the disclosure statement or supplementary report of a third party sponsor, as applicable, the third party sponsor becomes subject to the penalties under this section as follows:

(a) if no application for relief under section 68.10 is made in accordance with that section, on the day after the compliance deadline for the statement or report;

(b) if an application referred to in paragraph (a) has been made, on the later of the following:

(i) 42 days after the time limit for making an application under the section;

(ii) if applicable, the date set by court order under section 69 *[extension of time before penalties apply]*.

(7) Subject to any relief provided under section 68.12 *[individual relief from liability of responsible principal officials]*, if a third party sponsor that is an organization is subject to a monetary penalty under this section, the individuals who were responsible principal officials of the organization at any time during the campaign period for the election or elections to which the third party advertising relates are jointly and severally liable with the organization to pay the monetary penalty under this section in relation to the organization.

(8) An individual or organization that contravenes a prohibition that applies under this section commits an offence.

(9) For certainty, the penalties under this section apply whether or not a prosecution for an offence under section 41.5 (3) *[offence for exceeding third party advertising limits]* has been commenced.

Application for relief in relation to exceeding third party advertising limits

68.10 (1) An application to the Supreme Court for relief in relation to a third party sponsor exceeding a third party advertising limit may be made in accordance with this section.

(2) An application for relief under this section may be made by the following:

(a) the third party sponsor;

(b) if the third party sponsor is an organization, an individual who is or may be liable under section 68.09 (7).

(3) An application under this section may be made only if the fact that a third party advertising limit was exceeded is disclosed, or anticipated by the applicant to be

disclosed, in the disclosure statement or the supplementary report of the third party sponsor.

(4) A petition for an application under this section must be filed on or before the compliance deadline for the disclosure statement or supplementary report of the third party sponsor.

(5) A petition for an application under this section must be served on the following, other than the applicant, no later than 7 days after the petition is filed in the court registry:

(a) the BC chief electoral officer;

(b) if the third party sponsor is an organization, the individuals who are or may be liable under section 68.09 (7).

Court relief powers respecting exceeding third party advertising limits

68.11 (1) Subject to this section, on the hearing of an application under this Division, the court may provide relief as follows:

(a) ordering that the penalty under section 68.09 (3) does not apply to a third party sponsor;

(b) ordering that all or part of the applicable monetary penalty under section 68.09 (5) does not apply to a third party sponsor.

(2) The authority to provide relief under subsection (1) includes the authority to make any additional order the court considers appropriate to secure compliance with Division 4 *[Third Party Advertising Limits]* of Part 3 *[Third Party Advertising]* to the extent the court considers reasonable in the circumstances.

(3) In relation to a third party sponsor who is an individual, the court may provide relief only if satisfied that the third party sponsor exercised due diligence to ensure that the value of the third party advertising of that third party sponsor did not exceed the third party advertising limit for that third party sponsor.

(4) In relation to a third party sponsor that is an organization, the court may provide relief only if satisfied that the individuals who are or may be liable under section 68.09 (7) exercised due diligence to ensure that the value of the third party advertising of the third party sponsor did not exceed the third party advertising limit for that third party sponsor.

Individual relief from liability of responsible principal officials

68.12 (1) An individual who is or may be liable under section 68.09 (7) *[penalties — principal officials]* may apply to the Supreme Court in accordance with this section for relief from the individual's liability.

(2) A petition for an application under this section must be served on the following no later than 7 days after the petition is filed in the court registry:

(a) the BC chief electoral officer;

(b) the organization that is the third party sponsor;

(c) any individual, other than the applicant, who is or may be liable as referred to in subsection (1).

(3) Subject to subsection (4), on the hearing of an application under this section, the court may provide relief from all or part of the applicant's liability to pay the third party sponsor's monetary penalty.

(4) The court may provide relief only if satisfied that the applicant exercised due diligence to ensure that the value of the third party advertising of the third party sponsor did not exceed the third party advertising limit for that third party sponsor.

Division 5.1 — Campaign Contributions — Penalties and Court Orders for Relief

Monetary penalties in relation to prohibited campaign contributions

68.13 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 26 (0.1) *[prohibition against organization or individual making campaign contributions]* or (2.01) *[prohibition against making campaign contributions indirectly]* by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.18 *[court relief powers in relation to campaign contributions]*, if the BC chief electoral officer gives notice under subsection (1) of this section, the individual or organization must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer.

(3) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 26 (1) *[restrictions in relation to campaign contributions by eligible individual]* or (1.1) *[prohibition against exceeding campaign contribution limit]* by an eligible individual or non-compliance with section 26 (2) *[prohibition against campaign contributions by elector organization to own campaign or campaign of endorsed candidate]* by an elector organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.

(4) Subject to a court order for relief under section 68.18, if the BC chief electoral officer gives notice under subsection (3) of this section, the individual or organization must pay to the BC chief electoral officer,

(a) in the case of non-compliance with section 26 (1) (a), (e) or (f) or (2), a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer,

(b) in the case of non-compliance with section 26 (1) (b), (c) or (d), a penalty in an amount of up to 2 times the amount by which the

campaign contribution exceeds $50, as determined by the BC chief electoral officer, or

(c) in the case of non-compliance with section 26 (1.1), a penalty in an amount of up to 2 times the amount by which the campaign contribution exceeds the applicable contribution limit, as determined by the BC chief electoral officer.

Monetary penalties in relation to accepting campaign contributions

68.14 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 27 *[restrictions in relation to campaign contributions]* by a candidate, an elector organization, a financial agent or an individual authorized by the financial agent under section 27 (1) (b), the BC chief electoral officer must notify the candidate, elector organization, financial agent or individual authorized by the financial agent under section 27 (1) (b) of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.18 *[court relief powers in relation to campaign contributions]*, if the BC chief electoral officer gives notice under subsection (1) of this section, the candidate, elector organization, financial agent or individual authorized by the financial agent under section 27 (1) (b) must pay to the BC chief electoral officer,

(a) in the case of non-compliance with section 27 (1), (1.01) (a), (2) or (3), a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer, or

(b) in the case of non-compliance with section 27 (1.01) (b), a penalty in an amount of up to 2 times the amount by which the campaign contribution exceeds the applicable contribution limit, as determined by the BC chief electoral officer.

Monetary penalties for making prohibited loans

68.15 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 27.01 *[restrictions in relation to making loans to candidates and elector organizations]* by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and, if applicable, the related penalty.

(2) Subject to a court order for relief under section 68.18 *[court relief powers in relation to prohibited loans]*, if the BC chief electoral officer gives notice under subsection (1) of this section to an individual or organization other than a savings institution, the individual or organization must pay to the BC chief electoral officer,

(a) in the case of non-compliance with section 27.01 (1) by an individual or organization other than a savings institution, a penalty of up to 100% of the amount of the loan, as determined by the BC chief electoral officer, or

(b) in the case of non-compliance with section 27.01 (3), a penalty in an amount of up to 2 times the amount by which the permissible loan exceeds the applicable contribution limit, as determined by the BC chief electoral officer.

Monetary penalties for accepting prohibited loans

68.16 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 27.02 *[restrictions in relation to accepting loans for campaign use]* by a candidate or an elector organization, the BC chief electoral officer must notify the candidate or elector organization of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.18 *[court relief powers in relation to prohibited loans]*, if the BC chief electoral officer gives notice under subsection (1) of this section, the candidate or elector organization must pay to the BC chief electoral officer,

(a) in the case of non-compliance with section 27.02 (1), (1.1) or (3), a penalty of up to 100% of the amount of the loan, as determined by the BC chief electoral officer, or

(b) in the case of non-compliance with section 27.02 (2), a penalty in an amount of up to 2 times the amount by which the loan exceeds the applicable contribution limit, as determined by the BC chief electoral officer.

Monetary penalties for failure to return campaign contributions

68.17 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 28 *[dealing with prohibited campaign contributions]* by a financial agent, the BC chief electoral officer must notify the financial agent of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.18 *[court relief powers in relation to campaign contributions]*, if the BC chief electoral officer gives notice under subsection (1) of this section, the financial agent must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer.

Court relief powers in relation to campaign contributions and prohibited loans

68.18 (1) An individual or organization that is subject to a monetary penalty under any of sections 68.13 to 68.17 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.

(2) An application may be made only within 30 days after the BC chief electoral officer, under the applicable section referred to in subsection (1), notifies the individual or organization of the non-compliance and related penalty.

(3) The petition commencing an application must be served on the BC chief electoral officer within 7 days after the petition is filed, and the BC chief electoral officer is a party to the application.

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

(a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the individual or organization has acted in good faith;

(b) make any order the court considers appropriate to secure compliance with the applicable section to the extent the court considers reasonable in the circumstances;

(c) refuse to grant relief.

Division 5.2 — Sponsorship Contributions — Penalties and Court Orders for Relief

Monetary penalties in relation to making sponsorship contributions

68.19 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 34 (0.1) *[prohibition against organization or individual making sponsorship contributions]* or (1.1) *[prohibition against making sponsorship contributions indirectly]* by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.22 *[court relief powers in relation to sponsorship contributions]*, if the BC chief electoral officer gives notice under subsection (1) of this section, the individual or organization must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the sponsorship contribution, as determined by the BC chief electoral officer.

(3) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 34 (1) *[restrictions in relation to sponsorship contributions by eligible individual]* or (1.01) *[prohibition against exceeding sponsorship contribution limit]* by an eligible individual, the BC chief electoral officer must notify the eligible individual of the non-compliance and the related penalty.

(4) Subject to a court order for relief under section 68.22, if the BC chief electoral officer gives notice under subsection (3) of this section, the eligible individual must pay to the BC chief electoral officer,

(a) in the case of non-compliance with section 34 (1) (a) or (b), a penalty in an amount of up to 2 times the amount by which the sponsorship contribution exceeds $50, as determined by the BC chief electoral officer,

(b) in the case of non-compliance with section 34 (1) (c) or (d), a penalty in an amount of up to 2 times the sponsorship contribution, as determined by the BC chief electoral officer, or

(c) in the case of non-compliance with section 34 (1.01), a penalty in an amount of up to 2 times the amount by which the sponsorship contribution limit was exceeded, as determined by the BC chief electoral officer.

Monetary penalties in relation to accepting sponsorship contributions

68.20 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 34.02 *[restrictions in relation to accepting sponsorship contributions]* by a third party sponsor, the BC chief electoral officer must notify the third party sponsor of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.22, if the BC chief electoral officer gives notice under subsection (1) of this section, the third party sponsor must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the sponsorship contribution, as determined by the BC chief electoral officer.

Monetary penalties for failure to return sponsorship contributions

68.21 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 35 *[dealing with prohibited sponsorship contributions]* by a third party sponsor, the BC chief electoral officer must notify the third party sponsor of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.22, if the BC chief electoral officer gives notice under subsection (1) of this section, the third party sponsor must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the sponsorship contribution, as determined by the BC chief electoral officer.

Court relief powers in relation to sponsorship contributions

68.22 (1) An individual or organization that is subject to a monetary penalty under any of sections 68.19 to 68.21 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.

(2) An application may be made only within 30 days after the BC chief electoral officer, under the applicable section referred to in subsection (1), notifies the individual or organization of the non-compliance and related penalty.

(3) The petition commencing an application must be served on the BC chief electoral officer within 7 days after the petition is filed, and the BC chief electoral officer is a party to the application.

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

(a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the individual or organization has acted in good faith;

(b) make any order the court considers appropriate to secure compliance with the applicable section to the extent the court considers reasonable in the circumstances;

(c) refuse to grant relief.

Division 5.3 — Third Party Sponsors — Penalties and Court Orders for Relief

Monetary penalties for failure to comply with independence requirements

68.23 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 31 (1) *[independence requirements for third party sponsors]* by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.26 *[court relief powers in relation to sponsorship requirements]*, if the BC chief electoral officer gives notice under subsection (1) of this section,

(a) in the case of non-compliance by an individual, the individual must pay to the BC chief electoral officer a penalty in an amount of up to $5 000, as determined by the BC chief electoral officer, or

(b) in the case of non-compliance by an organization, the organization must pay to the BC chief electoral officer a penalty in an amount of up to $10 000, as determined by the BC chief electoral officer.

Monetary penalties for failing to register as a third party sponsor

68.24 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 37 *[prohibition against sponsoring third party advertising if not registered]* by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.26 *[court relief powers in relation to sponsorship requirements]*, if the BC chief electoral officer gives notice under subsection (1) of this section,

(a) in the case of non-compliance by an individual, the individual must pay to the BC chief electoral officer a penalty in an amount of up to $5 000, as determined by the BC chief electoral officer, or

(b) in the case of non-compliance by an organization, the organization must pay to the BC chief electoral officer a penalty in an amount of up to $10 000, as determined by the BC chief electoral officer.

Monetary penalties for failing to include sponsorship information

68.25 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 44 *[advertising must include sponsorship information]* by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.26 *[court relief powers in relation to sponsorship requirements]*, if the BC chief electoral officer gives notice under subsection (1) of this section,

(a) in the case of non-compliance by an individual, the individual must pay to the BC chief electoral officer a penalty in an amount of up to $5 000, as determined by the BC chief electoral officer, or

(b) in the case of non-compliance by an organization, the organization must pay to the BC chief electoral officer a penalty in an amount of up to $10 000, as determined by the BC chief electoral officer.

Court relief powers in relation to sponsorship requirements

68.26 (1) An individual or organization that is subject to a monetary penalty under any of sections 68.23 to 68.25 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.

(2) An application may be made only within 30 days after the BC chief electoral officer, under the applicable section referred to in subsection (1), notifies the individual or organization of the non-compliance and related penalty.

(3) The petition commencing an application must be served on the BC chief electoral officer within 7 days after the petition is filed, and the BC chief electoral officer is a party to the application.

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

(a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the individual or organization has acted in good faith;

(b) make any order the court considers appropriate to secure compliance with the applicable section to the extent the court considers reasonable in the circumstances;

(c) refuse to grant relief.

Division 5.4 — Registration of Elector Organizations — Penalties and Court Orders for Relief

Monetary penalties in relation to elector organization registration requirement

68.27 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 30.06 *[requirement to register]* by an elector organization or individual, the BC chief electoral officer must notify the elector organization or individual of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 68.28, if the BC chief electoral officer gives notice under subsection (1) of this section,

(a) in the case of an elector organization, or an individual on behalf of an elector organization, accepting a campaign contribution while the elector organization is not registered or while registration is suspended, the elector organization or individual must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the campaign contribution, as determined by the BC chief electoral officer,

(b) in the case of an elector organization entering into a campaign financing arrangement while the elector organization is not registered or while registration is suspended, the elector organization must pay to the BC chief electoral officer a penalty in an amount of up to $5 000, as determined by the BC chief electoral officer, or

(c) in the case of an elector organization, or an individual on behalf of an elector organization, incurring an election expense while the elector organization is not registered or while registration is suspended, the elector organization or individual must pay to the BC chief electoral officer a penalty in an amount of up to 2 times the election expense, as determined by the BC chief electoral officer.

Court relief powers in relation to elector organization registration requirement

68.28 (1) An elector organization or individual that is subject to a monetary penalty under section 68.27 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.

(2) An application may be made only within 30 days after the BC chief electoral officer, under the applicable section referred to in subsection (1), notifies the elector organization or individual of the non-compliance and related penalty.

(3) The petition commencing an application must be served on the BC chief electoral officer within 7 days after the petition is filed, and the BC chief electoral officer is a party to the application.

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

(a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the applicant has acted in good faith;

(b) make any order the court considers appropriate to secure compliance with the applicable section to the extent the court considers reasonable in the circumstances;

(c) refuse to grant relief.

Division 6 — General Provisions in Relation to Court Orders for Relief

Extension of time before penalties apply

69 (1) Subject to subsection (2), the Supreme Court may extend the date when a penalty would otherwise apply under any of the following sections:

(a) section 64 (5) (b) (i) *[penalties apply 42 days after compliance deadline]*;

(b) section 68.01 (7) (b) (i) *[penalties apply 42 days after compliance deadline]*;

(c) section 68.02 (7) (b) (i) *[monetary penalties apply 42 days after compliance deadline]*;

(d) section 68.09 (6) (b) (i) *[penalties apply 42 days after compliance deadline]*.

(2) The court may not make an order extending the time unless

(a) the candidate, elector organization, third party sponsor or assent voting advertising sponsor has not yet become subject to the penalty or penalties for which an extension is requested,

(b) an application for relief under this Part has been filed, served and set down for hearing as required under this Part but has not yet been decided, and

(c) the court is satisfied that the applicant has acted diligently to have the application heard as soon as practicable.

(3) A decision by the court under this section is final and may not be appealed.

Address for service on other parties

70 If requested by an individual or organization that intends to apply for relief under this Part, the BC chief electoral officer must provide to the individual or organization the address for service of the individuals and organizations that are required to be served with the petition for the application.

BC chief electoral officer authority in relation to applications and appeals

71 (1) The BC chief electoral officer may set down an application under this Part for hearing by filing a request with the court registry and serving the request on the applicant and any other parties to the application as follows:

(a) in the case of an application that may affect the qualification of a candidate who was declared elected to hold office, at any time for the purpose of ensuring that the entitlement of that candidate to continue to hold office as a member of the local authority is decided expeditiously;

(b) in any case, if the BC chief electoral officer considers that the applicant is not having the application heard as soon as practicable.

(2) Subsection (1) applies whether or not the BC chief electoral officer is a party to the application and whether or not the applicant has set down the application for hearing.

(3) The BC chief electoral officer may appeal an order of the court under this Part, whether or not that officer was a party to the application.

Appeals and final determinations

72 (1) Penalties under this Act may not be stayed pending determination of an appeal of an order under this Part.

(1.1) Despite subsection (1), if the BC chief electoral officer suspends the registration of an elector organization under section 64 or 68.01,

(a) the registration of the elector organization must be suspended pending the determination of an appeal of an order under section 68 or 68.06, and

(b) the elector organization must not be deregistered until the final determination of the appeal.

(2) For certainty, if

(a) a candidate, third party sponsor or assent voting advertising sponsor has become subject to disqualification penalties under section 64 *[penalties for failure to disclose]*, and

(b) on the final determination of an application under section 66 *[application for relief in relation to disclosure requirements]*, the court provides relief from the disclosure requirements and, as applicable, there is compliance with the court order,

the candidate, third party sponsor or assent voting advertising sponsor ceases to be disqualified under section 64.

(2.01) For certainty, an elector organization that is subject to penalties under section 64 (3) *[penalties for failure to file elector organization disclosure statement, annual financial report or supplementary report]* and suspension under section 64 (5.2) *[penalties for failure to disclose — suspension of registration pending decision of court]* ceases to be prohibited under section 64 (3) and suspended under section 64 (5.2) if, on the final determination of an application under section 68 *[court relief powers respecting disclosure requirements]*,

(a) the court provides relief, and

(b) there is compliance with the court order.

(2.1) For certainty, if

(a) a candidate endorsed by an elector organization is subject to disqualification penalties under section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information]*, and

(b) on the final determination of an application under section 66 *[application for relief in relation to disclosure requirements]* by the elector organization, the court provides relief for the elector organization,

the candidate ceases to be disqualified.

(2.2) For certainty, if

(a) a candidate ceases to hold office as a member of the local authority under section 68.01 (3) *[candidate penalties for exceeding expense limits or amount available]*, and

(b) on the final determination of an application under section 68.04, the court provides relief from exceeding the expense limit or amount available and there is compliance with the court order,

subsection (3) of this section applies.

(3) If a candidate to whom subsection (2), (2.1) or (2.2) applies was declared elected before ceasing to hold office and if the term of office for which the candidate was elected has not ended,

(a) that candidate is entitled to take office for any unexpired part of the term if that candidate is not otherwise disqualified, and

(b) if that candidate exercises this right, the individual currently holding the office ceases to hold office.

(4) For the purposes of subsection (3) (b), if more than one individual currently holds the same office because more than one candidate who was declared elected ceased to hold an office and became disqualified under section 64, 65.1 or 68.01, and it is not known which of those individuals currently hold the offices vacated by the candidates, the decision in respect of which individuals cease to hold office is to be made in accordance with the regulations.

(5) For certainty, an elector organization that is subject to penalties under section 68.01 (5) and suspension under section 68.01 (7.1) ceases to be prohibited under section 68.01 (5) and suspended under section 68.01 (7.1) if, on the final determination of an application under section 68.04,

(a) the court provides relief, and

(b) there is compliance with the court order.

(6) For certainty, a third party sponsor that is subject to penalties under section 68.09 (3) *[penalties for exceeding third party advertising limits]* ceases to be disqualified or prohibited under that section if, on the final determination of an application under section 68.10 *[application for relief in relation to exceeding third party advertising limits]*,

(a) the court provides relief, and

(b) there is compliance with the court order.

Division 7 — Publication of Names

Publication of names following imposition of monetary penalty

72.1 (1) The BC chief electoral officer must publish on an Elections BC authorized internet site

(a) the names of individuals or organizations on which the BC chief electoral officer has imposed a monetary penalty under any of the following:

(i) Division 3 *[Expense Limit Penalties]* of Part 6;

(ii) Division 5.1 *[Campaign Contributions — Penalties and Court Orders for Relief]* of Part 6;

(iii) Division 5.2 *[Sponsorship Contributions — Penalties and Court Orders for Relief]* of Part 6;

(iv) Division 5.3 *[Third Party Sponsors — Penalties and Court Orders for Relief]* of Part 6;

(v) Division 5.4 *[Registration of Elector Organizations — Penalties and Court Orders for Relief]* of Part 6;

(vi) section 76.1 *[penalty for failure to comply with requirements to provide information]*,

(b) the section under which the BC chief electoral officer has imposed each monetary penalty, and

(c) the amount of each monetary penalty.

(2) The information published in accordance with subsection (1) must continue to be published on an Elections BC authorized internet site until one year after general voting day for the next general local election.

(3) Publication in accordance with subsection (1) must take place as soon as practicable after the BC chief electoral officer imposes the monetary penalty.

Part 7 — Enforcement

Division 1 — Elections BC Responsibilities and Powers

Report to local authority respecting disqualification of elected candidate

73 If an elected member of a local authority becomes subject to a penalty under any of the following sections, the BC chief electoral officer must report to the local authority, as applicable, that the seat of the member has become vacant or that the member has become disqualified to hold office:

(a) section 64 (2) (a) *[candidate penalties for failure to disclose]*;

(b) section 64 (2) (b) *[candidate disqualification penalty for failure to disclose]*;

(c) section 65 (1) (a) *[candidate penalties for false or misleading disclosure]*;

(d) section 65 (1) (b) *[candidate conviction for false or misleading disclosure]*;

(e) section 65.1 *[endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information]*;

(f) section 68.01 (3) *[candidate penalties for exceeding expense limits or amount available]*;

(g) section 68.03 (1) *[unpaid monetary penalties — candidate]*.

Reviews, investigations and audits by BC chief electoral officer

74 (1) The BC chief electoral officer must conduct periodic reviews of the financial affairs and accounts of candidates, elector organizations, third party sponsors

and assent voting advertising sponsors in relation to general compliance with this Act and the regulations under this Act.

(2) In addition to general reviews under subsection (1), the BC chief electoral officer may do any of the following:

(a) conduct an investigation of the financial affairs of a candidate, elector organization, third party sponsor or assent voting advertising sponsor in relation to compliance with this Act and the regulations under this Act;

(b) conduct an audit of the accounts of an individual or organization referred to in paragraph (a);

(c) conduct an investigation of any matter that the BC chief electoral officer considers might constitute an offence under this Act or might be a contravention of a provision of Parts 2 to 7 of this Act or of a regulation under this Act;

(d) conduct an investigation of a complaint received by the BC chief electoral officer regarding non-compliance by an individual or organization referred to in paragraph (a) or the financial agent for such an individual or organization.

(3) For purposes of this section, the BC chief electoral officer or a representative of the BC chief electoral officer may inspect and make copies of the records of an individual or organization referred to in subsection (1).

(4) Section 276 (3) to (6) *[investigations and audits by chief electoral officer]* of the *Election Act* applies in relation to the authority under subsection (3).

Complaints regarding contraventions of this Act

75 (1) If the BC chief electoral officer receives a complaint alleging that a provision of this Act or a regulation under this Act has been contravened, the BC chief electoral officer must consider whether to investigate the matter.

(2) The BC chief electoral officer must refuse to investigate if, in the view of the BC chief electoral officer, the complaint appears to be frivolous, vexatious or obviously unfounded.

(3) If a complaint is made in writing and the BC chief electoral officer decides not to conduct an investigation, the BC chief electoral officer must notify the complainant in writing of the reasons for this decision.

Additional specific powers to require information

76 For the purposes of administering compliance with this Act and the regulations under this Act, the BC chief electoral officer has the following powers in addition to all others provided under this Act:

(a) to require the following to provide a supplementary report:

(i) a candidate or the financial agent for a candidate;

(ii) an elector organization or the financial agent for an elector organization;

(iii) a third party sponsor;

(iv) an assent voting advertising sponsor;

(b) to require an individual or organization referred to in paragraph (a) to provide further information respecting compliance with this Act and the regulations under this Act;

(c) to require a local authority to provide to the BC chief electoral officer the originals or copies, as requested by the BC chief electoral officer, of records received or obtained by a local authority under this Act or other local elections legislation, or created by a local authority official in relation to this Act or other local elections legislation, including records that include personal information.

Monetary penalty for failure to comply with requirements to provide information

76.1 (1) Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 76 (a) or (b) by an individual or organization, the BC chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.

(2) Subject to a court order for relief under section 76.2, if the BC chief electoral officer gives notice under subsection (1) of this section,

(a) in the case of non-compliance by an individual, the individual must pay to the BC chief electoral officer a penalty in an amount of up to $5 000, as determined by the BC chief electoral officer, or

(b) in the case of non-compliance by an organization, the organization must pay to the BC chief electoral officer a penalty in an amount of up to $10 000, as determined by the BC chief electoral officer.

Court relief powers in relation to requirement to provide information

76.2 (1) An individual or organization that is subject to a monetary penalty under section 76.1 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.

(2) An application under subsection (1) may be made only within 30 days after the BC chief electoral officer notifies the individual or organization, under section 76.1, of the non-compliance and related penalty.

(3) The petition commencing an application must be served on the BC chief electoral officer within 7 days after the petition is filed, and the BC chief electoral officer is a party to the application.

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

(a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the individual or organization has acted in good faith;

(b) make any order the court considers appropriate to secure compliance with section 76 to the extent the court considers reasonable in the circumstances;

(c) refuse to grant relief.

Notice to advertiser to produce information

76.3 (1) In this section, **"advertiser"** means the following:

(a) an individual or organization that has, during the past 5 years, transmitted an election advertising communication to the public by any means;

(b) an individual or organization that has, during the past 5 years, arranged for another individual or organization to transmit an election advertising communication to the public by any means;

(c) an individual or organization in a class of individuals or organizations prescribed by regulation.

(2) For the purpose of administering compliance with this Act and the regulations under this Act, the BC chief electoral officer may collect from an advertiser the following information in relation to an election advertising communication that has been transmitted to the public:

(a) if known by the advertiser, the name of the individual or organization that sponsored the election advertising communication;

(b) the name of the individual or organization with which the advertiser agreed to

(i) transmit the election advertising communication, or

(ii) arrange for another individual or organization to transmit the election advertising communication;

(c) the date the election advertising was ordered or requested;

(d) if there were payments under the agreement referred to in paragraph (b), the amounts and dates of the payments;

(e) the dates on which the election advertising communication was transmitted;

(f) the actual or intended geographic distribution or geographic availability of the advertising communication;

(g) any other information prescribed by regulation.

(3) The BC chief electoral officer may, by written notice, require an advertiser to produce information described in subsection (2), as specified in the notice, if both of the following apply:

(a) the BC chief electoral officer has reason to believe that any of the following sections has been contravened:

(i) section 37 *[prohibition against sponsoring third party advertising if not registered]*;

(ii) section 41.5 *[prohibition against exceeding third party advertising limit]*;

(iii) section 41.6 *[prohibition against attempting to circumvent third party advertising limits]*;

(iv) section 44 *[advertising must include sponsorship information]*;

(v) section 45 *[restrictions on general voting day advertising]*;

(b) the information is reasonably required by the BC chief electoral officer to carry out the BC chief electoral officer's responsibilities set out in section 87 (1) *[BC chief electoral officer responsible for administering compliance with Act and regulations]*.

(4) Subject to subsection (5), an advertiser that has custody or control of information required under subsection (3) must disclose the information to the BC chief electoral officer

(a) within 24 hours after receiving the notice if the notice is given during a campaign period, and

(b) within 7 days after receiving the notice if the notice is given outside of a campaign period.

(5) The BC chief electoral officer may extend the time period in subsection (4) if an advertiser that receives a notice under this section makes a written request

(a) within 24 hours after receiving the notice if the notice is given during a campaign period, and

(b) within 7 days after receiving the notice if the notice is given outside of a campaign period.

(6) An advertiser that contravenes this section commits an offence.

Order to produce information or records required by BC chief electoral officer

76.4 (1) On application of the BC chief electoral officer, the Supreme Court may make an order requiring a person to disclose to the BC chief electoral officer information or records in the custody or control of the person if the court is satisfied that the information or records are reasonably required by the BC chief electoral officer in order to carry out the BC chief electoral officer's responsibilities under section 87 (1).

(2) The BC chief electoral officer may apply for an order under subsection (1) before, at the time of or subsequent to the following:

(a) making a determination that an individual or organization has failed to comply with a provision of this Act for which a monetary penalty may be imposed;

(b) referring a matter to the Criminal Justice Branch of the Ministry of Attorney General under section 81 *[authority to refer contravention to Criminal Justice Branch]*.

(3) A court may make an order under this section without notice to any person.

(4) Unless the court orders otherwise, an application for an order under this section must be heard in private.

Solemn declaration regarding sponsorship may be required

77 (1) For the purposes of administering compliance with the requirements under this Act in relation to

(a) Part 3 *[Third Party Advertising]*,

(b) section 42 *[application of third party advertising rules to non-election assent voting advertising]*, or

(c) Division 1 *[Sponsorship of Election Advertising and Assent Voting Advertising]* of Part 5 *[Transparency Requirements for Local Elections and Assent Voting]*,

the BC chief electoral officer may require an individual to provide a solemn declaration in accordance with this section.

(2) A solemn declaration under this section may be required in relation to one or more of the following, as requested by the BC chief electoral officer:

(a) whether the individual identified under section 44 (1) (a) *[advertising must include sponsorship information]* is or is not the sponsor of the election advertising or non-election assent voting advertising, or is or is not the financial agent for the sponsor;

(b) the individual's compliance with the requirements referred to in subsection (1);

(c) if the individual is a financial agent for an elector organization, compliance by the elector organization with the requirements referred to in subsection (1);

(d) if the individual is a responsible principal official of an elector organization or an organization that is a registered sponsor, compliance by the elector organization or sponsor with the requirements referred to in subsection (1);

(e) any other matter the BC chief electoral officer considers will assist in determining whether there has been compliance with the requirements referred to in subsection (1).

(3) An individual who does not provide a solemn declaration in accordance with this section when required to do so commits an offence.

Powers in relation to non-compliant advertising

78 (1) An individual authorized by the BC chief electoral officer may, subject to any restrictions or conditions specified by that officer, do one or more of the following in relation to election advertising or non-election assent voting advertising that is transmitted or sponsored in contravention of this Act or a regulation under this Act:

(a) order an individual or organization to correct, discontinue, remove or destroy the election advertising or non-election assent voting advertising;

(b) cover the election advertising or non-election assent voting advertising, or otherwise obscure it from view;

(c) remove, or remove and destroy, the election advertising or non-election assent voting advertising.

(2) Subject to this section, the authority under subsection (1) includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.

(3) The authority under subsection (2) may be used to enter into a place that is occupied as a private dwelling only if the occupier consents or the entry is made under the authority of a warrant under this or another Act.

(4) On being satisfied on oath or affirmation that access to property is necessary for purposes of this section, a justice may issue a warrant authorizing an individual named in the warrant to enter on or into property and take action as authorized by the warrant.

(5) An individual or organization that does not comply with an order under subsection (1) (a) commits an offence.

Enforcement of monetary penalties

78.1 (1) In relation to a monetary penalty under section 68.02 (3) or (5), 68.09 (5), 68.13 (2) or (4), 68.14 (2), 68.15 (2), 68.16 (2), 68.17 (2), 68.19 (2) or (4), 68.20 (2), 68.21 (2), 68.23 (2), 68.24 (2), 68.25 (2), 68.27 (2) or 76.1 (2), the BC chief electoral officer may issue and file with the Supreme Court a certificate specifying the name of the individual or organization, as applicable, and the amount owed under the applicable section by the individual or organization.

(2) A certificate filed under subsection (1) has the same effect and is enforceable in the same manner as a judgment of the Supreme Court in favour of the government for the recovery of a debt in the amount specified in the certificate.

Court injunctions on application of BC chief electoral officer

79 (1) On application of the BC chief electoral officer, the Supreme Court may grant an injunction

(a) requiring an individual or organization to comply with this Act or a regulation under this Act, if the court is satisfied that there are

reasonable grounds to believe that the individual or organization has not complied or is likely not to comply with the Act or regulation, or

(b) restraining an individual or organization from contravening this Act or a regulation under this Act, if the court is satisfied that there are reasonable grounds to believe that the individual or organization has contravened or is likely to contravene the Act or regulation.

(2) An order granting an injunction under subsection (1) may be made without notice to others if it is necessary to do so in order to protect the public interest.

(3) A contravention of this Act or a regulation under this Act may be restrained under subsection (1) whether or not a penalty or other remedy has been provided under this Act.

Division 2 — Offences

General rules and defence of due diligence

80 (1) Section 5 *[offence to contravene an enactment]* of the *Offence Act* does not apply to this Act or the regulations under this Act.

(2) Any penalty under this Part is in addition to and not in place of any other penalty to which an individual or organization may be liable under this Act in respect of the same matter.

(3) An individual or organization is not guilty of an offence under this Act if the individual or organization exercised due diligence to prevent the commission of the offence.

BC chief electoral officer authority in relation to prosecutions

81 (1) A prosecution for an offence under this Act may not be commenced without the approval of the BC chief electoral officer.

(2) If the BC chief electoral officer is satisfied that there are reasonable grounds to believe that an individual or organization has contravened this Act or a regulation under this Act, the BC chief electoral officer may refer the matter to the Criminal Justice Branch of the Ministry of Attorney General for a determination of whether to approve prosecution.

Time limit for starting prosecution

82 (1) The time limit for laying an information to commence a prosecution respecting an offence under this Act is one year after the facts on which the information is based first came to the knowledge of the BC chief electoral officer.

(2) A document purporting to have been issued by the BC chief electoral officer, certifying the day on which the BC chief electoral officer became aware of the facts on which an information is based, is admissible without proof of the signature or official character of the individual appearing to have signed the

document and, in the absence of evidence to the contrary, is proof of the matter certified.

Prosecution of organizations and their directors and agents

83 (1) An act or thing done or omitted by an officer, director, principal official, employee or agent of an organization within the scope of the individual's authority to act on behalf of the organization is deemed to be an act or thing done or omitted by the organization.

(2) If an organization commits an offence under this Act, an officer, director, principal official, employee or agent of the organization who authorizes, permits or acquiesces in the offence commits the same offence, whether or not the organization is convicted of the offence.

(3) A prosecution for an offence under this Act may be brought against an unincorporated organization in the name of the organization and, for these purposes, an unincorporated organization is deemed to be a person.

General offence in relation to false or misleading information

84 (1) An individual or organization that does any of the following commits an offence:

(a) provides false or misleading information when required or authorized under this Act to provide information;

(b) makes a false or misleading statement or declaration when required under this Act to make a statement or declaration.

(2) In the case of false or misleading information in a disclosure statement or supplementary report, the candidate, elector organization, third party sponsor or assent voting advertising sponsor for which the disclosure statement or supplementary report is filed commits an offence.

(3) In the case of false or misleading information in an annual financial report, the elector organization for which the annual financial report is filed commits an offence.

Higher penalty offences

85 (1) This section applies to the offences under the following provisions:

(a) section 57 *[offence for failure to file by compliance deadline]*;

(b) section 84 *[general offence in relation to false or misleading information]*;

(c) any provision of the regulations prescribed for purposes of this section.

(2) An individual who commits an offence to which this section applies is liable to a fine of not more than $10 000 or imprisonment for a term not longer than 2 years, or both.

(3) An organization that commits an offence to which this section applies is liable to a fine of not more than $20 000.

Lower penalty offences

86 (1) This section applies to offences under this Act other than offences to which section 85 applies.

(2) An individual who commits an offence to which this section applies is liable to a fine of not more than $5 000 or imprisonment for a term not longer than one year, or both.

(3) An organization that commits an offence to which this section applies is liable to a fine of not more than $10 000.

Part 8 — Administration and Other Matters

Division 1 — Responsibilities and Authorities

Role of the BC chief electoral officer

87 (1) The BC chief electoral officer is responsible for administering compliance with this Act and the regulations under this Act in relation to candidates, elector organizations, financial agents, third party sponsors, assent voting advertising sponsors and other individuals and organizations regulated under this Act.

(2) In relation to the responsibilities under subsection (1), the BC chief electoral officer must

(a) conduct general reviews of election and assent voting financing matters that are dealt with under this Act and of their administration under this Act, and

(b) after each general local election, prepare a report respecting that officer's role in administering compliance with this Act and the regulations under this Act in relation to that general local election and any other elections or assent voting held since the last report under this section.

(3) The BC chief electoral officer must make a report under this section publicly available on an Elections BC authorized internet site.

Administrative matters

88 (1) Section 10 *[general staff of the chief electoral officer]* of the *Election Act* applies to the BC chief electoral officer in relation to that officer's duties of office under this Act.

(2) The BC chief electoral officer may delegate in writing to an individual appointed under section 10 (1) *[Elections BC employees]* of the *Election Act* the authority to exercise any power and perform any duty assigned to the BC chief electoral

officer under this Act, subject to any limits or conditions imposed by the BC chief electoral officer.

(3) All necessary expenses required for the BC chief electoral officer to perform that officer's duties of office under this Act must be paid out of the general fund of the consolidated revenue fund.

(4) The BC chief electoral officer must approve all amounts to be paid under the authority of this section, with this approval authority subject to any applicable regulations.

(5) Amounts that are to be paid to the BC chief electoral officer under this Act and are received by that officer must be paid into the consolidated revenue fund.

Minor corrections to applications for registration, disclosure statements, annual financial reports and supplementary reports

89 (1) Subject to this section and any applicable regulations, the BC chief electoral officer may correct an error or omission if, when reviewing any of the following documents, the BC chief electoral officer becomes aware of the error or omission and considers that the error or omission does not materially affect the substance of the document:

(a) an application for registration under Division 6 *[Registration of Elector Organizations]* of Part 2 *[Candidate and Elector Organization Campaign Financing]*;

(b) a disclosure statement;

(c) an annual financial report;

(d) a supplementary report.

(2) A correction under this section to a disclosure statement or to a supplementary report in relation to a disclosure statement may be made only with

(a) the consent of the candidate, elector organization, third party sponsor or assent voting advertising sponsor in relation to which the disclosure statement or supplementary report was filed, or

(b) in the case of a disclosure statement or supplementary report for a candidate or elector organization, with the consent of the financial agent.

(3) A correction under this section to an application for registration, annual financial report or supplementary report in relation to an annual financial report may be made only with

(a) the consent of the elector organization in relation to which the application for registration, annual financial report or supplementary report was filed, or

(b) in the case of an annual financial report or supplementary report, with the consent of the financial agent of the elector organization.

Late filing extensions in extraordinary circumstances

90 (1) Subject to this section and any applicable regulations, the BC chief electoral officer may, on request, make an order extending the time period for filing a disclosure statement, annual financial report or supplementary report without payment of a late filing penalty fee that would otherwise apply.

(2) [Repealed 2016-9-35.]

(3) The BC chief electoral officer may make an order under this section only if satisfied, having regard to the purposes of this Act,

(a) that it is appropriate to provide the extension, and

(b) that the disclosure statement, annual financial report or supplementary report cannot be filed within the time period that would otherwise apply by reason of an emergency or other extraordinary circumstance.

Retention of disclosure records

91 (1) The BC chief electoral officer must retain each disclosure statement under this Act and any supplementary reports in relation to the disclosure statement until at least 5 years after general voting day for the election or assent voting to which the disclosure statement relates.

(1.1) The BC chief electoral officer must retain each annual financial report under this Act and any supplementary reports in relation to the annual financial report until at least 5 years after the compliance deadline for the annual financial report.

(2) The minister responsible for the administration of the *Information Management Act* may require that, after the end of the retention period, the records referred to in subsection (1) be archived

(a) in the digital archives established by the *Information Management Act*, or

(b) in the museum archives of government established by the *Museum Act*.

(3) For purposes of subsection (2), the BC chief electoral officer must give notice to the minister before the end of each retention period.

Provision of information between Elections BC and local authorities

92 (1) As soon as practicable after an individual is declared to be a candidate, the local election officer must provide the following to the BC chief electoral officer:

(a) the full name of the candidate;

(b) if applicable, the usual name of the candidate proposed to be used on the ballot;

(c) the jurisdiction in relation to which and the office for which the individual is a candidate;

(d) the mailing address for the candidate as provided in the nomination documents;

(e) a copy of the information and material provided under section 90 (1) *[other information to be provided by candidate]* of the *Local Government Act* or section 45.1 (1) of the *Vancouver Charter*, as applicable, or the information provided in that material;

(f) if applicable, the name of the elector organization that is endorsing the candidate;

(g) other information as required by regulation.

(2) [Repealed 2021-5-64.]

(3) If the local election officer receives updated information respecting any of the information or material to be provided to the BC chief electoral officer under this section, that local election officer must ensure that the updated information is provided to the BC chief electoral officer as soon as practicable.

(4) The local election officer must provide the following to the BC chief electoral officer as soon as practicable:

(a) the names of the candidate or candidates declared elected in an election for the jurisdiction;

(b) other information or material as required by regulation.

(4.1) As soon as practicable before each election, but no later than the end of the nomination period, the BC chief electoral officer must provide the following information to the local election officer for each jurisdiction for which an elector organization is registered to endorse a candidate in an election:

(a) the legal name of the elector organization, if applicable;

(b) the usual name of the elector organization, if the usual name is different from the legal name, or if the elector organization has no legal name;

(c) any abbreviations, acronyms or other names used by the elector organization to refer to itself;

(d) the name, abbreviation or acronym by which the elector organization is to be identified on the ballot;

(e) the name, required contact information and address for service of the authorized principal official of the elector organization;

(f) the name, mailing address and address for service of each of the other responsible principal officials of the elector organization;

(g) the name and required contact information of the financial agent of the elector organization;

(h) any other information required by regulation.

(5) If applicable, the BC chief electoral officer must provide to the applicable designated local authority officer information or material as required by regulation.

Division 2 — Technical Advisory Committee

Technical Advisory Committee

93 (1) The Technical Advisory Committee is established consisting of the individuals appointed under subsection (2).

(2) Subject to subsection (4), the following individuals may be appointed as members of the advisory committee:

(a) a representative appointed by the Union of British Columbia Municipalities;

(b) a representative appointed by the Local Government Management Association;

(c) a representative appointed by the British Columbia School Trustees Association;

(d) a staff member of Elections BC appointed by the BC chief electoral officer;

(e) a staff member of the ministry of the minister responsible for the administration of this Act, appointed by the Inspector of Municipalities;

(f) a staff member of the ministry of the minister responsible for the administration of the *Election Act*, appointed by the Deputy Attorney General;

(g) a staff member of the ministry of the minister responsible for the administration of the *School Act*, appointed by the deputy minister of that ministry;

(h) any other representative appointed as provided by regulation.

(3) Subject to subsection (4), a member of the advisory committee may designate another individual to attend a committee meeting in the member's place and that individual may act in the member's place at that meeting.

(4) The following are not eligible to be appointed under subsection (2) or designated under subsection (3):

(a) an individual elected or appointed as a member of a local authority;

(b) an individual elected as a member of the Legislative Assembly;

(c) an individual appointed as a member of the Executive Council.

(5) An individual may be reappointed to the advisory committee.

(6) The members of the advisory committee must elect a chair and vice chair from among the committee's members.

Role of advisory committee

94 (1) The role of the advisory committee is to be a forum for discussing matters of common interest to the represented authorities respecting the administration and application of this Act and the regulations under this Act.

(2) Without limiting subsection (1), the advisory committee is to be a forum for discussing the following:

(a) the development and provision of public information and education respecting this Act and the regulations under this Act;

(b) the development and provision of information and training for local authority officials respecting the administration of this Act and the regulations under this Act;

(c) the provision of specific advice to participants in the election or assent voting process respecting the application of this Act and the regulations under this Act;

(d) the forms for disclosure statements and supplementary reports to be considered for approval by the BC chief electoral officer.

Advisory committee meetings

95 (1) Subject to this Division, the advisory committee may make rules governing its practices and procedures.

(2) Meetings of the advisory committee may be called at any time by the chair of the committee.

(3) If requested in writing by 2 or more members of the advisory committee, the chair of the committee must call a meeting of the committee as soon as practicable.

(4) A meeting of the advisory committee may be conducted using electronic or other communications facilities, and a member participating in a meeting using such facilities is deemed to be present at the meeting.

(5) The cost of a committee member attending a meeting, other than the cost of the representative of the BC chief electoral officer, is not part of the administrative costs incurred by that officer under this Act.

(6) The advisory committee must make available to the public, on request, a summary of the proceedings of a meeting of the committee.

Division 3 — Miscellaneous

Address for service requirements and delivery of notices

96 (1) In relation to a requirement under this Act or other local elections legislation for an individual or organization to provide an address for service at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization, the individual or organization satisfies this requirement by providing a mailing address or email address as the address for service.

(2) In addition to the required address under subsection (1), the individual or organization may provide one or more of the following as an additional address for service:

(a) an email address in addition to the mailing address;

(b) a mailing address in addition to the email address;

(c) a fax number;

(d) any other form of address prescribed by regulation.

(3) In relation to a requirement or authority under this Act or other local elections legislation to

(a) serve a notice or other communication on an individual or organization that has provided an address for service, or

(b) give a notice or other communication to such an individual or organization,

that service or notice may be made by sending the record to the most recent address for service provided by the individual or organization.

(4) If a notice or other communication is sent in accordance with subsection (3), the communication is deemed to have been received by the individual or organization to which it was sent as follows:

(a) if the communication is sent by ordinary or registered mail to the mailing address provided as an address for service, on the fifth day after it is mailed;

(b) if the communication is sent by email to the email address provided as an address for service, on the third day after it is sent;

(c) if the communication is sent by fax to the fax number provided as an address for service, on the third day after it is faxed;

(d) if the communication is sent to a form of address prescribed by regulation, as provided by the regulations.

(5) Where this Act requires or permits service of a notice or other communication on a jurisdiction, the service is effected if the communication is served on the designated local authority officer for the jurisdiction.

(6) For certainty, this section provides additional means of service and does not affect other means of service authorized by law.

Solemn declarations

97 (1) If a solemn declaration is required to be provided under this Act, the declaration must be

(a) made on oath or by solemn affirmation,

(b) made before an individual authorized to take the oath or solemn affirmation, and

(c) signed by the individual making the oath or solemn affirmation and by the individual taking it.

(2) The following individuals are authorized to take a solemn declaration required under this Act:

(a) a commissioner for taking affidavits for British Columbia;

(b) the BC chief electoral officer or a delegate authorized under section 88 (2) *[delegation to Elections BC staff]*;

(c) a local election officer or a delegate authorized by such an officer under other local elections legislation.

(3) If applicable, the solemn declaration must be made in a form prescribed by regulation.

Information updating obligations

98 The obligations under this Act to provide updated information and material to the BC chief electoral officer end when all disclosure and record retention obligations under this Act in relation to the candidate, elector organization, third party sponsor or assent voting advertising sponsor, as applicable, have been fulfilled.

Population

98.1 (1) Subject to subsection (2), for the purposes of this Act and the regulations under this Act, the population of an election area or the geographic area associated with a jurisdiction is to be taken from the most recent population estimates issued annually by the director under the *Statistics Act* (British Columbia) based on the Census of Canada.

(2) The minister responsible may determine the population of an election area or the geographic area associated with a jurisdiction

(a) if the population of an election area or the geographic area associated with a jurisdiction has not been established by a Census of Canada, or

(b) in other prescribed special circumstances.

Division 4 — Orders and Regulations

Ministerial orders to address special circumstances or errors

99 (0.1) In this section, **"general voting day for the assent voting"** means the applicable day established under

(a) section 174 *[general voting day for assent voting]* of the *Local Government Act*, or

(b) section 134 *[general voting day for assent voting]* of the *Vancouver Charter*.

(1) The minister responsible in relation to an election or assent voting may, in the following circumstances, make any order the minister considers appropriate to achieve the purposes of this Act:

(a) the minister considers the order necessary because of special circumstances respecting

(i) the election or assent voting, or

(ii) a candidate, elector organization, third party sponsor or assent voting advertising sponsor;

(b) the minister considers the order necessary because of an irregularity or procedural error in the administration or conduct of the election or assent voting.

(2) Without limiting subsection (1), but subject to subsection (3), an order under this section may provide an exception to or modification of this Act or a regulation under this Act, including extending a time period or establishing a new date in place of a date set under this Act and giving any other directions the minister considers appropriate in relation to this.

(2.1) An order under this section may be made retroactive to a date not earlier than the first day of the election period or 80 days before general voting day for the assent voting, as applicable, and, if made retroactive, is deemed to have been made on the specified date.

(3) An order under this section may not provide relief

(a) that could be provided under section 90 *[late filing extensions in extraordinary circumstances]*, or

(b) that could be provided by a court order for relief, or that could have been provided by such a court order if an application had been made within the applicable time limit under this Act.

(4) For certainty, the authority under this section may be exercised in relation to circumstances described in section 101 *[withdrawal, death or incapacity of candidate]* of the *Local Government Act* or section 52 of the *Vancouver Charter*, but is additional to the authority under those sections, section 167 *[ministerial orders to address special circumstances or errors]* of the *Local Government Act* or section 127 of the *Vancouver Charter*.

Power to make regulations — general

100 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations as follows:

(a) respecting any matter for which regulations are contemplated by this Act;

(b) defining any word or expression used but not defined in this Act, including, for certainty, defining a word or expression to which section 2 (1) *[other definitions that apply to this Act]* of the Schedule to this Act applies;

(c) in relation to elections prescribed under section 1 (1) (i) *[other elections to which this Act applies]*, prescribing the office, jurisdiction, local authority, election area and applicable legislation in relation to a prescribed election;

(d) in relation to section 42 *[application of third party advertising rules to non-election assent voting advertising]*, in addition to the authority under subsection (4) of this section, making any other regulations the Lieutenant Governor in Council considers necessary or advisable in relation to the application of the following to non-election assent voting:

(i) Divisions 1 to 3 of Part 3 *[Third Party Advertising]*;

(ii) any other provisions of this Act or the regulations that apply in relation to those Divisions;

(e) in relation to the application of this Act and regulations under this Act to by-elections or elections by acclamation, making any regulations the Lieutenant Governor in Council considers necessary or advisable in relation to the application of this Act or the regulations under this Act to such elections, including regulations as referred to in subsection (4);

(e.1) for the purposes of section 72 (4) *[how to decide which individual ceases to hold office]*, establishing the procedure and process to determine which individual ceases to hold office;

(f) in relation to section 93 (2) (h) *[other members of the advisory committee]*, providing for additional members of the advisory committee and establishing who is to appoint an additional member.

(3) A regulation under this Act may confer a discretion on the BC chief electoral officer.

(4) Where this Act contemplates that a provision of the Act may be subject to regulations, the authority to make the contemplated regulations includes authority to do any or all of the following:

(a) provide exceptions to the provision;

(b) establish limits on the application of the provision;

(c) modify the rules, or the effect of the rules, that would otherwise apply under the provision;

(d) establish rules that operate in place of or as an alternative to the provision;

(e) establish conditions in relation to the operation of an exception, limit, modification or rule established under this subsection.

(5) A regulation under this Act may

(a) establish different classes of jurisdictions, geographic areas associated with a jurisdiction, election areas, elected offices, elections, assent voting, candidates, organizations, sponsors, circumstances, things or other matters, and

(b) make different provisions, including exceptions, for those classes.

Power to make regulations — campaign contribution limits

100.01 (1) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting campaign contribution limits, including, without limitation, but subject to subsection (3), as follows:

(a) for the purposes of section 30.03 *[application of Division]*, prescribing the election, jurisdiction, election area or geographic area associated with a jurisdiction to which Division 5 *[Campaign Contribution Limits]* of Part 2 *[Candidate and Elector Organization Campaign Financing]* applies;

(b) for the purposes of section 30.04 *[campaign contribution limits for 2019 and subsequent years]*,

(i) prescribing the amounts of the campaign contribution limits, or

(ii) respecting how an amount of a campaign contribution limit is determined, including prescribing that an amount is determined on the basis of

(A) prescribed population ranges, or

(B) a prescribed formula that takes into account the population of an election area or the geographic area associated with a jurisdiction;

(c) respecting amounts of campaign contribution limits, and the application of the campaign contribution limits, for a candidate referred to in section 4 (2) *[candidate running in multiple elections]*;

(d) respecting amounts of campaign contribution limits, and the application of the campaign contribution limits, for an elector organization referred to in section 5 (2) *[endorsing in multiple jurisdictions]*.

(2) In making a regulation under subsection (1), the Lieutenant Governor in Council may do one or more of the following:

(a) establish rules respecting

(i) how campaign contribution limits apply or are determined in the calendar year in which an applicable campaign contribution limit is prescribed,

(ii) how campaign contributions made in the calendar year in which an applicable campaign contribution limit is prescribed before the date the applicable campaign contribution limit is prescribed are dealt with, including whether they are included in determining if an eligible individual exceeds the applicable campaign contribution limit for that calendar year,

(iii) how permissible loans are dealt with, including if and how they are included for the purpose of determining if an eligible individual exceeds an applicable campaign contribution limit, and

(iv) how loans made or accepted and debts arising before the date an applicable campaign contribution limit is prescribed are dealt with;

(b) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of more effectively determining and applying campaign contribution limits;

(c) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in determining or applying campaign contribution limits.

(3) A regulation under sections 30.03 and 30.04 may be made only on the recommendation of the minister responsible.

Power to make regulations — sponsorship contribution limits

100.02 (1) Without limiting any other provision of this Act but subject to subsection (3), the Lieutenant Governor in Council may make regulations respecting sponsorship contribution limits, including, without limitation,

(a) prescribing the amount of the sponsorship contribution limit, or

(b) respecting how the amount of a sponsorship contribution limit is determined.

(2) In making a regulation under subsection (1), the Lieutenant Governor in Council may do one or more of the following:

(a) establish rules respecting

(i) how sponsorship contribution limits apply or are determined in the calendar year in which an applicable sponsorship limit is prescribed,

(ii) how to deal with sponsorship contributions that are made in the calendar year in which an applicable sponsorship contribution limit is prescribed but before the date the applicable sponsorship contribution limit is prescribed, including if those sponsorship contributions are included for the purpose of determining whether the sponsorship contributions of an eligible individual exceed the applicable sponsorship contribution limit for that calendar year,

(iii) how to deal with permissible loans, including if and how they are included for the purpose of determining whether the sponsorship contributions of an eligible individual exceed the applicable sponsorship contribution limit for that calendar year, and

(iv) how to deal with loans made or accepted and debts arising before the date an applicable sponsorship contribution limit is prescribed;

(b) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of more effectively determining and applying a sponsorship contribution limit;

(c) make provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in determining or applying a sponsorship contribution limit.

(3) A regulation in relation to section 36.01 or 36.02 may be made only on the recommendation of the minister responsible.

Power to make regulations — third party advertising limits

100.1 (1) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting third party advertising limits, including, without limitation, but subject to subsection (2), as follows:

(a) for the purposes of section 41.1 (a) (ii) *[direct third party advertising limits]*, establishing an amount based on a prescribed percentage of the expense limit for a prescribed class of candidates;

(b) for the purposes of section 41.7 *[attribution of value of directed advertising]*, respecting the basis on which third party advertising must be attributed, including prescribing factors or principles to be considered when attributing third party advertising.

(2) A regulation under section 41.1 (a) may be made only on the recommendation of the minister responsible.

Power to make regulations — expense limits

100.2 (1) Without limiting any other provision of this Act, the Lieutenant Governor in Council may make regulations respecting expense limits, including, without limitation, but subject to subsection (3), as follows:

(a) for the purposes of section 63.01 (1) (b) and (2) (b) *[expense limits — election areas with population of 10 000 or more]*, determining the amount of the expense limit, including establishing formulas to determine the amount;

(b) respecting the expense limit for a candidate referred to in section 4 (2) *[candidate running in multiple elections]*;

(c) prescribing a form for a campaign financing arrangement for candidates and elector organizations;

(d) for the purposes of section 63.08 (2) *[attribution of elector organization expenses to candidate expense limits]*, respecting the basis on which the campaign period expenses must be attributed, including prescribing factors or principles to be considered when attributing campaign period expenses;

(e) for the purposes of section 63.10 *[amendment to and termination of campaign financing arrangement]*, prescribing the form and manner of the termination of the campaign financing arrangement and the information that must be included in the termination, establishing the process for termination, including the notice requirements, and respecting the restrictions on or obligations of a candidate and an elector organization following the termination;

(f) for the purposes of section 63.11 *[effect of endorsement relationship ending]*, respecting the effect of the ending of an endorsement relationship, including prescribing notice requirements and effects on parties other than the elector organization and the candidate endorsed by the elector organization, and respecting the restrictions on or obligations of a candidate and an elector organization following the ending of an endorsement relationship.

(2) The authority to make a regulation under subsection (1) (b) of this section includes the authorities set out in section 100 (4) (a) to (e).

(3) A regulation under section 63.01 may be made only on the recommendation of the minister responsible.

Commencement and application

101 (1) The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 **Provisions of Act**	Column 2 **Commencement**

1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 34 and 35	In relation to anonymous sponsorship contributions, on March 27, 2014, being the day after the date of First Reading

(2) This Act does not apply in relation to elections referred to in section 1 *[elections to which this Act applies]*, or voting referred to in section 2 *[assent voting to which this Act applies]*, held before the 2014 general local election.

Schedule

Definitions and Interpretation

Definitions

1 (1) In this Act:

"address for service", in relation to an individual or organization, means an address provided in accordance with section 96 *[address for service requirements and delivery of notices]* as an address at which notices and other communications will be accepted as served on or otherwise delivered to the individual or organization;

"advisory committee" means the Technical Advisory Committee under section 93 *[Technical Advisory Committee]*;

"amount available", in relation to an expense limit for a candidate who is or was endorsed by an elector organization, means the amount apportioned under section 63.07 *[written campaign financing arrangement required]* or the amended amount under section 63.10 *[amendment to and termination of campaign financing arrangement]* as available for use in the election campaign of the candidate or elector organization, as applicable;

"annual financial report" means an annual financial report required under section 45.1 *[annual financial reports by elector organizations]*;

"applicable campaign contribution limit" means a campaign contribution limit that is established

(a) under section 30.01 *[campaign contribution limits for 2017 and 2018]*, or

(b) under section 30.04 *[campaign contribution limits for 2019 and subsequent years]* and applies to an election prescribed under section 30.03 *[application of Division]*;

"assent voting" means voting to which this Act applies under section 2 *[assent voting to which this Act applies]*;

"assent voting advertising" means assent voting advertising within the meaning of section 8 *[what is assent voting advertising, when is it election advertising and when is it non-election assent voting advertising]*;

"assent voting advertising disclosure statement" means a disclosure statement required under section 46 (1) (d) *[disclosure statements for assent voting advertising sponsors]*;

"assent voting advertising sponsor" means

(a) an individual or organization that sponsors non-election assent voting advertising,

(b) an individual or organization that registers under Division 3 *[Registration of Third Party Sponsors]* of Part 3 *[Third Party Advertising]* as it applies to non-election assent voting advertising, and

(c) in relation to obligations applicable under this Act to an individual or organization as an assent voting advertising sponsor, an individual or organization that was an assent voting advertising sponsor;

"assent voting proceedings period" means the period applicable in relation to non-election assent voting under section 10 (3) *[what is the assent voting proceedings period]*;

"authorized principal official" means,

(a) in relation to an elector organization, the responsible principal official designated as required under section 21 (1) (b) *[principal official authorized to make declarations for elector organization]*, or

(b) in relation to a third party sponsor or assent voting advertising sponsor that is an organization, the responsible principal official designated as required under section 40 (1) (b) *[principal official authorized to make declarations for organization]*;

"BC chief electoral officer" has the same meaning as "chief electoral officer" in the *Election Act*;

"campaign account" means an account established under section 18 *[requirement for candidate campaign account]* or 20 *[requirement for elector organization campaign account]*;

"campaign contribution" means a campaign contribution within the meaning of any of the following sections:

(a) section 13 *[campaign contributions to candidate and elector organization generally]*;

(b) section 13.01 *[campaign contributions through fundraising functions]*;

(c) section 13.02 *[campaign contributions through loans]*;

"campaign financing arrangement" means the arrangement between a candidate and an elector organization as required under section 63.07 *[written campaign financing arrangement required]*, or as amended under section 63.10 *[amendment to and termination of campaign financing arrangement]*, as applicable;

"campaign period" means the period applicable in relation to an election under section 10 (2) *[what is a campaign period]*;

"campaign period expense" means a campaign period expense within the meaning of section 15 *[what are campaign period expenses]*;

"candidate" includes

(a) an individual who intends to become a candidate in an election,

(b) an individual who is seeking or intends to seek endorsement by an elector organization in relation to an election, and

(c) in relation to obligations applicable under this Act to an individual as a candidate, an individual who was a candidate;

"candidate disclosure statement" means a disclosure statement required under section 46 (1) (a) *[candidate disclosure statement]*;

"compliance deadline" means the applicable compliance deadline under section 45.2 (3) *[compliance deadline for filing annual financial report]*, section 47 (4) *[compliance deadline for filing disclosure statements]* or 54 (6) *[compliance deadline for filing supplementary report]*;

"court order for relief" means a court order under section 76.2 *[court relief powers in relation to requirement to provide information]* and the following Divisions of Part 6:

(a) Division 2 *[Court Orders for Relief in Relation to Disclosure Requirements]*;

(b) Division 4 *[Court Orders for Relief in Relation to Exceeding Expense Limits or Amount Available]*;

(c) Division 5 *[Third Party Advertising Limits — Penalties and Court Orders for Relief]*;

(d) Division 5.1 *[Campaign Contributions — Penalties and Court Orders for Relief]*;

(e) Division 5.2 *[Sponsorship Contributions — Penalties and Court Orders for Relief]*;

(f) Division 5.3 *[Third Party Sponsors — Penalties and Court Orders for Relief]*;

(g) Division 5.4 *[Registration of Elector Organizations — Penalties and Court Orders for Relief]*;

"cumulative third party advertising limit" means the overall amount prescribed under section 41.1 (b) *[cumulative third party advertising limit]* for directed advertising and issue advertising;

"declared", in relation to a candidate, means declared as a candidate under section 97 *[declaration of candidates]* of the *Local Government Act* or section 46 of the *Vancouver Charter*;

"designated local authority officer", in relation to a matter, means

(a) the local authority official assigned responsibility for the matter by the local authority, or

(b) if no such assignment has been made, whichever of the following is applicable:

(i) in relation to a municipality other than the City of Vancouver, the municipal corporate officer;

(ii) in relation to the City of Vancouver or the Vancouver Park Board, the City Clerk;

(iii) in relation to a regional district, the regional district corporate officer;

(iv) in relation to the Islands Trust, the secretary;

(v) in relation to a board of education, the secretary treasurer;

(vi) in relation to any other jurisdiction, the official designated by regulation;

"directed advertising" means directed advertising within the meaning of section 12 *[types of third party advertising — issue advertising and directed advertising]*;

"disclosure requirements" means the applicable requirements and obligations under Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 in relation to a disclosure statement, annual financial report or supplementary report;

"disclosure statement" means a disclosure statement required under section 46 *[disclosure statements required for candidates, elector organizations and advertising sponsors]*;

"election" means an election to which this Act applies under section 1 *[elections to which this Act applies]*;

"election advertising" means election advertising within the meaning of section 7 *[what is election advertising]*;

"election area",

(a) in relation to an election under the *Local Government Act*, has the same meaning as in the *Local Government Act*,

(b) in relation to an election under the *School Act*, has the same meaning as in the *School Act*,

(c) in relation to an election under the *Vancouver Charter*, has the same meaning as in the *Vancouver Charter*, and

(d) in relation to an election prescribed under section 1 of this Act, has the prescribed meaning;

"election campaign" means, as applicable,

(a) an election campaign of a candidate within the meaning of section 4 *[what is the election campaign of a candidate]*, or

(b) an election campaign of an elector organization within the meaning of section 5 *[what is the election campaign of an elector organization]*;

"election expense" means an election expense within the meaning of section 14 *[election expenses of candidates and elector organizations]*;

"election period" means an election period within the meaning of section 10 (1) *[what is an election period]*;

"election period expense" means an election period expense within the meaning of section 15 *[what are election period expenses]*;

"Elections BC" means the office administered by the BC chief electoral officer under the *Election Act*;

"Elections BC authorized internet site" means an internet site

(a) maintained by Elections BC, or

(b) authorized by the BC chief electoral officer to be used for purposes of this Act;

"elector organization" includes

(a) an organization that intends to endorse a candidate in an election, and

(b) in relation to obligations applicable under this Act to an organization as an elector organization, an organization that was an elector organization;

"elector organization disclosure statement" means a disclosure statement required under section 46 (1) (b) *[disclosure statements for elector organizations]*;

"eligible individual" means an individual who is

(a) a resident of British Columbia, and

(b) a Canadian citizen or a permanent resident as defined in the *Immigration and Refugee Protection Act* (Canada);

"endorsed", in relation to a candidate or an elector organization, includes the candidate having entered into a campaign financing arrangement with the elector organization before nomination documents are filed with the local election officer;

"expense limit" means the applicable limit for a candidate established under section 63.01 *[expense limits — general local election]* or 63.04 *[expense limits — by-election]*;

"final campaign financing arrangement" means a campaign financing arrangement as it reads at the end of general voting day;

"financial agent" means,

(a) in relation to a candidate, the financial agent under section 17 *[each candidate must have a financial agent]*,

(b) in relation to an elector organization, the financial agent under section 19 *[each elector organization must have a financial agent]*, and

(c) in relation to obligations applicable under this Act to an individual as financial agent, an individual who was a financial agent;

"fundraising function" includes a social function held by, or on behalf of, a candidate or elector organization for the purpose of obtaining funds for the candidate or elector organization;

"general local election" includes the elections that are held at the same time as a general local election under the *Local Government Act*;

"incurring a campaign period expense" means using property or services in such a manner that the value of the property or services is a campaign period expense;

"incurring an election expense" means using property or services in such a manner that the value of the property or services is an election expense;

"incurring an election period expense" means using property or services in such a manner that the value of the property or services is an election period expense;

"issue advertising" means issue advertising within the meaning of section 12 *[types of third party advertising — issue advertising and directed advertising]*;

"jurisdiction" means,

(a) in relation to an election, the applicable jurisdiction referred to in section 1 *[elections to which this Act applies]* for which the election is being held, and

(b) in relation to assent voting, the jurisdiction for which the assent voting is being held;

"late filing deadline" means,

(a) in relation to a disclosure report, the late filing deadline as established under section 47 (2) *[filing up to 120 days after general voting day on payment of penalty fee]*, or

(b) in relation to an annual financial report, the late filing deadline as established under section 45.2 (2) *[filing within 30 days of March 31 on payment of penalty fee]*;

"late filing penalty fee" means the applicable penalty fee under section 45.2 (2) or 47 (2);

"loan", in relation to a loan made by an eligible individual, includes an interest free loan;

"local authority" means the local authority of a jurisdiction to which this Act applies under section 1 *[elections to which this Act applies]* or 2 *[assent voting to which this*

Act applies];

"local authority offices" means,

(a) in relation to a local government, the local government offices, and

(b) in relation to another form of local authority, the location of the regular office of the designated local authority officer;

"local election officer", in relation to a jurisdiction, means

(a) the chief election officer for the jurisdiction, or

(b) if at the applicable time no individual is appointed as that official, the designated local authority officer;

"local elections legislation" means

(a) this Act and the regulations under this Act,

(b) the enactments referred to in sections 1 *[elections to which this Act applies]* and 2 *[assent voting to which this Act applies]* and the regulations under those enactments, as they apply in relation to elections or assent voting to which this Act applies, and

(c) any other prescribed enactment as it applies in relation to elections or assent voting to which this Act applies;

"local government" includes the council of the City of Vancouver;

"market value", in relation to property or services, means the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time;

"minister responsible" means,

(a) in relation to an election, the minister responsible for the enactment under which the applicable local authority is established or continued, and

(b) in relation to assent voting, the minister responsible for the enactment under which the assent voting is required or authorized to be held;

"money" includes cash, a negotiable instrument, payment by means of credit card and any form of electronic payment or transfer of funds;

"non-election assent voting advertising" means non-election assent voting advertising within the meaning of section 8 (4) *[non-election assent voting advertising]*;

"organization" means a corporation or an unincorporated organization;

"permissible loan" means a loan that is made to a candidate for campaign use, to an elector organization for any use or to a third party sponsor or assent voting advertising sponsor for sponsorship use

(a) by a savings institution at a rate of interest that is not less than the prime rate of the principal banker to the government on the date the loan is received, or

(b) by an eligible individual;

"personal election expenses" means the personal election expenses in relation to a candidate within the meaning of section 14 (7) *[exclusions from election expenses]*;

"personal information of an individual" means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*;

"pre-campaign period" means the period applicable in relation to a general local election under section 10 (1.1) *[what is a pre-campaign period]*;

"principal official", in relation to an organization, means,

(a) in the case of an organization that is a corporation, a director of the corporation, and

(b) in the case of an organization that is not a corporation, a director or a principal officer of the organization or, if there are no directors or principal officers, a principal member of the organization;

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

"provided without compensation" means provided without compensation by way of donation, advance, deposit, discount or otherwise;

"register of elector organizations" means the register maintained by the BC chief electoral officer in accordance with section 30.10 *[register to be open to public]*;

"registered" means,

(a) in relation to an elector organization, registered under Division 6 *[Registration of Elector Organizations]* of Part 2 *[Candidate and Elector Organization Campaign Financing]*, and

(b) in relation to a third party sponsor or non-election assent voting advertising sponsor, registered under Division 3 *[Registration of Third Party Sponsors]* of Part 3 *[Third Party Advertising]*;

"required contact information", in relation to an individual, means all of the following:

(a) a mailing address for the individual;

(b) a telephone number at which the individual can be contacted;

(c) an email address at which the individual can be contacted, unless the individual does not have such an address;

"responsible principal official" means,

(a) in relation to an elector organization, an individual identified under section 21 *[responsible principal officials of elector organization]* as a

responsible principal official of the organization, and

(b) in relation to a third party sponsor or assent voting advertising sponsor that is an organization, an individual identified under section 40 *[responsible principal officials of sponsor that is an organization]* as a responsible principal official of the organization;

"shared election expense" means

(a) election advertising sponsored jointly by 2 or more candidates, such that a portion of the total value of the election advertising attributed under section 16 (6) *[valuation of election expenses]* to each candidate is an election expense of each of the candidates participating in the sponsorship, or

(b) property or services, other than election advertising, used jointly by 2 or more candidates, such that a portion of the total value of the property or services attributed under section 16 (6) to each candidate is an election expense of each of the candidates participating in that use;

"shared third party advertising" means third party advertising sponsored jointly by 2 or more third party sponsors, such that a portion of the total value of the third party advertising attributed to each third party sponsor under section 33 (6) *[valuation rules for third party advertising]* is third party advertising of each of the third party sponsors participating in the third party advertising;

"significant contributor" means,

(a) in relation to campaign contributions, an eligible individual who

(i) makes a campaign contribution having a value of $100 or more, or

(ii) makes multiple campaign contributions to the same candidate or elector organization such that the total value of the campaign contributions to that candidate or elector organization is $100 or more, and

(b) in relation to sponsorship contributions, an eligible individual who

(i) makes a sponsorship contribution having a value of $100 or more, or

(ii) makes multiple sponsorship contributions to the same individual or organization such that the total value of the sponsorship contributions to that individual or organization is $100 or more;

"solemn declaration" means a declaration on oath or by solemn affirmation in accordance with section 97 *[solemn declarations]*;

"specifically related", in relation to election advertising, means specifically related within the meaning of section 12 *[types of third party advertising — issue*

advertising and directed advertising];

"sponsor", in relation to election advertising or non-election assent voting advertising, means the individual or organization that is the sponsor within the meaning of section 9 *[who is the sponsor of election advertising or non-election assent voting advertising]*;

"sponsorship contribution" means a sponsorship contribution within the meaning of section 32 *[sponsorship contributions generally]* or 32.01 *[sponsorship contributions through loans]* to a third party sponsor or assent voting advertising sponsor;

"sponsorship use" means,

(a) in relation to a contribution or permissible loan to an individual or organization that is or becomes a third party sponsor, use in relation to sponsorship of third party advertising by the individual or organization, and

(b) in relation to a contribution or permissible loan to an individual or organization that is or becomes an assent voting advertising sponsor, use in relation to sponsorship of non-election assent voting advertising by the individual or organization;

"supplementary report" means a supplementary report required under section 54 *[requirement for supplementary report]*;

"third party advertising" means election advertising that is third party advertising within the meaning of section 11 *[what is third party advertising]*;

"third party advertising limit" means the applicable limit for a third party sponsor established under section 41.1 *[third party advertising limit — general local election]* or 41.4 *[third party advertising limits — by-election]*;

"third party disclosure statement" means a disclosure statement required under section 46 (1) (c) *[disclosure statements for third party sponsors]*;

"third party sponsor" means

(a) an individual or organization that sponsors or intends to sponsor third party advertising,

(b) an individual or organization that registers as a third party sponsor under Division 3 *[Registration of Third Party Sponsors]* of Part 3, and

(c) in relation to obligations applicable under this Act to the individual or organization as a third party sponsor, an individual or organization that was a third party sponsor;

"unendorsed candidate" means a candidate who is not endorsed by an elector organization;

"volunteer" means an individual who provides services for no remuneration or material benefit, but does not include

(a) an individual who is employed by an employer, if the employer makes the services available at the employer's expense, or

(b) an individual who is self-employed, if the services provided by the individual are normally sold or otherwise charged for by the individual.

(2) For the purposes of the definition of "eligible individual", the rules set out in section 67 *[rules for determining residence]* of the *Local Government Act* apply to determine if an individual is resident in British Columbia.

How this Act applies in relation to other legislation

2 (1) Subject to the definitions under this Act,

(a) the definitions in the *Community Charter* and the *Local Government Act* apply to this Act in relation to elections to which Part 3 *[Electors and Elections]* of the *Local Government Act* applies and in relation to assent voting to which Part 4 *[Assent Voting]* of that Act applies, and

(b) the definitions in the *Vancouver Charter* apply to this Act in relation to elections to which Part I *[Electors and Elections]* of the *Vancouver Charter* applies and in relation to assent voting to which Part II *[Assent Voting]* of that Act applies.

(2) So far as the terms defined can be applied, the definitions under this Act extend to all enactments in relation to election and assent voting matters that are dealt with by this Act.

References to other Acts

3 Where this Act or a regulation under this Act refers to the *Community Charter*, *Local Government Act* or *Vancouver Charter*, or a provision of one of those Acts, the reference extends to an election, assent voting or other matter under another enactment to which the referenced Act or provision applies.

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