



**ELECTIONS BC**

A non-partisan Office of the Legislature

# GUIDE FOR CANDIDATES

FOR AN ELECTION ADMINISTERED DURING A PANDEMIC



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# Introduction

The purpose of this guide is to provide information to candidates and prospective candidates for election as a Member of the Legislative Assembly of British Columbia. It provides an overview of the nomination procedures to become a candidate, and the responsibilities, rights and duties of candidates during provincial elections.

This guide is intended only as an aid to understanding the *Election Act*. How the Act applies in any particular case will depend on the individual circumstances of the case, and may change in light of new legislation and judicial developments. Where there is inconsistency between this guide and what is written in the *Election Act* and the Orders of the CEO, the Act and related orders will prevail.

## COVID-19 and Orders of the CEO

The challenges presented by COVID-19 necessitate changes to election processes as currently defined in the *Election Act* to ensure they align with public health directives, and to ensure a safe process for all electoral stakeholders, including voters, election workers, and political participants.

Section 280 of the *Election Act* provides the Chief Electoral Officer (CEO) with Order-making authority to address emergencies, extraordinary circumstances and mistakes.

Out of necessity, and because of the unprecedented circumstances of administering an election during a global pandemic, the Chief Electoral Officer will exercise his order-making powers under s. 280 to modify a number of legislated administrative procedures if an election. These orders will be in place for an election held while public health restrictions are still in place.

This guide has been updated to reflect the provisions of the *Election Act* and Orders of the CEO that will apply during a provincial election held during the COVID-19 pandemic.

You can view the *Election Act* on the Elections BC website ([elections.bc.ca](http://elections.bc.ca)) or you can buy a copy of the Act from Crown Publications ([crownpub.bc.ca](http://crownpub.bc.ca)).

# Privacy

Elections BC has the authority to collect, use, disclose and dispose of personal information under the *Election Act* and the *Freedom of Information and Protection of Privacy Act*. This information is used to administer provisions of the *Election Act*.

For information about Elections BC's privacy policies, please visit [elections.bc.ca/privacy](http://elections.bc.ca/privacy) or contact the **Privacy Officer, Elections BC** at 1-800-661-8386 or [privacy@elections.bc.ca](mailto:privacy@elections.bc.ca) or PO Box 9275 Stn Prov Govt Victoria, BC V8W 9J6.

## Glossary

<b>Campaign period</b>	The period between when an election is called and the close of general voting for the election.
<b>Candidate</b>	An individual who has satisfied the candidate requirements of the <i>Election Act</i> and has been issued a certificate of candidacy. For the purposes of election financing and election communications, the term candidate includes an individual who becomes a candidate or who was a candidate in an election.
<b>Constituency association</b>	An organization formed for an electoral district as the local organization of a political party or as the local organization to support an independent Member of the Legislative Assembly for that electoral district.
<b>Election period</b>	The period between when an election is called (the writ is issued) and when the writ is returned. An election period for a scheduled general election is generally 51 days in duration. Writ Day is considered to be Day 0, General Voting Day is Day 28, and writs are returned on Day 50.
<b>Nomination contestant</b>	An individual who seeks to be a candidate representing a registered political party in an election, whether or not any other individual(s) seeks that nomination.
<b>Political party</b>	An organization that has as a primary purpose the fielding of candidates for election to the Legislative Assembly.

# Nominees

The *Election Act* sets out qualifications for nomination. The *Election Act* and the *Constitution Act* specify who is disqualified from being a candidate in a provincial election.

*Election Act*  
s. 52

## Who can be nominated as a candidate

To qualify for nomination as a candidate in a provincial election, an individual must be:

- a Canadian citizen
- 18 years of age or older on General Voting Day for the election
- a resident of British Columbia for at least six months immediately before becoming a candidate
- not be disqualified by the *Election Act* or any other enactment from voting in an election or from being nominated for, being elected to or holding office as a Member of the Legislative Assembly, or be otherwise disqualified by law.

An individual is only entitled to be nominated as a candidate for one electoral district at a time. Candidates do not have to be resident in the electoral district in which they are seeking election.

A person who holds another elected office (e.g. municipal councillor, school trustee) may be nominated as a candidate in a provincial election, with the exception of Members of the House of Commons of Canada (MPs).

*Constitution Act* s.28 and 32

## Who cannot be nominated as a candidate

Certain individuals are disqualified from being nominated as a candidate:

*Election Act*  
s.255-258

- members of the House of Commons of Canada (MPs)
- Judges of the Court of Appeal or the Supreme Court of British Columbia
- individuals who have been disqualified from voting or holding office on conviction for vote buying, intimidation, corrupt voting, or subversion of an election by an official

# The nomination process

## How to become a candidate

An individual who meets all of the qualifications must file a complete nomination in order to become a candidate. This involves filing the required nomination documents, including the declarations from 75 nominators from the electoral district in which the individual is seeking election, and paying a \$250 nomination deposit.

An individual does not become a candidate until a complete nomination has been made, accepted and a certificate of candidacy has been issued.

In response to the COVID-19 pandemic an order has been issued that allows for nomination declarations to be collected orally, as well as in writing. Declarations can be completed orally, providing that the individual who is receiving the declaration:

- is authorized to receive the declaration,
- indicates in the nomination documents that the declaration was made orally,
- records the contact information for the nominator separately, and retains this information until after the next election in the electoral district, and
- signs a declaration that they have received the oral nomination declaration.

Certificates of candidacy cannot be issued until an election is called. The certificate of candidacy includes the candidate's name, the date on which the certificate is issued and the candidate's identity number. This number must be included on all income tax receipts issued by the candidate. Candidates cannot issue income tax receipts until a certificate of candidacy has been issued. They may only issue tax receipts for contributions received in the period between when the certificate is issued and the writ is returned.

It should be noted that for the purposes of Parts 10, 10.1 and 11 of the *Election Act* (Election Financing and Election Communications), a candidate is also defined as an individual who becomes a candidate or who was a candidate.

All nominations must be made using the nomination documents provided by Elections BC [*Election Act*, s. 54]. Nomination kits contain all the documents a nominee will require.

It is important to note that selection or endorsement by a political party or constituency association does not make an individual a candidate in an election. In order to be a candidate in an election, an individual must complete the nomination process as outlined in the *Election Act*, and be issued a certificate of candidacy.



## Nominators

Nominators must be individuals who are resident in the electoral district for which the candidate is seeking election. A nominator does not have to be a registered voter, but must meet the qualifications to be a voter. The residential addresses of nominators will be checked when the nomination is filed. Mailing addresses, such as post office boxes or business addresses, are not acceptable on nomination documents where residential addresses are specifically requested.

A nomination requires the names and residential addresses of at least 75 nominators and a declaration of each nominator that they are qualified as a voter for the electoral district. It is the obligation of the nominee to ensure that a sufficient number of qualified voters sign or provide oral declarations on the nomination papers. A voter may only nominate one candidate in an election. Note, electronic signatures of nominators are acceptable.

If one or more of the nominators are not qualified, the nomination is valid as long as the minimum number of qualified nominators [*Election Act*, s. 53(3)] make a declaration. Nominees are encouraged to obtain the signatures or oral declarations of more than 75 nominators to protect the validity of the nominations in the event that some of the nominators are not qualified.

## Nomination kits

Nomination kits are available from Elections BC and Service BC offices at any time, including before a writ is issued. Nomination kits are available from local District Electoral Officer's as soon as their offices are established during an election.

Nomination kits contain all necessary documents and information for making a nomination. Each kit contains:

- Nomination Booklet (320)  
Includes Privacy Policy Template for Candidates (00154)
- Auditor Appointment form (321)
- Financial Agent Appointment form (325)
- Deputy Financial Agent Appointment form (326)
- Official Agent Appointment form (327)
- Guide for Financial Agents (455)
- Guide for Candidates (856)
- Guide to the *Election Act* (855)
- Statement of Disclosure form (as required by the *Financial Disclosure Act*)
- *Financial Disclosure Act* Fact Sheet
- Privacy Policy Acceptance Criteria (00158)

### Nomination documents

Nomination documents contain step-by-step instructions for completion. They should be completed in ink or using the online fillable forms, and checked carefully prior to filing. Incomplete forms will not be accepted. Nomination documents are available for public inspection. **Do not** add extra information to the documents that is not required (e.g. email addresses or extra information for nominees).

Mailing addresses, such as post office boxes or business addresses, are not acceptable on documents where residential addresses are specifically requested.

Elections BC does not administer the *Financial Disclosure Act*, and cannot provide advice or assistance to prospective candidates regarding completion of the Statement of Disclosure form. Individuals requiring advice or assistance in this regard should consult with their political party or seek legal counsel.

### Nomination deposits

s. 55 A nomination must be accompanied by a deposit of \$250. Only cash, certified cheques, travellers cheques, bank drafts or money orders are accepted. Certified cheques, money orders, bank drafts or travellers cheques must be made payable to the Minister of Finance.

The nomination deposit will be returned to the financial agent of the candidate if the candidate's election financing report is received within 90 days after general voting day for an election. If the candidate's election financing report is received after 90 days, the nomination deposit is forfeited and paid to the consolidated revenue fund.

If a candidate dies before the close of general voting for the election, the deposit is returned to the candidate's financial agent or another person determined by the Chief Electoral Officer.

If an electoral district is disestablished before an election is held, the deposit is returned to the financial agent.

In all other cases, the deposit is forfeited. For example, if a nominee does not complete a standing nomination or formally withdraws from the election, the deposit is forfeited.

## Filing nomination documents

There are differences in timings for each type of nomination, depending on whether the election is a scheduled general election, a by-election, or a non-scheduled general election.

s. 57(1)

### Standing nominations

- **General election:** a nominee may file with the Chief Electoral Officer at any time until the end of the day before the election is called (Writ Day)
- **By-election or non-scheduled general election:** a nominee may file with the Chief Electoral Officer at any time until the end of the second day after Writ Day

s. 56(1)

### Ordinary nominations

- **General election:** a nominee may file with the District Electoral Officer from Writ Day until 1 p.m. on the seventh day after Writ Day
- **By-election:** a nominee may file with the District Electoral Officer from 9 a.m. on the third day after Writ Day until 1 p.m. on the seventh day after Writ Day
- **Non-scheduled general election:** a nominee may file with the District Electoral Officer from 9 a.m. on the third day after Writ Day until 1 p.m. on the eleventh day after Writ Day

## Standing nominations

s. 57

Standing nominations allow nominees to complete many administrative tasks before a writ is issued. This “fast tracking” of nominations allows a nominee to complete the nomination process before the ordinary nomination period has begun. This process is of benefit to nominees, as they can complete the nomination process and gain access to the voters list and issue tax receipts for contributions before candidates who use the ordinary nomination process.

### Filing a standing nomination

Nominees can file standing nominations with the Chief Electoral Officer. To file a standing nomination, the nominee pays the \$250 nomination deposit and files all of the required nomination documentation. A standing nomination requires that nominees file all of the following:

- Nomination Booklet (320)
- Auditor Appointment form (321)
- Financial Agent Appointment form (325)
- Statement of Disclosure form, required by the *Financial Disclosure Act*
- \$250 nomination deposit (cash, certified cheque, money order, bank draft or traveller’s cheque payable to Minister of Finance). Uncertified cheques will not be accepted

### **Partial filings will not be accepted.**

After standing nomination documentation is complete, a nominee will not become a candidate until they receive their certificate of candidacy. The Chief Electoral Officer will issue this as soon as possible after the election period begins. Candidates may only issue income tax receipts for contributions of money given after the candidate has been issued their certificate of candidacy.

### **Withdrawing a standing nomination**

If a standing nomination has been filed, it can be withdrawn before the individual becomes a candidate by the nominee delivering a signed withdrawal to the Chief Electoral Officer.

## **Nominations filed with the District Electoral Officer**

s. 56            During the ordinary nomination period, nominations are only accepted by the District Electoral Officer for the electoral district in which the individual is seeking election. Nominations can be delivered to the district electoral office during regular office hours.

District Electoral Officers can specify other times and places during the ordinary nomination period for the acceptance of nomination papers. For example, in an electoral district that has two distinct geographical areas and where the district electoral office is inconvenient to one area, the District Electoral Officer may specify an alternative place and time for accepting nominations.

Nominations filed with the District Electoral Officer must be complete, and include the Statement of Disclosure form required by the *Financial Disclosure Act*. Partial filings will not be accepted.

After completing nomination documents, a nominee will not become a candidate until they receive their certificate of candidacy. The District Electoral Officer will issue this certificate as soon as possible. Candidates may only issue income tax receipts for contributions of money given after the candidate has been issued their certificate of candidacy.

Nomination papers received after 1 p.m. (Pacific time) on the nomination deadline will not be accepted.

### Changes to nomination documents after filing

- s. 58 After nomination documents have been filed, they may be amended by the District Electoral Officer on the basis of information provided by the candidate, in writing, in relation to matters of fact that have changed since the time of filing.

### Withdrawal of nominations

- s. 64 Candidates can withdraw their nominations by giving a signed notice to the District Electoral Officer. The candidate's signature on the notice of withdrawal must be witnessed by at least one individual, who must sign the withdrawal as witness. Candidates may not withdraw within 48 hours before the start of advance voting for the election.

Candidates who withdraw their nominations, and nominees who fail to complete standing nominations forfeit the \$250 nomination deposit. Nomination documents are not returned to the individual in either instance.

## Public access to nomination documents

- s. 59 Nomination documents, including a copy of the Statement of Disclosure form required by the *Financial Disclosure Act*, will be available for public inspection during regular office hours as soon as the nomination has been accepted. Nomination documents continue to be available for public inspection until one year after the return of the writ for the election.

Section 275 of the *Election Act* provides that an individual can request that their residential address or phone number not be available for public inspection. If the candidate, any of the nominators, the financial agent, etc., make such a request in the nomination documentation, their residential phone number and residential address will be obscured for the purposes of public inspection.

## Political party endorsement of candidates

s. 60 In order for a candidate's political party affiliation to be printed on a ballot, the candidate must indicate in the nomination papers the name of the **registered** political party they are nominated to represent **and** the party must file a written endorsement of the candidate signed by at least two principal officers of the party. A political party can only endorse one candidate at a time for an electoral district.

The endorsement of candidates by a political party must be delivered to either the Chief Electoral Officer or the District Electoral Officer **before the end of the nomination period**. It is anticipated that political parties will prefer to file a single endorsement with the Chief Electoral Officer indicating all their endorsed candidates.

### Withdrawal of political party endorsement

The status of a candidate as a representative of a registered political party may be cancelled by either the candidate or the party until the end of the nomination period. Any change in this regard must be made in writing to the District Electoral Officer or Chief Electoral Officer, and be signed by the candidate or by two principal officers of the registered political party.

If the endorsement is cancelled, the candidate remains a candidate in the election, but the political party affiliation will not appear on the ballot.

## Close of nominations

For a scheduled general election or a by-election, the nomination period closes at 1:00 p.m. (Pacific time) on the seventh day after Writ Day. For an unscheduled general election the nomination period closes at 1:00 p.m. (Pacific time) on the eleventh day after Writ Day.

Individuals who have been issued certificates of candidacy are candidates in the election, subject only to a court order in the event of a challenge of a candidate. The names of all candidates in an electoral district will be announced by the District Electoral Officer.

If there is more than one candidate, the District Electoral Officer will announce that an election by voting is to be held and the date of General Voting Day.

If there is only one candidate, that candidate is elected by acclamation.

## Death of a candidate

s. 65 If a candidate dies, proof of the candidate's death must be provided immediately to the Chief Electoral Officer. Based on the date of death, the Chief Electoral Officer will determine whether the nomination period will be extended or if the election will be cancelled and restarted.

The Act states that if a candidate dies before the end of the nomination period, the nomination period ends on whichever of the following is later:

- the end of the nomination period — which is 1 p.m. (Pacific time) on seventh day after the writ is issued for a scheduled general election or by-election and on the eleventh day after the writ is issued for an unscheduled general election; or
- 1 p.m. on the sixth day after the date of death.

This means that if a candidate dies in the last days of the nomination period, the nomination period may be extended to ensure that the nomination period is continued for at least six days after the death.

If a candidate dies after the close of nominations but before the close of voting on General Voting Day, the election in that electoral district is cancelled. The election is started again as if the writ for the election had been issued on the day the Chief Electoral Officer received the proof of the death. Individuals who were candidates in the cancelled election who wish to continue as candidates are not required to file new nomination documents or make another \$250 nomination deposit.

## Challenge of the nomination of a candidate

s. 66      The nomination of a candidate may be challenged by a voter of the electoral district or another candidate in the election. A challenge may be made to the Supreme Court of British Columbia between the time the individual becomes a candidate (when the candidate is issued a certificate of candidacy) and noon on the fourth day after the end of the nomination period. For example, with a scheduled general election the nomination period ends on Day 7, so the last day to challenge the nomination of a candidate would be noon on Day 11.

A challenge may be made on the basis that:

- the individual is not qualified to be nominated or elected
- the nomination was not made in accordance with the *Election Act*
- the individual is not an independent candidate as indicated in the nomination documents
- the usual name indicated in the nomination documents is not the usual name of the individual

The individual making the application must immediately notify the District Electoral Officer and the affected candidate of the challenge and the time and place at which it will be heard by the court.

The court must determine the challenge within 72 hours after the end of the period for commencing the challenge — excluding Saturdays, Sundays and other holidays.

In making a determination the court can:

- confirm the individual as a candidate
- declare the individual is not a candidate
- declare that the individual is not nominated as an independent candidate
- declare that the individual is or is not entitled to have the usual name shown in the nomination documents used on the ballot

The court's determination is final and may not be appealed.



## Candidates' leave from employment

s. 67 Candidates are entitled to a leave without pay from their employment during the campaign. This leave is only available if the candidate has received the certificate of candidacy.

A candidate may request this leave by making a written request to their employer. The employer must grant the leave.

The leave can be either full time or part time as requested by the candidate. If part time leave is requested, the candidate must specify in the written request the days and hours of leave.

Candidates who are on paid or unpaid leave from their employment may continue to contribute to any pension, medical or other benefit plan as long as the employee pays both the employee's and the employer's contributions to the plan. A written request to this effect must be made before or immediately at the beginning of the leave.

Unless ended earlier by the candidate, the leave period ends as follows:

- if the candidate withdraws, the day after that withdrawal
- if the nomination is challenged and the court declares the individual no longer to be a candidate, the day after that declaration
- in all other cases, the day after the official declaration of the election results under section 137 (this is after Final Count and is usually at least 13 days after General Voting Day)

## Delivery of documents to candidates

s. 68 Where the *Election Act* requires or authorizes a notice or other document to be served or given to a candidate, the document is deemed to have been personally served on the candidate if it is left at the service address indicated in the nomination documentation, or if it is given to the candidate's official agent.

## Material and information available to candidates

Candidates are provided with a number of resource items to assist them in their campaigns.

### Candidate kits

Every candidate is provided with a candidate kit by the Chief Electoral Officer, or District Electoral Officer, as applicable. The candidate kit includes the following material:

- Guide for Candidate Representatives
- Guide to Voting and Counting
- one sample form for the appointment of candidate representatives
- map(s) of the electoral district in which the candidate is seeking election, showing the voting area boundaries
- election calendar
- instructions regarding how to access the voters list

The Guide for Candidate Representatives and the appointment form for candidate representatives may be photocopied as required. Candidates may use appointment forms of their own design, provided they meet the requirements of the *Election Act*.

### Voters list

s. 48, 51,  
275

Candidates are entitled to receive a copy of the voters list at two points in time during an election:

1. Preliminary voters list: issued as soon as possible after an election is called
2. Revised voters list: issued as soon as possible after the date specified by the Chief Electoral Officer for the close of general registration

The preliminary voters list includes the names and residential addresses of all registered voters in the electoral district. The revised voters list includes the same information as the preliminary list, as well as the assigned voter number. The revised voters list is used for administering voting and is used to produce the voting books used on General Voting Day.

Elections BC will provide instructions to candidates on accessing the voters list. If a candidate is unable to access the electronic list, one printed copy of the voters list can be supplied.

A candidate may request access to the preliminary and revised voters lists on their nominations document at the time of filing. The candidate will have the option of accessing the voters lists with information on whether each voter voted in their most recent provincial voting opportunity (general election or by-election). Instructions on access are included with the candidate kit.

Access to and use of the voters list is restricted. Candidates must take all necessary steps to protect the personal information contained on the voters list.

All candidates must submit a privacy policy acceptable to the Chief Electoral Officer prior to receiving access to the voters list. Candidates may use the Privacy Policy for Candidates and Former Candidates template provided by Elections BC, or their own privacy policy that meets the Criteria for Privacy Policy Acceptable to the Chief Electoral Officer.

Candidates must only use the personal information contained in the voters list for the electoral purpose for which it was produced. See the Electoral Purpose for Access to and Use of Information Regulation ([elections.bc.ca/legislation](http://elections.bc.ca/legislation)) for additional guidelines on acceptable uses of personal information.

### **Voter turnout information during the election**

s. 96, 97,  
275

On General Voting Day, candidate representatives may request to receive a list of the voter number of individuals who have voted at general voting. Also known as a “bingo sheet,” this list will be available from election officials periodically during General Voting Day.

Candidates are also entitled to request voter turnout information from advance voting. Following each day of advance voting, District Electoral Officers will provide reports listing voters who voted at each advance opportunity offered the previous day. For registered voters, the voting area and voter number will be included. For voters who register or update their registration in conjunction with voting, the report will list the voter’s assigned voting area, name, residential address, and voter number (if known).

During an election conducted under the current public health restrictions, the Chief Electoral Officer may provide a list of the voters residing in the candidate’s electoral district who request a voting package and/or return a voting package. Provision of this information is made possible by an Order of the CEO, recognizing the anticipated high numbers of voters who may choose to vote-by-mail in an election conducted during the pandemic.

### **Canvassing for provincial elections**

If you are canvassing during a campaign period, you need to know the rules that apply to you under the *Election Act*.

#### **Access to housing cooperative, strata and rental properties:**

Authorized canvassers are entitled to access multiple residence buildings in their electoral district between the hours of 9 a.m. to 9 p.m. during the campaign period (from the day the writs are issued until General Voting Day).

In order to be authorized, the individual must either be a candidate or a canvasser authorized in writing by a candidate in order to canvass voters and distribute candidate information on the candidate’s behalf.

A sample Canvasser Authorization form is available on Elections BC's website. An authorization form must be completed by the candidate and provided to the canvasser, so that it can be presented while canvassing. This form does not need to be submitted to Elections BC, unless specifically requested.

### **Identification of canvassers:**

Housing cooperatives, landlords, strata and individuals acting on behalf of these must not unreasonably restrict access to a residential property by a candidate or authorized canvasser who is entering the premise for the purpose of canvassing voters and distributing candidate information in their electoral district.

At the request of a resident or individual acting on behalf of a multiple residence building, a canvasser entering a residential property must produce:

- government issued photo identification, and
- proof of candidacy or the candidate's written authorization (e.g. Canvasser Authorization form).

As a reminder, individuals and organizations are not permitted to distribute materials that identify candidates or political parties within 100 meters of:

- a District Electoral Office, or
- a building where advance voting or general voting is being conducted.

## **Appointment of candidate representatives and financial officers**

A prospective candidate is required to appoint a financial agent and an auditor. Additionally, candidates may appoint an official agent and other candidate representatives to act on their behalf throughout a campaign period.

These appointments must be made in writing and be signed by both the candidate and the appointee. Appointment forms for financial agents, official agents and auditors are included in nomination kits. Sample appointment forms for candidate representatives are provided in candidate kits.

All candidate representatives must carry a copy of their appointment whenever they are acting in their appointed role at an election proceeding and must present the copy to an election official when requested to do so. They also must make a solemn declaration to preserve the secrecy of the vote.

Candidate representatives are entitled to be present at most election proceedings; however, the absence of a candidate representative does not invalidate anything done in the election.

## Financial agents

s. 175, 176 Candidates are required to have a financial agent. The financial agent is responsible for administering campaign finances in accordance with Part 10 of the *Election Act*.

Candidates may either appoint another individual to act as financial agent, or may act as their own financial agent. A financial agent appointment form must be completed and submitted with the nomination documents. A financial agent appointment form is included in the nomination kit.

Certain individuals are disqualified from acting as a financial agent. The following are disqualified:

- an election official, voter registration official or an employee of Elections BC
- an individual who does not have full capacity to enter into contracts
- an individual who is a member of the firm of the candidate's auditor
- an individual who has been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last seven years
- an individual who has failed to file a report that required under the *Election Act* or the *Recall and Initiative Act* within the last seven years

To act as financial agent, an individual must be capable of entering into contracts. While the *Election Act* does not specify any other qualifications, selecting a financial agent requires careful consideration. The statutory obligations of the financial agent are significant and require certain skills. A financial agent must be capable of managing campaign finances in accordance with the *Election Act* and candidates are strongly encouraged to appoint someone who is familiar with keeping financial records.

Candidates may have only one financial agent at a time; however, an individual can be a financial agent for more than one candidate. The same individual may be appointed as the official agent and the financial agent.

A financial agent may also appoint one or more individuals to act as deputy financial agents to assist with issuing income tax receipts and filing financing reports.

Once an appointment is made, candidates must deliver a copy of the appointment to the District Electoral Officer if the candidate filed their nomination documents during the ordinary nomination period, or to the Chief Electoral Officer in relation to candidates who filed their nomination documents as a standing nomination.

If a candidate appoints a financial agent and that individual becomes disqualified, resigns, or ceases to hold that position for any other reason, the Chief Electoral Officer or District Electoral Officer, as applicable, must be notified immediately. In such cases, the candidate must make a new appointment or deliver a statement explaining to the Chief Electoral Officer or District Electoral Officer, as applicable, that the candidate will be acting as his or her own financial agent.

The appointment of a financial agent must be made in writing and must:

- include the name, mailing address and telephone number of the individual appointed and the effective date of the appointment
- be signed by the candidate
- include a signed consent of the individual appointed to act as financial agent

### **Auditors**

s. 179

Candidates are required to appoint an auditor. An auditing firm, rather than an individual, may be appointed as a candidate's auditor. The appointment of an auditor must be filed with a candidate's nomination documents. An auditor appointment form is included in the nomination kit.

An auditor can be appointed as the auditor for more than one organization or individual. For example, an auditor could be the appointed auditor for a party and any number of constituency associations or candidates.

An auditor must be qualified to be the auditor of a reporting company under the *Business Corporations Act*. This means that the individual is either a C.P.A., or is a member of a C.P.A. firm.

The following are disqualified from acting as a candidate's auditor:

- an election official, voter registration official or an employee of Elections BC
- an individual who does not have full capacity to enter into contracts
- the candidate's financial agent
- an individual who is a member of the same firm as the candidate's financial agent or a firm of which the candidate's financial agent is a member
- an individual who has been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last seven years
- an individual who has failed to file a report that required under the *Election Act* or the *Recall and Initiative Act* within the last seven years

An auditor's report is required if the value of total political contributions or election expenses to be reported is \$10,000 or more [*Election Act*, s. 213(1)]. The report of the auditor must be filed with the candidate's election financing report by the filing deadlines. The Chief Electoral Officer has the authority to request an auditor's report of the election financing report, even if the contributions and expenses are under \$10,000.

If the auditor ceases to hold that position or ceases to be qualified to act as auditor, a candidate must appoint a new auditor as soon as possible. If a new appointment is made, a copy of the appointment must be delivered to the District Electoral Officer or Chief Electoral Officer, as applicable.

### Official agents

s. 69 Any individual may be appointed as the official agent, and it is up to the candidate to define their duties. The official agent can act in the candidate's place throughout the election process. The official agent can appoint candidate representatives and accept notices on the candidate's behalf.

Only one official agent may be appointed at any one time. The official agent must be appointed in writing, and must provide their signed consent to act in that capacity. The official agent may also be the financial agent.

The official agent is entitled to be at all voting proceedings — with the possible exception of some special voting opportunities where the number of candidate representatives may be limited (e.g. special voting held at acute care hospitals).

The appointment of an official agent may be rescinded. If an appointment is rescinded, and a new appointment is made, the appointment is not effective until the appointment form is delivered to the District Electoral Officer.

### Candidate representatives (scrutineers)

s. 70, 93 A candidate or official agent may appoint candidate representatives, or scrutineers, to represent the candidate by observing the conduct of voting, voter registration in conjunction with voting, and counting proceedings for an election.

There is no limit to the number of scrutineers that can be appointed; however, the number of scrutineers that may be present at a voting place or during the counting of ballots is restricted.

During an election conducted under the current public health restrictions, the number of candidate representatives in a voting place will be limited during voting and counting proceedings to a minimum of two. This restriction will be in place by Order by the CEO to ensure that physical distancing can be maintained and to follow public health rules. District Electoral Officers will decide the maximum number of candidate representatives who can safely observe voting and counting proceedings based on the capacity constraints of each voting place. District Electoral Officers will work with candidates to develop schedules for candidate representatives to observe voting and counting processes at each advance and general voting place in their district and in each space used for final count, if necessary.

Candidates can appoint other representatives to act as runners/messengers. These are candidate representatives who are temporarily present at voting places to convey information to and from those observing voting and voter registration.

Cell phones and other electronic devices in the voting place may be used silently (e.g. emailing, texting, reading), provided what candidate representatives are communicating is not visible or directed to voters. Candidate representatives should leave the voting place if they need to communicate verbally with their campaign.

Candidate representatives may request copies of the Record of Voters Who Voted on General Voting Day (3095) at the designated intervals, or may take pictures of this record, to send to their campaign, with the permission of, and in the presence of, the responsible Supervisory Voting Officer or authorized designate.

Candidates are only permitted to be present at a voting place during voting hours for the purpose of voting. Candidates are entitled to be present during the counting of ballots. The District Electoral Officer will advise candidates of the time and location for final count, while ensuring the safety guidelines are being followed for each voting place in their district during this time.

Refer to the Guide for Candidate Representatives for more information.



## Nomination contestants

Nomination contestants are individuals who seek to be a candidate representing a registered political party. Nomination contestants must apply with the political party to participate in a nomination contest. The individual is a nomination contestant whether or not any other individual seeks that nomination. This includes those who withdraw, are acclaimed or directly appointed.

### Requirements for political parties

- s. 59.01 Registered political parties are required to file a nomination contestant information report within 14 days of the end of a nomination contest. This report must disclose the beginning and end date of the contest (i.e. the date the candidate was selected), the contact information of all nomination contestants, including those contestants who withdrew and the name of the contestant being endorsed by the party.

### Requirements for nomination contestants

- s. 211.01 All nomination contestants must submit nomination contestant financing reports within 90 days of the end of a nomination contest. This includes nomination contestants who withdrew from the nomination contest.

Nomination contestants must appoint an individual to act as their financial agent or act as their own financial agent.

**Refer to the Guide for Financial Agents Appointed Under the *Election Act* for detailed information regarding election financing reporting.**

## Election financing (*Election Act*, Part 10)

### Application of election financing rules

The financing rules apply to all individuals who seek election to the Legislative Assembly of British Columbia. This includes all candidates in a provincial general election or by-election, and individuals who are nomination contestants to represent a registered political party.

Nomination contestant rules in the *Election Act* only apply to nomination contestants of **registered** political parties. Registered political parties may establish their own requirements for nomination contests in addition to those specified under the *Election Act*. Rules established by political parties cannot override the requirements of the *Election Act*, and are not enforced by Elections BC.

Individuals who are considering or intending to seek office and who become candidates are considered candidates for the purposes of the financing rules under the *Election Act*. Similarly, individuals who are considering seeking the nomination for a registered political party and who become contestants are considered nomination contestants for the purposes of the financing rules under the Act. All individuals who are accepting contributions or incurring expenses in preparation for entering a contest or election, must comply with the rules under the *Election Act*.

**Refer to the Guide for Financial Agents Appointed Under the *Election Act* for detailed information regarding election financing, election advertising and election financing reporting.**

## Election results (*Election Act, Part 7*)

At the close of voting on General Voting Day, an initial count is conducted. This preliminary result does not include any absentee ballots contained in certification envelopes. Ballots in certification envelopes are counted at final count, which cannot begin before the 13th day after General Voting Day. Candidates are entitled to be present at the counting of ballots.

At the end of initial count, the District Electoral Officer declares the preliminary results for the election. If the difference between the top two candidates is 100 votes or fewer, a candidate or their official agent may request a recount. This request must be made in writing within three days after general voting. Candidates or their official agents may also request a recount if they believe that votes were not correctly accepted or rejected, or if errors were made in recording the vote. A recount would take place during final count, before absentee ballots are counted.

At the end of final count, the District Electoral Officer declares the official results. If there is a tie vote, or the margin between the candidate declared elected and the next candidate is less than 1/500 of the total ballots considered, an application for a judicial recount must be made by the District Electoral Officer.

An application for a judicial recount may also be made by a candidate, their representative, or a voter of the electoral district if they believe that votes were not correctly accepted or rejected or if errors were made in recording the votes. Applications for judicial recount must be made within six days after the conclusion of final count.

Once the outcome of the election is determined, the candidate who has received the most votes is declared elected, and the elected candidate is provided with a Certificate of Election by the District Electoral Officer. The writ is then returned to the Chief Electoral Officer, who advises the Clerk of the Legislative Assembly of the outcome of the election.

## Questions?

**For more information**

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