

Candidate's Guide

Local Elections
in British Columbia



Ministry of Community,
Aboriginal and Women's Services

Contents

Introduction	iii
About Local Elections	
What and When	1
Term of Office	1
Time Commitment	1
Remuneration	1
Conflict of Interest	1
Qualifications	
Who May Run	2
Who May Not Run	2
Nominations	
Who May Nominate	3
Nomination Form	3
Other Documents	3
Nomination Deposits	4
Nomination Period	4
Challenges	5
Candidates and Representatives	
Elector Organizations	6
Withdrawing	6
Appointing Representatives	6
Campaign Financing	
Recording and Disclosing	8
Financial Agent	9
Financial Agent Responsibilities	9
Choosing a Financial Agent	9
Appointing a Financial Agent	10
Separate Campaign Accounts	10
Campaign Contributions	10
Restrictions on Campaign Contributions	11
Election Expenses	12
Recording Contributions and Expenses	13
Valuing Goods and Services	15
Surplus Funds	16
Filing Requirements	17
On Voting Day	21
Sample Record Keeping Form	23
Sample Disclosure Statement	26

This guide may be photocopied.

NOTE: Although this guide was prepared to help candidates understand the electoral process and legislation regarding local elections in British Columbia, each candidate must refer to the *Local Government Act* and amendments for specific interpretation and advice.

Canadian Cataloguing in Publication Data

Main entry under title:

Candidate's guide

Previously Published: Ministry of
Community, Aboriginal and Women's Services 2002.
ISBN 0-7726-3998-1

1. Local elections - British Columbia.
2. Political candidates - British Columbia.
3. Election law - British Columbia. I. British Columbia.

KEB478.5.E43C36 1999

342.711'07 C99-960301-9

KF4483.E4C36 1999

Introduction

This guide is designed to assist anyone interested in seeking election or re-election to local government office. It provides an overview of the election process in British Columbia and a summary of the steps you need to take to run as a candidate in a local election. This includes running for municipal, regional district, school district or Islands Trust office.

For easy reference, the chapter titles of this guide follow those of the legislation whenever possible, and the relevant section numbers from the *Local Government Act* are listed with each chapter title. Section numbers referred to in the body of the guide are also *Local Government Act* sections.

If you have any questions about the material in this guide or you would like more information about local government elections in general, please contact your local government office or write or call:

Ministry of Community, Aboriginal and Women's Services
Local Government Department
PO Box 9490 Stn. Prov. Govt.
Victoria, BC V8W 9N7
Phone: (250) 387-4020

For more information about becoming a school board trustee, please contact your local school district, or call or write:

Ministry of Education
Governance and Legislation Unit
PO Box 9591 Stn. Prov. Govt.
Victoria, BC V8W 9H1
Phone: (250) 356-1404

This guide does not cover every aspect of local elections. For specific provisions and additional details, please refer directly to the latest consolidation of the *Local Government Act*, on the government Web site .

This Act is also available from your local library or from:

Crown Publications Inc.
521 Fort Street
Victoria, BC V8W 1E7
Phone: (250) 386-4636
Fax: (250) 386-0221



About Local Elections

What and When

Since 1990, BC general local elections for mayors, councillors, regional district electoral area directors, school board trustees and Islands Trust trustees have been held every three years. General voting day is always the third Saturday in November.

Term of Office

If you are elected to local office, you will be expected to serve a three-year term. This term will officially begin in early December following the election.

Time Commitment

You should be aware that holding local office can be time-consuming. In addition to regular meetings – usually one meeting a week for municipal councils and one meeting a month for regional boards – you may be asked to sit on special committees, boards or commissions that also require significant time. You might consider talking to someone currently in local office to find out how much time you will be expected to commit.

Remuneration

Mayors, councillors, regional board directors, Islands Trust and school board trustees, generally receive a small annual amount in recognition of the time and energy they have devoted to their communities.

This remuneration varies from community to community. Check with your local government official to find out about remuneration for elected officials in your area.

Conflict of Interest

Conflict of interest voting rules in the *Local Government Act* require that, once in local office, you may not vote on or participate in discussions about any matters where you have a direct or indirect pecuniary (financial) interest (see section 231).

If you do have such an interest, you must:

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

If you participate in the discussion or vote, or attempt to influence the vote, you risk losing your elected office.

For example, an architect (and councillor) who has been given the contract to design a house on a property that needs council approval for re-zoning would have a definite pecuniary interest in any discussion about or vote on that re-zoning application.

That councillor must, therefore, avoid any risk of conflict of interest by telling council about his/her connection to the property, and excusing himself/herself from further debate.

Qualifications *(Local Government Act Sections 66 - 68)*

Who May Run

You may run for any local government office if you:

- are a Canadian citizen;
- are at least 18 years old on election day;
- have lived in BC for at least six months; and
- have not been disqualified from voting in a BC local election.

You do not have to live in the jurisdiction in which you are running for office.

Who May Not Run

You may not run for local government office if you:

- are a judge of the Provincial Court, Supreme Court or Court of Appeal;
- are an employee or salaried officer of the local government (unless you have taken a leave of absence to run for office and agree to resign if elected), including if you are running as a regional district electoral area director when employed by a municipality which is a member of that regional district;
- are under sentence for an indictable offence and are in custody or in prison;
- have been found guilty of an elections offence, such as double voting or buying votes, and are prohibited from holding office; or
- are disqualified for not filing a disclosure statement in a previous election (section 92) or for not making an oath of office or attending meetings (section 211).

If you are interested in running for school board trustee, please check sections 32 - 34 of the School Act for additional details.

Nominations *(Local Government Act Sections 69 - 78)*

Who May Nominate

To run as a candidate for any local government office, you must be nominated by two people who are qualified to vote – either as resident or non-resident property electors – in the jurisdiction where you are seeking election (for information on voter qualifications, please see the *Voter's Guide*, available from your local government office or

Nomination Form

With your two nominators, you must complete a written nomination form which includes:

- your full name (and your usual name if you would rather have that on the ballot. For example, if you would prefer to be called Bob when your full name is Robert);
- the office for which you are nominated;
- if applicable, a statement that you are being endorsed by an elector organization and would like that organization's name to appear on the ballot (see page 6 for more about elector organizations);
- your residential address (and mailing address, if different);
- the names and residential addresses of your two nominators (and, if one or both of your nominators is a non-resident property elector, the address of that property); and
- a statement signed by your nominators that, to the best of their knowledge, you are qualified to hold local government office in BC.

Other Documents

Your nomination form must be accompanied by:

- a statement signed by you saying that you consent to the nomination;
- your solemn declaration that you are qualified to be nominated for office and that the information provided in the nomination documents is true (a solemn declaration is a declaration made on oath or by solemn affirmation signed by you and witnessed by the appropriate local government officer, Chief Election Officer, a lawyer or notary; it may be made in advance or taken by the Chief Election Officer when you deliver your nomination documents);
- a solemn declaration from your elector organization – if you are being endorsed by one – that the organization fulfils the requirements for endorsing a candidate;

- your written consent to the endorsement by your elector organization; and
- the financial disclosure statement required by section 2(1) of the *Financial Disclosure Act*. This statement must provide details of both your corporate and personal holdings, and is designed to help you avoid situations of conflict of interest. You are required to update your financial disclosure statement between January 1 and January 15 each year while holding office.

This is an ongoing annual commitment to disclose financial information. It is different from the requirement to disclose financial campaign information.

- a nomination deposit, if required by the local government where you are running (see below).

Nomination Deposits

Local governments can charge a nomination deposit to a maximum of \$100. Check with your local government office to see if there is a bylaw in place requiring deposits.

If a deposit is required, it will be completely refunded if you are not declared a candidate by the Chief Election Officer at the end of the nomination period or, having been declared a candidate, when you file your disclosure documents (section 90) or are granted a court order for relief (section 91).

If you are running for election as a school board trustee, check with your local school board to see if a nomination deposit is required.

Nomination Period

You are now ready to file your completed nomination documents, and nomination deposit, if required, with the Chief Election Officer at your local government office.

The nomination period opens 46 days before general voting day at 9:00 a.m. and closes 36 days before general voting day at 4:00 p.m.

Remember that it is your responsibility to ensure all your nomination documents (including the nomination deposit, if required) are submitted on time and that your documents are accurate and complete.

At the end of the nomination period, the Chief Election Officer will officially declare all nominees who have met the requirements as candidates for the local government election in November.

Challenges

Once your papers are filed at the local government office, any member of the community may ask to see your nomination documents.

If an elector in the community, another nominee, or the Chief Election Officer feels something in your nomination documents is incorrect – for example, that the name you have given is not your usual name or you have only lived in BC for five instead of six months – then he or she may challenge your nomination through an application to the Provincial Court.

This application must be made within four days after the close of the nomination period. The Court will rule on the challenge within 72 hours of the end of the period for commencing a challenge.

A person challenging a candidate's nomination must notify the candidate within 24 hours of making application to the Court. The notice must set out the facts on which the challenge is based.

Candidates and Representatives

(Local Government Act Sections 79 - 62)

Elector Organizations

Endorsement by elector organizations is permitted on the ballot. To endorse a candidate during the nomination period the elector organization must:

- have existed for at least 60 days before the endorsement; and
- throughout that period have had a membership of at least 50 people qualified to vote as either resident or non-resident property electors in the municipality, regional district or school district for which the election is being held.

Elector organizations do not have to register themselves as they would if they were a company or a society.

Elector organizations may endorse more than one candidate, but each candidate may only be endorsed by one elector organization.

An endorsement may be withdrawn by either the elector organization or the candidate (see section 79 (b)).

Withdrawing

If you decide to withdraw from being a candidate, you must deliver a signed withdrawal statement to the Chief Election Officer before the deadline of 4:00 p.m. on the 29th day before general voting day.

If you want to withdraw after that date, you must deliver a signed withdrawal statement to the Chief Election Officer and get the approval of the minister responsible for local government (or the minister responsible for education if you are running for school board).

If you paid a nomination deposit, it will be returned if you withdraw your nomination before the close of the nomination period.

Appointing Representatives

A candidate may appoint an official agent and/or scrutineers.

- **Official Agent**

An official agent may act on your behalf throughout the election process – for example, as a contact for the Chief Election Officer when you are out of town, or to observe voting procedures on voting day.

To appoint an official agent, you must deliver a written, signed statement with your agent's name and address to the Chief Election Officer as soon as you can after making the appointment. Your official agent may also act as your financial agent.

- Scrutineers

Scrutineers may represent you on voting day by observing voting procedures and by scrutinizing the vote counting process. Your Chief Election Officer can advise you as to how many scrutineers you are entitled to have at each voting place.

You or your official agent may appoint scrutineers by delivering a written, signed statement with your scrutineers' names and addresses to the Chief Election Officer as soon as possible after you make the appointments.

All your representatives must carry copies of their appointment papers whenever they are representing you at an election proceeding. And, before they can be present at a voting place, each of your representatives must make a solemn declaration that she or he will preserve the secrecy of the ballot and will not interfere with an elector marking a ballot. Check with your Chief Election Officer to find out when and where your representatives can make their declarations.

Campaign Financing *(Local Government Act Sections 83 - 93)*

Candidates and elector organizations endorsing candidates are required to disclose all campaign contributions and election expenses.

Campaign financing disclosure rules were introduced for local government elections in 1993 and amended in 1999. These rules are based on the belief that the people of this province have the right to an open and fair elections process.

And that means people have the right to know who is funding which candidate, and how much each candidate is spending to get elected.

Recording and Disclosing

The Local Government Act and this guide refer to “recording” contributions and expenses and “disclosing” them.

“Recording” refers to the records you must keep to help you prepare the campaign financing disclosure statement you are required to file within 120 days after voting day.

In your campaign financing disclosure statement you will be required to “disclose” certain information.

All officially declared candidates must file a campaign financing disclosure statement within 120 days after voting day, whether or not they are elected and whether or not they accepted or spent any campaign money.

Candidates are also required to keep records to help them prepare and support the campaign financing disclosure statement.

If you accept campaign contributions or incur election expenses with the intention of becoming a candidate, you must record all contributions and expenses even before you are legally declared a candidate by the Chief Election Officer.

Individuals seeking the nomination of an elector organization must follow the same rules as for candidates.

If you are not declared a candidate by the Chief Election Officer under section 74 (declaration of candidates), you do not have to file a campaign financing disclosure statement.

(For information on what candidates must disclose on their campaign financing disclosure statements, see pages 17 and 18.)

Financial Agent

Each candidate and elector organization endorsing a candidate must have their own financial agent. This means that you, as a candidate, must have your own financial agent even if you are endorsed by an elector organization and that organization is handling all your contributions and expenses for you. If you, as a candidate, do not appoint a financial agent you are deemed to be your own financial agent.

A candidate or elector organization may only have one financial agent at any one time, but an individual can be a financial agent for more than one candidate or organization. This means that a financial agent for an elector organization may also be appointed as the financial agent for the candidates endorsed by that organization.

Financial Agent Responsibilities

In general, a financial agent has the legal responsibility to ensure that your campaign complies with the requirements of the *Local Government Act*. Failure to comply could result in fines of up to \$5,000 and even imprisonment.

However, the ultimate responsibility is yours and failure to ensure compliance could result in your disqualification from office.

More specifically, the financial agent (or you, the candidate, if you do not appoint an agent) is responsible for:

- opening a separate campaign account;
- receiving contributions and paying election expenses;
- ensuring that all contributions of money are paid into the campaign account and that all election expenditures are made from the account;
- keeping proper records of all campaign contributions and election expenses;
- valuing and recording contributions of goods and services; and
- filing your campaign financing disclosure statement with the local government officer.

Remember, only your financial agent, or those authorized by your financial agent, may accept campaign contributions or pay election expenses.

Choosing a Financial Agent

If you decide not to act as your own financial agent, it is wise to appoint someone who has some knowledge of accounting or bookkeeping. It is *not* wise to select a local government employee or anyone whose appointment could be perceived as inappropriate.

Appointing a Financial Agent

Whomever you choose to appoint, she or he must consent to take the position.

To appoint a financial agent, simply deliver a signed statement to the Chief Election Officer listing your financial agent's name and address. This should be done as soon as possible after you have appointed your financial agent or after the Chief Election Officer has been appointed.

You do not need to send in this statement if you are acting as your own financial agent.

Your financial agent may also act as your official agent (see page 6).

Remember, your financial agent can be the same person as the financial agent for an elector organization.

Separate Campaign Accounts

Financial agents must open a separate campaign account in the name of the candidate's campaign at a savings institution such as a bank, credit union or trust company. All monetary campaign transactions must be made to and from this account, including the deposit of all campaign money received and the disbursement of all campaign expenses in relation to the candidate's campaign.

If a candidate's financial agent is also the financial agent for the candidate's elector organization, the financial agent must open separate campaign accounts for each candidate being endorsed, as well as for the elector organization.

Campaign Contributions

What is a contribution?

A campaign contribution is the amount of any money or the value of any property (goods) or services provided to you for use in your election campaign or to help cover your election expenses.

There is no time limit on receiving contributions – they can be received before or after you are officially declared a candidate – but your financial agent must record all contributions accepted toward your election campaign, regardless of the amount or when the contributions were made. For example, if someone gave you \$75 specifically toward your campaign last year, well before you officially announced your candidacy, that contribution must still be recorded.

There are no limits on how much you may receive in contributions.

Use of own money

Any money of your own that you contribute toward your own campaign must be recorded and disclosed like any other contribution.

Contributions of a candidate's own funds must also be deposited in the separate campaign account.

Anonymous contributions

You must not accept any anonymous contributions over \$50. If an anonymous contribution of more than \$50 is received, it must be given to the local government. For clarity, if the contribution is \$51, the whole \$51 must be given to the local government.

Remember that an anonymous contribution is not anonymous if you know who gave it to you – in other words people cannot request that their contributions be anonymous.

In-kind contributions

Many people prefer to offer candidates goods or services instead of money. These are known as contributions in-kind and must be recorded and disclosed as contributions.

An example of in-kind goods might include food or beverages donated for a campaign lunch, while in-kind services might include a copy shop owner printing your new campaign flyers for free. (See page 14 for how to record this type of contribution.)

Volunteer services

Under the Act, volunteer services – services provided by an individual for no remuneration or material benefit – are deemed to have nil value and therefore are not disclosed as contributions. (For more on volunteer services please see page 16.)

Restrictions on Campaign Contributions

There are a number of restrictions regarding campaign contributions (see section 87). Some of these are outlined here. Violating these restrictions can be a serious election offence and can result in fines of up to \$5,000 and even imprisonment.

Receiving contributions

Contributions must be accepted through the financial agent or a person authorized by the financial agent, not by the candidate (unless the candidate is his or her own financial agent).

Anonymous contributions

An individual or organization must not make an anonymous contribution of more than \$50.

Indirect contributions

The intent of the campaign financing legislation is to identify clearly the source and amount of campaign contributions.

Indirect contributions – where contributions are given through another person or organization – are not acceptable.

For example, it is not acceptable for someone to give \$500 to the federal XYZ party on the understanding that the XYZ party will make a \$500 contribution (in the XYZ party's name) to the local branch of the XYZ party.

Similarly, it is illegal to give money to an organization that supports a particular view or issue, on the understanding that the organization will make contributions to candidates that support that particular view or issue. This is the case even if the person making the contribution to the organization does not know which candidate will get the money in the end.

If this kind of funnelling does occur, the individuals and organizations making the contributions – and the financial agent who knowingly accepted the funnelled contribution – have committed an election offence.

Election Expenses

What is an election expense?

An election expense is the value of property or services used in your election campaign, either by you or on your behalf.

Examples of election expenses include:

- campaign advertising, including newspaper or radio ads, signs and buttons;
- tanks of gas used while soliciting votes; or
- the cost of food for a campaign dinner.

Remember that your financial agent or a person authorized by your financial agent must incur all your election expenses, and your expenses must be paid from your separate campaign account.

Your financial agent must also record all election expenses.

As with contributions, there is no limit on how much you may spend.

Recording Contributions and Expenses

An election expense includes the value of any property, goods or services used – not just those purchased – for your election campaign in the calendar year of the general election.

Expenses incurred by volunteers must also be recorded and disclosed. This means, for example, that a volunteer driving around town to put up signs for you should keep track of how much he or she has spent on gas, because that is also considered as both a campaign contribution *and* one of your election expenses.

Contributions

Your financial agent is required to record the following information for each contribution, whatever the value of the contribution:

- the value of the contribution;
- the date the contribution was made;
- the full name and address of the person or organization making the contribution (unless it is an anonymous contribution);
- for anonymous contributions, the value and date of the contribution;
- the class of the contributor as set out in section 88 of the *Local Government Act*, (individuals, corporations, unincorporated organizations engaged in business or community activity; trade unions; non-profit organizations; and other contributors); and
- if the contributor is a numbered company or an unincorporated organization, the full names and addresses of two directors or, if there are no directors, of two principal officers or members.

Expenses

Election expenses must also be recorded. The financial disclosure statement requires that all election expenses be broken down according to classes established by regulation. Given this requirement, it is wise to keep your records as complete as possible.

For each expense, your records should include:

- the nature of the expense (e.g., gas, posters, food for volunteers);
- the date the expense was incurred; and
- the amount spent (or the value of the in-kind contribution used).

Retention period for financial records

All campaign financing records must be kept by you or your financial agent for seven years after the election.

Recording contributions in-kind

Contributions in-kind must be recorded a bit differently – as both contributions *and* expenses.

Contributions in-kind are recorded as contributions because they have been *given* to you for use in your campaign; they are recorded as election expenses because they have been *used* by you in your election campaign.

In other words, if one of your supporters donated all the food for a campaign dinner, the food must be valued and recorded as a contribution from that supporter *and* as one of your election expenses, because the contribution is being used as part of your election campaign.

Fund-raising events

The campaign financing rules also affect fund-raising events.

For fund-raising events, your records must show:

- how much the fund-raiser cost to put on (your expenses);
- the amount of money you received through ticket sales or other means; and
- the value of any contributions in-kind, recorded as both contributions and expenses.

If you sell tickets for a fund-raising event, you must record the name of the person who bought the ticket or whole book of tickets, not the name of the person who actually shows up for the event, in addition to the amount the person paid.

Remember, the names of people making contributions of more than \$50 must be recorded. So, when it comes to passing the hat, you will need to ask people who want to contribute over \$50 to put their contributions in envelopes with their names and addresses attached.

Valuing Goods and Services

The value of goods or services for the purpose of determining the value of in-kind campaign contributions and election expenses is:

- the price paid for the property (goods) and services, or
- the fair market value if no price is paid or if the price paid is lower than market value (e.g., in-kind contributions and discounted services respectively).

Valuing in-kind contributions

In-kind contributions of goods and services are valued at fair market value. In other words, if a photographer donates her services to take your picture for campaign advertising, and the photo shoot took two hours – and she usually charges by the hour – the fair market value would be what that photographer would normally charge for her services in that amount of time.

If she is also donating goods in the form of film or prints, they too must be valued and recorded at what they would normally cost.

Valuing discounted services

If someone gives you a discount on goods or services, that is, offers them to you at less than their fair market value, then that person is considered to have made a campaign contribution of the difference between the fair market value and the amount charged. If you use the goods or services in your campaign, you must record the fair market value of the goods or services as an expense.

For example, if a printer would normally charge \$2000 for your campaign pamphlets, but only charges you \$1500, the printer has made a contribution of \$500. If you use the pamphlets in your campaign, your election expense is the fair market value of the pamphlets – \$2000.

Services with nil value

Under campaign financing rules, certain services are deemed to have no value and do not have to be disclosed, although they must still be recorded. These services are:

- services provided by a financial agent or professional services provided to comply with the campaign financing rules;
- free election advertising space provided to a candidate or elector organization in a magazine or newspaper, if the advertising space is made equally available to all other candidates; and
- volunteer services.

Volunteer services

Under the Act, a volunteer is defined as “an individual who provides services for no remuneration or material benefit.” This means that volunteer services do not have to be valued or disclosed.

The following services, however, are not deemed volunteer services and do have to be valued and disclosed:

- when a self-employed person provides you with the same service for which he or she would normally charge (for instance, if a self-employed speech writer writes a speech for you, you must record the fair market value of the speech in your record of contributions); and
- when an employer makes the services of an employee available at the employer’s expense – for example, when a company sends over three people after work to help you put up signs and pays them for their services.

Remember – expenses incurred by volunteers must be recorded and disclosed. (See page 18 for more information on election expenses.)

Surplus Funds

If, after the payment of your election expenses and any other reasonable expenses incidental to your campaign, there is a balance remaining in your campaign account, the remaining funds are surplus funds.

Reasonable expenses incidental to your campaign might include expenses for thank-you advertisements for supporters and volunteers, or costs associated with a recount.

You, as a candidate, may be reimbursed from the surplus funds for any cash contributions you made to your own campaign.

If, after you are reimbursed, there is a balance of less than \$500, your financial agent may disburse the surplus funds according to your wishes. You could direct the remaining funds be paid to you or to a charity, for example.

If after you are reimbursed, there is a balance of \$500 or more, the money must go to the local government where you ran for office. For clarity, if there is \$501 remaining in the account, the entire \$501 must be paid to the local government.

The local government must hold the money in trust in case you want to run in the next general election or by-election. If you decide to run, the money will be paid to your financial agent for use in the upcoming election.

If you decide not to run for office, the local government will keep the money for general purposes.

If you decide not to run in the next election or by-election, but want to run in the one following, you are not entitled to those surplus funds.

NOTE: The provision regarding surplus funds (section 89.1) does not apply to elector organizations.

Filing Requirements

If you were declared a candidate, your financial agent must file a campaign financing disclosure statement with the local government officer within 120 days after the election, whether you win the election or not.

You must also file even if you did not receive any contributions or incur any election expenses.

Disclosure of Contributions

Your campaign financing disclosure statement must disclose:

- the total value of all contributions received, in money and in-kind;
- for each contribution of \$100 or more, the name of each contributor along with the date, amount and class of each contribution, as well as the addresses of contributors who are not individuals (including businesses). If the contributor is a numbered company or an unincorporated organization, the information must include the names of two directors, or if there are no directors, of two principal officers or members;
- the value of any anonymous contributions over the \$50 limit that were remitted to the local government; and
- for all other contributions (including those under \$100 or anonymous donations \$50 and under), the total amount and the total number of contributors from whom they were received.

If the same person or organization made more than one contribution to your campaign, for the purposes of the disclosure statement, the contributions are added together. For example, if Sally Jones made two separate contributions of \$75, the disclosure statement would show that Sally Jones made a contribution of \$150.

Note: See the sample record keeping form and the sample disclosure statement at the back of this guide for further clarification.

Disclosure of expenses and surplus funds

Your campaign financing disclosure statement must also list information about expenses and surplus funds, including:

- the total amount of expenses;
- the total amount of expenses in each class (check with your local government for a list of the classes);
- any surplus funds from a previous campaign received from a local government;
- the total amount of any surplus (i.e., if there was money remaining in your campaign account after the payment of election expenses and other reasonable incidental expenses) or any equivalent deficit; and
- if there was a surplus remaining in the campaign account, how that surplus was dealt with (i.e., was the candidate reimbursed for his or her own contributions, where the surplus was paid).

Late Filing

There is a 30-day grace period for candidates and elector organizations who have not filed by the 120-day deadline from general voting day. Disclosure statements can be filed during this 30-day time period but only on payment of \$500 late filing fee.

Seeking court relief from filing obligations

In certain circumstances you may be able to get a Supreme Court order:

- granting an extension for filing; or
- relieving you from the obligation for filing a disclosure statement or supplementary report, or from specific obligations in relation to those reports.

Your application to the court must be made before the end of the late filing period, that is, within 150 days from general voting day (see section 91 of the *Local Government Act* for details).

Disqualification for failing to file

If a candidate still has not filed after the 30-day grace period and has not received court relief under section 91, the candidate will be disqualified from being nominated, elected to, or holding a local government office until after the next general local election.

An elected candidate who has not filed after the 30-day grace period must vacate his or her seat.

If an elector organization still has not filed after the 30-day grace period and has not received court relief under section 91, the elector organization cannot endorse any candidates until after the next general local election.

Additionally, the failure to file a disclosure statement will be presented by the chief election officer made public at an open meeting of the local government.

If you failed to file your disclosure statement and did not get court-ordered relief from filing, and you try to run in the next election, the Chief Election Officer for that election is obliged to challenge your nomination.

Disqualification for false or incomplete disclosure statements

It is important that you do everything reasonable to ensure that your disclosure statement is accurate and complete when it is filed. By not doing so, you could lose your elected office and be disqualified from being nominated, elected, or holding office until after the next local government election.

Supplementary reports

If you discover that you've made a mistake in your disclosure statement or find that your circumstances have changed – for instance, that a debt you incurred during your campaign has been either forgiven or paid by a supporter – you have 30 days to update your disclosure statement by filing a supplementary report (see section 90.1).

However, if the supplementary report is false or incomplete it can lead to disqualification of the candidate or elector organization until after the next general election.

Furthermore, filing a supplementary report to correct or complete information does not automatically prevent disqualification for filing a false disclosure statement. To avoid disqualification, you must show that you exercised due diligence:

- to prevent the mistake; and
- in ensuring that you filed a complete disclosure statement in the first place.

Public inspection

Your local government office is required to make all candidate disclosure statements and supplementary reports available for public inspection until seven years after general voting day.

Any member of the public can inspect your disclosure statement or supplementary report.

Disqualification

Local government officers are not responsible for ensuring that you file on time or that your campaign financing disclosure statement is correct.

However, if a member of the public believes that you did not follow the rules governing campaign financing and should be disqualified from holding office, he or she may either:

- petition the local government to declare you disqualified by resolution; or
- with three other electors, make an application to the Supreme Court to disqualify you.

(See *Local Government Act* sections 213 and 214 for more on disqualification.)

Additional penalties

The penalties for filing an incorrect campaign financing disclosure statement can go well beyond disqualification (see sections 153 - 154).

If you and/or your financial agent are found guilty of contravening the campaign financing rules you could be liable to:

- a fine of not more than \$5,000; and/or
- imprisonment for up to one year.

You could also be:

- prohibited from holding office for up to six years; and/or
- prohibited from voting for up to six years.

On Voting Day

Voting Places

A candidate must not be present at the voting place on voting day except to vote. You may want to vote at an advance voting opportunity so that you do not have to go near a voting place on general voting day. There will be an advance vote in every jurisdiction 10 days before general voting day, and your local government may have more. Check with your local government office to see if and when they are scheduled.

The 100-Metre No Campaigning Rule

It is an offence for candidates to canvass, solicit votes or advertise – through signs, posters, flyers, flags, bumper stickers or badges – within 100 metres of where voting is taking place (see section 153 (4) 1).

A number of communities also have additional restrictions on campaign signs, including time and size limits. Check with your local government about any restrictions in your area.

No Advertising

Candidates must not advertise their campaigns through a newspaper, magazine, radio or television on general voting day.



Sample Record Keeping Form

RECORD OF CASH CAMPAIGN CONTRIBUTIONS

NAME	ADDRESS	DATE	AMOUNT	CLASS
Candidate	123 Olive Rd	April 2/YY	\$ 500	Individual
Judy Carr	12 Rosemount Ave	May 1/YY	\$ 200	Individual
Dave Smith	604 Hillmont Ave	June 1/YY	\$ 250	Individual
Julia Brown	1349 Bari St	June 20/YY	\$ 100	Individual
Charles Brown	1349 Bari St	June 29/YY	\$ 75	Individual
Bill Santucci	103 Hampshire Lane	July 5/YY	\$ 10	Individual
Joe Hammond	104 – 1038 Harriet St	July 10/YY	\$ 99	Individual
Anonymous (found in mailbox)		Aug 1/YY	\$ 50	Other
Mary Jones	301 – 1025 John St	Aug 10/YY	\$ 50	Individual
Moe Beeson	40 Tree Top Lane	Aug 15/YY	\$ 200	Individual
Smythe's Building Supplies Ltd. Alan MacKay Diane Smythe	800 High St 4 – 1025 Wilson St 4 – 1025 Wilson St	Aug 20/YY	\$ 1,000	Corporation
Anonymous (found in mailbox)		Sept 8/YY	\$ 150	Other
Allen Hardy	200 Tess Lane	Sept 11/YY	\$ 25	Individual
Jessica Barrett	5432 Browning St	Sept 21/YY	\$ 100	Individual
Kelly Homer	67 Cabbage Towne Lane	Sept 21/YY	\$ 20	Individual
George Lamont	321 – 789 Rosewood Pl	Sept 28/YY	\$ 300	Individual
Linda Halbert (discount on rent)	123 Scott St	Oct 1/YY	\$ 500	Individual
Brock Carr Office Supplies Ltd. (discount on office supplies) Brock Carr Shirley Carr	405 Alberta Way 14 Rosemount Ave 14 Rosemount Ave	Oct 1/YY	\$ 25	Corporation
Anonymous (found at campaign office)		Oct 5/YY	\$ 25	Other
Betty Average	400 University Hgts	Oct 15/YY	\$ 500	Individual
Mary Jones	301 – 1025 John St	Oct 18/YY	\$ 500	Individual
Gail and Bill Green	3001 – 9837 Killairde Pl	Oct 18/YY	\$ 125	Individual
Anonymous (found at campaign office)		Nov 6/YY	\$ 55	Other
Allen Hardy	200 Tess Lane	Nov 7/YY	\$ 80	Individual
37265 BC Ltd. John Lee Maria Dickens	106 Almond Ave 456 Pleasant St 789 Gree Way	Nov 7/YY	\$ 500	Corporation

Sample Record Keeping Form, cont.

RECORD OF IN-KIND CAMPAIGN CONTRIBUTIONS

NAME	ADDRESS	DATE	GOOD, OR SERVICE	VALUE
Mary Jones	301 – 1035 John St	Oct 10/YY	photographs	\$ 450
Joan Hardy	4 – 1448 Bee St	Oct 15/YY	gas	\$ 5
Harry Trent	207 Grace St	Oct 30/YY	speech writing services	\$ 100
Tess Wilson	1789 Cheshire Ave	Nov 1/YY	food and catering services	\$ 600
Anonymous		Nov 6/YY	paper	\$ 70
Helen David	4576 Admirals Lane	Nov 10/YY	gas	\$ 25
Helen David	4576 Admirals Lane	Nov 12/YY	gas	\$ 15
Helen David	4576 Admirals Lane	Nov 15/YY	gas	\$ 30

RECORD OF DISCOUNTED GOODS AND SERVICES

GOOD OR SERVICE	PRICE PAID	FAIR MARKET VALUE (RETAIL VALUE)
Office rental	\$ 1,000.00	\$ 1,500.00
Office supplies	\$ 25.00	\$ 50.00

Sample Record Keeping Form, cont.

RECORD OF ELECTION EXPENSES

GOODS, PROPERTY OR SERVICES RECEIVED	DATE INCURRED	DATE PAID	VALUE/AMOUNT
Office rental	Oct 1/YY to Dec 1/YY	Oct 1/YY	\$ 1,500
Office supplies	Oct 1/YY	Oct 1/YY	\$ 50
Telephone rental	Oct 1/YY to Dec 1/YY	Dec 20/YY	\$ 52.81
Photographs	Oct 10/YY	n/a – donated	\$ 450
Gas	Oct 15/YY	n/a – donated	\$ 5
Speech writing	Oct 30/YY	n/a - donated	\$ 100
Food and catering service for campaign dinner	Nov 1/YY	n/a - donated	\$ 600
Printing (flyers)	Nov 1/YY	Nov 30/YY	\$ 1,500
Newspaper ads	Nov 8, 10, 14/YY	Nov 30/YY	\$ 800
Transportation (gas)	Nov 10/YY	n/a – donated	\$ 25
Van rental (mileage included)	Nov 10/YY	Nov 10/YY	\$ 275
Transportation (gas)	Nov 12/YY	n/a – donated	\$ 15
Transportation (gas)	Nov 15/YY	n/a – donated	\$ 30
Van rental (mileage included)	Nov 15/YY	Nov 15/YY	\$ 350

RECORD OF ANONYMOUS CAMPAIGN CONTRIBUTIONS REMITTED TO MUNICIPALITY

CONTRIBUTION (MONEY/GOODS)	VALUE/AMOUNT	DATE REMITTED TO MUNICIPALITY
Money	\$ 150	Sept 8/YY
Paper	\$ 70	Nov 6/YY
Money	\$ 55	Nov 6/YY

Sample Disclosure Statement

LOCAL GOVERNMENT OF _____, BRITISH COLUMBIA

CAMPAIGN FINANCING DISCLOSURE STATEMENT FOR THE YYYY GENERAL LOCAL ELECTION

Local Government Act [section 90]

This disclosure statement is to be filed with the local government within 120 days after general voting day.

NAME OF CANDIDATE: _____

NAME OF OFFICE for which the candidate sought election: _____

Name of endorsing elector organization [if applicable]: _____

SUMMARY OF CAMPAIGN CONTRIBUTIONS

Total amount of campaign contributions:
(Total from Part I, Schedule A) \$ 6,439.00

List of contributors who made contributions totalling \$ 100 or more:
(See Part II of Schedule A)

Total amount of anonymous campaign contributions
remitted to local government: (Total from Part III of Schedule A) \$ 275.00

SUMMARY OF ELECTION EXPENSES

Total amount of election expenses:
(Total from Schedule B) \$ 5,752.81

SURPLUS FUNDS

Transfer from local government (surplus funds from
previous election) \$ Nil

Balance (total election contributions less total election expenses
positive or negative) remaining in candidate's campaign account \$ 686.19

Disbursement of surplus funds, please complete Schedule C

NOTE: This is not a balance sheet. For example, contributions may not equal expenses.

Sample Disclosure Statement, cont.

DECLARATION OF CANDIDATE

I, _____ (name of candidate), a candidate in the local government of _____ (name of local government) swear (or solemnly affirm) that, to the best of my knowledge, information and belief that:

- (a) this campaign financing disclosure statement and supporting schedules completely and accurately discloses the information required by section 90 of the *Local Government Act* in relationship to my election campaign for _____ (office) in the YYYY general local election for the local government of _____; and
- (b) the requirements of Division (8) – Campaign Financing of the *Local Government Act* have been met in relation to my election campaign for _____ (office) in the YYYY general local election for the local government of _____.

Sworn (or solemnly affirmed) before me, at:

_____ this _____
day of _____ YYYY

(signature of Chief Election Officer, or a
Commissioner for taking affidavits for
British Columbia)

(signature of candidate)

DECLARATION OF FINANCIAL AGENT

I, _____ (name of financial agent), have prepared this disclosure statement and supporting schedules for _____ (name of candidate) and swear (or solemnly affirm) that, to the best of my knowledge, information and belief that:

- (a) this campaign financing disclosure statement and supporting schedules completely and accurately discloses the information required by section 90 of the *Local Government Act* in relation to the election campaign of _____ (name of candidate for _____ (office) in the YYYY general local election for the local government of _____; and
- (b) the requirements of Division (8) – Campaign Financing of the *Local Government Act* have been met in relation to the election campaign of _____ (name of candidate) for _____ (office) in the YYYY general local election for the local government of _____.

Sworn (or solemnly affirmed) before me, at:

_____ this _____
day of _____ YYYY

(signature of Chief Election Officer, or a
Commissioner for taking affidavits for
British Columbia)

(signature of financial agent)

Sample Disclosure Statement, cont.

SCHEDULE A – CAMPAIGN CONTRIBUTIONS

PART 1 – CONTRIBUTIONS

Contributions from known sources

Total value of contributions of \$100 or more from a single source (unless nil, complete Part II) **A** \$ 6,080

Total value of contributions totalling \$99.99 or less from a single source **B** \$ 284

Contributions from unknown (anonymous) sources

♣ Contributions from anonymous sources \$ 350

♣ Less amount of anonymous contributions over \$50 remitted to local government (total from Part III) - \$ 275

Total amount of anonymous campaign contributions of \$50 or less **C** \$ 75

Total amount of contributions **A + B + C** = \$ 6,439

Total number of contributors who made contributions totalling \$99.99 or less 7

PART II – LIST OF CONTRIBUTORS TOTALLING \$100 OR MORE (A)

(Attach supplementary list if required)

NAME	ADDRESS (if applicable)	DATE	AMOUNT	CLASS
Candidate		Apr 2/YY	\$ 500	Individual
Judy Carr		May 1/YY	\$ 200	Individual
Dave Smith		June 1/YY	\$ 250	Individual
Julia Brown		June 20/YY	\$ 100	Individual
Mary Jones		Aug 10, Oct 10 and Oct 18/YY	\$ 1000	Individual
Moe Beeson		Aug 15/YY	\$ 200	Individual
Smythe's Building Supplies Ltd. Alan MacKay Diane Smythe	800 High St	Aug 20/YY	\$ 1000	Corporation
Jessica Barrett		Sept 21/YY	\$ 100	Individual
George Lamont		Sept 28/YY	\$ 300	Individual
Linda Halbert		Oct 1/YY	\$ 500	Individual
Betty Average		Oct 15/YY	\$ 500	Individual
Gail and Bill Green		Oct 18/YY	\$ 125	Individual
Allen Hardy		Sept 11 and Nov 7/YY	\$ 105	Individual
37265 BC Ltd. John Lee Marie Dickens	106 Almond Ave	Nov 7/YY	\$ 500	Corporation
Harry Trent		Oct 30/YY	\$ 100	Individual
Tess Wilson		Nov 1/YY	\$ 600	Individual
TOTAL			\$ 6,080	

Sample Disclosure Statement, cont.

**PART III – LIST OF ANONYMOUS CONTRIBUTIONS OVER \$50
REMITTED TO LOCAL GOVERNMENT**

DATE	VALUE
Sept 8/YY	\$ 150
Nov 6/YY	\$ 70
Nov 6/YY	\$ 55
TOTAL	\$ 275

Sample

Sample Disclosure Statement, cont.

SCHEDULE B – ELECTION EXPENSE DETAILS

A. Election campaign advertising for:	
(1) radio, television, newspaper, periodical or electronic advertising to the public	\$ <u>800.00</u>
(2) signs, pamphlets, flyers and brochures	\$ <u>1,950.00</u>
(3) advertising and promotion for the public not included in A. (1) or (2) above	\$ _____
B. Election campaign office expenses for:	
(1) compensation paid to persons for campaign work, other than for services described in section 89 (2) of the <i>Local Government Act</i>	
speech writer	\$ <u>100.00</u>
(2) rent, insurance and utilities	\$ <u>1,500.00</u>
(3) courier services and postage	\$ _____
(4) furniture and equipment	\$ <u>52.81</u>
(5) office supplies and other office expenses not covered by B. (1) to (4) above	\$ <u>50.00</u>
C. Convention and similar meeting expenses	\$ _____
D. Expenses for campaign related functions not described in C	\$ _____
E. Research and polling expenses	\$ _____
F. Campaign related transportation	\$ <u>700.00</u>
G. Other (provide description)	
Catering and Food Service	\$ 600.00
Total amount of other expenses:	\$ <u>600.00</u>
TOTAL AMOUNT OF ELECTION EXPENSES	\$ <u>5,752.81</u>

SCHEDULE C – DETAILS OF SURPLUS FUNDS DISBURSEMENT

A. Balance remaining in account	\$ <u>686.19</u>
B. Amount reimbursed to candidate from campaign account for the candidate's contributions to his/her campaign	\$ <u>500.00</u>
C. Amount of remaining surplus funds (after any reimbursement under B.)	\$ <u>186.19</u>
D. Details of the disbursement of remaining surplus funds under C.	
<u>\$186.19 donated to the Heart and Stroke Foundation of BC (Feb 14/YY)</u>	

Queen's Printer for British Columbia®
Victoria, 2002

QP 398949

