



## PROVINCE OF BRITISH COLUMBIA

### ORDER OF THE CHIEF ELECTORAL OFFICER

Order Number: EA-ORD002-2022

Office of the Chief Electoral Officer, Victoria

#### Circumstances in which Order is Made

As a result of the COVID-19 pandemic, I find that extraordinary circumstances exist within the meaning of s. 280 of the *Election Act*, R.S.B.C. 1996, c. 106 (the Act). I find that the limitations on election expenses under ss 183 and 203 of the Act do not account for some costs which must be borne by political participants in order to address worker and public safety due to the pandemic.

In response to the pandemic, the Provincial Health Officer (PHO) has issued an Order requiring employers to maintain COVID-19 Safety Plans (the PHO Order). The PHO Order will expire on April 8, after which time employers must maintain Communicable Disease Prevention Plans in accordance with the *Workers Compensation Act*. Under the PHO Order, employers may require employees to wear face coverings and must provide facilities for hand hygiene, among other requirements. In Communicable Disease Prevention Plans, employers must ensure the health and safety of employees and other workers in their workplaces. Depending on their assessment of COVID-19 transmission risks, employers may choose to continue to implement various measures of their COVID-19 Safety Plans after the rescission of the PHO Order, including mask requirements. I find that the requirements to procure personal protective equipment to comply with the PHO Order and the *Workers Compensation Act* could unreasonably limit the ability of candidates and registered political parties to incur other election expenses within the limits established by the Act.

In my opinion, these circumstances make the following Order necessary.

## **Application of Order**

This Order applies to the administration and proceedings of the Vancouver-Quilchena by-election called for April 30, 2022.

This Order applies to the following expenses under the Act:

- Election expenses under s. 183; and
- Expenses not to be included as election expenses subject to limit under s. 203.

This Order is issued under the authority of s. 280 of the Act.

## **Exceptions provided by Order**

Despite the requirements of s. 183 of the Act, and the list of election expenses which are not subject to the spending limit established under s. 203, the value of non-partisan personal protective equipment used to prevent the spread of COVID-19 is not subject to the election expense spending limit. This exception only applies if that personal protective equipment does not include any partisan branding, election advertising, partisan messaging or partisan images of any kind.

Any personal protective equipment which does carry any partisan branding or images or election advertising continues to be an election expense under the Act and will be subject to the spending limit.



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Charles S. Porter  
Deputy Chief Electoral Officer

*April 2, 2022*