



ELECTIONS BC

A non-partisan Office of the Legislature

Report of the Chief Electoral Officer
on the 2014 General Local Elections

November 15, 2014

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ELECTIONS BC
Province of British Columbia

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September 17, 2015

Honourable Linda Reid
Speaker of the Legislative Assembly
Province of British Columbia
Parliament Buildings
Victoria, British Columbia
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Dear Madame Speaker:

I have the pleasure to present the Report of the Chief Electoral Officer on the 2014 General Local Elections to the Legislative Assembly, in accordance with section 87(2)(b) of the *Local Elections Campaign Financing Act*.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Keith Archer', written over a white background.

Keith Archer, Ph.D.
Chief Electoral Officer
British Columbia



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Overview

Executive summary

The November 15, 2014 General Local Elections marked a significant change to the mandate of Elections BC. In addition to providing many local governments with a voters list with which to conduct the election, Elections BC also became responsible for administering the campaign financing and election advertising requirements of the new *Local Elections Campaign Financing Act* (LECFA, the Act). The new legislation also significantly amended the campaign financing provisions for local elections, including regulating third party advertising sponsors for the first time.

Elections BC provided voters lists to 115 local governments to use in administering the 2014 General Local Elections. Elections BC also supported 3,391 candidates, 60 elector organizations, 176 third party advertising sponsors and two campaign organizers, across 251 jurisdictions throughout B.C.

Every candidate, elector organization, third party advertising sponsor and campaign organizer was required to file a disclosure statement by February 13, 2015 (90 days after General Voting Day). Reports could be filed late if they were filed with a late filing penalty of \$500 by March 16, 2015. Three candidates died before they filed a disclosure statement; in such cases a disclosure statement is not required. Of the 3,626 entities required to file disclosure statements in relation to the 2014 General Local Elections, only 15 (all of whom were unelected candidates), failed to file by the late filing deadline. These 15 candidates are disqualified from participating in local elections until after the 2018 General Local Elections.

Elections BC conducted compliance reviews of all disclosure statements that were filed and worked with candidates, financial agents and principal officials to ensure disclosure statements were amended, if necessary. Disclosure statements are available for public viewing on the Elections BC website.

Elections BC spent \$1,937,970 to administer the campaign financing and election advertising requirements of the 2014 General Local Elections.

This report also summarizes Elections BC's role in administering compliance with LECFA in relation to three by-elections and three assent votes that took place after the 2014 General Local Elections.

Statistics at a glance

Table 1: 2014 General Local Elections statistics

Jurisdictions and voters lists	
Jurisdictions that conducted General Local Elections	251 ¹
Jurisdictions that received a voters list from Elections BC	115
Clients	
Candidates	3,391
Elector organizations	44 ²
Third party sponsors — individual	41
Third party sponsors — organization	135
Campaign organizers	2
Disclosure statements	
Filed by filing deadline	3,605
Filed by late filing deadline	6
Filed after late filing deadline	11
Not required to file due to death of candidate	3
Not filed as of September 15, 2015	4
Compliance and enforcement	
Disqualified candidates	15
Disqualified elector organizations	0
Disqualified third party sponsors	0

¹ While there are 252 jurisdictions in British Columbia, Jumbo Glacier Resort did not hold an election.

² 14 elector organizations endorsed candidates in two jurisdictions and one endorsed candidates in three jurisdictions, resulting in 60 elector organization disclosure statements.

Calendar of events

An increased role for Elections BC in the administration of local government elections was first raised in the 2010 Report of the Local Government Elections Task Force.

A September 2013 White Paper on Local Government Elections Reform by the Ministry of Community, Sport and Cultural Development preceded the legislation that established this new mandate in law.

The *Local Elections Campaign Financing Act* was introduced on March 26, 2014 and received Royal Assent on May 29, 2014. Elections BC began preparations for adopting the new mandate when the Act was introduced, and upon Royal Assent, was able to immediately implement the changes necessary to deliver on its increased role.

Figure 1: Local Elections Campaign Financing Act timeline

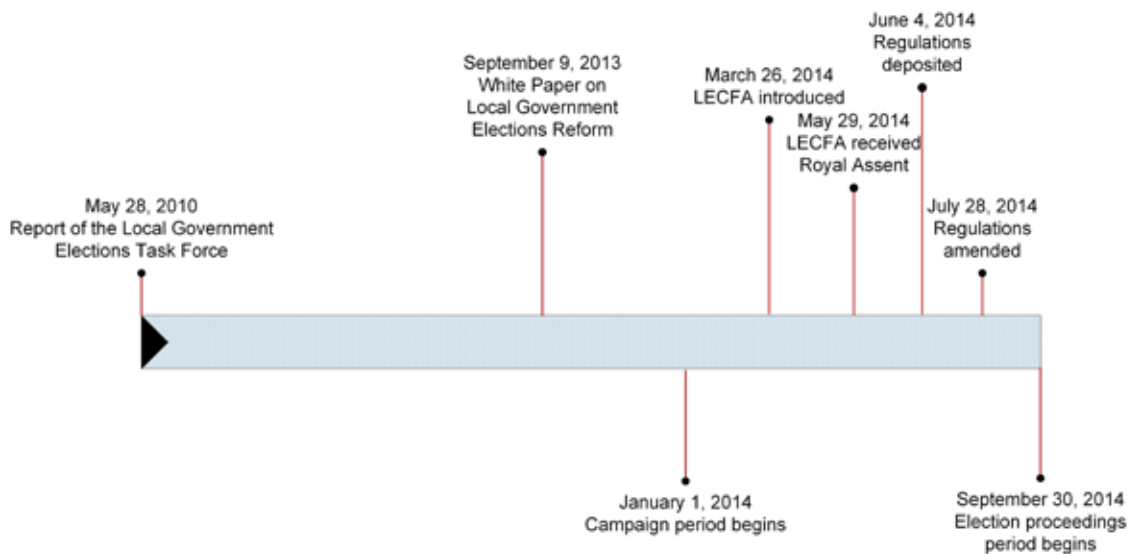


Table 2: Calendar of events, 2014 General Local Elections

Day	Milestone	Date
Day -318	Campaign period begins	Wednesday, January 1, 2014
Day -46	Election proceedings period begins Nomination period begins	Tuesday, September 30, 2014
Day -36	Nomination period ends	Friday, October 10, 2014
Day 0	General Voting Day Election proceedings period ends	Saturday, November 15, 2014
Day 90	Filing deadline	Friday, February 13, 2015
Day 121	Late filing deadline	Monday, March 16, 2015

A new mandate for Elections BC

Local Elections Campaign Financing Act

The Chief Electoral Officer has been responsible for administering provincial elections in B.C. since 1947.³ Since 1995 Elections BC (the common name for the Office of the Chief Electoral Officer) has been an independent and non-partisan Office of the Legislature responsible for administering provincial electoral processes in British Columbia in accordance with the *Election Act*, *Recall and Initiative Act*, and *Referendum Act*.

Prior to the introduction of the *Local Elections Campaign Financing Act* (LECFA) in 2014, Elections BC's role with respect to local elections in the province was limited to the provision of voters lists to local governments that requested them.

Elections BC is now mandated with the following new areas of responsibility for local elections in the province:

- Register third party advertising sponsors for local elections and by-elections
- Register assent voting sponsors for assent voting that takes place outside of scheduled local elections
- Maintain event-specific directories of third party sponsors and financial agents for elector organizations and candidates
- Encourage compliance with campaign financing provisions through information and support
- Assess compliance by receiving and reviewing campaign financing disclosure statements
- Enforce campaign financing rules by undertaking investigations and audits
- Disclose campaign financing statements

Campaign financing includes:

- Rules that candidates, elector organizations and third party sponsors must follow
- Disclosure requirements for disclosing campaign financing and election advertising

While these responsibilities are new to Elections BC with respect to local elections, they largely mirror existing responsibilities held by Elections BC for provincial elections.

This provincial experience enabled us to reuse the organizational and procedural framework from our provincial electoral finance team as the basis for this new mandate.

³ Prior to 1947 provincial elections were administered by a Returning Officer in each electoral district with central oversight responsibilities held by the Deputy Provincial Secretary.

However, significant differences in the complex legislation, the almost ten-fold increase in the number of candidates and an overlapping business cycle meant the existing provincial electoral finance team could not simply grow to accommodate these new responsibilities. Instead, a parallel group responsible for local elections was established, made up in part of staff experienced in administering provincial electoral finance rules.

In addition to the establishment of a local elections campaign financing team, this mandate placed new demands on almost all areas of Elections BC. From staffing and training, to facilities, systems and communications, the impact of this new mandate on the organization is substantial.

Experience administering campaign financing at the provincial level meant Elections BC was able to begin serving clients immediately once given this new mandate. This experience was critical as the first election under the new legislation was to take place less than six months after the legislation was passed.

The most significant difference between the local and provincial models is one of scale. At the local level there are approximately ten times as many candidates in three times as many jurisdictions and there are almost three times as many elector organizations as there are provincial political parties.

Another significant difference from the provincial model is that Elections BC is only one of a number of entities that play a role in administering local elections.

Table 3: Local election responsibilities

Area of administration	Who is responsible
Voting and counting ballots	Local Chief Election Officer
Nomination process	Local Chief Election Officer
Advertising rules	Elections BC
Campaign financing and disclosure rules	Elections BC
Legislation governing local government elections	Ministry of Community, Sport and Cultural Development
Legislation governing school trustee/school board elections	Ministry of Education

Each of these bodies holds responsibility for an area of local elections, but all must work together to administer the body of laws for our common clients.

For example, the Ministry of Community, Sport and Cultural Development develops guides for candidates and elector organizations which refer to the campaign finance rules administered by Elections BC. Similarly, candidates submit their nomination papers to the local Chief Election Officer⁴ in their jurisdiction who in turn forwards them to Elections BC.

Elections BC has worked hard to develop relationships with these bodies and with other key stakeholders, such as the Local Government Management Association (LGMA), the Union of British Columbia Municipalities (UBCM), British Columbia School Trustees Association (BCSTA), and CivicInfo BC.

Technical Advisory Committee

- LECFA establishes a legislative framework by which the various authorities responsible for administering local elections can work together on technical issues of election administration through an advisory committee.

As first identified by the Local Government Elections Task Force, this new model of centralized responsibility for campaign financing and third party advertising through Elections BC is beneficial for clients and the public because it provides additional accountability and transparency through:

- consistent application and enforcement of laws in all jurisdictions, regardless of size or location; and
- increased accessibility to disclosure statements through the Elections BC website.

⁴ The role of the local Chief Election Officer only exists in and around the election proceedings period. Outside of this period, election-related responsibilities typically are handled by the local Chief Administrative Officer or other senior official. For clarity, all references in this report will be to the title of local Chief Election Officer.

2014 General Local Elections

Introduction

Elections BC is now responsible for administering the campaign financing and election advertising provisions of the *Local Elections Campaign Financing Act* (LECFA, the Act).

This responsibility includes the administration of the campaign financing disclosure requirements, conducting investigations and enforcing campaign financing and third party advertising provisions set out in the Act. This responsibility extends to by-elections and assent voting (referenda) held by local election authorities outside of the general local elections cycle.⁵

LECFA applies to individuals running for such varied public offices as:

- Mayor
- Councillor
- Board of Education trustee
- Electoral area director
- Vancouver Park Board member
- Cultus Lake Park Board commissioner
- Water councillor
- Rural water councillor
- Advisory Council member

In addition to rules for candidates, LECFA also establishes campaign financing disclosure requirements for elector organizations, third party sponsors and assent voting advertising sponsors.⁶

⁵ For more information on the administration of these provisions in local by-elections and non-election assent voting conducted since the 2014 General Local Elections, see page 24.

⁶ If assent voting is held at the same time as an election, assent voting advertising is considered to be election advertising, and assent voting advertising sponsors must follow the rules for third party sponsors. References throughout this report to third party sponsors can be read to also apply to assent voting advertising sponsors.

Public information and communications

Ensuring compliance with LECFA requires stakeholders be aware of their obligations and Elections BC's new role in local elections. Given the limited role Elections BC plays in the administration of local elections, we took a targeted approach to providing information to our clients and the public.

One of Elections BC's goals was to position the organization as the trusted source for information on local elections campaign financing. To achieve this goal, a communications strategy was developed to effectively and efficiently ensure that local election participants were aware of the new legislation and rules, and had access to the forms, guides and other information Elections BC provides.

To reach local election clients before the nomination period we focused largely on utilizing channels through which they already receive communications. For example, messages were added to the Ministry of Community, Sport and Cultural Development's *Candidate's Guide to Local Government Elections in B.C.* and to local elections websites (i.e. Local Government Management Association of B.C., Union of British Columbia Municipalities, B.C. School Trustees Association). We also worked to educate local authorities and local Chief Election Officers as to our new role.

After Elections BC received nomination and elector organization endorsement documents from the local Chief Election Officers, we wrote to every candidate, elector organization and their financial agent and provided information guides on the new rules, blank disclosure statement forms, and information on how to get additional information through our website or by contacting Elections BC directly.

Advertising

Two of the most significant changes to local elections campaign financing were the establishment of third party sponsors as participants, and the introduction of a requirement for these individuals or organizations to register directly with Elections BC prior to conducting advertising.

While traditional advertising did not play a large part in the overall communications strategy, we determined it was the most appropriate way to reach potential third party sponsors. In order to inform potential third party sponsors before they conducted any advertising, Elections BC placed 'Know the new rules' advertisements in daily, community, and ethnic newspapers throughout B.C. These ads ran two weeks prior to the start of the election proceedings period, and again shortly after the end of the nomination period.

Website and social media

The Elections BC website was central to the communications strategy. Communications material pointed stakeholders to the Elections BC website as the primary source of information about local elections campaign financing.

Figure 2: Elections BC website, November 15, 2014

The screenshot shows the Elections BC website interface. At the top left is the logo for 'ELECTIONS BC' with the tagline 'A non-partisan Office of the Legislature'. To the right is a search bar with the text 'Google™ Custom Search' and a 'Go' button. Below the logo is a navigation menu with links for HOME, REGISTER, EMPLOYMENT, LINKS, CONTACT, and SITE MAP. The main content area is titled 'Local Elections Campaign Financing' and includes a sub-section 'Local elections: who does what' with a table. A 'SEARCH Local Elections DISCLOSURE STATEMENTS' button is also visible.

Area of administration	Who is responsible
Voting and ballots	Your local Chief Election Officer (see below)
Nomination process	Your local Chief Election Officer (see below)
Advertising rules	Elections BC
Campaign financing and disclosure rules	Elections BC
School trustees/school board elections	The Ministry of Education
Legislation governing local government elections	The Ministry of Community, Sport and Cultural Development

The Elections BC website was updated to make information about local elections easy to find and to differentiate local election content from provincial election content.

The website informed visitors about the role of Elections BC within the broader local election administration framework and contained all of our forms and guides.

A Local Elections Financial Agent Site was created to cover all of the rules in LECFA and provide tips and answers to frequently asked questions.

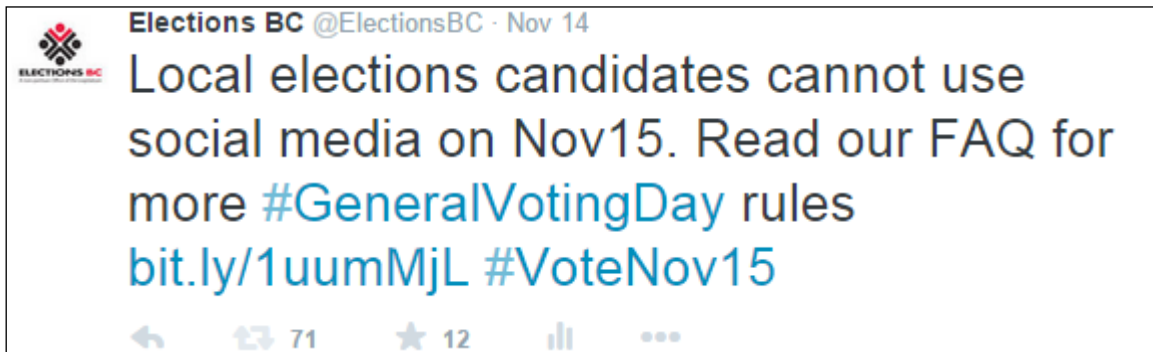
After the disclosure statements were filed, the Elections BC website was updated to allow users to search for and view the disclosure statements. The website also contains the list of candidates disqualified from running until after the 2018 General Local Elections.

The website received 230,939 visits during the campaign period, with 66,688 visits on General Voting Day.

Elections BC used social media to inform participants and the public about the rules and to encourage compliance. It was also used to clarify the scope of Elections BC's role in local elections.

Twitter, in particular, enabled Elections BC to remind participants and the public of LECFA's ban on election advertising (including 'get out the vote' messages that promoted or opposed a candidate) on General Voting Day. Elections BC also used Twitter heavily around the filing deadlines to encourage participants to submit their disclosure statements by the deadline.

Figure 3: Elections BC Twitter page, November 14, 2014



Stakeholder partnerships

Elections BC established relationships with communications staff at the ministries and organizations that had existing relationships with local election clients in order to leverage their existing communications channels. These key partnerships were developed with:

- Ministry of Community, Sport and Cultural Development
- Ministry of Education
- Local Government Management Association of British Columbia
- British Columbia School Trustees Association
- Union of British Columbia Municipalities
- CivicInfo BC

Elections BC staff kept these stakeholders informed about our activities and encouraged them to promote the Elections BC website on their own websites and communications materials.

Elections BC also supported CIVIX in its delivery of the Student Vote parallel election program to schools through B.C. More than 29,000 students participated from 276 schools in 87 municipalities and regional districts.

Provision of voters lists to local governments

Since 1993, the *Local Government Act* (then *Municipal Act*) has enabled municipalities and regional districts to choose to use the provincial list of voters prepared under the *Election Act* as the register of resident electors instead of maintaining an ongoing register of resident electors of their own. The local government combines the provincial list of voters with its own list of non-resident property electors for use in the local election.

Elections BC prepares these lists as part of its ongoing operations. We prepared lists for 115 municipalities and regional districts ahead of the 2014 General Local Elections.

During the administration of the local elections, these local governments register new voters and update the voter registration information of existing voters. After the election this information is provided back to Elections BC and used to update the provincial list of voters.

From the information provided back to Elections BC after the 2014 General Local Elections, we added 19,266 new voters to the provincial voters list and made updates to 69,982 existing voter registrations.

Campaign financing

Campaign financing includes:

- rules that candidates, elector organizations and third party sponsors must follow, and
- disclosure requirements for disclosing campaign financing and election advertising.

Campaign financing rules enhance accountability and transparency by requiring candidates and elector organizations to record and disclose detailed information about financial transactions associated with running a local election campaign. These include campaign contributions, election expenses and other income and expenditures related to a campaign. In addition, LECFA requires for the first time, third party advertising sponsors to register and record and disclose financial transactions related to their election advertising.

While the changes to campaign financing legislation resulted in substantial changes to the framework for local elections campaign financing, there were relatively few changes to the substance of what must be recorded, reported, and disclosed. LECFA is largely about ensuring consistent oversight of the rules across all jurisdictions.

For example, candidates and elector organizations have always been required to have a financial agent or act as their own financial agent. LECFA simply requires additional information about financial agents be recorded upon their appointment.

Likewise, many of the rules governing the finances of candidates and elector organizations were not changed by LECFA. For example, financial agents have always been required to record the full names and addresses of all campaign contributors, regardless of the value of their contribution.

Financial agent

- Financial agents are appointed by candidates and elector organizations to manage their campaign finances. 74% of 2014 General Local Elections candidates acted as their own financial agent.
- Third party sponsors do not have financial agents.

LECFA outlines two periods related to campaign financing: the campaign period and the election proceedings period.

Campaign period

- The campaign period for a general local election begins at the start of the calendar year in which the general local election is held and ends at the close of voting on General Voting Day.⁷
- For the 2014 General Local Elections, the campaign period began on January 1, 2014 and ended on November 15, 2014.

Election proceedings period

- For a general local election or by-election, the election proceedings period runs from the 46th day before General Voting Day until the close of voting on General Voting Day.
- In 2014, the election proceedings period was from September 30 to November 15, 2014.

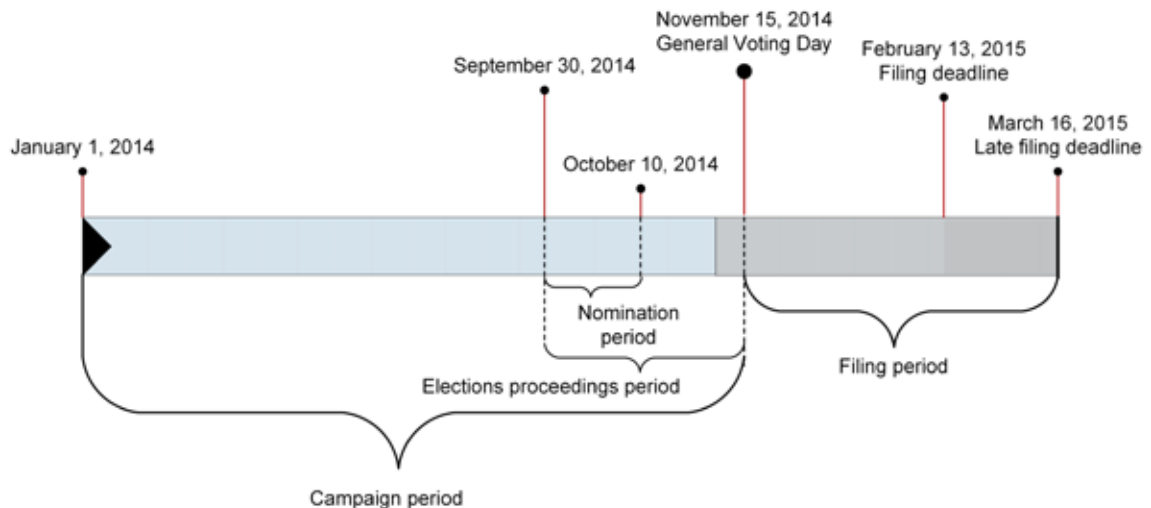
⁷ For a by-election, the campaign period starts on the day the vacancy of the office occurs.

Participants were required to report the value of all election expenses used at any time during the campaign period. Election proceedings period expenses were those election expenses used during the elections proceedings period (September 30 to November 15, 2014) and participants separately reported the value of election proceedings period expenses. In both cases, the expense was required to be reported if it was used during either period, regardless of when it was received or paid for.

It was also necessary for participants to report the value of all campaign contributions regardless of when they were received and disclose the identity of all individuals or organizations that made campaign contributions totaling \$100 or more.

The disclosure statement filing deadline was February 13, 2015, 90 days after General Voting Day. Participants could file late up to March 16, 2015, 120 days after General Voting Day, provided they submitted their disclosure statement with a \$500 late filing fee.

Figure 4: 2014 General Local Elections campaign financing periods



All disclosure statements received prior to the February 13, 2015, filing deadline were published to the Elections BC website at the same time on February 23, 2015. Disclosure statements received after the filing deadline were published upon receipt.

Candidates

Every individual who is declared to be a candidate in an election by the local Chief Election Officer must file a disclosure statement; this includes candidates who are acclaimed and candidates who accept no campaign contributions and incur no election expenses. Candidates who run for multiple offices must file a disclosure statement for each election campaign.

Candidates submit nomination documents in the jurisdictions in which they run. These nomination documents may include the appointment of an individual other than the candidate as the financial agent – otherwise the candidate is deemed to be their own financial agent. The nomination documents also include a solemn declaration that the candidate is aware of, understands, and intends to comply with LECFA. As soon as practicable after accepting the nomination documents, the local Chief Election Officer provides copies to Elections BC.

There were 3,391 candidates for the 2014 General Local Elections.

Elector organizations

An elector organization is an organization that endorses a candidate in an election. Elector organizations are like provincial political parties in that their endorsement of the candidate is shown on the ballot, but elector organizations are not required to maintain ongoing registration with either their local jurisdiction or Elections BC.

Elector organizations submit endorsement documents in the jurisdictions in which they intend to endorse candidates. These endorsement documents include the appointment of a financial agent and a solemn declaration that the elector organization is aware of, understands, and intends to comply with LECFA. After receiving endorsement documents, the local Chief Election Officer provides copies to Elections BC.

Elector organizations are required to file a disclosure statement for each jurisdiction in which they endorse a candidate, even if it did not receive any campaign contributions, incur any election expenses, or withdrew its endorsement of all candidates.

For the 2014 General Local Elections, 44 different elector organizations endorsed 255 candidates across 24 jurisdictions; 15 elector organizations endorsed candidates in more than one jurisdiction.

Third party sponsors

Third party sponsors are individuals or organizations that conduct election advertising or assent voting advertising independently from candidates and elector organizations. Independence from candidates and elector organizations means third party sponsors cannot sponsor advertising on behalf of, or with, a candidate or elector organization.

Election advertising includes advertising for or against a candidate or elector organization (directed advertising) and advertising on an issue with which a candidate or elector organization is associated (issue advertising).

Assent voting is voting on a bylaw or other matter for which a local government is required to obtain the assent of voters. Assent voting is sometimes referred to as a referendum, but not all referenda are assent voting.⁸

Third party election advertising is only regulated during the election proceedings period (September 30 – November 15, 2014). Third party advertising conducted outside of this period is not subject to third party advertising rules.

All third party advertising sponsors must register with Elections BC before conducting any election advertising.

All third party sponsors were required to file a disclosure statement by February 13, 2015, (90 days after General Voting Day). Those third party sponsors whose election advertising was less than \$500 were only required to file a one page report confirming that the value of their advertising was less than \$500.

If a third party sponsored advertising with a total value of \$500 or more, more detailed information on sponsorship contributions and the value of the election advertising was necessary.

For the 2014 General Local Elections, there were a total of 176 registered third party sponsors; 41 individuals and 135 organizations.

⁸ When assent voting is held at the same time as local elections, assent voting advertising is considered to be election advertising.

Campaign organizers

Campaign organizers are no longer defined election participants under LECFA. Instead, third party advertising sponsor rules apply to individuals and organizations that advertise independently from candidates and elector organizations.

Once the new legislation was passed, existing campaign organizers could no longer receive campaign contributions or incur election expenses and were required to close their campaign bank accounts on or before General Voting Day. Transitional provisions of the new legislation required them to file disclosure statements and report any contributions received or expenses incurred in relation to the 2014 General Local Elections prior to LECFA being enacted.

Two campaign organizers filed disclosure statements in relation to the 2014 General Local Elections. LECFA does not provide for these disclosure statements to be made public.

Filing deadlines

Elections BC takes a hands-on approach to encouraging compliance with the obligation to file a disclosure statement by the filing deadlines.

Upon receiving nomination or endorsement documents from the local Chief Election Officer, or upon receiving a third party sponsor registration application directly, Elections BC writes to the participant (and their financial agent, if applicable) informing them of their obligation to file a disclosure statement and includes the forms and guides to help them do so. Shortly after General Voting Day, Elections BC contacts each participant and financial agent again to remind them of their filing obligations and to offer assistance.

Staff follow up again by letter, email and phone with participants who have not yet submitted their disclosure statement. Elections BC also tweeted reminders each week. All of these reminder efforts increase in frequency as the filing deadline approaches.

The disclosure statement filing deadline was 4:30 p.m. on February 13, 2015.

The Chief Electoral Officer may grant extensions to the filing deadline if there are documented extenuating circumstances. Extensions to the filing deadline cannot be beyond the late filing deadline. Requests for extensions must be made in writing to the Chief Electoral Officer before the filing deadline.

The Chief Electoral Officer granted extensions to the filing deadline for seven candidates and one third party sponsor. For a list of the entities that were granted extensions, see Appendix A (page 43).

Clients who failed to file by the February 13 filing deadline were required to file their disclosure statement with Elections BC, along with a \$500 late filing fee by the late filing deadline. The disclosure statement late filing deadline was 4:30 p.m. on March 16, 2015. The Chief Electoral Officer does not have authority to grant extensions to the late filing deadline.

Fifteen unelected candidates failed to file a disclosure statement and the required late filing fee prior to the late filing deadline. For more about the consequences for these participants, see page 21.

As of the publication of this report, 11 of the 15 candidates who did not file prior to the late filing deadline have since submitted their disclosure statements. All 15 are still subject to the disqualification consequences of failing to file by the late filing deadline.

Local jurisdictions were informed of their candidates or elector organizations that did not meet either the filing deadline or the late filing deadline.

Compliance reviews

Compliance reviews are a key component of our compliance and enforcement mandate. Elections BC conducts compliance reviews of each disclosure statement and:

- Ensures the disclosure statement complies with LECFA
- Contacts the candidate, financial agent or principal official if any issues are identified
- Ensures the disclosure statement is amended if needed
- Posts amended disclosure statements on the Elections BC website
- Sends a letter indicating that the disclosure statement was reviewed

As of September 8, 2015, staff have completed reviews of 3,214 of the 3,622⁹ disclosure statements filed in relation to the 2014 General Local Elections. Compliance reviews of the remaining 408 disclosure statements are still in progress.

When Elections BC staff identify minor errors with a disclosure statement through the compliance review, they may make corrections to the statement and inform the client that they have done so. For example, many candidates failed to include their name at the top of each form. During the compliance review Elections BC staff writes in the name of the client for them and mails them a copy of the updated forms along with a letter advising of the change. If the client concurs with the correction, no further action is required by the client. This enables consistency in reporting without placing a significant administrative burden on the filers.

Some relatively minor issues require the filer's involvement to correct their disclosure statement. In these cases, we contact the filer, discuss the issue(s) and amend the statement with the filer's permission. Examples of such issues include: not providing the full name or address of a contributor when required; not reporting contributions by a candidate to their own campaign; not reporting how surplus campaign funds were disbursed; not reporting the reuse of signs from a previous campaign; and the financial agent appointment date reported on the disclosure statement not matching the date of appointment provided on the nomination documents.

In extraordinary circumstances, when filers refuse to resolve issues raised by our staff in a timely manner, Elections BC must give written notice to the filer requiring them to file a supplementary report that addresses the issues in question. Filers have 30 days to file such a report and it is an offence not to do so. As of the date of this report, we have not had to issue any such requests to 2014 General Local Elections clients.

⁹ 3,629 total clients minus four candidates who failed to file as of the publication of this report and three deceased candidates.

The following tables summarize the quality of disclosure statements filed as of September 8, 2015.

Table 4: Results of compliance review, candidates

Results of compliance review	Percent of candidate disclosure statements
Accepted as filed	9.6%
Minor issues not requiring client involvement	11.5%
Minor issues requiring client involvement	78.9%
Significant issues requiring supplemental report	0.0%

Table 5: Results of compliance review, elector organizations

Results of compliance review	Percent of elector organizations
Accepted as filed	0.0%
Minor issues not requiring client involvement	3.0%
Minor issues requiring client involvement	97.0%
Significant issues requiring supplemental report	0.0%

Table 6: Results of compliance review, third party sponsors

Results of compliance review	Percent of third party sponsors
Accepted as filed	18.0%
Minor issues not requiring client involvement	18.0%
Minor issues requiring client involvement	64.0%
Significant issues requiring supplemental report	0.0%

Disqualification list

Under LECFA candidates, elector organizations and third party sponsors who fail to file a disclosure statement by the late filing deadline are automatically disqualified as summarized in the table below. Disqualification penalties also apply to candidates, elector organizations, third party sponsors and assent voting advertising sponsors if they are convicted of a higher penalty offence.¹⁰

Table 7: Disqualification penalties

Candidate	Elector organization	Third party sponsor
Elected candidates cease to hold office and their elected seat becomes vacant	Disqualified from endorsing a candidate until after the next general local election	Prohibited from sponsoring third party advertising or non-election assent voting advertising until after the next general local election
Disqualified from being nominated for, elected to, or holding office until after the next general local election	Prohibited from accepting campaign contributions or incurring election expenses until after the next general local election	Prohibited from accepting sponsorship contributions until after the next general local election

The 15 unelected candidates who failed to file a disclosure statement by the late filing deadline are disqualified from seeking office until after the 2018 General Local Elections. See Appendix C (page 45) for a list of these individuals.

The previous disqualification list identified 59 candidates and one campaign organizer not permitted to participate in the 2014 General Local Elections.

No elector organizations or third party sponsors failed to file a disclosure statement for the 2014 General Local Elections.

A list of all disqualified candidates, elector organizations, third party sponsors and assent voting advertising sponsors is maintained on the Elections BC website.

¹⁰ There are two categories of offences in LECFA. An individual who commits a lower penalty offence is liable to a fine of up to \$5,000 or imprisonment for up to one year, or both. If an organization commits a lower penalty offence, it is liable to a fine of up to \$10,000. Higher penalty offences carry fines of up to \$10,000 for an individual and \$20,000 for an organization. An individual who commits a higher penalty offence may also be subject to a prison term for up to two years. Failing to file a disclosure statement or supplementary report, providing false or misleading information or making a false or misleading statement are all higher penalty offences.

Conclusion

The administration of the 2014 General Local Elections proved to be successful and Elections BC is pleased with the overall level of compliance by local election participants.

The provision of voters lists to local authorities ahead of the election, and the subsequent provision of voter registration updates to Elections BC after the election, continue to be successful. The majority of our reflections on the 2014 General Local Elections relate to our new mandate under LECFA.

Client satisfaction

We surveyed 2,884 candidates or their financial agents to evaluate client satisfaction with the resources and services provided by Elections BC. Of the 842 respondents, over 81% rated their overall satisfaction with the services provided by Elections BC as very satisfied or somewhat satisfied and only 6% were somewhat dissatisfied or very dissatisfied. Over 90% described our staff as respectful, professional and courteous. We are proud of the resources and services we provide to our clients, but will still look to improve upon this already high benchmark.

Our approach to compliance and enforcement

Elections BC has a history of true service orientation with a deep commitment to assisting our clients. Our approach is to first assist clients to comply with the legislation. Achieving compliance is more efficient and less expensive than enforcement after an infraction. Enforcement includes administering financial and other penalties, conducting audits and investigations and making referrals to law enforcement bodies.

This proactive approach is reflected in the significant activities undertaken by our organization around the 2014 General Local Elections to inform clients about their obligations under LECFA and to assist them to comply. For example, we mailed close to 6,000 reminder letters, made numerous reminder phone calls and sent email reminders to clients between General Voting Day and the filing deadline. These significant efforts contributed towards the extremely high percentage of clients (99.6%) who filed their disclosure statements by the filing deadline.

In contrast to our focus on achieving compliance, what we heard from the public was a desire for more administrative sanctions to be applied to penalize clients who failed to comply from the outset. We received complaints from the public that Elections BC was "all bark and no bite" regarding non-compliant election advertising. However, LECFA does not provide for administrative penalties of this nature. Sponsoring election advertising before being registered or advertising on General Voting Day are offences which must be prosecuted through the courts, and such action is unlikely to be considered in the public interest when it involves minor infractions that are subsequently resolved through requests by Elections BC to comply.

Disclosure requirements for smaller campaigns

The disclosure requirements of LECFA are extremely comprehensive and we consistently heard from our clients throughout the 2014 General Local Elections that the disclosure requirements were onerous – particularly for the smaller candidate campaigns. Depending on how their campaign was financed, candidates must file between three and 17 different forms as part of their disclosure statement. Despite our best efforts to design user-friendly forms, develop guides that clearly describe how to complete these forms and support clients as they complete their disclosure statement, it is still difficult for clients to complete these forms accurately on their first try.

Third party sponsors who conduct small campaigns (the total value of advertising sponsored was less than \$500) are required to record all the same information as other third party sponsors, but can file a one-page disclosure statement.¹¹ Larger third party advertising campaigns have more detailed disclosure requirements. It may be appropriate to consider a similar framework for candidates in order to strike a balance between the public interest for disclosure and the administrative burden on small campaigns.

Advertising sponsorship

Similar to a provincial election, we received many enquiries about advertising without the required sponsorship information. Some of the advertising did in fact include the required sponsorship information, but it was written in small print relative to the size of the advertising message, or was in a less obvious place on the advertising. This issue also exists for provincial election advertising. When the advertising did not include the required sponsorship information, we immediately contacted the advertising sponsor and those clients were generally quick to amend the advertising to include the missing information.

A number of campaigns used social media for 'get out the vote' messages on General Voting Day. If the messages included a candidate's or elector organization's name, they were election advertising, which is prohibited on General Voting Day under LECFA.

¹¹ LECFA provides the authority to Elections BC to require additional information from these smaller campaigns should we feel it necessary to confirm that the total value of the advertising is indeed less than \$500.

By-elections and non-election assent voting

At the time of this report, Elections BC has completed the administration of the campaign financing provisions of LECFA for three by-elections and three non-election assent votes. An additional five by-elections and five assent votes are currently underway.

We will report on the administration of ongoing and future by-elections and non-election assent voting in the Report of the *Chief Electoral Officer on the 2018 General Local Elections* and annually in our *Annual Report and Service Plan*.

Disclosure statements for by-election and non-election assent voting participants are available on the Elections BC website.

The incremental costs to our organization of administering by-elections and non-election assent voting are included in the ongoing budget of Elections BC.

By-elections

2015 Pouce Coupe By-election

Table 8: 2015 Pouce Coupe By-election milestones

Day	Milestone	Date
Day -46	Election proceedings period begins Nomination period begins	Tuesday, January 20, 2015
Day -36	Nomination period ends	Friday, January 30, 2015
Day 0	General Voting Day Election proceedings period ends	Saturday, March 7, 2015
Day 90	Filing deadline	Friday, June 5, 2015
Day 121	Late filing deadline	Monday, July 6, 2015

Candidates: 3

Elector organizations: 0

Registered third party advertising sponsors: 0

All participants filed disclosure statements by the filing deadline.

2015 Fraser Lake Rural By-election
(Electoral Area "D" of the Bulkley-Nechako Regional District)

Table 9: 2015 Fraser Lake Rural By-election milestones

Day	Milestone	Date
Day -46	Election proceedings period begins Nomination period begins	Tuesday, March 10, 2015
Day -36	Nomination period ends	Friday, March 20, 2015
Day 0	General Voting Day Election proceedings period ends	Saturday, April 25, 2015
Day 90	Filing deadline	Friday, July 24, 2015
Day 121	Late filing deadline	Monday, August 24, 2015

Candidates: 1 (vacancy filled by acclamation)
Elector organizations: 0
Registered third party advertising sponsors: 0
All participants filed disclosure statements by the filing deadline.

2015 Sechelt Indian Government District Advisory Council By-election

Table 10: 2015 Sechelt Indian Government District Advisory Council By-election milestones

Day	Milestone	Date
Day -46	Election proceedings period begins Nomination period begins	Tuesday, March 24, 2015
Day -36	Nomination period ends	Friday, April 2, 2015
Day 0	General Voting Day Election proceedings period ends	Saturday, May 9, 2015
Day 90	Filing deadline	Friday, August 7, 2015
Day 121	Late filing deadline	Monday, September 8, 2015

Candidates: 3
Elector organizations: 0
Registered third party advertising sponsors: 0
All participants filed disclosure statements by the filing deadline.

Assent voting

2015 Hornby Island Fire Hall Assent Voting

Table 11: 2015 Hornby Island Fire Hall Assent Voting milestones

Day	Milestone	Date
Day -46	Election proceedings period begins	Tuesday, March 19, 2015
Day 0	General Voting Day Election proceedings period ends	Saturday, April 18, 2015
Day 90	Filing deadline	Friday, July 17, 2015
Day 121	Late filing deadline	Monday, August 17, 2015

Registered non-election assent voting advertising sponsors: 5
(4 individuals and 1 organization).
All participants filed disclosure statements by the filing deadline.

2015 Lake Country Okanagan Rail Corridor Assent Voting

Table 12: 2015 Lake Country Okanagan Rail Corridor Assent Voting milestones

Day	Milestone	Date
Day -46	Election proceedings period begins	Thursday, March 26, 2015
Day 0	General Voting Day Election proceedings period ends	Saturday, April 25, 2015
Day 90	Filing deadline	Friday, July 24, 2015
Day 121	Late filing deadline	Monday, August 24, 2015

Registered non-election assent voting advertising sponsors: 7
(3 individuals and 4 organizations).
All participants filed disclosure statements by the filing deadline.

2015 Okanagan Falls and District Parkland Acquisition Assent Voting*Table 13: 2015 Okanagan Falls and District Parkland Acquisition Assent Voting milestones*

Day	Milestone	Date
Day -46	Election proceedings period begins	Thursday, March 26, 2015
Day 0	General Voting Day Election proceedings period ends	Saturday, April 25, 2015
Day 90	Filing deadline	Friday, July 24, 2015
Day 121	Late filing deadline	Monday, August 24, 2015

Registered non-election assent voting advertising sponsors: 0

Improving compliance and enforcement: recommendations for legislators

As the 2014 General Local Elections were the first to be held under the *Local Elections Campaign Financing Act* and the first local elections for which Elections BC was responsible, Elections BC staff, both experienced and new, climbed a steep learning curve to become proficient in the new legislation. Given that many staff had experience with the provincial campaign finance legislation in the *Election Act*, that learning curve would have been substantially shorter and less steep if LECFA had mirrored more closely the provincial provisions.

Although Elections BC staff are now experts in LECFA, many candidates and financial agents are not. Furthermore, every future local election will attract new candidates and financial agents. We have found that a large number of financial agents for local candidates and elector organizations have also been financial agents for provincial candidates and/or political parties. Further, many local candidates have been provincial candidates, including former Members of the Legislative Assembly (MLAs), and several current MLAs have been local elected officials. It is clear that candidates and their financial agents frequently move between the two levels of governments, local and provincial.

It is Elections BC's belief that accessibility to participation in local elections would be enhanced if there was increased consistency between LECFA and the *Election Act*. Financial agents and candidates would experience less confusion and misunderstanding as they move between the two levels of elections.

In the interests of brevity, the recommendations below do not address all of the instances where the two Acts differ and where LECFA could be amended to increase consistency with the *Election Act*. If the Legislative Assembly or government determines that such amendments are desirable, Elections BC would be pleased to work with the Ministry of Community, Sport and Cultural Development to identify potential areas of change.

Attribution of election spending to candidates

The definition in LECFA of an election campaign for an elector organization includes a campaign undertaken to promote, directly or indirectly, the election of a candidate endorsed or intended to be endorsed by the elector organization. An election expense of an elector organization is the value of property or services used in an election campaign of the elector organization during the campaign period. Therefore elector organizations are permitted to incur election expenses that promote specific candidates. LECFA does not include any provisions that require the attribution of such election expenses. That is, elector organizations can incur election expenses with the primary purpose of promoting specific candidates and there is no attribution of those expenses to the candidates. In the 2014 General Local Elections, some major candidates in large jurisdictions reported zero election expenses because all financial transactions went through the elector organization.

This does not uphold transparency or accountability and in fact, may also impair neutrality if individuals prefer to report through an elector organization and hence decide to run with an elector organization rather than independently.

Recommendation

Consider amendments that would require election expenses incurred by an elector organization with the primary purpose of promoting a specific candidate to be attributed to that candidate and reported as an election expense of the candidate similar to the requirements in the *Election Act*.

Registration and financial disclosure of elector organizations

Elector organizations are commonly referred to as civic political parties and nearly every elector organization appears to have as a primary purpose the endorsement of candidates in local elections. Elector organizations must distinguish between operating bank accounts and campaign accounts to ensure campaign accounts are only used for permitted purposes. Transfers between operating accounts and campaign accounts are not permitted because there are no disclosure requirements for contributions that are not campaign contributions. However, nothing in LECFA appears to prevent an elector organization from making a loan from its operating account to its campaign account. The funds could then be used in an election campaign without the original source of the funds ever being disclosed.

Furthermore, an elector organization could use funds in its operating account to purchase goods and/or services that are then sold to raise funds for an election campaign. As long as the proceeds of the sale of those goods or services are deposited into the campaign account, they are permitted.

Recommendation

Require elector organizations to register with Elections BC and file annual disclosure statements similar to provincial political parties, including the reporting of all contributions received. Such registration and disclosure would improve transparency and accountability. It would also enhance understanding of campaign financing provisions in LECFA by allowing Elections BC to better establish ongoing relationships with elector organizations and improve our service offerings to these groups.

Contributions and expenditures after the close of voting

Section 13 of LECFA defines campaign contributions generally as "...the amount of any money, or the value of any non-monetary property or services, provided without compensation to a candidate or elector organization for campaign use." The campaign is over at the close of voting on General Voting Day. Since most donations of money, goods or services made after the close of voting are not "for campaign use", they are not campaign contributions and are not subject to disclosure requirements.

We encountered instances where large in-kind gifts such as room rental and food and beverages for candidate celebrations were made after the close of voting. The lack of disclosure of such donations and the corresponding expenses impairs transparency and accountability.

Recommendation

Amend the definition of campaign contribution in section 13. For candidates, replace "for campaign use" with "in relation to the individual's candidacy." For elector organizations the definition could read, "...the amount of any money, or the value of any non-monetary property or services, provided without compensation to an elector organization."

Threshold for disclosure of contributor

Significant contributors are those who make campaign contributions totalling \$100 or more to a single candidate or elector organization. The names of such contributors are disclosed along with the value of their contributions.

For fundraising functions, an individual can purchase up to \$250 worth of tickets that are \$50 or less each, without having made a campaign contribution. The differing thresholds of \$100 and \$250 cause confusion for candidates and financial agents.

Recommendation

Consider amending one or the other of these thresholds to make them consistent with each other.

Exceptions to late filing deadlines

LECFA recognizes that emergencies or other extraordinary circumstances may prevent a financial agent from filing a disclosure statement by the initial filing deadline and authorizes the Chief Electoral Officer to make an order extending the time period for filing without payment of the late filing fee that would otherwise apply. However, section 90(2) does not permit an Order of the Chief Electoral Officer to extend the time period for filing a disclosure statement beyond the late filing deadline of 120 days after General Voting Day. In event of an emergency or extraordinary circumstances that would prevent a financial agent from filing before the end of the late filing deadline, the client must apply to the Supreme Court for relief.

Applying to the Supreme Court for relief from filing a report by the late filing deadline is unnecessarily onerous for a client who is likely already experiencing difficult circumstances. For example, in the 2014 General Local Elections there were two candidates hospitalized for lengthy periods after General Voting Day. In both cases, the candidates were acting as their own financial agents and were unable to file their disclosure statements. One of the candidates had been elected, and failure to file or to receive relief from the Supreme Court would have caused him to lose his seat. In both cases, failure to file would have caused the candidates to be disqualified from running until after the 2018 General Local Elections. In the case of the elected candidate, staff were able to work with a family member who helped the candidate complete and sign the report but the unnecessary stress at an already traumatic time was considerable. In the second case, the candidate died before the late filing deadline.

Furthermore, applications to the Supreme Court can be a financial burden to the client in terms of legal and court fees and costly and time-consuming for the Court.

Provincially, since 1995, the Chief Electoral Officer has had the authority to make Orders granting extensions to filing deadlines beyond the late filing date. Such authority is rarely used and only in extraordinary circumstances such as serious illness or injury to the financial agent, candidate or a very close family member.

Recommendation

Amend section 90(1) and (2) to authorize the Chief Electoral Officer to make Orders extending the time period for filing beyond the 120 day late filing deadline. Such authority would be appropriate for an independent Officer of the Legislature and be consistent with section 280 of the *Election Act*.

Penalties for non-compliance

LECFA makes the B.C. Chief Electoral Officer responsible for administering compliance with the financing and third party advertising provisions for local elections. Those responsibilities include conducting investigations of any matter that the Chief Electoral Officer considers might be an offence or a contravention. However, the Chief Electoral Officer is not provided with any administrative penalties to deal with contraventions of the Act. Offences under LECFA are criminal offences and it can be difficult to proceed with a prosecution of such offences, even with an admission of guilt.

Recommendation

The ability for the Chief Electoral Officer to impose administrative penalties such as fines would allow for more effective enforcement. Contraventions such as sponsoring election advertising without being registered, failing to include the required sponsorship information on election advertising and accepting a prohibited anonymous contribution are examples where an administrative fine imposed by the Chief Electoral Officer may be appropriate. Consider establishing administrative penalties such as fines, for some contraventions of the campaign financing and third party advertising provisions in LECFA.

Use of social media on General Voting Day

Election advertising includes communication that promotes or opposes, directly or indirectly, a candidate or elector organization. Individuals other than candidates may transmit their personal views on a non-commercial basis on the internet, by telephone or by text messaging without that message being election advertising.

Election advertising on General Voting Day is restricted such that candidates and elector organizations may not use their social media accounts to post “get out the vote” messages if those messages could be perceived to promote the candidate or elector organization, even if just by including their name.

Recommendation

Amend section 45(3) of LECFA to permit the posting of messages on General Voting Day on the internet for the sole purpose of encouraging voters to vote in the election. Such a change would be consistent with an amendment to section 233 of the *Election Act* which received Royal Assent in May 2015.

Loans received by candidates and elector organizations

LECFA recognizes that candidates and elector organizations may receive loans by establishing, in section 15(2), that interest on a loan for election expenses is not an election proceedings period expense but still must be disclosed. Furthermore, section 5(g) of the Local Elections Campaign Financing Regulation establishes “interest expense” as a class of election expense. Despite these references to loans, there are no disclosure requirements of loans to candidates or elector organizations.

Recommendation

Require details of loans received by candidates and elector organizations to be disclosed. Such details should include:

- The amount of the loan
- The date the loan was made
- The date the loan is due
- The rate of interest charged for the loan
- The full name and other details of the lender

Campaign accounts

LECFA requires every candidate and elector organization to open a campaign account if they receive a campaign contribution of money or become liable for paying an election expense. There is no threshold; any monetary contribution or paid election expense triggers the campaign account requirement. Many candidates self-fund their campaigns and do not receive contributions from others. However, the provision of money from a candidate to their own campaign is a campaign contribution and requires a campaign account. Likewise, the payment of an election expense by a candidate using their own money, triggers the need for a campaign account.

We heard concerns from candidates and financial agents that opening campaign accounts can be difficult and costly for small campaigns. Many expressed frustration and felt that the campaign account requirement was a barrier to their future participation.

Recommendation

To avoid discouraging participation in local elections and impairing accessibility, consider allowing candidates with small campaigns, perhaps those below a certain threshold in contributions or expenses, to use their personal bank accounts in place of a campaign bank account. As long as the account is not shared with any other candidate or an elector organization, there should be an adequate paper trail to permit effective review and auditing. An alternative could be to allow candidates to pay election expenses using their personal credit cards without reimbursement from the campaign account. Expenditures made through the use of the personal credit card would still be a campaign contribution from the candidate to their own campaign.

Restrictions on campaign account usage

LECFA establishes very prescriptive rules about the use of campaign accounts. These rules include restrictions on what can be deposited into a campaign account and what can be paid out of such an account. For example there is no provision in the Act to allow candidates to co-host a fundraising function and have one candidate sell all of the tickets to the function, deposit the funds and then disburse the proceeds to the other candidates based on their respective shares. Currently, purchasers of tickets to shared fundraising functions must pay each candidate separately. For example, a \$100 fee to attend a function co-hosted by five candidates would require a purchaser to make five separate payments to buy five tickets of \$20 each. Each campaign would then deposit their \$20 into their campaign account. Such treatment is an onerous administrative burden for the purchasers and the candidates.

LECFA specifically allows candidates to share election expenses with other candidates and we found that it is common for one member of an informal “slate” of candidates to wish to pay a larger portion of a shared election expense than the other candidates. Such cooperation, however, is barred by the restrictions on the use of campaign accounts which prohibit candidates from transferring money or making campaign contributions to other candidates. Although there is an argument that contributors who give money to one candidate do not expect that some or all of the funds will be provided to another candidate, it is felt that adequate disclosure of such transactions would provide transparency to contributors. *The Election Act* specifically permits transfers of money, or other property from, or the provision of services by, a candidate to another candidate of the same registered political party.

Recommendation

Amend section 18 to remove certain restrictions on the use of campaign accounts. A simplified approach that requires that all financial transactions go through the campaign account would suffice.

Detailed reporting of financial transactions

Disclosure requirements detailed in the Local Elections Campaign Financing Regulation are extremely comprehensive, surpassing even those required for candidates to the Legislative Assembly under the *Election Act*. We were consistently told that the provisions were overly onerous, especially for smaller campaigns.

For example, for transactions other than campaign contributions and election expenses, a candidate disclosure statement must include the amount and purpose of every deposit, transfer or payment made to or from the campaign account for the following purposes:

- Payment of the nomination deposit
- Transfers between campaign accounts of the candidate
- Payments of reasonably incurred expenses incidental to the campaign
- Payments of the candidate's portion of a shared election expense
- Deposits from other candidates as reimbursement of their portion of a shared election expense
- Interest earned from the campaign account
- Dividends of credit union shares in relation to the campaign account
- Deposits of the proceeds of sale of goods or services for fundraising
- Deposits of the proceeds of fundraising function ticket sales that are not campaign contributions.

Requiring each and every such transaction to be itemized in the disclosure statement is unnecessary and confusing. Disclosing the totals of such transactions would be sufficient to ensure transparency and accountability. For enforcement purposes, the Chief Electoral Officer has authority to inspect and make copies of the records of candidates and elector organizations, enabling each individual transaction to be verified if required as part of an audit or investigation.

Removing some of the detailed disclosure requirements would considerably lessen the burden on financial agents while still providing for sufficient transparency and disclosure for the public.

Recommendation

Review the disclosure requirements and repeal unnecessary detail. Consider applying similar requirements to those established in the *Election Act*.

Effective date of appointment of financial agent

Every candidate and elector organization must have a financial agent appointed unless the candidate acts as their own financial agent. Sections 17(4) and 19(3) of LECFA require the effective date of appointment for a financial agent be included on the appointment forms as part of the candidate nomination or elector organization endorsement package. The effective date of appointment of a financial agent is also required to be included in the disclosure statements filed by candidates and elector organizations (s. 17 and 28 of the Local Elections Campaign Financing Regulation).

During the compliance reviews of the disclosure statements filed for the 2014 General Local Elections, we found that the majority of clients reported a different effective date of appointment for the financial agent than had been reported in the nomination or endorsement documents. It is clear that most financial agents did not refer to their original appointment form when they completed the disclosure statement and when we contacted financial agents to confirm their appointment date, many did not have a copy of the appointment form. Requiring the effective date of appointment of a financial agent to be included in the disclosure statement is unnecessary and caused considerable confusion and a needless administrative burden for financial agents.

Recommendation

Amend sections 17 and 28 of the Local Elections Campaign Financing Regulation to remove the requirement to include the financial agent's effective date of appointment in the disclosure statement.

Reporting of jurisdictions publishing candidate information

Many local jurisdictions post candidate biographies or statements on the jurisdiction's website. Such postings may be election advertising as they promote the election of the candidate. Section 13(6)(b)(ii) of LECFA provides that the provision by a jurisdiction to a candidate of free election advertising transmission, if the transmission is made available equally to all other candidates, is not a campaign contribution but still must be disclosed in the candidate's disclosure statement. The disclosure requirement established in the Act is detailed by section 24(b) of the Local Elections Campaign Financing Regulation and includes:

- The date the election advertising was transmitted to the public
- The specific means by which the election advertising was transmitted to the public
- The jurisdiction that provided the election advertising

Despite Elections BC's best efforts to educate candidates and their financial agents and to make the disclosure statement forms as simple as possible, a significant number of financial agents did not recognize that such a posting of candidate information was election advertising and they failed to report it. In fact, many candidates and financial agents claimed that they had no knowledge that their information had been posted by the jurisdiction. They certainly did not have all of the details required to be disclosed, such as the date the election advertising was transmitted. There was also considerable confusion on the part of local officials who did not consider what they had posted to be election advertising.

Elections BC believes that the requirement for candidates to report the free transmission of election advertising by the jurisdiction to be unnecessary and burdensome.

Recommendation

Remove the requirement for candidates to report transmission of election advertising by jurisdictions by amending section 13(6) of LECFA and repealing section 24(b) of the Local Elections Campaign Financing Regulation.

Elections BC expenses

2014 General Local Elections

Expense categories	Combined totals for fiscal years 2014/2015 and 2015/2016
Salaries	\$1,093,665
Professional services	142,095
Information systems	323,716
Advertising & publications	205,749
General office expenses	104,422
Travel	2,092
Postage/courier	66,231
Total	\$1,937,970

These figures represent Elections BC's costs to administer the campaign financing and election advertising requirements of the 2014 General Local Elections. The incremental costs to Elections BC of providing voters lists to local authorities to conduct voting, and to administer the campaign financing and election advertising requirements of by-elections and non-election assent voting are included in the ongoing budget of Elections BC.

Appendices

Appendix A: Orders of the Chief Electoral Officer

LECFA-ORD001-2015

February 13, 2015

Due to extraordinary circumstances seven local elections candidates and one third party sponsor were unable to file their disclosure statements by the deadline of February 13, 2015. Rob Bottos (SD 43 - Coquitlam School District) was granted an extension to February 20, 2015. Kendal Csak (Nanaimo) and Rayman Bhuller (SD 36 - Surrey School District) were granted extensions to February 27, 2015. Paul DeVito (Colwood), John York (Cranbrook), Gordon Fuller (Nanaimo), and Eleanor Hadley (Vancouver)¹² were granted extensions until March 16, 2015. The Nanaimo District Teachers' Association was granted an extension to February 20, 2015.

¹² Eleanor Hadley died before she was able to file a disclosure statement.

Appendix B: Late filers

The following candidates and elector organizations filed their disclosure statements during the late filing period (February 14 - March 16, 2015) and paid a \$500 late filing fee.

Candidates

Candidate	Jurisdiction	Endorsement
Deanna Brown Nolan	Burns Lake	
Gail Adrienne	Nanaimo	
Thomas Murray	Sunshine Coast Regional District	
Doug McCallum	Surrey	Safe Surrey Coalition

Elector organizations

Elector organization	Jurisdiction
Coalition of Progressive Electors (COPE)	Vancouver
Coalition of Progressive Electors (COPE)	SD39 – Vancouver School District

Appendix C: Disqualification list

The following candidates did not file a disclosure statement by the late filing deadline and are therefore disqualified from seeking office until after the 2018 General Local Elections.

Candidate	Jurisdiction	Endorsement
Marlisa Power	Abbotsford	N/A
Jason Kramer	Chilliwack	N/A
Christopher Clarke	Fort St. John	N/A
Lori Baxendale	Golden	N/A
Peter Demski	Grand Forks	N/A
Kevin Millership	Slocan	N/A
James Duncan	Surrey	N/A
Anthony Guitar	Vancouver	N/A
Max Clough	West Vancouver	N/A
John Bjornstrom	Williams Lake	N/A
Karen Conway	SD33 – Chilliwack School District	N/A
Glen Armstrong	SD40 – New Westminster School District	N/A
James Pepa	SD40 – New Westminster School District	N/A
June Lewis	SD52 – Prince Rupert School District	N/A
Christina Bolton	SD92 – Nisga'a School District	N/A

Glossary

Assent voting	Voting on a bylaw or other matter for which a local government is required or authorized to obtain the assent of the electors. Assent voting may also be referred to as a referendum.
Campaign contribution	The amount of any money or the value of any non-monetary property or services provided without compensation to a candidate or elector organization for campaign use, including membership fees paid to an elector organization.
Campaign financing records	The records maintained by a financial agent to complete disclosure statements for their candidate or elector organization. These records must be kept in B.C. for five years after General Voting Day for the related election.
Campaign organizer	A campaign organizer was an individual or organization that, under the former legislation, undertook, or intended to undertake, an election campaign that promoted or opposed a candidate seeking election or an elector organization that endorsed candidates. The role of campaign organizers has been eliminated under LECFA.
Campaign period	The period that begins January 1 of the year in which the general local election is held and ends at the close of voting on General Voting Day. For a by-election, the period that begins on the day of the vacancy and ends at the close of voting on General Voting Day.
Candidate	In relation to candidate obligations applicable under LECFA, includes an individual who: <ul style="list-style-type: none">▪ intends on becoming a candidate in an election,▪ is seeking or intends to seek endorsement by an elector organization for an election, or▪ was a candidate.

Chief Electoral Officer	An independent Officer of the Legislature appointed by the Lieutenant Governor on the recommendation of the Legislative Assembly. The B.C. Chief Electoral Officer is responsible for the administration of the provincial electoral process and for the compliance and enforcement of campaign financing, third party advertising and non-election assent voting advertising provisions of LECFA.
Directed advertising	Advertising specifically related to a candidate or elector organization by naming the candidate or elector organization; or identifying the candidate by an image, likeness, voice or physical description or identifying an elector organization by their logo.
Disclosure statement	A campaign financing statement that reports contributions, expenses, transfers, surplus funds and other information. Financial agents for candidates and elector organizations, and third party sponsors and non-election assent voting sponsors, must file disclosure statements with Elections BC.
Election expense	The value of property or services used in an election campaign by or on behalf of a candidate or elector organization during the campaign period for an election.
Election proceedings period	The period that begins on the 46 th day before General Voting Day and ends at the close of voting on General Voting Day.
Elector organization	An organization that intends to endorse a candidate or that did endorse a candidate in an election. An elector organization must have a membership of 50 or more eligible electors when the endorsement is made.

Financial agent	A representative that a candidate and elector organization is legally required to appoint during an election campaign. A candidate may act as their own financial agent or appoint another individual to this position. A candidate or elector organization may not have more than one financial agent at the same time.
General Voting Day	The final voting day in a general local election, by-election or non-election assent voting.
Issue advertising	A form of third party or non-election assent voting advertising that is: <ul style="list-style-type: none">▪ a communication respecting an issue of public policy including an assent voting issue, and▪ not specifically related to any candidate or elector organization.
Jurisdiction	The applicable jurisdiction in which a general local election, by-election, or non-election assent voting is held.
Late filing deadline	The last day (120 days after General Voting Day) on which a disclosure statement may be filed by a candidate, elector organization, third party sponsor or non-election assent voting advertising sponsor. Disclosure statements filed after 90 days and before 120 days must be accompanied by a \$500 late filing fee.
Local Chief Election Officer	An individual appointed by council, board of education, or a regional district board to conduct a general local election or by-election. Local Chief Election Officers have broad authority to do all things necessary for the conduct of an election in accordance with the legislation and the local government election bylaw.

Non-election assent voting	Assent voting that is held separately from an election. Assent voting is voting on a bylaw or other matter for which a local government is required or authorized to obtain the assent of the electors. Assent voting may also be referred to as a referendum.
Significant contributor	In relation to campaign or sponsorship contributions, an individual or organization who: <ul style="list-style-type: none">▪ made a campaign or sponsorship contribution having a value of \$100 or more, or▪ made multiple campaign or sponsorship contributions to the same candidate, elector organization, third party sponsor or non-election assent voting advertising sponsor such that the total value of the campaign or sponsorship contributions to that candidate, elector organization, third party sponsor or non-election assent voting advertising sponsor is \$100 or more.
Supplementary report	A report that updates Elections BC of changed, added or corrected information to a disclosure statement. It includes a description of the circumstances leading to the supplementary report.
Third party advertising	Election advertising that is not sponsored by a candidate or an elector organization as part of their election campaign and promotes or opposes a candidate, elector organization or issue during a local election.
Third party sponsor	An individual or organization who conducts election advertising independently from the election campaign of any candidate or elector organization.

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