



CANDIDATE NOMINATION PACKAGE INFORMATION AND INSTRUCTIONS

THOMPSON-NICOLA REGIONAL DISTRICT



The Region of BC's Best

Thompson-Nicola Regional District Nomination Package Instructions

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Introduction

Thank you for your interest in the 2022 TNRD Elections.

The nomination period begins at 9:00AM on Tuesday, August 30th, 2022 and ends at 4:00PM on Friday, September 9th, 2022.

Nomination forms are available for download on the TNRD website at www.tnrd.ca or you can pick up a printed copy at the TNRD office in Kamloops.

Nomination Period

Completed nomination documents will be received by the Chief Election Officer and Deputy Chief Election Officer between 9 AM on Tuesday September 4th and 4 PM on Friday September 9th. Documents may be delivered in person (recommended) or by mail, fax or email.

If sent by mail, it must be received before the end of the nomination period – postmarks will not be accepted as proof of submission by the deadline.

If copies sent by fax or email, the originals must be received by 4 PM on Friday September 16th or the nomination will officially be considered withdrawn.

Candidate Information Session

A Candidate Information Session was held on Thursday, July 28th, 2022. The recorded session can be viewed at <https://www.tnrd.ca/regional-government/elections/elections-2022/>.

Candidate Representatives

Candidates are entitled to appoint one Official Agent to represent the candidate from the time of appointment until the final determination of the election. A candidate may also appoint one Scrutineer for each voting place where voting is being conducted to represent the candidate by observing the conduct of voting and to observe the counting of ballots after voting closes.

Appointment forms are included in the Nomination Documents. Additional copies of the scrutineer appointment form may be reproduced and provided to the Chief Election Officer at any time after submitting nomination forms.

Campaign Financing And Advertising

Elections BC is responsible for administering campaign financing and advertising rules for local elections and assent voting in British Columbia under the *Local Elections Campaign Financing Act* (LECFA). Candidates are responsible for adhering to Elections BC requirements under LECFA.

More information and related forms about campaign financing and advertising can be found on the Elections BC website at <https://elections.bc.ca/local-elections/2022-general-local-elections/>

List of Electors

The TNRD does not register voters in advance so there is no voters list.



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Voting Locations, Days, & Hours

General voting day is October 15 and an advance voting day will be held on October 5. Once the candidates have been declared, the locations and times for all voting places will be announced. Mail Ballot voting will be also be available.

Attendance at Voting Locations and Counting Proceedings

Other than for the purpose of voting, **a candidate must not be present at a voting location while voting is being conducted.** However, candidates may attend vote counting proceedings at one of the voting locations once the polls close.

Elector Organizations

Candidates can be endorsed by an Elector Organization with the Candidate's consent. Elector Organizations are required to complete an Elector Organization Endorsement Package and submit it to the Chief Election Officer by the end of the Nomination Period (4 PM on Friday September 9^h). The package is also available for download from the TNRD election website.

Election Offences

Both the *Local Government Act* (LGA) and the LECFA have regulations pertaining to election offences. Excerpts are included in this information package.

In particular, please note:

- LECFA Section 45(2), which states that an individual or organization must not transmit election advertising to the public on general voting day.
- LGA Section 163(4), which states that election campaigning cannot take place within 100 metres of a voting location. This includes canvassing or soliciting votes, placement of signs, distribution of documents/material, and carrying, wearing or supplying flags, badges or other objects showing support for a particular candidate.

More Information

More information for Candidates and Voters is available on the TNRD election website at <https://www.tnrd.ca/regional-government/elections/elections-2022/>. Candidates will have access to information about the TNRD, videos on subjects relating to the roles of elected officials, candidate profiles (if provided) etc. Or you can contact the TNRD as noted below:

Thompson-Nicola Regional District
300-465 Victoria Street
Kamloops BC V2C 2A9

Phone: 1-877-377-6310 toll-free
Email: elections@tnrd.ca
Fax 250-372-5078



2022 Local General Election Calendar

Date	Event	Legislative Section
January 1	Election period begins	LECFA 10(1)
March 8	Last day to meet 6-month BC residency requirement for candidates seeking nomination	LGA 81(1)(c)
April 14	Last day to meet 6-month BC residency requirement for voters registering on general voting day	LGA 65(1)(c) LGA 66(1)(d)
August 30	Nomination period begins at 9:00AM	LGA 84(1)
September 9	Nomination period closes at 4:00PM All candidates who have submitted nominations are officially declared	LGA 84(1) LGA 97(1)
September 13	Period to challenge candidate nomination & elector endorsements ends at 4 pm	LGA 91(2) & 96(2)
September 16	4PM deadline for: <ul style="list-style-type: none"> • Decision on challenge of candidate nomination • Decision on challenge of candidate's endorsement by elector organization • Withdrawal of candidate • Withdrawal of candidate endorsement by elector organization 	LGA 91(9) & 101(1)
September 14	Campaign period begins	LECFA 10(2)
September 19	Chief Election Officer declares election	LGA 98(2)
October 5	Advance voting period: 8AM to 8PM	LGA 107(1)
October 12	Potential 2 nd Required Advance Voting Date	
SATURDAY, OCTOBER 15	GENERAL VOTING DAY 8AM to 8PM	
October 19	Deadline for declaration of official election results before 4 pm	LGA 146(1)
October 24	Deadline for applications for judicial recount by 4PM	LGA 148(3)
November 3	Inaugural Board Meeting	LGA 52(2)
January 6, 2023	Deadline to file campaign financing disclosure statements with Elections BC	LECFA 47(1)
February 6, 2023	Disclosure statements late filing deadline (\$500 late penalty due to Elections BC)	LECFA 47(2)



Nomination Papers Checklist

Thank you for your interest in running for TNRD Electoral Area Director. Please read the following instructions when completing Candidate Nomination forms.

WHAT TO SUBMIT

REQUIRED– These will be published in the TNRD election website

Complete the relevant Candidate Nomination forms:

- C1 – Candidate Cover Sheet and Checklist Form
- C2 – Nomination Documents
- C3 – Other Information Provided by Candidate
- C4 – Appointment of Candidate Financial Agent (if Candidate is not acting as own Financial Agent)
- Statement of Disclosure: Financial Disclosure Act

IF APPLICABLE

- C5 – Appointment of Candidate Official Agent
- C6 – Appointment of Candidate Scrutineer

OPTIONAL – These will be the source of contact information for the public and media

- Candidate Information Release Authorization
- TNRD Candidate Profile Statement (*Optional*)

HOW TO SUBMIT

Return completed forms to the Thompson-Nicola Regional District Chief Election Officer during the Nomination Period:

By Mail: Thompson-Nicola Regional District
300 – 465 Victoria Street
Kamloops, BC V2C 2A9

In Person: TNRD Office during regular business hours, by appointment preferred*
4th Floor, 465 Victoria Street, Kamloops, BC*

*To book an appointment please call 250 377 6310 or email elections@tnrd.ca

By Fax: 250-372-5048 *

By Email: elections@tnrd.ca *

**Original forms must be received by 4 pm on Friday, September 16th, 2022 or your nomination will be automatically withdrawn.*

WHEN TO SUBMIT (NOMINATION PERIOD)

Completed forms will be received by the TNRD Chief Election Officer between:



The Region of BC's Best

Thompson-Nicola Regional District Nomination Package Instructions

9:00am Tuesday, August 30th, 2022 and 4:00pm Friday, September 9th, 2022

Excerpts from Legislation

Local Government Act

Excerpts from the Local Government Act follow. An online copy of the entire Act can be found at https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_00

Local Elections Campaign Financing Act

Excerpts from the Local Elections Campaign Financing Act follow. An online copy of the entire Act can be found at <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/14018>

The excerpts provided DO NOT represent all requirements for Candidates and Elections but have been included for reference only.

LOCAL GOVERNMENT ACT

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LOCAL GOVERNMENT ACT
CHAPTER 1 [RSBC 2015]

[includes 2021 Bill 26, c. 30 (B.C. Reg. 135/2022) amendments (effective June 13, 2022)]

Part 3: Division 4 – Electors and Registration of Electors

Who may vote at an election

64. (1) In order to vote at an election for a municipality or electoral area, a person
- (a) must meet the requirements of section 65 (1) (a) to (e) [*resident electors*] or 66 (1) (a) to (g) [*non-resident property electors*] at the time of voting,
 - (b) must not be disqualified by this Act or any other enactment from voting in the election or be otherwise disqualified by law, and
 - (c) must be registered as an elector of the municipality or electoral area.
- (2) The following persons are disqualified from voting at an election:
- (a) a person who has not completed the sentence for an indictable offence, unless the person is released on probation or parole and is not in custody;
 - (b) a person who is involuntarily confined to a psychiatric or other institution as a result of being acquitted of or found not criminally responsible for an offence under the *Criminal Code* on account of mental disorder;
 - (c) a person who has contravened section 161 (3) [*accepting inducements to vote*] in relation to the election.
- (3) For clarification, no corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.
- (4) A person must not vote at an election unless entitled to do so.

RS2015-1-64 (B.C. Reg. 257/2015).

Resident electors

65. (1) In order to be registered as a resident elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must be
 - (i) an individual who is 18 years of age or older on the day of registration, or
 - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
 - (b) the person must be a Canadian citizen;
 - (c) the person must have been a resident of British Columbia, as determined in accordance with section 67 [*rules for determining residence*], for at least 6 months immediately before the day of registration;
 - (d) the person must be a resident of the municipality or electoral area, as determined in accordance with section 67;
 - (e) the person must not be disqualified under this or any other enactment from voting in an election or be otherwise disqualified by law.

(SUB)
Mar
25/21

(REP)
Mar
25/21

(2) *Repealed.* [2021-5-71]

RS2015-1-65 (B.C. Reg. 257/2015); 2021-5-71.

Non-resident property electors

66. (1) In order to be registered as a non-resident property elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must not be entitled to register as a resident elector of the municipality or electoral area;
 - (b) the person must be
 - (i) an individual who is 18 years of age or older on the day of registration, or
 - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
 - (c) the person must be a Canadian citizen;
 - (d) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the day of registration;
 - (e) the person must have been a registered owner of real property in the municipality or electoral area for at least 30 days immediately before the day of registration;
 - (f) the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;
 - (g) the person must not be disqualified under this Act or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) A person may register as a non-resident property elector only in relation to one parcel of real property in a municipality or electoral area.
- (3) If the boundaries of a municipality or electoral area are extended or if a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (e) if, for at least 30 days before the person applies for registration as a non-resident property elector, the person has been a registered owner of property within the area that is included in the municipality or electoral area or that becomes the new municipality.
- (4) For the purposes of this section, the registered owner of real property means whichever of the following is applicable:
- (a) the owner of a registered estate in fee simple of the property, unless another person holds an interest in the property referred to in paragraph (b), (c) or (d);
 - (b) the holder of the last registered agreement for sale, unless another person holds an interest in the property referred to in paragraph (c) or (d);
 - (c) the tenant for life under a registered life interest in the property, unless another person holds an interest in the property referred to in paragraph (d);
 - (d) the holder of a registered lease of the property for a term of at least 99 years.
- (5) If there is more than one individual who is the registered owner of real property, either as joint tenants or tenants in common, only one of those individuals may register as a non-resident property elector under this section in relation to the real property.
- (6) If the land title registration of the real property in relation to which a person is registering under this section indicates that there is more than one individual who is the registered owner of the real property, the person registering must do so with the written consent of the number of those individuals who, together with the person registering, are a majority of those individuals.

(RET)
Jan
01/16

- (7) A registered owner who has consented to the registration of another registered owner of the property may withdraw the consent by delivering a written withdrawal to the municipality or regional district.
- (8) Once a withdrawal of consent has been delivered in accordance with subsection (7), the person registered as the non-resident property elector in relation to the property ceases to be entitled to be registered and vote as such if the number of individuals referred to in subsection (6) falls below a majority of the registered owners, with this effective
 - (a) for the next election, in the case of a withdrawal delivered at least 52 days before general voting day for the election, and
 - (b) following the next election, in the case of a withdrawal delivered less than 52 days before general voting day for the election.

RS2015-1-66 (B.C. Reg. 257/2015); 2017-10-28.

Part 3: Division 6 – Nomination of Candidates

Nomination period

(AM)
Nov
25/21

- 84.** (1) The period for receiving nominations begins at 9 a.m. on the forty-sixth day before general voting day and ends at 4 p.m. on the thirty-sixth day before general voting day.
- (2) If the first day of the nomination period would otherwise fall on a holiday, the nomination period begins on the next day that is not a holiday.
- (3) If the last day of the nomination period would otherwise fall on a holiday, the nomination period ends on the last day before that day that is not a holiday.

RS2015-1-84 (B.C. Reg. 257/2015); 2021-30-41, Sch 1.

Notice of nomination

(ADD)
May
19/16

- 85.** (1) At least 6 days but not more than 30 days before the nomination period begins, the chief election officer must issue a notice of nomination under this section in accordance with section 50 [*newspaper publication*].
- (2) The notice must include the following information:
- (a) the offices for which candidates are to be elected;
 - (b) the dates, times and places at which nominations will be received;
 - (c) how interested persons can obtain information on the requirements and procedures for making a nomination;
- (c.1) the expense limits,
- (i) made publicly available under section 63.03 of the *Local Elections Campaign Financing Act*, that apply to the election area, or
 - (ii) if the election is a by-election, that apply to the election area under section 63.04 of the *Local Elections Campaign Financing Act*;
- (c.2) the third party advertising limits,
- (i) made publicly available under section 41.3 (2) of the *Local Elections Campaign Financing Act*, that apply to the election area, or
 - (ii) if the election is a by-election, that apply to the election area under section 41.4 of the *Local Elections Campaign Financing Act*;
- (d) any other information required to be included by regulation under section 168 [*election regulations*].

(ADD)
May
19/16

- (3) The notice may include any other information the chief election officer considers appropriate.
- (4) The chief election officer may provide for additional notice of the call for nominations to be given to the public.

RS2015-1-85 (B.C. Reg. 257/2015); 2016-9-43.

Nomination of candidates

- 86.** (1) A nomination for office as a member of a local government must be made in accordance with section 87, separately for each candidate,
- (a) by at least 2 qualified nominators of the municipality or electoral area for which the nomination is made, or
 - (b) if a bylaw under subsection (2) of this section applies, by at least the minimum number of such persons as set by the bylaw.
- (2) A local government may, by bylaw, set the minimum number of qualified nominators as follows:
- (a) in relation to a municipality or electoral area that has a population of 5 000 or more, the minimum number of qualified nominators may be set at either 10 or 25;
 - (b) in relation to a municipality or electoral area that has a population of less than 5 000, the minimum number of qualified nominators may be set at 10.
- (3) In order to be qualified as a nominator, a person
- (a) must be an elector of the municipality or electoral area for which the nomination is made, and
 - (b) in the case of a nomination for an office to be filled on a neighbourhood constituency basis, must also be qualified as a resident elector or non-resident property elector in relation to the area of the neighbourhood constituency.
- (4) A person may subscribe as nominator to as many nomination documents as, but not more than, the number of persons who are to be elected to fill the office for which the election is being held.
- (5) Even if one or more of the nominators are not qualified in accordance with this section, a nomination is valid as long as the nomination is made by at least the minimum number of qualified nominators.

RS2015-1-86 (B.C. Reg. 257/2015).

Nomination documents

- 87.** (1) A nomination for local government office must be in writing and must include the following:
- (a) the full name of the person nominated;
 - (b) the usual name of the person nominated, if the full name of the person is different from the name the person usually uses and the person wishes to have his or her usual name on the ballot instead;
 - (c) the office for which the person is nominated;
 - (d) the residential address of the person nominated, and the mailing address if this is different;
 - (e) the names and residential addresses of the nominators and, if a nominator is a non-resident property elector, the address of the property in relation to which the nominator is such an elector;

(ADD)
Dec
01/21

- (f) a statement signed by the nominators that, to the best of their knowledge, the person nominated is qualified under section 81 [*who may hold office on a local government*] to be nominated;
 - (g) if applicable, the name of the elector organization that proposes to endorse the person nominated.
- (2) For a nomination to be accepted for filing, a nomination must be accompanied by the following:
- (a) a statement signed by the person nominated consenting to the nomination;
 - (b) a solemn declaration in accordance with subsection (3) of the person nominated, either made in advance or taken by the chief election officer at the time the nomination documents are delivered;
 - (c) as applicable, a signed declaration of the person nominated
 - (i) that the person is acting as his or her own financial agent, or
 - (ii) identifying the person who is appointed under the *Local Elections Campaign Financing Act* to act as financial agent for the person nominated;
 - (d) the written disclosure required by section 2 (1) of the *Financial Disclosure Act*.
- (3) For the purposes of subsection (2) (b), the person nominated must make a solemn declaration
- (a) that he or she is qualified under section 81 to be nominated for the office,
 - (b) that, to the best of the person's knowledge and belief, the information provided in the nomination documents is true,
 - (c) that the person fully intends to accept the office if elected, and
 - (d) that the person
 - (i) is aware of the *Local Elections Campaign Financing Act*,
 - (ii) understands the requirements and restrictions that apply to the person under that Act, and
 - (iii) intends to fully comply with those requirements and restrictions.
- (4) A person must not consent to be nominated knowing that he or she is not qualified to be nominated.

RS2015-1-87 (B.C. Reg. 257/2015); 2021-5-72 (B.C. Reg. 281/2021).

Nomination by delivery of nomination documents

89. (1) In order to make a nomination,
- (a) the nomination documents required by section 87, and
 - (b) if applicable, the nomination deposit required under section 88
- must be received before the end of the nomination period by the chief election officer or a person designated by the chief election officer for this purpose.
- (2) The obligation to ensure that the nomination documents and nomination deposit are received in accordance with this section rests with the person being nominated.
- (3) For the purposes of subsection (1), the nomination documents and nomination deposit
- (a) must be received at the local government offices during its regular office hours, and
 - (b) may be received at other times and places as specified by the chief election officer.
- (4) Nomination documents may be delivered
- (a) by hand, by mail or by other delivery service, or
 - (b) by fax or email, with originals to follow.
- (5) If the originals of nomination documents delivered by fax or email are not received by the chief election officer before the end of the twenty-ninth day before general voting day, the person nominated is deemed to have withdrawn from being a candidate in the election.

(AM)
Nov
25/21

- (6) After receiving nomination documents, the chief election officer must review the list under section 60 [*Elections BC to maintain disqualification lists*] of the *Local Elections Campaign Financing Act* to determine whether an application must be made under section 91 (5) [*challenge required if candidate appears to be disqualified*] of this Act.
- (7) Nomination documents delivered to the chief election officer
 - (a) must be available for public inspection in the local government offices during its regular office hours from the time of delivery until 30 days after the declaration of the election results under section 146, and
 - (b) if a bylaw under subsection (8) applies, must be made available to the public in accordance with the bylaw.
- (8) A local government may, by bylaw, provide for public access to nomination documents, during all or part of the period referred to in subsection (7) (a), in any manner the local government considers appropriate, including by the internet or other electronic means.
- (9) A person who inspects or otherwise accesses nomination documents under this section must not use the information included in them except for the purposes of this Act or purposes authorized by section 63 [*restrictions on use of personal information*] of the *Local Elections Campaign Financing Act*.

RS2015-1-89 (B.C. Reg. 257/2015); 2021-30-41, Sch 1.

Other information to be provided by candidate

90. (1) A person who is nominated for local government office must, before the end of the nomination period, provide the following to the chief election officer:
- (a) a telephone number at which the person may be contacted;
 - (b) an email address at which the person may be contacted, unless the person does not have such an address;
 - (c) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the person;
 - (d) as applicable,
 - (i) a statement that the person is acting as his or her own financial agent, or
 - (ii) the information and material required under section 17 (5) [*candidate financial agent appointment documents*] of the *Local Elections Campaign Financing Act*;
 - (e) any other information or material required by regulation under section 168 [*election regulations*].
- (2) If the information and material required under subsection (1) are not received by the chief election officer before the end of the nomination period, the person nominated is deemed to have withdrawn from being a candidate in the election.
- (3) If there is any change in the information or related material required to be provided under subsection (1), the person nominated must provide updated information and material as follows:
- (a) to the chief election officer if the change occurs before the declaration of the results of the election;
 - (b) to the BC chief electoral officer if the change occurs after the declaration of those results.

RS2015-1-90 (B.C. Reg. 257/2015).

Part 3: Division 7 – Candidate Endorsement by Elector Organization

Candidate endorsement by elector organization may be included on ballot

92. (1) Subject to this section, an incorporated or unincorporated organization may endorse a candidate in an election and have that endorsement included on the ballot for the election if
- (a) the organization makes the endorsement in accordance with section 93, and
 - (b) the candidate consents to the endorsement.
 - (c) *Repealed.* [2021-5-73 (B.C. Reg. 281/2021)]

(REP)
Dec
01/21
(SUB)
Dec
01/21

- (2) To be qualified to endorse a candidate, an organization must be registered under Division 6 [*Registration of Elector Organizations*] of Part 2 [*Candidate and Elector Organization Campaign Financing*] of the *Local Elections Campaign Financing Act*.
- (3) An organization must not endorse more candidates in an election for a particular office than there are positions to be filled for that office.
- (4) A candidate must not consent to endorsement by more than one organization in relation to the same election for the same office.

RS2015-1-92 (B.C. Reg. 257/2015); 2021-5-73 (B.C. Reg. 281/2021).

Part 3: Division 9 – Candidates and Representatives

Withdrawal, death or incapacity of candidate

(AM)
Nov
25/21

101. (1) At any time up until 4 p.m. on the twenty-ninth day before general voting day, a person who has been nominated may withdraw from being a candidate in the election by delivering a signed withdrawal to the chief election officer, which must be accepted if the chief election officer is satisfied as to its authenticity.
- (2) After the time referred to in subsection (1), a candidate may withdraw only by delivering to the chief election officer a signed request to withdraw and receiving the approval of the minister.
 - (3) For the purposes of subsection (2), the chief election officer must notify the minister of a request to withdraw as soon as practicable after receiving it.
 - (4) The chief election officer must notify the minister if, between the declaration of an election by voting under section 98 (2) and general voting day for the election,
 - (a) a candidate dies, or
 - (b) in the opinion of the chief election officer, a candidate is incapacitated to an extent that will prevent the candidate from holding office.
 - (5) On approving a withdrawal under subsection (2) or being notified under subsection (4), the minister may order
 - (a) that the election is to proceed, subject to any conditions specified by the minister, or
 - (b) that the original election is to be cancelled and that a new election is to be held in accordance with the directions of the minister.

RS2015-1-101 (B.C. Reg. 257/2015); 2021-30-41, Sch 1.

Appointment of candidate representatives

102. (1) A candidate may appoint
- (a) one individual to act as official agent of the candidate, to represent the candidate from the time of appointment until the final determination of the election or the validity of the election, as applicable, and

- (b) scrutineers, to represent the candidate by observing the conduct of voting and counting proceedings for the election.
- (2) An appointment as a candidate representative must
 - (a) be made in writing and signed by the person making the appointment,
 - (b) include the name and address of the person appointed, and
 - (c) be delivered to the chief election officer or a person designated by the chief election officer for this purpose as soon as practicable after the appointment is made.
- (3) An appointment as a candidate representative may be rescinded only in the same manner as the appointment was made.
- (4) An appointment of an official agent may include a delegation of the authority to appoint scrutineers.
- (5) If notice is to be served or otherwise given under this Part to a candidate, it is sufficient if the notice is given to the official agent of the candidate.

RS2015-1-102 (B.C. Reg. 257/2015).

Presence of candidate representatives at election proceedings

103. (1) A candidate representative present at a place where election proceedings are being conducted must
- (a) carry a copy of the person's appointment under section 102,
 - (b) before beginning duties at the place, show the copy of the appointment to the presiding election official or an election official specified by the presiding election official, and
 - (c) show the copy of the appointment to an election official when requested to do so by the official.
- (2) The presiding election official may designate one or more locations at a place where election proceedings are being conducted as locations from which candidate representatives may observe the proceedings and, if this is done, the candidate representatives must remain in those locations.
- (3) The absence of a candidate representative from a place where election proceedings are being conducted does not invalidate anything done in relation to an election.

RS2015-1-103 (B.C. Reg. 257/2015).

Part 3: Division 18 – Election Offences

Vote buying

161. (1) In this section, "**inducement**" includes money, gift, valuable consideration, refreshment, entertainment, office, placement, employment and any other benefit of any kind.
- (2) A person must not pay, give, lend or procure inducement for any of the following purposes:
- (a) to induce a person to vote or refrain from voting;
 - (b) to induce a person to vote or refrain from voting for or against a particular candidate;
 - (c) to reward a person for having voted or refrained from voting as described in paragraph (a) or (b);
 - (d) to procure or induce a person to attempt to procure the election of a particular candidate, the defeat of a particular candidate or a particular result in an election;

- (e) to procure or induce a person to attempt to procure the vote of an elector or the failure of an elector to vote.
- (3) A person must not accept inducement
 - (a) to vote or refrain from voting,
 - (b) to vote or refrain from voting for or against a particular candidate, or
 - (c) as a reward for having voted or refrained from voting as described in paragraph (a) or (b).
- (4) A person must not advance, pay or otherwise provide inducement, or cause inducement to be provided, knowing or with the intent that it is to be used for any of the acts prohibited by this section.
- (5) A person must not offer, agree or promise to do anything otherwise prohibited by this section.
- (6) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.
RS2015-1-161 (B.C. Reg. 257/2015).

Intimidation

- 162.** (1) In this section, "**intimidate**" means to do or threaten to do any of the following:
- (a) use force, violence or restraint against a person;
 - (b) inflict injury, harm, damage or loss on a person or property;
 - (c) otherwise intimidate a person.
- (2) A person must not intimidate another person for any of the following purposes:
- (a) to persuade or compel a person to vote or refrain from voting;
 - (b) to persuade or compel a person to vote or refrain from voting for or against a particular candidate;
 - (c) to punish a person for having voted or refrained from voting as described in paragraph (a) or (b).
- (3) A person must not, by abduction, duress or fraudulent means, do any of the following:
- (a) impede, prevent or otherwise interfere with a person's right to vote;
 - (b) compel, persuade or otherwise cause a person to vote or refrain from voting;
 - (c) compel, persuade or otherwise cause a person to vote or refrain from voting for a particular candidate.
- (4) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.
RS2015-1-162 (B.C. Reg. 257/2015).

Other election offences

- 163.** (1) In relation to nominations, a person must not do any of the following:
- (a) contravene section 87 (4) [*unqualified candidate consenting to nomination*];

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- (b) before or after an election, purport to withdraw a candidate from an election without authority to do so or publish or cause to be published a false statement that a candidate has withdrawn;
 - (c) before or after an election, purport to withdraw the endorsement of a candidate by an elector organization except as provided in section 95 (b) [*withdrawal of endorsement on ballot*].
- (2) In relation to voting, a person must not do any of the following:
- (a) vote at an election when not entitled to do so;
 - (b) contravene section 124 (1) [*each elector may vote only once*] regarding voting more than once in an election;
 - (c) obtain a ballot in the name of another person, whether the name is of a living or dead person or of a fictitious person;
 - (d) contravene section 123 (2) [*requirement to preserve secrecy of the ballot*] regarding the secrecy of the ballot.
- (3) In relation to ballots and ballot boxes, a person must not do any of the following:
- (a) without authority supply a ballot to another person;
 - (b) without authority print or reproduce a ballot or a paper that is capable of being used as a ballot;
 - (c) without authority take a ballot out of a place where voting proceedings are being conducted;
 - (d) put in a ballot box, or cause to be put in a ballot box, a paper other than a ballot that the person is authorized to deposit there;
 - (e) interfere with voting under section 112 [*use of voting machines*] contrary to the applicable bylaw and regulations;
 - (f) without authority destroy, take, open or otherwise interfere with a ballot box or ballots.
- (4) In relation to voting proceedings, a person must not do any of the following at or within 100 metres of a building, structure or other place where voting proceedings are being conducted at the time:
- (a) canvass or solicit votes or otherwise attempt to influence how an elector votes;
 - (b) display, distribute, post or openly leave a representation of a ballot marked for a particular result in the voting;
 - (c) post, display or distribute
 - (i) election advertising, or
 - (ii) any material that identifies a candidate or elector organization, unless this is done with the authorization of the chief election officer;
 - (d) carry, wear or supply a flag, badge or other thing indicating that the person using it is a supporter of a particular candidate, elector organization or result in the voting.
- (5) In relation to any matter or proceeding to which this Part applies, a person must not do any of the following:
- (a) provide false or misleading information when required or authorized under this Part to provide information;
 - (b) make a false or misleading statement or declaration when required under this Part to make a statement or declaration;
 - (c) inspect or access under this Part

- (i) a list of registered electors,
 - (ii) nomination documents,
 - (iii) disclosure statements or supplementary reports, or
 - (iv) other election materials referred to in section 143 [*delivery of election materials to chief election officer*],
or use the information from any of them, except for purposes authorized under this Act;
 - (d) be present at a place where voting or counting proceedings are being conducted, unless authorized under this Part to be present;
 - (e) interfere with, hinder or obstruct an election official or other person in the exercise or performance of his or her powers, duties or functions under this Part or the *Local Elections Campaign Financing Act*.
- (6) A person who is an election official must not contravene this Part with the intention of affecting the result or validity of an election.

RS2015-1-163 (B.C. Reg. 257/2015).

Prosecution of organizations and their directors and agents

164. (1) An act or thing done or omitted by an officer, director, employee or agent of an organization within the scope of the individual's authority to act on behalf of the organization is deemed to be an act or thing done or omitted by the organization.
- (2) If an organization commits an offence under this Part, an officer, director, employee or agent of the organization who authorizes, permits or acquiesces in the offence commits the same offence, whether or not the organization is convicted of the offence.
- (3) A prosecution for an offence under this Part may be brought against an unincorporated organization in the name of the organization and, for these purposes, an unincorporated organization is deemed to be a person.

RS2015-1-164 (B.C. Reg. 257/2015).

Time limit for starting prosecution

165. The time limit for laying an information to commence a prosecution respecting an offence under this Part is one year after the date on which the act or omission that is alleged to constitute the offence occurred.

RS2015-1-165 (B.C. Reg. 257/2015).

Penalties

166. (1) A person who contravenes section 161 [*vote buying*] or 162 [*intimidation*] is guilty of an offence and is liable to one or more of the following penalties:
- (a) a fine of not more than \$10 000;
 - (b) imprisonment for a term not longer than 2 years;
 - (c) disqualification from holding office in accordance with subsection (2) of this section for a period of not longer than 7 years.
- (2) Disqualification under subsection (1) (c) is disqualification from holding office as follows:
- (a) on a local government;

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- (b) on the council of the City of Vancouver or on the Park Board established under section 485 of the *Vancouver Charter*;
 - (c) as a trustee under the *Islands Trust Act*;
 - (d) as a trustee on a board of education, or as a regional trustee on a francophone education authority, under the *School Act*.
- (3) A person or unincorporated organization who contravenes section 163 [*other election offences*] is guilty of an offence and is liable to one or both of the following penalties:
- (a) a fine of not more than \$5 000;
 - (b) imprisonment for a term not longer than one year.
- (4) Any penalty under this Division is in addition to and not in place of any other penalty provided in this Part.
- (5) A person or unincorporated organization is not guilty of an offence under this Part if the person or organization exercised due diligence to prevent the commission of the offence.

RS2015-1-166 (B.C. Reg. 257/2015).

LOCAL ELECTIONS CAMPAIGN FINANCING ACT

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LOCAL ELECTIONS CAMPAIGN FINANCING ACT
CHAPTER 18 [SBC 2014]

[includes 2021 Bill 9, c. 5 (B.C. Reg. 281/2021) amendments (effective December 1, 2021)]

Part 2: Division 1 – General Concepts: Campaign Contributions and Election Expenses

Campaign contributions to candidate and elector organization generally

- 13. (1)** Subject to this section and any applicable regulations, the following are campaign contributions:
- (SUB)
Dec
01/21
- (a) the amount of any money, or the value of any non-monetary property or services, provided without compensation to
- (i) a candidate for campaign use, or
- (ii) an elector organization for any use;
- (AM)
Dec
01/21
- (b) if property or services are provided at less than market value to a candidate for campaign use or to an elector organization for any use, the difference between the market value of the property or services at the time provided and the amount charged;
- (SUB)
Dec
01/21
- (c) if property or services are acquired for greater than market value from a candidate for the purpose of obtaining funds for campaign use or from an elector organization for the purpose of obtaining funds for any use, the difference between
- (i) the market value of the property or services at the time acquired, and
- (ii) the amount charged;
- (RET)
Oct
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- (d) the amount of any money provided by a candidate for use in the candidate's own campaign;
- (RET)
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- (e) *Repealed.* [2017-21-3]
- (f) the amount of any money provided to an elector organization by an individual who is seeking endorsement by that elector organization, other than money provided by way of transfer under section 23 (4) (b) [*candidate transfers before endorsement*];
- (AM)
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- (g) membership fees for an elector organization;
- (RET)
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31/17
- (h) the unpaid amount of a debt, other than a debt arising from a loan, in relation to an election expense, if
- (i) the candidate or elector organization is liable for payment in relation to the election expense,
- (ii) any part of that debt remains unpaid for 6 months after the debt has become due, and
- (iii) no legal proceedings to recover the debt have been commenced by the creditor;
- (i) any other provision of property or services prescribed by regulation.

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- (2) For certainty, this section applies to the provision of property or services to a candidate or elector organization whether the provision was before or after the start of a campaign period.
- (3) For certainty, nothing in subsection (1) (h) affects the rights of a creditor in relation to a debt that becomes a campaign contribution under that subsection.
- (3.1) If the unpaid amount of a debt referred to in subsection (1) (h) of this section

- (a) is payable to an organization or an individual, other than an eligible individual, and
 - (b) becomes a campaign contribution under that subsection,
- section 28 *[dealing with prohibited campaign contributions]* applies as if the unpaid amount of the debt were a campaign contribution made or accepted in contravention of this Act or the regulations under this Act.

(RET)
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(SUB)
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- (3.2) The unpaid amount of a debt referred to in subsection (1) (h) becomes a campaign contribution under that subsection in the calendar year in which the debt arises.
- (4) For purposes of this Act, property or services are considered to be provided for campaign use if they are provided to a candidate for use in the election campaign of the candidate or towards the election expenses of such a campaign.
- (5) Subject to any applicable regulations, the value of the following is not a campaign contribution:

- (a) services provided by a volunteer;
- (b) non-monetary property of a volunteer that is provided or used in relation to services of the individual;
- (b.1) non-monetary property or services provided by a candidate for use in the candidate's own campaign;
- (b.2) non-monetary property or services provided by an elector organization for use by the elector organization for any purpose;
- (c) property or services provided by an election official, or by the BC chief electoral officer, in the official capacity of the election official or BC chief electoral officer;
- (d) publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program;
- (e) broadcasting time provided, without charge, as part of a bona fide public affairs program;
- (f) producing, promoting or distributing a publication for no less than its market value, if the publication was planned to be sold whether or not there was to be an election;
- (g) any other property or services prescribed by regulation.

(RET)
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(AM)
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- (6) Subject to any applicable regulations, the value of the following is not a campaign contribution, but must be disclosed in accordance with the requirements under Division 2 *[Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors]* of Part 5 *[Transparency Requirements for Local Elections and Assent Voting]*:
 - (a) in relation to transfers of property or provision of services between a candidate and an elector organization,
 - (i) transfers from campaign accounts under section 23 *[campaign transfers between candidates and elector organizations]*,
 - (ii) the provision of non-monetary property or services by a candidate to the elector organization that is endorsing the candidate, and
 - (iii) the provision of non-monetary property or services by an elector organization to a candidate who is endorsed by the elector organization;

- (b) in relation to the provision of property or services by the jurisdiction for which an election is being held,
 - (i) payment under section 24 (5) (a) [*candidate surplus carried over to next election*] to a candidate in the election, or
 - (ii) the provision to a candidate in the election of free election advertising transmission, if the transmission is made available on an equitable basis to all other candidates in the election;
- (c) any other provision of property or services prescribed by regulation.
2014-18-13; 2017-21-3; 2021-5-6 (B.C. Reg. 281/2021).

(RET) **Campaign contributions through fundraising functions**

Oct
31/17

- 13.01 (1) An organization or an individual, other than an eligible individual, must not pay a charge per individual for a fundraising function.
- (2) If an eligible individual makes a payment of greater than \$50 for one or more charges per individual for a fundraising function, the amount of the payment is a campaign contribution by the eligible individual.
- (3) An individual or organization that contravenes subsection (1) commits an offence.
2017-21-4.

(RET) **Campaign contributions through loans**

Oct
31/17

- 13.02 (1) Subject to any applicable regulations, a permissible loan made to a candidate or elector organization is not a campaign contribution, but
 - (a) the loan must be disclosed in accordance with the requirements under Division 2 [*Disclosure Requirements for Candidates, Elector Organizations and Advertising Sponsors*] of Part 5 [*Transparency Requirements for Local Elections and Assent Voting*], and
 - (b) if the loan is made by an eligible individual, it must be treated as if it were a campaign contribution for the purpose of determining whether the eligible individual exceeds an applicable campaign contribution limit.
- (2) Despite subsection (1), the unpaid amount of a permissible loan made by an eligible individual to a candidate or elector organization is a campaign contribution in the calendar year in which the loan is made if
 - (a) that part of the loan remains unpaid for 6 months after it becomes due and no legal proceedings to recover the loan have been commenced by the eligible individual, or
 - (b) the eligible individual forgives that part of the loan.
- (3) Despite subsection (1), the unpaid amount of a permissible loan made by a savings institution to a candidate or elector organization is a campaign contribution in the calendar year in which the loan is made if the savings institution does not make commercially reasonable efforts to collect or enforce that part of the loan.
- (4) In the circumstances described in subsection (3), section 28 [*dealing with prohibited campaign contributions*] applies as if the unpaid amount of the loan were a campaign contribution made or accepted in contravention of this Act or the regulations under this Act.
- (5) For certainty, nothing in subsection (2) or (3) affects the rights of a creditor in relation to a permissible loan that becomes a campaign contribution under those subsections.
2017-21-4.

Election expenses of candidates and elector organizations

(SUB)
May
19/16

- 14.** (1) Subject to this section and any applicable regulations, an election expense in relation to an election is the value of property or services used in an election campaign.
- (2) As applicable,
- (a) the value of property or services used as referred to in subsection (1) in the election campaign of a candidate is an election expense of the candidate, and
 - (b) the value of property or services used as referred to in subsection (1) in the election campaign of an elector organization is an election expense of the elector organization.
- (3) For purposes of this Act, if a candidate sponsors assent voting advertising that is relevant to the election in which the individual is a candidate, the assent voting advertising is considered to be election advertising sponsored by the candidate as part of the candidate's election campaign and its value is an election expense of the candidate.
- (4) For purposes of this Act, if an elector organization sponsors assent voting advertising that is relevant to an election in which the organization is endorsing a candidate, the assent voting advertising is considered to be election advertising sponsored by the elector organization as part of the elector organization's election campaign and its value is an election expense of the elector organization.
- (5) Subject to any applicable regulations, the value of the use of the following is not an election expense:
- (a) property or services that are excluded from being campaign contributions under section 13 (5) [*exclusions from campaign contributions*];
 - (b) if applicable, the nomination deposit of a candidate;
 - (c) services provided by a candidate in relation to that individual's election campaign;
 - (d) goods produced by a candidate from property of the candidate;
 - (e) goods produced by an individual as a volunteer from property of the individual;
 - (f) any other property or services prescribed by regulation.

(AM)
Dec
01/21

- (6) Subject to any applicable regulations, the value of each of the following is an election expense, but is not to be included as an election expense for the purpose of determining whether a candidate or an elector organization has exceeded an expense limit under Part 5.1 [*Expense Limits*]:
- (a) personal election expenses within the meaning of subsection (7) in relation to a candidate;
 - (b) legal or accounting services provided to comply with this Act and the regulations under this Act;
 - (c) services provided by a financial agent in that capacity;
 - (d) the cost of any communication that an elector organization transmits exclusively to its members;
 - (e) property and services used exclusively for the day-to-day administration of an elector organization office that operates on a continuing basis outside of campaign periods or election periods, including salaries and wages paid by the elector organization to its permanent staff;
 - (f) interest on a permissible loan to a candidate or elector organization for election period expenses or campaign period expenses;
 - (g) any other expenses prescribed by regulation.

(RET)
Oct
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(ADD)
May
19/16

- (7) The following expenses, if they are reasonable, are personal election expenses in relation to a candidate:

- (a) payments for care of a child or other family member for whom the candidate is normally directly responsible;
- (b) the cost of the candidate travelling to, within or from the election area;
- (c) the cost of lodging, meals and incidental charges in relation to the candidate while travelling as referred to in paragraph (b);
- (d) expenses in relation to any disability of the candidate, including the costs in relation to any individual the candidate requires to assist the candidate in performing the functions necessary for seeking election;
- (e) any other expenses prescribed by regulation in relation to candidates.
2014-18-14; 2016-9-4; 2017-21-5; 2021-5-7 (B.C. Reg. 281/2021).

(SUB) **What are election period and campaign period expenses**

May
19/16

- 15.** Subject to any applicable regulations,
- (a) an election period expense in relation to an election is an election expense that is incurred during the election period, and
 - (b) a campaign period expense in relation to an election is an election expense that is incurred during the campaign period.
2016-9-5.

Valuation rules for campaign contributions, election period expenses and campaign period expenses

(SUB)
May
19/16

- 16.** (1) Subject to any applicable regulations, the rules in this section apply for the purpose of determining the value of a campaign contribution or of an election expense unless otherwise expressly provided under this Act.
- (2) The value of any property or services is
- (a) the price paid for the property or services, or
 - (b) the market value of the property or services, if no price is paid or if the price paid is less than the market value.
- (3) In the case of property that is a capital asset, the value of the property is the market value of using the property.
- (4) Subject to subsection (5), the value of election advertising sponsored by
- (a) a candidate as part of the candidate's election campaign, or
 - (b) an elector organization as part of the elector organization's election campaign is the value of the property and services used in preparing the communication and transmitting it to the public.
- (5) The value of the transmission of the following election advertising sponsored by a candidate is deemed to be nil:
- (a) election advertising referred to in section 13 (6) (b) (ii) [*free equitable advertising by jurisdiction*];
 - (b) election advertising transmitted without charge if such transmission without charge is also made available on an equitable basis to all other candidates in the election;
 - (c) other election advertising prescribed by regulation.
- (6) The value of shared election expenses must be attributed to the participating candidates in accordance with the regulations.
2014-18-16; 2016-9-6.

Part 2: Division 2 – Campaign Accounting

Each candidate must have a financial agent

17. (1) A candidate must have a financial agent.
- (2) A candidate may appoint an individual as financial agent in accordance with this section, but, if no financial agent is appointed, the candidate is his or her own financial agent.
- (3) A candidate may not have more than one financial agent at the same time.
- (4) The appointment of a financial agent for a candidate must
 - (a) be made in writing,
 - (b) include
 - (i) the full name of the individual appointed,
 - (ii) the effective date of the appointment, and
 - (iii) the required contact information for the individual,
 - (c) be signed by the candidate, and
 - (d) be accompanied by a signed consent of the individual appointed to act as financial agent that includes an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the financial agent.
- (5) If the nomination documents for a candidate identify an appointed financial agent for a candidate, the candidate must deliver the following to the local election officer before the end of the nomination period:
 - (a) a copy of the financial agent's appointment;
 - (b) a copy of the financial agent's consent to act;
 - (c) any other information or material required by regulation.
- (6) A candidate or the candidate's financial agent must, as soon as practicable, provide updated information and material in accordance with the applicable requirements under subsections (4) and (5) if there is any change in who is the financial agent for the candidate or in other information or material that is required to be provided under this section.
- (7) Updated information or material required under subsection (6) must be provided as follows:
 - (a) to the local election officer, if the change occurs before the declaration of the results of the election;
 - (b) to the BC chief electoral officer, if the change occurs after the declaration of those results.
- (8) For certainty,
 - (a) an individual may be the financial agent for more than one candidate or elector organization, or for one or more of each, and
 - (b) the financial agent for a candidate may also be the official agent for the candidate.
- (9) A financial agent appointed for a candidate is not personally liable for any liability of the candidate in relation to the election campaign of the candidate unless the liability is personally guaranteed by the financial agent.
- (10) A candidate who contravenes this section commits an offence.

Requirement for candidate campaign account

18. (1) A candidate must have at least one campaign account for the candidate's election campaign, established in accordance with this section, if any of the circumstances described in subsection (2) apply.
- (2) The financial agent for the candidate must open one or more campaign accounts at a savings institution by the earliest of the following:
- (a) as soon as practicable after the financial agent receives a campaign contribution of money;
 - (b) before receiving a transfer of money under section 23 [*campaign transfers between candidates and elector organizations*];
 - (c) before receiving payment of money under section 24 (5) (a) [*candidate surplus carried over to next election*];
 - (d) before becoming liable for payment in relation to an election expense or intended election expense of the candidate.
- (3) A campaign account under this section
- (a) must be in the name of the election campaign of the candidate,
 - (b) must be used exclusively for purposes of that election campaign or as permitted under subsection (5), and
 - (c) must not receive deposits other than those required or permitted under this section.
- (4) The financial agent must ensure that
- (a) all campaign contributions, transfers and payments received as referred to in subsection (2) (a) to (c) are deposited into a campaign account of the candidate,
 - (b) the only amounts deposited into a campaign account of the candidate are amounts permitted to be deposited under this section,
 - (c) all payments referred to in subsection (2) (d) are paid, directly or by reimbursement, from a campaign account of the candidate, and
 - (d) a campaign account of the candidate is not used for any purpose other than one permitted under this section.
- (5) In addition to use for purposes of the election campaign for which the account is established, a campaign account under this section may be used for the following purposes:
- (a) if applicable, payment of the candidate's nomination deposit;
 - (b) if the candidate has more than one campaign account in relation to a single election campaign, making a transfer between the campaign accounts;
 - (c) *Repealed.* [2017-21-6]
 - (d) making a transfer of money under section 23 [*campaign transfers between candidates and elector organizations*];
 - (e) making payments referred to in or authorized under section 24 [*what happens if a candidate has surplus campaign funds*];
 - (f) making payments required under section 28 [*dealing with prohibited campaign contributions*];
 - (g) making payments for reasonably incurred expenses, other than election expenses, that are incidental to the candidate's campaign;
 - (g.1) making payments on a permissible loan;
 - (h) any other purpose permitted by regulation.

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(RET)
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- (6) In addition to the required deposits under subsection (4) (a), the following may be deposited into a campaign account of the candidate:
- (a) interest on amounts on deposit in the campaign account;
 - (a.1) a permissible loan;
 - (b) any other deposits permitted by regulation.
- (7) A candidate or financial agent who contravenes this section commits an offence.

2014-18-18; 2017-21-6.

(RET)
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