



ELECTOR ORGANIZATION GUIDE

TO LOCAL ELECTIONS IN B.C.

2018



Purpose of Elector Organizations

What are elector organizations?

Elector organizations are organizations that endorse or intend to endorse a candidate(s) in a general local election and that file endorsement documents with the local Chief Election Officer. Elector organizations may be referred to as “civic political parties.”

In the 2014 general local elections, elector organizations operated in approximately 16 communities in B.C., primarily in the Lower Mainland.

What do elector organizations do?

Fundamentally, elector organizations endorse candidates. Elector organizations have their name, abbreviation or acronym shown on the ballot beside their endorsed candidates' name and generally promote their endorsed candidates' or the organization's viewpoints during an election campaign.

An elector organization election campaign is generally a connected series of actions designed to elect a candidate or a group of candidates to a municipal council, regional district board, Islands Trust local trust committee, specified parks board or board of education.

Typically, an election campaign involves elector organizations and/or candidates communicating with the electorate through:

- public appearances and speeches;
- advertisements on television, radio, the Internet, in newspapers and magazines;

- social media (e.g. Facebook, Twitter, YouTube);
- brochures, signs, posters, billboards;
- mail inserts and newsletters; and,
- bumper stickers, buttons and displays and/or exhibitions.

Membership

Who are the members of elector organizations?

Members are eligible resident and non-resident property electors of the jurisdiction where the election is being held who have met the membership requirements of the elector organization.

How does an elector organization determine membership?

Many elector organizations request that prospective members fill out a membership form and pay either a one-time or monthly fee to the organization – although this is not a requirement under the *Local Government Act*.

Elector organizations typically use the information collected from membership forms to make a reasonable determination of which individuals are eligible electors in the jurisdiction where the election is being held. At a minimum the information they collect may include: the names and addresses of the members; and, for members who are non-resident property electors, the addresses of the properties in relation to which they are eligible to vote.

Elector organizations are subject to the *Personal Information Protection Act (PIPA)*. Under PIPA, elector organizations must establish a policy regarding the use and disclosure of personal information and advise any prospective members about that policy prior to collecting their personal information.

Are elector organizations required to provide a membership list to the local Chief Election Officer?

No. However, an elector organization may be required to provide the list when a candidate's nomination is challenged on the basis that the elector organization is not qualified to make a ballot endorsement.

Qualifications and Structure

How are elector organizations qualified to endorse candidates?

An elector organization must have a membership of at least 50 eligible electors (resident and/or non-resident property electors) at the time it submits endorsement documents to the local Chief Election Officer, and it must not be disqualified from endorsing a candidate(s) under the *Local Government Act*, *Local Elections Campaign Financing Act* or any other Act.

How are elector organizations structured?

Elector organizations tend to have a somewhat formalized structure because of the 50 elector

membership requirement, the organization's ability to endorse a candidate on the ballot and also because of the campaign financing disclosure requirements they must follow.

An elector organization may adopt any organizational structure or decision-making model that provides a basis upon which the members collectively agree how a candidate will be endorsed and how election campaigning will be conducted.

Representatives

How many official representatives are elector organizations required to have?

Elector organizations must appoint at least two responsible principal officials and a financial agent – an individual can fill the role of both the financial agent and the responsible principal official. All representative appointments must be made in writing and must be submitted to the local Chief Election Officer before the nomination period of an election ends.

What duties do responsible principal officials have in an elector organization?

Responsible principal officials act as the elector organization's representatives – they are often the organization's presidents or chief officers. Under the *Local Elections Campaign Financing Act*, one of these officials must be designated to act as the authorized principal official.

The authorized principal official is the individual who must sign key documents for the elector

organization and make solemn declarations, such as appointing a financial agent and making candidate endorsements, on the elector organization's behalf. The authorized principal official is also responsible for retaining the elector organization's campaign financing records.

How long do responsible principal officials' duties last?

Responsible principal officials, including authorized principal officials, can be held legally responsible and liable for the elector organization's actions. These officials' obligations continue after general local elections, whether the elector organization continues to exist or not.

The authorized principal official must retain material and records of the elector organization's campaign financing transactions, including campaign contributions, permissible loans, election expenses and transfers, until five years after general voting day for the election to which the material and records relate.

What contact information are responsible principal officials required to provide?

Responsible principal officials must submit specific information to the local Chief Election Officer. This information must be made in writing and include the individual's:

- signed consent to act as responsible principal official;
- full name;
- mailing address; and,
- mailing address or email address at which notices and other communications can be served or otherwise delivered to the organization.

The elector organization's authorized principal official must provide the local Chief Election Officer with a telephone number or an email address (if available) where the authorized principal official can be reached. This is in addition to information they are already required to provide as a responsible principal official.

Updates to contact information that occur before general voting day must be submitted to the local Chief Election Officer by the responsible principal officials. Updates to contact information that occur after general voting day must be submitted to Elections BC.

What responsibilities does the financial agent have in an elector organization?

The financial agent is legally responsible for ensuring that the financial aspects of the elector organization's election campaign(s) comply with the *Local Elections Campaign Financing Act*.

A financial agent must be appointed before any campaign-related transactions occur.

The financial agent has a wide range of financial responsibilities, including:

- opening and depositing contributions to, and paying election-related expenses from, an elector organization's campaign account;
- recording campaign contributions, permissible loans and election expenses;
- completing campaign financing arrangements;
- reviewing campaign contribution and permissible loan amounts in relation to an endorsed candidate's campaign;

- returning campaign contributions and amounts of permissible loans that exceed contribution limits; and,
- filing the elector organization's campaign financing disclosure statement following the election.

The campaign financing arrangement establishes the amount of a candidate's expense limit that is available for use by the candidate and the amount that is available for use by the elector organization during the campaign period in an election campaign. The campaign financing arrangement must be entered into prior to the start of the campaign period and must be submitted by the endorsed candidate to Elections BC.

The financial agent must understand the scope of their responsibilities – failure to comply with the *Local Elections Campaign Financing Act* may result in a fine of up to \$20,000 for the elector organization or a fine of up to \$10,000 and/or imprisonment for up to two years for the financial agent and/or responsible principal officials.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents* for detailed information about the financial agent's role and campaign financing rules, available online at: www.elections.bc.ca/lecf

Are elector organizations allowed to appoint scrutineers?

No. Under the *Local Government Act*, only candidates are entitled to appoint scrutineers.

Candidate Endorsement

How do elector organizations choose which candidate(s) to endorse?

There are no specific rules related to how an elector organization decides which candidate(s) to endorse – or who may be involved in planning campaign activities.

The process an elector organization uses to select its candidate(s) may be unique to that organization. Factors such as the organization's history, its central objectives or its guiding principles may influence which like-minded candidate(s) are endorsed by the elector organization.

How many candidates can an elector organization endorse?

As many as it deems appropriate to fulfill its objectives; however, it must not endorse more candidates for a particular office than there are positions to be filled for that office.

Can an elector organization endorse candidates in multiple elections at the same time?

Yes. For example, an elector organization can endorse candidates for municipal council elections and regional district board elections at the same time.

Can a candidate be endorsed by more than one elector organization?

No. A candidate may only be endorsed by one elector organization.

What is a ballot endorsement?

A ballot endorsement is when the elector organization's name, abbreviation or acronym is noted beside the endorsed candidate's name on the ballot. This is the only visible indication of elector organization support for a candidate that is permitted within a voting place.

How do elector organizations choose a ballot endorsement mark?

There are no specific rules related to how an elector organization chooses its endorsement mark. The *Local Government Act* and *Vancouver Charter* do not permit the ballot to show any indication of a candidate's current or prior experience as an elected official, their occupation or titles, honours, degrees or decorations received or held. This restriction extends to information contained in the elector organization's endorsement mark.

It is at the local Chief Election Officer's discretion to accept or refuse an elector organization's endorsement mark. The local Chief Election Officer is prohibited from allowing additional candidate information or endorsement marks from appearing on the ballot that may be confusing to the electors.

Elector organizations may use the same endorsement mark from one election to the next; however, a new elector organization must choose a mark that cannot be confused with the name, abbreviation or acronym of another elector organization whose candidate endorsement appeared on a ballot in a previous election or will appear in the upcoming election.

Does a candidate have to consent to be endorsed on the ballot?

Yes. The endorsed candidate's consent is required before the local Chief Election Officer may place the endorsement mark on the ballot. Each endorsed candidate is required to give their signed consent to the endorsement on the elector organization's endorsement documents submitted to the local Chief Election Officer.

How do elector organizations make an endorsement?

Elector organizations must submit endorsement documents in writing to the local Chief Election Officer before the nomination period of a local election ends.

The endorsement documents must include:

- the elector organization's name and abbreviations, acronyms and other names used by the organization;
- the elector organization's contact information; and,
- full name of the endorsed candidate(s) and the candidate's consent to the endorsement.

In addition, the elector organization must submit contact information for its:

- financial agent;
- responsible principal officials, including the authorized principal official; and,
- candidate(s) it has endorsed.

The elector organization's authorized principal official must make a solemn declaration in order to endorse a candidate(s) on behalf of the elector organization. The solemn declaration attests that the elector organization:

- is not disqualified from endorsing a candidate(s);

- has at least 50 members who are eligible electors of the jurisdiction where the election is being held at the time the endorsement is made;
- is aware of and understands the *Local Elections Campaign Financing Act* and intends to comply with its restrictions and requirements; and,
- has authorized the official to make declarations on its behalf.

The elector organization's authorized principal official may make the required solemn declaration in advance of submitting endorsement documents before a judge, justice of the peace, Commissioner for Taking Affidavits for B.C. (e.g. lawyer, notary public) or make it before the local Chief Election Officer when the endorsement documents are submitted to the local Chief Election Officer.

How is an endorsement withdrawn?

An elector organization or candidate may reconsider and withdraw an endorsement up to 29 days before general voting day.

An elector organization may withdraw a candidate endorsement by delivering to the local Chief Election Officer a written withdrawal signed by the authorized principal official. The written withdrawal must be accompanied by a solemn declaration made by the authorized principal official that the elector organization has authorized the withdrawal.

A candidate may withdraw their consent to the elector organization's endorsement by delivering a signed withdrawal to the local Chief Election Officer up to 29 days before general voting day.

The campaign financing arrangement must be terminated following receipt of the elector organization's withdrawal of endorsement or withdrawal of a candidate's consent to elector

organization endorsement by the local Chief Election Officer. The campaign financing arrangement can be terminated up to 29 days before general voting day.

Can an endorsement be challenged?

Yes. An eligible elector, another nominee for office or the local Chief Election Officer can challenge a candidate's endorsement by an elector organization when they believe the endorsement documents are incorrect or the elector organization is not otherwise qualified to make an endorsement on the ballot.

Challenges to a candidate's endorsement must be made through an application to the Provincial Court and must be in accordance with the process outlined in section 96 of the *Local Government Act*.

Elector Organization Campaigns

Do elector organizations direct an endorsed candidate's election campaign?

Elector organizations and candidates each direct their own separate election campaigns; however, an endorsed candidate may decide not to undertake election campaign activities and instead rely solely on the elector organization to undertake these activities on the candidate's behalf. Alternatively, a candidate and elector organization may agree to run complementary campaigns in which they both undertake election campaign activities designed to elect that candidate within a specific jurisdiction.

Do elector organizations have their own campaign period expense limits?

No. Under the required campaign financing arrangement, endorsed candidates may sign over a portion of their expense limit for the elector organization to spend during the campaign period. An elector organization must attribute campaign period expenses to each endorsed candidate and disclose the expenses separately for each endorsed candidate.

In 2016, the *Local Elections Campaign Financing Act* was amended to implement expense limits in local elections. Limits apply to spending by candidates, elector organizations and third party sponsors during the campaign period beginning in the 2018 general local elections.

Refer to Election's BCs *Guide to Local Elections Campaign Financing in B.C. for Elector Organizations* for detailed information about expense limits and campaign financing arrangements, available online at: www.elections.bc.ca/lecf

The campaign period starts on **Saturday, September 22, 2018** and ends when voting closes at 8 p.m. local time on **Saturday, October 20, 2018**.

Do contribution limits apply to elector organization campaigns?

Yes. In 2017, the *Local Elections Campaign Financing Act* and the *Local Elections Campaign Financing Expense Limit Regulation* were amended to set contribution limits for the election campaigns of candidates and elector organizations.

The new rules apply for the 2018 general local elections and are retroactive to October 31, 2017, meaning that campaign contributions received on or after October 31, 2017 are subject to the new rules.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Candidates and their Financial Agents* for detailed information about contribution limits, available online at: www.elections.bc.ca/lecf

Electors Organizations vs. Third Party Sponsors

What is the difference between elector organizations and third party sponsors?

Elector organizations and third party sponsors are both subject to rules and requirements under the *Local Elections Campaign Financing Act*. However, there are key differences between these two types of local election participants.

ELECTOR ORGANIZATIONS:

- file endorsement documents with the local Chief Election Officer and endorse candidates by having the elector organization's name, abbreviation or acronym noted beside an endorsed candidate's name on the ballot;
- must have 50 members who are eligible electors of the jurisdiction where the election is being held to qualify as an elector organization and endorse a candidate(s) on the ballot at the time the endorsement is made;
- can work with candidates during their campaigns and undertake campaign activities, including advertising, on their behalf;

Campaign Financing and Election Advertising

What campaign financing rules apply to elector organizations?

The *Local Elections Campaign Financing Act* sets out the campaign financing rules for elector organizations. These rules are administered by Elections BC and include recording and disclosing campaign contributions, permissible loans, election expenses, transfers and other income and expenditures, and submitting campaign financing disclosure statements to Elections BC.

New rules respecting expense limits are in force for the 2018 general local elections, and apply to elector organizations. These rules include the requirement for elector organizations to enter into campaign financing arrangements with endorsed candidates. Campaign financing arrangements are mandatory and allow endorsed candidates to sign over a portion of their expense limit for the elector organization to spend during the campaign period. Elector organizations, in addition to candidates and third party sponsors, are required to follow the rules that restrict spending during the campaign period.

New rules respecting campaign contribution limits also apply for the 2018 general local elections, and apply to campaign contributions made to elector organizations. These rules put limits on campaign contributions made to elector organizations (maximum of \$1,200 per donor, per year) and ban contributions from organizations, including corporations and unions, and contributions from outside of British Columbia.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents* for

- share their endorsed candidates' expense limits;
- receive campaign contributions, which are subject to rules respecting contribution limits; and,
- are not required to register with Elections BC.

THIRD PARTY SPONSORS:

- are individuals or organizations who sponsor election advertising during the campaign period;
- must ensure that all of their activities and advertising are completely independent from candidates and elector organizations;
- cannot endorse a candidate(s) on the ballot;
- must register with Elections BC;
- are not subject to specific membership requirements; and,
- are subject to different 'expense limit' rules than candidates and elector organizations.

Refer to Elections BC's *Guide for Local Elections Third Party Sponsors in B.C.* for detailed information about third party sponsors, available online at: www.elections.bc.ca/lecf

Third party sponsors are individuals or organizations that sponsor election advertising independently from candidates and elector organizations during the campaign period. Third party advertising includes advertising for or against a candidate or elector organization and advertising on an issue with which a candidate or elector organization is associated. Third party sponsors must register with Elections BC.

detailed information about the campaign financing disclosure process, available online at: www.elections.bc.ca/lecf

What election advertising rules apply to elector organization?

The *Local Elections Campaign Financing Act* sets out the election advertising rules for elector organizations.

These rules are administered by Elections BC and include, and are not limited to, the requirement for sponsorship information to be included on election advertising and the requirement that no election advertising be transmitted on general voting day. Additionally, the value of election advertising conducted by an elector organization is an election expense of the elector organization and must be accounted for in accordance with the new expense limits framework under the *Local Elections Campaign Financing Act*.

There are exceptions to the rule that no election advertising be transmitted on general voting day. Advertising by signs, posters, banners and pamphlets is allowed on general voting day as long as it not within 100 metres of a place where voting proceedings are being conducted. Also, election advertising on the Internet on general voting day is permitted if it was transmitted to the public before general voting day and was not changed before the close of general voting. Election advertising transmitted to the public on the Internet on general voting day is permitted only for the purpose of encouraging people to vote.

Refer to Elections BC's *Guide to Local Elections Campaign Financing in B.C. for Elector Organizations and their Financial Agents* for detailed information about election advertising requirements, available online at: www.elections.bc.ca/lecf

Further Information

Local government mailing addresses, telephone numbers, email addresses and websites are available online from CivicInfoBC at: www.civicinfo.bc.ca/directories

Refer to the *General Local Elections 101* brochure for information about general local elections in B.C. The brochure is available from local governments throughout B.C. and online at: www.gov.bc.ca/localelections

For answers to legislative **questions about municipal and regional district elections**, please contact:

Ministry of Municipal Affairs and Housing

Governance and Structure Branch

Phone: 250 387-4020

Email: LGgovernance@gov.bc.ca

www.gov.bc.ca/localelections

For answers to **questions about election advertising, third party sponsors and campaign financing disclosure**, please contact:

Elections BC

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

Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: lecf@elections.bc.ca

www.elections.bc.ca/lecf

For answers to **questions about board of education elections**, please contact:

Ministry of Education

Legislation, Policy and Governance Branch

Phone: 250 387-8037

Email: EDUC.Governance.Legislation@gov.bc.ca

www.gov.bc.ca/gov/content/education-training/administration/legislation-policy/school-trustee-election-procedures

Full text of the *Local Government Act*, *Local Election Campaign Financing Act*, *Community Charter*, *Vancouver Charter*, *School Act*, and *Offence Act* can be found online at: www.bclaws.ca

Disclaimer

In the event that there is inconsistency between this brochure and the *Local Government Act*, the *Local Elections Campaign Financing Act*, or any other Act, the legislation will prevail.

