



GUIDE TO
**LOCAL ELECTIONS
CAMPAIGN FINANCING IN B.C.**

for Candidates, Elector Organizations and their Financial Agents

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Elections BC

A non-partisan, independent Office of the Legislature, Elections BC is responsible for administering the provincial electoral process, including provincial general elections and by-elections, provincial referenda, recall and initiative petitions and initiative votes.

Elections BC is also responsible for administering the campaign financing and election advertising requirements in the *Local Elections Campaign Financing Act* (LECFA, the Act). The responsibility includes managing campaign financing disclosure requirements, conducting investigations and enforcing campaign financing and third party advertising provisions set out in the Act. The responsibility extends to by-elections and assent voting (referenda) held by local election authorities outside of the general local elections cycle.

Elections BC's responsibilities under LECFA include:

- accepting, reviewing and publishing filed disclosure statements and supplementary reports
- assisting participants to comply with LECFA
- registering third party sponsors during elections
- registering non-election assent voting advertising sponsors
- undertaking investigations and audits
- applying for injunctions if needed
- referring matters to the Criminal Justice Branch of the Ministry of Justice for prosecution of offences under LECFA

Elections BC: Local elections campaign financing guides

The Guide to Local Elections Campaign Financing in B.C. is intended to explain how the campaign financing rules in LECFA apply to candidates, elector organizations and their financial agents.

The Third Party Sponsor Guide to Local Elections in B.C. is intended to explain how the third party sponsor financing rules in LECFA are applied.

The guides are available online at elections.bc.ca/lecfa.

A guide for non-election assent voting advertising sponsors will be available in the future. A brief description of non-election assent voting advertising is [on page 57](#).

Disclaimer: How the *Local Elections Campaign Financing Act* (LECFA, the Act) applies to any particular case will depend on the individual circumstances and may change in light of new legislation and judicial developments. Where there is inconsistency between this guide and LECFA, the Act will prevail.

The Act is available for viewing on the Elections BC website (elections.bc.ca/lecfa). The Act can also be viewed at BC Laws (bclaws.ca) or purchased from Crown Publications (crownpub.bc.ca).

Local Elections Campaign Financing Act

The *Local Elections Campaign Financing Act* (LECFA, the Act) addresses campaign financing rules and advertising requirements in local elections. LECFA separates the rules that regulate election advertising and campaign financing from the more procedural rules that apply generally to local election administration.

Local elections: shared roles and responsibilities

General local elections are held every four years for mayors, councillors, electoral area directors, board of education trustees, park board members and commissioners, advisory council members, regional trustees and Islands Trust local trustees in British Columbia.

Local governments hold by-elections to fill council and regional district board vacancies that occur between general local elections. Local governments also conduct assent voting to obtain elector assent in order to carry out certain council and board decisions (e.g., borrowing to construct a new library or recreation centre).

The Ministry of Municipal Affairs and Housing, the Local Government Management Association, the Union of British Columbia Municipalities, the Ministry of Education, the Ministry of Justice, the BC School Trustees Association and Elections BC have educational materials related to local elections.

Local election officers appointed by local governments are responsible for local government elections administration, including receiving nomination documents, declaring candidates, administering voting opportunities, counting votes and declaring election results.

Local election officers work with Elections BC to monitor compliance with election advertising regulations and may assist Elections BC to address incidents of non-compliance with the Act.

Local election officers also provide Elections BC with information required by the Act. This information enables Elections BC to connect with local election participants to prepare them for their responsibilities under LECFA. Elections BC has educational materials to aid with compliance and the enforcement of election advertising, campaign financing and third party sponsor rules and regulations within the Act.

A local election officer is the chief election officer for a jurisdiction or the designated local authority officer.

Key local elections contacts

<p>Ministry of Municipal Affairs and Housing</p> <p>For information about local government elections in British Columbia.</p>	<p>Internet: http://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/municipal-affairs-housing</p> <p>Phone: Governance and Structure Branch, Advisory Services 250-387-4020</p> <p>Address: PO Box 9839 Stn Prov Govt Victoria, BC V8W 9T1</p>
<p>Ministry of Education</p> <p>For information about school trustee elections and the <i>School Act</i>.</p>	<p>Internet: bc.ed.gov.bc.ca/legislation/trustee_election</p> <p>Phone: Knowledge Management and Accountability Division, Governance and Legislation 250-356-1404</p> <p>Email: EDUC.Governance.Legislation@gov.bc.ca</p>
<p>Enquiry BC</p> <p>For information about provincial government programs and services.</p>	<p>Internet: extranet.gov.bc.ca/forms/gov/contact/index.html</p> <p>Phone: Victoria: 250-387-6121 Vancouver: 604-660-2421 Elsewhere in B.C.: 1-800-663-7867 Outside B.C.: 604-660-2421</p> <p>Email: EnquiryBC@gov.bc.ca</p>
<p>CivicInfoBC</p> <p>For local government election statistics and results and for local government mailing addresses, telephone numbers, email addresses and websites.</p>	<p>Internet: civicinfo.bc.ca/11.asp</p> <p>Phone: 250-383-4898</p> <p>Email: info@civicinfo.bc.ca</p>

Campaign financing

Campaign financing in the *Local Elections Campaign Financing Act* (LECFA, the Act) includes:

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

Campaign financing rules enhance accountability and transparency by requiring financial agents for 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 details the requirements for recording and disclosing financing related to third party and non-election assent voting advertising.

LECFA also contains very specific campaign financing offences and penalties. Knowing the rules and fulfilling the requirements for disclosure will ensure compliance with the Act.

Campaign financing periods

The *Local Elections Campaign Financing Act* 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 (GVD).

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

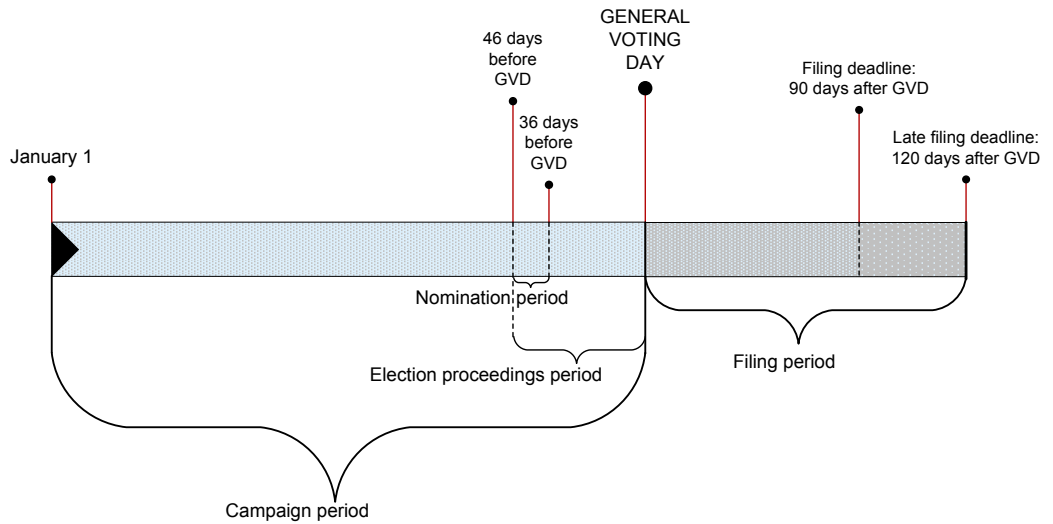
Election proceedings period

For a general local election or by-election, the election proceedings period runs from the 46th day before GVD until the close of voting on GVD.

Filing period

The disclosure statement filing deadline is 90 days after General Voting Day (GVD), and the late filing deadline, accompanied by a late filing fee of \$500, is 120 days after GVD.

General Local Elections Campaign Financing Periods



Disclosure statements

A disclosure statement is a financial report showing all campaign contributions, election expenses, transfers, surplus funds and other transactions related to an election. Financial agents for candidates and elector organizations, and individuals and organizations who are third party sponsors, must file disclosure statements with Elections BC.

All disclosure statements must be prepared according to the rules in the *Local Elections Campaign Financing Act* (LECFA) and related regulations. Elections BC provides the forms required to complete the disclosure statement package.

Financial agents are responsible for filing disclosure statements even if there were few or no financial transactions during the election campaign. Candidates and responsible principal officials for elector organizations must also ensure that their financial agents file their disclosure statements.

Disclosure statements can be filed by:

- email
- mail
- courier
- fax
- hand to a Service BC Centre (servicebc.gov.bc.ca/locations)
- hand to the Elections BC office in Victoria

Compliance review

Elections BC conducts compliance reviews of each disclosure statement and:

- ensures the disclosure statement complies with LECFA
- contacts the financial agent if any issues are identified
- ensures the disclosure statement is amended if needed
- sends a letter indicating that the disclosure statement was reviewed

Financial agents are appointed by candidates and elector organizations to manage their campaign finances. Third party sponsors do not have financial agents.

A postmark is not acceptable as proof of delivery by the deadline. The disclosure statement must be received and accepted by Elections BC by the filing deadline.

Disclosure requirements

Elections BC must only accept disclosure statements that are completed on forms provided by Elections BC, have the required signatures and include all required forms. A disclosure statement cannot be accepted if it does not meet the requirements outlined in this section.

Disclosure statements for candidates and elector organizations must include the following:

- cover sheet, checklist and all applicable forms
- required declarations form with signatures
- full name and required contact information for each individual who acted as financial agent during the campaign
- effective appointment date(s) of the financial agent(s)
- name and address of the savings institution for each campaign account
- total value of election expenses by class
- total value of election proceedings period expenses by class
- total value of campaign contributions by class
- name, address and class of significant contributors, except the address for individuals
- amount, date and purpose of other authorized payments paid into or from the campaign account
- identification if also a third party sponsor during the election proceedings period
- specific additional information as outlined below

For further explanation of classes of expenses, refer to [Recording and disclosure requirements for expenses on page 47](#).

Contributor classes are explained in detail in [Classes of contributors on page 32](#).

Candidates

Candidates running for office in multiple elections must file a separate disclosure statement for each separate election campaign. Financial agents filing disclosure statements for their candidates must ensure that the following information is also included:

- declaration form signed by the financial agent and candidate
- full name of candidate
- if different, the usual name used on the ballot in the election
- required contact information
- the jurisdiction in which the candidate sought election
- the office for which the candidate sought election

- campaign surplus funds from a previous election provided by the jurisdiction
- transfers between own campaign accounts
- transfers of money, property or services to or from an endorsing elector organization
- value of surplus campaign funds from the current election
- how surplus campaign funds from the current election were dealt with
- free election advertising provided by the jurisdiction

Elector organizations

Elector organizations endorsing candidates in more than one jurisdiction must file a separate disclosure statement for each jurisdiction in which they endorsed a candidate. Financial agents filing disclosure statements for their elector organizations must ensure that the following information is also included:

- declaration form signed by the financial agent and authorized principal official
- name of elector organization
- if different, the legal name of the organization, the ballot name, the usual name, any abbreviations, acronyms and other names used
- full name and required contact information of the authorized principal official
- full names and mailing addresses of the other responsible principal officials
- jurisdiction in relation to which the disclosure statement is being filed
- full names of the endorsed candidates
- if different, the ballot names of the endorsed candidates
- the offices for which the candidates sought election
- transfers between own campaign accounts
- transfers of money, property and services to or from candidates
- campaign contributions received by individuals who sought endorsement but were not declared as candidates – if they transferred money to the elector organization and the funds were not returned
- value of surplus campaign funds from the current election and how they were dealt with

For support in complying with the campaign financing rules and regulations, [contact Elections BC.](#)

If a disclosure statement does not meet the requirements above, Elections BC will not accept it. Elections BC will work with the financial agent to ensure that the disclosure statement meets the requirements. If Elections BC is unable to reach a financial agent before the filing deadline, the unacceptable disclosure statement could be considered not filed or filed late.

Filing deadline

The filing deadline for disclosure statements is 4:30 p.m. (Pacific time), 90 days after General Voting Day (GVD).

Disclosure statements filed before or on the filing deadline are considered filed on time if the disclosure statement meets all of the requirements. If the statement requires additional information, Elections BC will contact the financial agent to give them an opportunity to correct the disclosure statement. If a financial agent is unable to file an acceptable disclosure statement before the 90 day filing deadline, they may file the statement late under the late filing provisions discussed below.

Extensions to the filing deadline cannot be beyond 120 days after GVD.

The B.C. Chief Electoral Officer may grant extensions to the filing deadline if there are documented extenuating circumstances. Requests for extensions must be made in writing to the B.C. Chief Electoral Officer before the 90 day filing deadline.

Late filing deadline

The late filing deadline is 4:30 p.m. (Pacific time), 120 days after General Voting Day (GVD). Disclosure statements submitted between 91 to 120 days after GVD are late and must include a **\$500 late filing fee**. If a financial agent is responsible for filing more than one disclosure statement and if those disclosure statements are all filed late, each disclosure statement must be accompanied by its own \$500 late filing fee.

It is an offence to not file a disclosure statement by the late filing deadline. There are significant penalties for committing offences.

Additional information regarding filing deadlines, penalties, Elections BC's role and information is provided in the table below.

Time period	Fee	Elections BC's role	Communication from Elections BC includes:
On time: 1-90 days after GVD	Not applicable	<ul style="list-style-type: none"> ▪ Review to determine if statement meets the requirements. ▪ Publish disclosure statements on Elections BC website (after 90 days). ▪ Contact financial agent if necessary. 	<ul style="list-style-type: none"> ▪ requirements needed to complete disclosure statement ▪ information regarding late penalty fees ▪ information required in a supplementary report
Late: 91-120 days after GVD	\$500 for each disclosure statement submitted	<ul style="list-style-type: none"> ▪ Send notice to financial agent and other responsible individuals. ▪ Send notice to local authorities that a disclosure statement was not filed on time. 	<ul style="list-style-type: none"> ▪ disclosure statement is late ▪ disclosure statement must be submitted by late filing deadline with \$500 late penalty fee ▪ offences and penalties apply for not filing by late filing deadline ▪ application can be made to the Supreme Court for relief

For more information about offences and penalties, go to [Court order for relief, campaign financing offences and penalties on page 59](#).

Elections BC will notify the financial agent when the review of the disclosure statement is complete.

It is an offence to file a false or misleading disclosure statement or supplementary report.

Fines and/or penalties for filing a false or misleading campaign financing disclosure statement could still apply even if a supplementary report was filed.

Keep records in B.C. for five years after General Voting Day.

Supplementary reports

A supplementary report must be filed with Elections BC if the information in the disclosure statement has changed or did not completely and accurately disclose the information required. Such a report must be filed within 30 days of the financial agent becoming aware of the change.

Additionally, if Elections BC advises a financial agent that a supplementary report is required, the supplementary report must be submitted within 30 days of notice being given. Elections BC will also notify the local election officer of any required supplementary reports for candidates and elector organizations.

A supplementary report must:

- provide details about the addition, change or correction to the original disclosure statement
- include a description of the circumstances that led to filing the supplementary report
- be in a form approved by Elections BC

Requirement for retaining records

Financial agents must keep all campaign financing records and other material related to the disclosure statement in British Columbia until all disclosure requirements have been fulfilled.

After the requirements have been met, the candidate or elector organization becomes responsible for retaining records and materials. Records must be retained by candidates or by the authorized principal official of the elector organization in British Columbia until five years after General Voting Day (GVD).

Public information

Disclosure statements are posted to the Elections BC website after the 90 day filing deadline. The statements may also be viewed at the Elections BC office in Victoria.

Local governments must also provide public access to the disclosure statements and supplementary reports. The access may be a link directly to the Elections BC website or a hard copy. Copies of the disclosure statements may be obtained from the local governments for a fee.

Elections BC must also make the following candidate and elector organization information available to the public:

- financial agent name, mailing address and updated information
- name of elector organization's authorized principal official

PRIVACY NOTICE

Information collected by Elections BC in the campaign financing disclosure statements and supplementary reports is to administer the *Local Elections Campaign Financing Act*.

For more information, contact the **Privacy Officer** at Elections BC:

1-800-661-8683 or PO Box 9275 Stn Prov Govt, Victoria, BC V8W 9J6

Financial agents

Candidates can act as their own financial agent.

All candidates and elector organizations must have a financial agent during an election campaign. The financial agent is legally responsible for administering campaign finances in compliance with the *Local Elections Campaign Financing Act* (LECFA, the Act).

A candidate and elector organization may only have one financial agent at any one time. However, a financial agent can act for more than one candidate or for more than one elector organization during the same election.

Appointment requirements

The nomination period is 10 days long, between the 46th and 36th days before General Voting Day.

Unless a candidate is their own financial agent, a financial agent must be appointed before any election-related financial transactions (such as campaign contributions, transfers and expenses) occur.

All financial agent appointments must be made in writing and delivered to the local election officer by the end of the nomination period. The table below outlines requirements for the financial agent appointment process.

Financial agent for:	Appointment information required	Signatures required
Candidate	<ul style="list-style-type: none"> ▪ the full name of the financial agent ▪ the effective date of the appointment ▪ the required contact information for the financial agent ▪ address for service of the financial agent 	<ul style="list-style-type: none"> ▪ candidate ▪ financial agent
Elector organization	<ul style="list-style-type: none"> ▪ the full name of the financial agent ▪ the effective date of the appointment ▪ the required contact information for the financial agent ▪ address for service of the financial agent 	<ul style="list-style-type: none"> ▪ authorized principal official of the elector organization ▪ financial agent

Address for service is defined in the Glossary [on page 64](#).

Responsibilities

Financial agents' responsibilities start from the time they are appointed and generally end when the disclosure statement is finalized by Elections BC. Financial agents must understand the scope of their responsibilities under the *Local Elections Campaign Financing Act* (LECFA, the Act) because failure to comply with campaign financing rules may result in fines and/or other penalties.

Financial agents are responsible for:

- opening a separate campaign bank account for each candidate or elector organization
- ensuring that all transactions of money are made through the campaign account
- determining the market value of campaign contributions of property, services, expenses and election advertising
- receiving campaign contributions and determining whether those contributions can be accepted in accordance with the Act
- incurring, paying, recording and disclosing election expenses
- providing and/or receiving transfers of money, property or services between candidate accounts or between candidates and elector organizations
- keeping complete and accurate financial records of, and disclosing, all transfers, campaign contributions, election expenses and other financial transactions
- filing a campaign financing disclosure statement within 90 days after General Voting Day (GVD)
- ensuring all required financial records are kept in British Columbia for five years after GVD
- working with Elections BC to reconcile disclosure statement(s) as needed

Financial agents may, in writing, authorize another individual to accept campaign contributions or pay election expenses. Unless financial agents provide a personal guarantee, they are not liable for debts or other liabilities of a candidate or elector organization.

Elections BC works closely with financial agents to reconcile the disclosure statements. Some disclosure statements may take months to finalize.

Financial agents must open a separate campaign account for each campaign they manage.

Financial agents may also have other roles. For example, a financial agent may also be:

- the official agent for the candidate
- a responsible principal official for an elector organization

Changes and updated information

As soon as practicable after a change in financial agent or financial agent information, the candidate, elector organization or financial agent must provide the updated information as follows:

- **before declaration of election results**, to the local election officer
- **after declaration of election results**, to Elections BC

Bank accounts

A bank account is an account in a savings institution such as a bank, credit union or trust company. Campaign accounts are bank accounts used exclusively for the election campaign.

A sub-account may be opened with an institution that requires a primary or membership account as long as the account has a distinct account number and records are maintained separately from any other account.

When to open

The campaign account must be opened as soon as practicable after the first campaign contribution is received and before becoming liable for payment of an election expense. This includes:

- transfers of money between candidates and elector organizations
- a jurisdiction's return of surplus campaign funds from a previous election

The campaign account must be opened at the earliest of the following events:

Financial agent for:	Before	After
Candidate	<ul style="list-style-type: none"> ▪ receiving a transfer of money ▪ receiving payment of surplus campaign funds from the previous election ▪ becoming liable for payment of an actual and/or intended election expense 	<ul style="list-style-type: none"> ▪ receiving a campaign contribution of money
Elector organization	<ul style="list-style-type: none"> ▪ receiving a transfer of money ▪ becoming liable for payment of an actual and/or intended election expense 	<ul style="list-style-type: none"> ▪ receiving a campaign contribution of money

The name of the election campaign could be different than the legal name of the candidate or the registered title of the elector organization.

Requirements for opening an account

Financial agents must open a separate campaign account for each candidate or elector organization they manage. This means that candidates cannot share a bank account. It also means that endorsed candidates and their elector organizations must have separate campaign accounts and separate accounting books or ledgers.

Each campaign account must be in the name of the election campaign of the candidate or elector organization.

EXAMPLE 1

Candidate campaign account name
“John Smith campaign”

EXAMPLE 2

Elector organization campaign account name
“ABC elector organization campaign”

Payments must be made by the financial agent, the candidate or an individual that is authorized by the financial agent.

In addition, it is important to note that:

- all monetary transactions (contributions, transfers and expenses) must go through the account
- accounts must be used only for purposes of that election campaign
- accounts must only receive deposits that are permitted

Other permissible transactions

Candidates and elector organizations that have more than one campaign account can make transfers between those accounts. If an elector organization endorses a candidate, the elector organization can make transfers to the candidate’s campaign account. The endorsed candidate can also make transfers to the elector organization’s campaign account.

If applicable, candidate or elector organization campaign accounts may be also used for the following purposes:

Campaign account for:	Payments	Deposits
Candidate	<ul style="list-style-type: none"> ▪ nomination deposit ▪ surplus campaign funds to local authority ▪ dealing with prohibited contributions (e.g., refunds) ▪ election expenses ▪ campaign account banking fees ▪ campaign-related professional fees ▪ reimbursed expenses paid by individual authorized by financial agent (receipt required) ▪ other expenses incidental to the election campaign ▪ financial agent salary or stipend 	<ul style="list-style-type: none"> ▪ campaign contributions of money ▪ if applicable, dividends of shares paid by a credit union ▪ fundraising income other than campaign contributions (e.g., a silent auction, bake sale or merchandise sale) ▪ payment received for reimbursement of election expenses shared with another candidate ▪ interest earned from campaign account
Elector organization	<ul style="list-style-type: none"> ▪ dealing with prohibited contributions (e.g., refunds) ▪ election expenses ▪ campaign account banking fees ▪ campaign-related professional fees ▪ reimbursed expenses paid by individual authorized by financial agent (receipt required) ▪ other expenses incidental to the election campaign ▪ financial agent salary or stipend 	<ul style="list-style-type: none"> ▪ campaign contributions of money ▪ if applicable, dividends of shares paid by a credit union ▪ fundraising income other than campaign contributions ▪ interest earned from campaign account

Market value

The value of property or services is generally:

- the price paid for the property or services, or
- the market value of the property or services if no price is paid or if the price paid is less than the market value

The market value of a property or service is the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time. Market value includes all applicable taxes.

Volunteers

A volunteer, generally, is an individual who willingly performs free services for an election campaign. Specifically, volunteers:

- receive no compensation (directly or indirectly) or material benefit for their services
- are not paid by their employer for working as a volunteer
- can willingly volunteer while they are on vacation and receive vacation pay
- must be authorized in writing by the financial agent to incur election expenses

Volunteer services are not assigned a market value.

Property of volunteers provided or used in relation to their volunteer services is neither a campaign contribution nor an election expense.

EXAMPLE

Miranda is a volunteer on Kelly's campaign. Miranda uses her own car to deliver lawn signs and brochures. She does not get any money for gas or other expenses. Since Miranda is using her own property (her car and gas) in relation to her volunteer services, the value of using the car and the gas is not a campaign contribution nor an election expense.

It is beneficial for financial agents to get a signed letter from each volunteer confirming that they are not being paid.

Volunteers cannot get extra paid vacation time from their employer for willingly working on a campaign during their vacation.

Non-volunteers

The following scenarios are examples of individuals or employers who provide services for free and are not volunteers.

Self-employed individual

An individual who is self-employed and provides free services for which they would normally charge is not a volunteer. Instead, that individual is making a campaign contribution. Financial agents must, therefore, value, record and disclose that individual's contribution.

EXAMPLE

Martin is a self-employed communications professional. A candidate wants to prepare for an interview and asks Martin to help her as a favour. For a paying client, Martin would normally charge \$100 for three hours of work, but Martin provides the service for free.

Martin has made a campaign contribution of \$100, and the candidate has incurred an election expense of \$100. Both the contribution and the expense must be recorded and disclosed in the candidate's disclosure statement.

Employer

If an employer provides the labour of its employees to an election campaign without charge, the employees are not volunteers because they are getting paid for providing that free service. The employer in this case is making a contribution to the candidate or elector organization receiving the free services.

The value of the contribution would be the cost to pay the employees to provide the free service.

The following table summarizes the information in this section.

Scenario	Value	From
Individual who volunteers to work on a campaign and receives no compensation or material benefit	Nil	
Individual on vacation who volunteers to work on a campaign	Nil	
Self-employed individual providing free service that would normally be charged for as part of that individual's business	Cost of labour used to provide the service (as if provided for a paying client)	Self-employed individual
Employee paid by employer who is providing a free service	Amount of salary paid to employee for providing the service	Employer

Campaign contributions

A campaign contribution is the value of any money or non-monetary property or services provided to a candidate or elector organization for campaign use. The contribution can be made before or after the start of a campaign period.

A campaign contribution may be provided by donation, advance, deposit or discount. Any money provided by a candidate in relation to their own campaign is considered a campaign contribution. Elector organizations cannot make campaign contributions of money to their own campaign or to the campaign of a candidate. Elector organizations can make transfers of money to their endorsed candidates.

Fundraising functions

A fundraising function under the *Local Elections Campaign Financing Act* includes a social function held by, or on behalf of, a candidate or elector organization for the purpose of obtaining funds.

There are special rules for fundraising function tickets that define what is and what is not a campaign contribution. Depending on these rules, a ticket sold for a fundraiser may or may not be a campaign contribution. These rules are explained below:

- If an organization buys a ticket to a fundraising function, the price paid is a campaign contribution.
- If an organization buys fundraising function tickets and provides those tickets to other individuals to attend the fundraising function, the organization is still the contributor for the purposes of the *Local Elections Campaign Financing Act*.
- If an individual buys a ticket to a fundraising function and the ticket price is more than \$50, the individual is making a campaign contribution equal to the price of the ticket.
- If the price is \$50 or less, the price paid by an individual is not a campaign contribution unless the individual buys more than \$250 worth of tickets. If they do buy more than \$250 worth of tickets, the price paid is a campaign contribution.

Examples are provided on the following page.

EXAMPLE 1

Sally Jones buys five tickets to a \$50 candidate fundraising dinner for herself and to treat four of her friends.

5 tickets x \$50 per ticket = \$250

Has Sally made a campaign contribution?

No, Sally has not made a campaign contribution for purposes of the *Local Elections Campaign Financing Act* because the ticket price is \$50 or less and the total cost of the tickets (\$250) is not more than \$250. This means that the money Sally paid is not recorded or disclosed as a campaign contribution, but it still must be recorded and reported as other income.

EXAMPLE 2

Big Company buys two tickets for \$25 each to a luncheon held by an elector organization.

2 tickets x \$25 per ticket = \$50

Has Big Company made a campaign contribution?

Yes, Big Company has made a campaign contribution of \$50 because all fundraising function tickets **purchased by organizations** are campaign contributions regardless of the cost of the tickets.

For information about selling goods or services to raise funds, see [Other income on page 35](#).

What are acceptable, prohibited and not contributions

It is important to know which contributions are **acceptable**, which are **prohibited**, and the circumstances in which money, property or services provided to a candidate or an elector organization are **not contributions**.

Acceptable contributions	Prohibited contributions	Not contributions
Donations of non-monetary property and services (e.g., volunteers who let other campaign workers use their cars for the purpose of the campaign)	Giving a contribution to someone other than the financial agent or other than an individual authorized in writing by the financial agent, to accept campaign contributions	Services provided by a volunteer Non-monetary property of a volunteer used or provided in relation to the volunteer's services (e.g., volunteers using their own cars to deliver flyers)
Money given by a candidate to the candidate's financial agent for use in the candidate's own campaign	Making a campaign contribution, other than a permitted anonymous contribution, without disclosing to the financial agent the information that must be recorded	Publishing news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary for free in a legitimate periodical or radio or television program
Money to be used for the campaign given to a financial agent (or an individual authorized by the financial agent in writing)	Accepting a campaign contribution, other than a permitted anonymous contribution, without the information that must be recorded	Free broadcasting time in a legitimate public affairs program
Discounts on property and service	Making indirect campaign contributions	Publications intended to be sold whether there was an election or not
	Giving money or non-monetary property or services to an individual or organization as consideration for that individual or organization making a campaign contribution	Transfers of money, property or services between an elector organization and an endorsed candidate

An indirect contribution is a campaign contribution made with money or non-monetary property or services of another individual or organization.

Acceptable contributions	Prohibited contributions	Not contributions
Anonymous donations of \$50 or less	Accepting indirect campaign contributions	Non-monetary property or services provided by a candidate for use in the candidate's own campaign
Income from sales or fundraisers if greater than market value	Elector organizations making a contribution of money to their own campaign or to a candidate	Jurisdiction's return of candidate's surplus funds from the last election*
Membership fees for an established elector organization	Making or receiving an anonymous campaign contribution of more than \$50	Provision of free and equitable advertising to all candidates in the election*
<p>* While these examples are excluded from being contributions, they have recording and disclosing requirements under LECFA which are explained later under Recording and disclosure requirements for campaign contributions on page 32.</p>		

The following are examples of **acceptable contributions**, **prohibited contributions** and situations in which money, property or services provided to a candidate or an elector organization are **not contributions**.

EXAMPLE 1

A candidate buys 5,000 printed copies of a brochure. The candidate pays \$400, but the printer normally charges \$750.

Is this an acceptable campaign contribution?

Yes, because this is an example of a campaign contribution by discount.

How much?

The printer has made a campaign contribution of \$350 (\$750 - \$400) by providing the service at less than market value. This is a discount on a property or service provided to the candidate.

EXAMPLE 2

Jane pays for a membership fee to an elector organization in her own name, but her employer reimburses her for the fee.

Did Jane make an acceptable campaign contribution?

No, because her employer reimbursed her for the fee. This is an example of a prohibited contribution because the employer has made an indirect contribution through Jane.

Can Jane's employer pay for her membership and make an acceptable campaign contribution?

Yes, but only if the elector organization's financial agent is told that the employer is making the contribution and is provided with the information that must be recorded under LECFA.

EXAMPLE 3

A landlord provides campaign office space for no charge.

Did the landlord make a campaign contribution?

Yes, because it was a **donation** of property or service. The value of the contribution would be the market value of renting the office space.

EXAMPLE 4

Candidate John Smith uses the basement suite at his home as a campaign office.

Did John Smith make an acceptable campaign contribution to his own campaign?

No, because property or services provided by a candidate for use in their own campaign is not a contribution.

Campaign contribution limits

Except for anonymous contributions, there are no campaign contribution limits or restrictions on when contributions can be made or accepted. Campaign contributions may be received before or after a candidate has been officially declared and may also be accepted after General Voting Day (GVD).

Loans or debts

Any loan or debt which remains unpaid for six months after it becomes due converts to a campaign contribution unless the creditor has started legal proceedings to recover the debt. Creditors keep their rights to collect the loan or debt past the six month period even if no prior collection action was taken.

Determining market value of campaign contributions

The value of contributions of property and services depends on the circumstances of the contributions. If property or services are given at no cost, the value of the contribution is the market value of the property and services.

Discounted property or services

If property or services are given at less than market value, the provider of the property or services is making a campaign contribution. The campaign contribution is the difference between the price paid and the market value of the property or service.

EXAMPLE 1

A printer gives a discount on signs. The signs would normally cost \$1,500, but the printer only charges \$1,000. The printer has made a campaign contribution.

What is the market value of the contribution?

The contribution is valued and recorded as \$500 (\$1,500 - \$1,000).

EXAMPLE 2

The Vote for Us Elector Organization purchases office supplies at the ABCD office supplies store and receives a special 25% discount because the financial agent knows the manager. The store has made a campaign contribution.

What is the market value of the contribution?

If the supplies have a market value of \$50 and the financial agent only pays \$37.50 with the 25% discount, then the ABCD office supplies store is making a campaign contribution of \$12.50.

Donated property or services

Donated property or services must be recorded as campaign contributions. The value of a campaign contribution is based on the market value of that property or service.

EXAMPLE

If a printer provides free campaign signs, the printer is making a campaign contribution.

What is the market value of the contribution?

The market value is what the printer would normally charge, including taxes, for those signs.

Donated property or services used during an election campaign are also election expenses. Only the portion used is disclosed as an election expense, so the market value for only that portion must be calculated and disclosed.

EXAMPLE

QRS Lumber donates wood to Michelle's campaign for campaign signs. The value of the wood is \$500. QRS lumber is making a campaign contribution.

What is the market value of the contribution?

It would be \$500. If Michelle only used half of the wood for her campaign signs, she would disclose \$250 as an election expense ($\$500 - \$250 = \$250$).

Capital assets

When capital assets are donated, the contribution is the market value of **using** the property. For example, the value of office space is the market value of renting the space. Capital assets may include buildings, computers, office furniture and equipment.

EXAMPLE

If a landlord provides free campaign office space, the landlord is making a contribution equal to the market value of renting the office space.

Rules for making and accepting campaign contributions

The following rules for making and accepting campaign contributions apply to all contributions:

- campaign contributions of money and other income must be deposited into the campaign bank account
- when accepting campaign contributions, the financial agent must record the **amount**, the **date** the contributions were made and the **contributor information** as required by the *Local Elections Campaign Financing Act* (LECFA, the Act)

[Recording and disclosure requirements for campaign contributions on page 32](#) outlines the required information.

- **contributors must provide required information** to financial agents so that financial agents can meet legal disclosure requirements
- any money a candidate contributes to their own campaign must be treated as any other campaign contribution and must be recorded and disclosed in compliance with LECFA
- donated property or services must be assigned a market value and recorded and disclosed in the same way as contributions of money
- campaign contributions, unless truly anonymous, can **only** be made to, or accepted by, the financial agent or an individual authorized in writing by the financial agent

Anonymous contributions

An anonymous contribution must be truly anonymous. This means that the financial agent or candidate does not know who the contributor is. An individual cannot request that a contribution be accepted and disclosed as an anonymous contribution.

Anonymous contributions of **\$50 or less** are allowed, but an individual or organization can only make anonymous contributions of up to \$50 in total **per** candidate or elector organization.

An anonymous contribution of **more than \$50** received by a candidate or elector organization is **prohibited** and must be remitted **in total** to Elections BC. Elections BC will deposit the amount in the government's Consolidated Revenue Fund.

It is prohibited to make multiple anonymous contributions totalling more than \$50 to the same candidate or elector organization.

EXAMPLE

If a financial agent receives an anonymous contribution of \$75, **all of the \$75** must be remitted to Elections BC. The financial agent **cannot keep \$50 and give Elections BC \$25.**

Prohibited contributions are listed in a table under [What are acceptable, prohibited and not contributions on page 25](#).

Prohibited contributions

It is an offence to make or knowingly accept a prohibited contribution. If anyone related to the campaign becomes aware that a contribution is prohibited, they must inform the financial agent immediately.

Dealing with prohibited contributions

Financial agents who become aware that a campaign contribution was made or accepted in contravention of the *Local Elections Campaign Financing Act* (LECFA, the Act) must return the contribution, or an amount equal to its value, to the contributor within 30 days after becoming aware that the contribution is prohibited.

A financial agent who cannot return the contribution (e.g., it was an anonymous contribution over \$50) must pay its value to Elections BC for remittance to the Consolidated Revenue Fund.

Classes of contributors

Contributors are categorized into classes as outlined below:

- Class 1:** Individuals
- Class 2:** Corporations
- Class 3:** Unincorporated business/commercial organizations
- Class 4:** Trade unions
- Class 5:** Non-profit organizations
- Class 6:** Other identifiable contributors
- Class 7:** Anonymous

Recording and disclosure requirements for campaign contributions

It is very important that financial agents maintain accurate and detailed records of all transactions throughout the campaign. In some instances, what is recorded is not always what is disclosed. Detailed records will make completing the campaign financing disclosure statements easier, and the information that is recorded can be helpful later when Elections BC reviews the disclosure statements. The *Local Elections Campaign Financing Act* outlines the following recording and disclosure requirements.

Recording requirements

The financial agent must record the following information for each campaign contribution:

- the full name and mailing address of the contributor
- the value of the campaign contribution
- the date of the campaign contribution
- the class of the contributor
- and, **if the contributor is an organization**, the full names and mailing addresses of two directors or principal officials of the organization

Disclosure requirements

Disclosure requirements differ depending on the contributor and the amount contributed.

Significant contributors are individuals or organizations that make a contribution of \$100 or more to the same entity. The total contribution could either be a single donation of \$100 or more **or** multiple smaller donations that total \$100 or more. The financial agent must disclose significant contributor information as follows:

- the name of the contributor
- the value of the contribution
- the date the contribution was made
- the class of the contributor
- and, **if the contributor is an organization**:
 - the mailing address of the organization
 - the full names of two directors or principal officials of the organization

For **contributors who contributed less than \$100 in total**:

- the total amount of all contributions by class
- the total number of contributors

For **anonymous contributions**:

- the total amount of anonymous contributions
- the total number of anonymous contributors

Mailing addresses for individuals are recorded at the time a contribution is made; however, they are not disclosed on the disclosure statement.

The financial agent may inform significant contributors who are individuals that their full names, class and mailing address will be recorded but only their names and class will be disclosed.

For **prohibited contributions**:

- the circumstances in which the contribution was received
- as much as possible of the required information needed for campaign contributions
- when and how the contribution was dealt with

Free advertising provided by the local jurisdiction

If the local jurisdiction provides free transmission of election advertising and offers it equitably to all candidates in the election, the following information must be disclosed:

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

Other income

Other income includes interest income and dividends of shares paid by a credit union. It also includes money earned through product sales and fundraising activities such as auctions, garage sales, wine and cheese events and meet and greet the candidate events. Surplus campaign funds from a previous election that are returned to a candidate by a jurisdiction are also other income.

Some income from property and services sold at auctions and other sales may be a campaign contribution. If property or services are bought at a price higher than the market value, the difference between the price paid and the market value is a campaign contribution.

Candidates and elector organizations are not permitted to use lotteries, raffles or any other gambling type activity for campaign fundraising. It is illegal to conduct these activities without a licence. The Province of British Columbia will not issue such a licence for the purpose of campaign fundraising.

The following examples explain when money raised at an event is other income or a campaign contribution.

EXAMPLE 1

Other income

To raise money for a candidate's campaign, Jerry donates a TV that has a market value of \$175. Jennifer buys the TV at an auction held by the candidate's campaign for \$70.

Has Jerry made a campaign contribution?

Yes, because he donated the TV at no cost to the candidate campaign.

How much is his campaign contribution?

The contribution is \$175 because the market value of the donated TV is \$175.

Has Jennifer made a campaign contribution?

No, because she paid less than the market value of the TV.

What is the \$70?

In this situation, it is **other income**.

EXAMPLE 2

Campaign contribution

Jennifer, from example 1, buys the TV for \$275.

Has Jennifer made a campaign contribution?

Yes, because she paid more than the market value of the TV.

How much is her campaign contribution?

Her contribution is \$100 because it is the amount Jennifer paid minus the market value ($\$275 - \$175 = \$100$).

The value of donated goods and services sold at a fundraiser must be disclosed as an election expense.

Recording and disclosure requirements for other income

The financial agent is required to record and disclose:

- the amount and purpose of each deposit of other income to the campaign bank account, including a description of the sales, fundraising function or event
- for **surplus campaign funds** from a previous election that are returned to a candidate by a jurisdiction:
 - the amount
 - the date

Surplus campaign funds are discussed in more detail [on page 40](#).

Transfers

Transfers are movements of money between:

- a candidate's own campaign accounts
- an elector organization's own campaign accounts
- the accounts of an elector organization and its candidates

Transfers can be made during the election campaign and after General Voting Day.

Transfers of non-monetary property or services

Endorsed candidates and their elector organizations can transfer non-monetary property or services to each other. Financial agents for the **giver** and the **receiver** of the property and services must determine the market value for the property and services. The transfer must be consistently recorded and disclosed by **both** the giver and the receiver.

Recording and disclosure requirements for transfers

All transfers of money, property or services:

- must be recorded and disclosed at market value
- must be consistently disclosed by the giver and the receiver
- will be reconciled by Elections BC upon review of the disclosure statements

Transfers of non-monetary property or services

Non-monetary property or services may be transferred between a candidate and an elector organization. These are not campaign contributions. The disclosure statement must include the following information:

- the value of the non-monetary property or services provided or received
- the date the non-monetary property or services were provided or received
- the name of the candidate that provided the non-monetary property or services
- a description of the non-monetary property or services provided or received

The following table explains what needs to be recorded and disclosed.

Between a candidate or elector organization's own campaign accounts	Between candidates and elector organizations	
	Money	Property or services
Amount	Amount	Market value of property or services provided or received
Date	Date	Date property or service was provided or received
Accounts involved	Name of candidate or elector organization who provided or received the money	Name of candidate or elector organization who provided or received the property or service
		Description of the property or service provided or received

Undeclared candidates

If a candidate seeking endorsement by an elector organization transfers money to that elector organization but is not endorsed and not declared to be a candidate, the elector organization may return the amount transferred by the candidate. If the amount is not returned by the elector organization, the candidate must provide the elector organization the required information and records relating to campaign contributions received by the candidate, including:

- the total value of those contributions
- the total value of those contributions in each contributor class
- the required information for each significant contributor
- if applicable and to the extent known, the required information for each prohibited contribution
- the total value of the other contributions received and the total number of contributors from whom they were received

Unendorsed but declared candidates

The following information about any transfers between an unendorsed candidate and an elector organization must be included in the candidate and elector organization disclosure statements:

- the name of the unendorsed candidate or elector organization
- amount and date of transfers received
- amount and date of transfers provided
- description of any non-monetary property or services transferred

Surplus campaign funds

Surplus campaign funds are the balance of money left in the campaign account after all financial transactions are done. Elector organizations and candidates have different rules for dealing with surplus campaign funds.

Elector organizations

The financial agent for an elector organization may deal with the elector organization's surplus campaign funds as follows:

- pay the balance to the elector organization, or
- disburse the surplus as directed by the elector organization

Candidates

The financial agent must deal with any candidate surplus campaign funds after all expenses, incidental expenses and transfers have been made.

If the candidate made campaign contributions of money to their own campaign, the financial agent can repay the candidate up to the value of **only** those campaign contributions.

After the candidate has been reimbursed for the contributions they made, any remaining surplus is dealt with as follows:

- If the surplus is **under \$500**, the financial agent must **pay the candidate** the surplus or deal with those funds as directed by the candidate.
- If the surplus is **\$500 or more**, the financial agent must pay the **total** amount of the surplus campaign funds (not just the amount over \$500) **to the jurisdiction** in which the candidate's election was held.

The jurisdiction will hold the funds plus the accumulated interest in trust.

Surplus campaign funds held in trust by a jurisdiction

Payments of candidate surplus campaign funds over \$500 must be made to the jurisdiction in which the candidate's election was held. The jurisdiction will hold the funds, plus accumulated interest, in trust. If the candidate seeks office in the same jurisdiction in the next general local election or an earlier by-election, the jurisdiction must pay those funds to the candidate's financial agent to use in the election.

If the candidate does not run for office in the same jurisdiction in the next general local election or an earlier by-election, the surplus campaign funds cease to be trust funds. They become funds of the jurisdiction to be used at the discretion of the local authority.

Recording and disclosure requirements for surplus campaign funds

Financial agents must record and disclose the following information about surplus campaign funds.

For **both** candidates and elector organizations:

- the total amount of any surplus campaign funds
- how surplus campaign funds were dealt with

For **candidates only**:

- the total amount of surplus campaign funds **from a previous election** transferred from the jurisdiction to the candidate's current campaign account
- if the candidate made campaign contributions to their own campaign, the total amount the candidate was repaid
- how surplus campaign funds under \$500 were dealt with
- if surplus campaign funds were \$500 or more, the total amount paid to the candidate's jurisdiction to be held in trust

Expenses

The *Local Elections Campaign Financing Act* (LECFA) requires all expenditures to be disclosed.

Only the financial agent, the candidate or an individual authorized in writing by the financial agent may pay for election expenses. Payments for election expenses must be made or reimbursed from the campaign account.

Election expenses

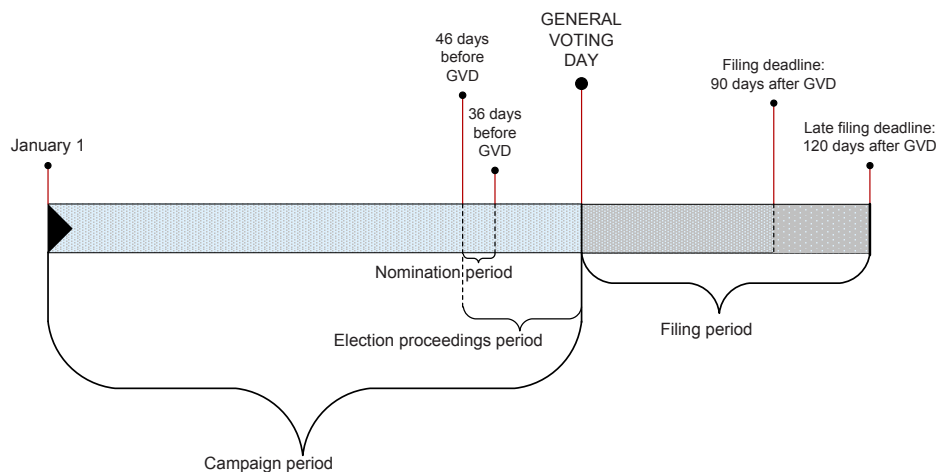
An **election expense** is the value of property or services used in an election campaign during the campaign period for the election.

An **election proceedings period expense** is an election expense used in the election proceedings period which is a part of the campaign period. Financial agents must report election proceedings period expenses and other election expenses, so it is important to keep track of when things are used.

The definitions of election expenses and election proceedings period expenses mean that it is **when something is used** that determines which type of expense it is. A candidate may have purchased election signs in the December before a general local election, but if the candidate used those signs in the election proceedings period, they must record and disclose the expense as an election expense and an election proceedings period expense.

The election proceedings period starts on the 46th day before General Voting Day and ends at the close of general voting.

General Local Elections Campaign Financing Periods



Election expenses include, but are not limited to, the following:

- campaign advertising or other communications (such as signs)
- operating a campaign office
- holding or attending conventions and similar meetings or other campaign-related functions or events
- research and opinion polling (such as operating a phone bank)
- campaign-related transportation

The following are **not** election expenses:

- services provided by volunteers
- non-monetary property of volunteers used in relation to the volunteer services
- goods produced by volunteers from their own property
- property or services provided by an election official or by the B.C. Chief Electoral Officer in an official capacity
- publishing, without charge, news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary in a bona fide periodical publication or a radio or television program
- broadcasting time provided, without charge, as part of a bona fide public affairs program
- 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
- the nomination deposit of a candidate
- services provided by a candidate in relation to their own election campaign
- goods produced by a candidate from their own property

Volunteers are discussed in detail under [Market value on page 20](#).

The market value of a property or service is the lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time. Market value includes all applicable taxes.

Determining market value of expenses

The value of an election expense is the market value of the property or services used in an election campaign during the campaign period. If only a portion of donated property or services is used in an election, only the market value of the portion used in the election campaign is disclosed as an election expense.

EXAMPLE 1

A candidate has 500 election advertising signs from a previous election. The 500 signs cost \$2,250 to produce during the last election.

What is the value of the election advertising?

Since the signs were purchased during the previous election, the sponsor must determine the current market value of 500 signs of the same quality. In this example, assume that the candidate calls a local print shop and learns that the lowest replacement cost for 500 signs of the same quality is now \$2,500.

The value of the election advertising is \$2,500.

EXAMPLE 2

An elector organization creates a website to promote their candidates and platform. The website took a staff member 25 hours to create. This staff member is paid \$20 an hour. Hosting fees for the website are \$10 per month, and the website is public for eight months during the campaign period.

What is the value of the election expense?

The value is calculated by multiplying the number of hours it took to create the website by the wage rate of the employee and adding the hosting fees:

$$\$500 (\$20 \times 25 \text{ hours}) + \$80 (\$10/\text{month} \times 8 \text{ months}) = \$580$$

The value of the election advertising is \$580.

EXAMPLE 3

After the election, a candidate sent 15 thank you cards to volunteers who assisted with the campaign. Each card cost \$3, and it cost \$1 to send a card by mail. The candidate hand delivered five cards and mailed the rest.

What is the value of this expense?

The value is determined by multiplying the number of cards by their cost and then adding the postage expense:

$$\$45 (\$3 \times 15 \text{ cards}) + \$10 (\$1 \text{ postage} \times 10 \text{ cards}) = \$55$$

The value of the expense is \$55.

Is this expense an election expense?

No, it is not an election expense because the cards were used after General Voting Day. However, the payment of the expense must still be included in the candidate's campaign disclosure statement.

Shared election expenses

A shared election expense results when two or more candidates agree to contribute to an election expense during an election.

The financial agents of each participating candidate must give their consent and must record and disclose the portion of their candidate's election expense. One financial agent can pay for such shared expenses and then be reimbursed by the other financial agents.

Exclusions from election proceedings period expenses

The following expenses are not election proceedings period expenses. They are election expenses and must still be recorded and disclosed.

Communication expenses:

- the cost of any communication an elector organization transmits exclusively to its members

Campaign-related expenses:

- legal and accounting services used to comply with the *Local Elections Campaign Financing Act*
- salary paid to a financial agent

Campaign administration expenses:

- property and services used exclusively for the day-to-day administration of an elector organization office that operates on a continuous basis outside of the election proceedings periods for elections, including salaries and wages paid by the elector organization to permanent staff (including financial agents) of the elector organization

Interest-related expenses:

- interest on a loan to a candidate or elector organization for election expenses

Candidate personal expenses:

- travel to, within or from the jurisdiction in which the candidate is running for office
- lodging, meals and other incidentals related to travelling
- child or family care if the candidate is usually responsible for the care
- expenses related to a disability of the candidate, including the costs related to anyone required to assist the candidate perform functions necessary for the election

All personal expenses must be reasonable. Clothing, haircuts or photographs are not personal expenses.

Separate disclosure is required for expenses for property and services that are:

- used before or after the campaign period, or
- intended to be used during the campaign period but were not used at all (referred to as **intended election expenses** in the *Local Elections Campaign Financing Act*)

Incurring and paying for expenses

Before they are incurred, expenses must be approved by the financial agent. Expenses may be incurred by a candidate, financial agent or an individual authorized in writing by the financial agent. All election expenses must be paid from the campaign account.

Financial agents can authorize campaign workers to pay for election expenses but must reimburse the workers from the campaign account. Receipts are required for reimbursement.

Recording and disclosure requirements for expenses

To meet the disclosure obligations under the *Local Elections Campaign Financing Act*, financial agents must record and disclose the following information:

- total value of election expenses by class
- total value of election proceedings period expenses by class
- total value of each applicable exclusion from election proceedings period expenses
- if applicable, a description of expenses classed as “other”

Although election proceedings period expenses are election expenses, they are recorded and disclosed separately.

For disclosure purposes, election expenses are broken down into the following classes:

- brochures, pamphlets and flyers
- communications transmitted to members of an elector organization
- convention and similar meeting expenses
- courier and postage
- furniture and equipment
- interest
- Internet
- newspaper, magazine and journal advertising
- office supplies
- other advertising
- other campaign administration expenses
- other campaign-related functions
- professional services
- property or services used for the day-to-day administration of a permanent elector organization office
- radio
- rent, insurance and utilities
- research and polling
- salaries and wages
- signs and billboards
- television
- interest expense for loans to candidate for election expenses
- interest expense for loans to elector organization for election expenses
- legal and accounting services
- personal expenses
- services provided by a financial agent in that capacity

Disclosing shared election expenses

Financial agents for candidates who paid the full amount of the shared election expense must record and disclose:

- the total value of the shared expense
- the value of their candidate's portion
- the names of the other participating candidates
- the amount reimbursed by each participating candidate

Election advertising

The definition of election advertising is broad and applies to advertising conducted by candidates, elector organizations and third party sponsors.

Election advertising is any transmission of a communication to the public during an election proceedings period that directly or indirectly promotes or opposes:

- the election of a candidate
- an elector organization

Advertising that takes a position on an issue with which a candidate or an elector organization is associated is also election advertising.

Important note: Election messages that are transmitted over the Internet that do not or would not normally have a placement cost are **not** election advertising. A placement cost is the cost of purchasing advertising space on the Internet, such as placing ads or paying for promoted posts on social media. Communications transmitted for free on the Internet, such as Facebook, Twitter, YouTube, emails and websites, are not election advertising.

Although free election messages over the Internet are not election advertising, any costs incurred to design and produce such messages are election expenses, and must be reported in the candidate's or elector organization's disclosure statement.

What is and is not election advertising

The following table outlines what is and is not election advertising.

IS election advertising	Is NOT election advertising
Television, radio, newspaper or magazine advertisements	Personal or private communication between individuals

IS election advertising	Is NOT election advertising
Signs, billboards, posters, mailing inserts, bumper stickers, branded clothing, branded objects, displays, exhibitions and public address announcements	The publication without charge of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary in a bona fide periodical publication or a radio or television program, including publication without charge in a bona fide Internet publication or program (e.g., candidate debate on a local news channel)
Newsletters, brochures or other advertising media which are sent to the public	The distribution of a publication, or the promotion of the sale of a publication, for no less than its market value if the publication was planned to be sold regardless of whether there was to be an election or assent voting (this exception extends to e-books, documentaries, movies, plays and other similar works or performances)
Ads placed on the Internet with a placement cost (such as pay-per-click ads, Facebook ads, promoted posts, banner ads, pop-up ads, etc.)	Any communication on the Internet that does not or would not normally have a placement cost (such as Facebook, Twitter, Instagram, Snapchat, YouTube, etc.)
Telephone calls, text messages and voice mail messages sent on a commercial basis or sent using an automated system (e.g., robocalls)	A communication by an individual, on a non-commercial basis, on the Internet, by telephone, text messaging, or email messaging of their personal views
	Websites or blogs
	The transmission of a document or other communication directly by a person or a group to their members, employees or shareholders (e.g., a union sends out a flyer to its members)

Determining market value of election advertising

The value of election advertising is an election expense. For candidates and elector organizations, the value of election advertising is one of the following:

- the price paid for preparing and transmitting the advertising
- the market value of preparing and transmitting the advertising if no price is paid or if the price paid is lower than the market value

The value of election advertising includes all property and services used in preparing and transmitting the advertising (e.g., materials, transmission fees, design services). Therefore, the value of election advertising conducted by a candidate or an elector organization for their election campaign is the value of property and services used in preparing the communication and transmitting it to the public.

Free transmission of election advertising offered equally to all candidates has nil value.

The following examples explain how the value of election advertising is determined.

EXAMPLE 1

An elector organization pays an agency \$500 to produce a radio ad and pays a radio station \$150 per play to broadcast the ad. The commercial is played 20 times during the election proceedings period.

What is the value of this election advertising?

The value is calculated as the production cost + the cost per play times the number of times played: $\$500 + \$3,000 (\$150 \times 20 \text{ plays}) = \$3,500$.

EXAMPLE 2

A candidate prepares an advertising brochure on their own computer and makes 500 copies at a local print shop for \$0.25 per copy. The brochures are mailed to 500 different homes at the standard postage rate of \$1 per brochure.

What is the value of this election advertising?

The value is calculated as follows: 500 brochures x \$1.25 (\$0.25 printing + \$1 postage per brochure) = \$625.

The value of using the computer is not included in the value of the election advertising because it was the candidate's own computer.

EXAMPLE 3

A candidate has 500 election signs from the last election which cost \$2,250 to produce. The candidate uses those signs for this election and has stickers made with their sponsorship information. The 500 stickers cost \$100.

What is the value of the current election advertising?

Since the signs were purchased during the last election, the current market value of those 500 signs of the same quality must be determined. In this example, assume that the candidate calls a local print shop and learns that the lowest replacement cost for 500 signs of the same quality is now \$2,500. The candidate also must add the cost of the stickers (\$100).

Therefore, the value of the current election advertising is \$2,600 (\$2,500 + \$100).

It is an offence to not register as a third party sponsor before advertising.

Election advertising as a third party sponsor

Candidates and elector organizations can be third party sponsors but only for election advertising that is **not** related to their own campaign. Generally, this means that candidates and elector organizations can only be third party sponsors for advertising related to elections or assent voting **outside** their own jurisdiction.

Candidates and elector organizations who want to undertake third party advertising must register with Elections BC as third party sponsors.

EXAMPLE

A candidate in Vancouver could register as a third party sponsor and do third party advertising in Whistler as long as the advertising is not related to their own campaign.

For more information about third party advertising and requirements for third party sponsors, refer to the Third Party Sponsor Guide to Local Elections in B.C. available at elections.bc.ca/lecfa.

Requirement for sponsorship information on election advertising

Sponsorship information is required on most election advertising and must include:

- the name of the financial agent
- the words “authorized by” in front of the financial agent’s name
- a B.C. phone number or mailing address or email address at which the financial agent can be contacted

The sponsorship information must be in English or be understandable to readers of English. If the advertising is in another language, the sponsorship information must also be in that language or be understandable to readers of that language.

EXAMPLE 1

Candidate sponsor

Authorized by John Smith, financial agent, 604-123-4567

EXAMPLE 2

Elector organization sponsor

Authorized by Susan Wong, financial agent, abc@electororg.ca

EXAMPLE 3

Another language

जॉन स्मिथ, वित्तीय एजेंट द्वारा अधिकृत 604-123-4567

Authorized by John Smith, financial agent, 604-123-4567

Election advertising exempt from sponsorship information requirement

Certain types of election advertising do not need to include the sponsorship information. Other types of election advertising may fulfill the identification requirement in a modified way.

The following examples do not require sponsorship information:

- clothing (e.g., shirts, sweaters, vests, jackets, hats)
- novelty items, including wearable novelty items (e.g., buttons, badges, pins, stickers, wristbands, necklaces)
- small items of nominal value that are intended for personal use (e.g., pens, mugs, magnets, key chains, notepads)

Sponsorship information for advertising on the Internet

For Internet advertising that has or would normally have a placement cost, the sponsorship information does not need to be on the ad if there is a link that takes the viewer to a website, landing page or profile page containing the sponsorship information.

For posts on social media, the sponsorship information is not required unless there is a placement cost.

Authority to remove unauthorized and restricted election advertising

For election advertising that does not include the required information about the sponsor, or is conducted by an unregistered sponsor, Elections BC may require that the advertising be:

- corrected
- discontinued
- covered
- obscured
- removed
- destroyed

Assent voting advertising

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, but not all referenda are assent voting. A local government may hold assent voting at the same time as an election, or assent voting may be held outside of an election.

Assent voting advertising is a communication transmitted during an assent voting period that directly or indirectly promotes or opposes a particular result in the assent voting. If assent voting is held at the same time that a local government is holding an election, any assent voting advertising is election advertising and is subject to all of the

election advertising rules. Generally, when a local government holds assent voting outside of an election, assent voting advertising is called **non-election assent voting advertising**.

Non-election assent voting advertising is generally subject to the same rules as election advertising. This means that an individual or organization that wants to sponsor non-election assent voting advertising must register with Elections BC before sponsoring the advertising. Sponsors of non-election assent voting advertising also need to record information about contributions received to conduct the advertising and the value of the advertising sponsored. Individuals or organizations that sponsor non-election assent voting advertising are also required to file a disclosure statement.

A guide for non-election assent voting advertising sponsors will be available in the future.

For more information on non-election assent voting advertising, [contact Elections BC](#).

Where and when election signs may be placed

Elections BC does not regulate where and when signs may be placed. However, local governments have the authority to regulate the size, placement, maintenance and removal of signs and other forms of public advertising. The rules may be quite different between local governments.

The Ministry of Transportation and Infrastructure regulates sign placement along provincial highways, medians, bridges and major roadways. Contact the local government or local Ministry of Transportation and Infrastructure office before placing election campaign signs on medians or bridges or along major roads.

Election advertising restrictions on General Voting Day

An individual or organization must not sponsor (or agree to sponsor) or transmit election advertising to the public on General Voting Day (GVD). Exceptions to this rule include:

- advertising on the Internet as long as the advertising was transmitted to the public before GVD and was not changed on GVD
- advertising by means of signs, posters or banners
- distributing pamphlets

Election advertising is not permitted under any circumstances within 100 metres of a voting place on GVD.

The following table provides some examples of what is and what is not permitted for campaigning on GVD.

Permitted	Not permitted
Using free social media	Automated voice calls (robocalls) and automated text messages
Person-to-person interactions, such as phone calls, emails, text messages, etc.	Placing signs or distributing brochures within 100 metres of a voting place
Placing signs or distributing brochures outside of 100 metres of a voting place	Placing new paid ads or paid social media posts on the Internet on GVD
Election advertising on the Internet as long as the advertising was not changed on GVD	Television, radio or newspaper ads
Campaign meetings or rallies outside of 100 metres of a voting place	

Court order for relief, campaign financing offences and penalties

Elections BC will work closely with participants to help them comply with the local election campaign financing rules and regulations.

Court order for relief from filing obligations

Individuals or organizations can apply to the Supreme Court for a court order for relief from disclosure requirements under the *Local Elections Campaign Financing Act* (LECFA, the Act). Applications for a court order for relief must be made before or on the late filing deadline for the disclosure statement or supplementary report.

An application for relief from the disclosure requirements can be made by the following:

- **Candidate:** by the candidate or their financial agent.
- **Elector organization:** by the elector organization, its financial agent or a responsible principal official for the elector organization.

Candidates or elector organizations who are considering applying for court relief may want to consult independent legal counsel about the court process.

Depending on the timing and details of an application for relief, the Supreme Court may:

- grant relief from filing the disclosure statement or from specific obligations relating to the disclosure statement
- grant relief from the late filing fee
- provide an extension of time to file the disclosure statement, with or without payment of the late filing fee
- make any order the court considers reasonable to secure compliance
- refuse to grant relief

For more detailed information related to filing for a court order for relief, refer to the Act, sections 66-72.

The Third Party Sponsor Guide for Local Elections in B.C. explains third party sponsor offences and penalties in detail.

Campaign financing offences and penalties

There are significant penalties for failing to comply with the campaign financing and election advertising rules in the *Local Elections Campaign Financing Act* (LECFA, the Act).

Penalties include late filing fees, loss of office for elected candidates, disqualification from running as a candidate and disqualification from endorsing candidates. These penalties apply for failing to file a disclosure statement or supplementary report. The loss of office and disqualification penalties also apply if a candidate or elector organization is convicted by a court for providing false or misleading information.

There are also offences for failing to comply with the financing rules for which individuals and organizations, if convicted, may be subject to fines and/or imprisonment. An individual or organization is not guilty of an offence if they exercised due diligence to prevent the commission of the offence.

An organization is responsible for the actions of its officers and employees if those actions are within the individual's authority to act on behalf of the organization. If one of those officers or employees commits an offence while acting on behalf of the organization, the organization may be liable.

If an organization commits an offence, specified individuals (e.g., officers, directors, employees, principal officials) who authorize, permit, passively agree or comply with committing that offence are considered to have also committed that offence.

There are **higher** and **lower** penalty 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.

Disqualification penalties

Disqualification penalties apply to candidates, elector organizations, third party sponsors and assent voting advertising sponsors if they are convicted of a higher penalty offence. However, candidates, elector organizations, third party sponsors or assent voting advertising sponsors who fail to file a disclosure statement will be **automatically disqualified** as summarized in the following table.

Candidate	Elector organization	Third party sponsor or assent voting advertising sponsor
Elected candidates must cease holding elected seat in jurisdiction	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
Prohibited 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

A list of disqualified candidates, elector organizations, third party sponsors and assent voting advertising sponsors will be published and maintained on Elections BC's website.

For more information about deadlines for disclosure statements and supplementary reports, go to [Filing deadline on page 10](#).

Resources

Election legislation

Printed versions of local government election legislation — including the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Local Elections Statutes Amendment Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* — are available at public libraries in communities throughout B.C. Printed versions of the Acts are also available from Crown Publications, Queen's Printer for British Columbia, at:

Mailing Address:

563 Superior Street
Victoria, BC V8V 1T7

Phone: 250-387-6409

Toll Free: 1-800-663-6105

Fax: 250-387-1120

Email: crownpub@gov.bc.ca

Website: crownpub.bc.ca

BC Laws

BC Laws provides free public online access to the current laws of British Columbia. This unofficial current consolidation of B.C. Statutes and Regulations is updated continually as new and amended laws come into force. Electronic versions of the *Local Government Act*, the *Local Elections Campaign Financing Act*, the *Local Elections Statutes Amendment Act*, the *Vancouver Charter*, the *Community Charter*, the *School Act* and the *Offence Act* are available online at bclaws.ca.

Other reference materials

Ministry of Municipal Affairs and Housing:

- Voter's Guide to Local Elections in B.C.
- Candidate's Guide to Local Government Elections in B.C.
- Elector Organization Guide to Local Government Elections in B.C.
- Guide to Supporting a Candidate for Local Government Elections in B.C.
- Local Elections in British Columbia: What Every Candidate Needs to Know

Available at <http://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/municipal-affairs-housing>.

Ministry of Education:

- School Trustee Election Procedures in British Columbia

Available at bcded.gov.bc.ca/legislation/trustee_election/school_trustee_election_procedures.pdf.

Glossary

The following key terms have been used throughout this guide. Most of the terms are defined in the *Local Elections Campaign Financing Act* (LECFA).

Term	Definition
Address for service	A mailing address or email address provided by an individual or organization at which notices and other communications are accepted as served on or otherwise delivered to the individual or organization.
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.” LECFA, s. 2
Authorized principal official	An individual who makes legally binding statements and declarations on behalf of an elector organization, third party sponsor or assent voting advertising sponsor that is an organization. Responsibilities may include having the authority to appoint a financial agent, endorse a candidate and retain records related to campaign financing, sponsorship contributions and sponsored advertising. LECFA, s. 21, s. 40
B.C. 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 and third party advertising provisions of LECFA.
Campaign account	An account in a savings institution opened by a financial agent to be used exclusively for the purposes of the election campaign. LECFA, s. 18, s. 20

Term	Definition
Campaign contribution	<p>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.</p> <p>LECFA, s. 13, s. 22, s. 29</p>
Campaign financing records	<p>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.</p> <p>LECFA, s. 22</p>
Campaign period	<p>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.</p> <p>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.</p> <p>LECFA, s. 10</p>
Candidate	<p>In relation to candidate obligations applicable under LECFA, includes an individual who:</p> <ul style="list-style-type: none"> (a) intends on becoming a candidate in an election, (b) is seeking or intends to seek endorsement by an elector organization for an election, or (c) was a candidate

Term	Definition
Disclosure statement	<p>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.</p> <p>LECFA, s. 46(1)</p>
Election expense	<p>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.</p> <p>LECFA, s. 14</p>
Election proceedings period	<p>The period that begins on the 46th day before General Voting Day and ends at the close of voting on General Voting Day.</p> <p>LECFA, s. 10(2), s. 15</p>
Elector organization	<p>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.</p> <p>LECFA, s. 19-23, s. 25</p>
Financial agent	<p>A representative that a candidate and elector organization is legally required to appoint during an election campaign. A candidate may act as their own the 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.</p> <p>LECFA, s. 17, s.19</p>
Fundraising function	<p>Includes a social function held by, or on behalf of, a candidate or elector organization for the purpose of obtaining funds for the candidate or elector organization.</p>

Term	Definition
General Voting Day	The final voting day in a general local election, by-election or assent voting.
Incurring an election expense	Using property or services in such a manner that the value of the property or services is an election expense.
Jurisdiction	The applicable jurisdiction in which a general local election, by-election or assent voting is held. LECFA, s. 1
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 assent voting advertising sponsor. Disclosure statements filed after 90 days and before 120 days must be accompanied by a \$500 late filing fee. LECFA, s. 47(2)
Local election officer	An individual appointed by council or the regional district board to conduct a general local election or by-election. Local 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. Local election officers are also referred to as chief election officers.
Market value	The lowest price charged for an equivalent amount of equivalent property or services in the market area at the relevant time. Market value includes all applicable taxes.
Money	Includes cash, a negotiable instrument (cheque, money order or traveller's cheque), a payment by credit card and any form of electronic payment or funds transfer.

Term	Definition
Principal official	In relation to an organization, a director of a corporation or a director, principal officer or principal member of an organization that is not a corporation.
Responsible principal official	<p>An individual appointed by an elector organization, third party sponsor or assent voting advertising sponsor who may represent the organization as needed. Each elector organization or third party sponsor that is an organization must have at least two individuals who have consented to be the responsible principal officials.</p> <p>LECFA, s. 21, s. 40</p>
Shared election expense	An election expense shared by two or more candidates working in combination. The total value of the election expense is apportioned to each participating candidate.
Significant contributor	<p>In relation to campaign or sponsorship contributions, an individual or organization who:</p> <ul style="list-style-type: none"> (a) made a campaign or sponsorship contribution having a value of \$100 or more, or (b) made multiple campaign or sponsorship contributions to the same candidate, elector organization, third party sponsor or assent voting advertising sponsor such that the total value of the campaign or sponsorship contributions to that candidate, elector organization, third party sponsor or assent voting advertising sponsor is \$100 or more.
Supplementary report	<p>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 submission of the supplementary report.</p> <p>LECFA, s. 54(3)</p>

Term	Definition
Third party sponsor	<p>An individual or organization who conducts election advertising independently from the election campaign of any candidate or elector organization.</p> <p>LECFA, s. 37-41</p>
Transfer	<p>Movements of money between a candidate's or elector organization's own campaign accounts and between a candidate and the endorsing elector organization.</p>
Volunteer	<p>An individual who provides services for no remuneration or material benefit. The term does not include:</p> <ul style="list-style-type: none"> (a) an individual whose employer pays them to perform the services (b) an individual who is self-employed if they usually sell or otherwise charge for the services provided.

Contact

Phone toll-free: 1-855-952-0280 / TTY: 1-888-456-5448

Mailing Address:

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

Phone: 250-387-5305

Fax: 250-387-3578

Toll-free Fax: 1-866-466-0665

Email: electoral.finance@elections.bc.ca

Website: elections.bc.ca/lecfa

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