

May 14, 2024

EBC File: 15110-30/2024/115

Christopher Wilson  
Financial Agent for Civic Non-Partisan Association

Via email

## ENFORCEMENT NOTICE

Dear Christopher Wilson:

This letter addresses a contravention under the *Local Elections Campaign Financing Act* (LECFA) and comprises an Enforcement Notice under Part 2 of Policy 36.3 Administration of Monetary Penalties under the *Local Elections Campaign Financing Act*.

Elections BC provided you with a copy of the Investigator's report into this matter, which included their preliminary findings. You did not raise any concerns with the report.

### Background:

You were the Financial Agent for the Civic Non-Partisan Association (NPA) in the 2022 General Local Elections. For the 2022 General Local Elections, the campaign period started September 17, 2022, and ended on General Voting Day, on October 15, 2022.

On October 11, 2022, Elections BC became aware of, and notified you of, a 980CKNW radio advertisement airing without the financial agent's name as required by LECFA. The radio advertisement clearly promoted NPA and Fred Harding's election as a candidate and stated, "*This October, vote NPA all the way. Authorized by the NPA -- financial dot agent at NPA Vancouver dot ca.*"

During the investigation, you acknowledged that you provided instructions to your team to include the authorization statement as required by LECFA, however, you did not listen to advertisement yourself.

Corus Studios arranged the advertisement which aired 160 times on 980CKNW and 240 times on AM730 between October 7, 2022, to October 14, 2022, at a cost of \$13,280.00 plus GST.

On October 13, 2022, NPA requested Corus Studios to replace the advertisement with a new one that included the financial agent's name as required by LECFA.

In total, the advertisement with missing financial agent's name ran for seven days before being corrected to comply with LECFA requirements for authorization statements.

### Legislation:

Section 44 (1) of the *Local Elections Campaign Financing Act* requires that a candidate who sponsors election advertising ensure that the advertisement does the following:

- identifies the name of the financial agent,
- indicates that it was authorized by the financial agent,
- gives a BC telephone number, an email address or a BC mailing address at which the financial agent may be contacted regarding the advertising

Section 7(1) of LECFA defines election advertising as:

- 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.*

Section 10 of LECFA sets out the pre-campaign and campaign periods for a local election:

- 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.*

**Analysis and Determination:**

I have carefully reviewed the Investigator's report, and I concur with their preliminary conclusions. The advertisements did not provide an authorization statement as required in section 44(1)(a)(i) of LECFA.

I find that the advertisement that your campaign sponsored during the pre-campaign period contravened section 44(1)(a)(i) of LECFA.

**Monetary Penalty:**

Because of my finding above, s. 68.25(2)(b) of LECFA requires me to issue an administrative monetary penalty of up to \$10,000 against you.

In assessing this penalty, I note the following:

- The radio ad did not have the financial agent's name, however because the ad promoted NPA and Fred Harding as a candidate, a listener of the ad would reasonably have concluded that you had sponsored it.
- Once you became aware of the issue, you worked to bring yourself into compliance by replacing the ad with a new one including the financial agent's name.
- Because other radio ads that NPA sponsored at the same time did have full authorization statements, it is reasonable to conclude the oversight was inadvertent.
- You were cooperative with the investigation answering questions in a timely manner.
- NPA has previously participated in general local elections.
- NPA is an organization, so the maximum penalty is double that of an individual.

Based on these considerations, I make the following finding:

- Christopher Wilson contravened section 44(1)(a)(i) of LECFA and must pay a penalty of \$600 to the Chief Electoral Officer of B.C., under section 68.25(2)(b) of that act.

**Review/Court Relief:**

You may request a review of this determination by an Adjudicator. A request must be made in writing and must be received by the Investigator within 14 days after the date on which the Subject received the Enforcement Notice. The request must state the grounds on which the request for review is made. The Adjudicator is not bound by the determinations or reasons in this Enforcement Notice and must consider the matter afresh and with an open mind.

You may also seek relief from the BC Supreme Court from the monetary penalties under section 68.26 of LECFA within 30 days of receiving this notice. You may wish to seek legal advice prior to requesting relief.

**Penalty Payment:**

Under Policy 36.3 Administration of Monetary Penalties under the *Local Elections Campaign Financing Act*, you have 40 days from today's date to pay the monetary penalties. Payments can be made by cheque to the Minister of Finance, C/O Elections BC at the address below:

**Mailing Address:**

PO Box 9275 Stn Prov Govt  
Victoria, BC  
V8W 9J6

**Physical Location:**

Suite 100 – 1112 Fort Street  
Victoria, BC  
250-387-5305

Sincerely,



Adam Barnes  
Director of Investigations