

**ELECTIONS – GEARING UP FOR 2011**

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## ELECTIONS – GEARING UP FOR 2011

The first part of this paper reviews what we think are the top election issues, with our choices based in part on court decisions since the 2008 general local elections. The second part of this paper briefly discusses statutory changes to election legislation expected to be in place for the November 2011 elections.

### Top Election Issues

1. Is a candidate entitled to a manual recount of votes if results are close and voting machines were used?
2. If a candidate files his or her Disclosure Statement within the late filing period, will the candidate be subject to penalties if he or she does not also pay the \$500 within the late filing period?
3. Could an elected councillor be disqualified for fraud on the basis of election campaign emails?
4. What will be the consequence if the Chief Election Officer begins election steps before he or she takes the solemn declaration?
5. Will a series of individually insignificant election mistakes cumulatively entitle a petitioner to a declaration of an invalid election?
6. What if a statutory time deadline under the *Local Government Act* cannot be met?
7. Can a person vote as a non-resident property elector if a corporation is a co-owner of the property?
8. Should it be Council or the Chief Election Officer who sets the date for a by-election?
9. Will an election be declared invalid where the complaints involve rejected ballots and counting of ballots?
10. What identification must an elector provide in order to be given a ballot?
11. What will be the result if the CEO fails to notify candidates of the time, date and place of the determination of official election results?

### Voting Machines - An Entitlement to Manual Recount?

*Vicktor v. Lanktree* [2008] B.C.P.C. 358, was a brief decision of the BC Provincial Court. The applicant unsuccessfully ran as a candidate for mayor of the District of Hope. He applied to the

court for a recount of mayoral votes. (He also applied for “a detailed record of the security measures in place for the advanced poll, the mobile poll, and the general voting day procedures” but the court held that it had no jurisdiction to grant this part of the application.)

The applicant lost the mayoral race by 19 votes, which equated to less than one percent of the votes cast. It happened to be the first election for which the District used voting machines. The applicant argued that the voting machines were unreliable and that in such a close election a manual recount should be conducted.

However, the judge found the applicant’s assertion that the voting machines were unreliable was speculative. The judge found that none of the triggering events for a recount set out under the *Local Government Act* applied in this case, and that the District had, in accordance with the *Local Government Act*, passed a bylaw authorizing the use of automatic voting machines. The judge declared that if the legislature wished for a manual recount of close elections conducted by voting machine, the legislature should set that requirement out clearly in the *Local Government Act*.

### **\$500 Late Filing Penalty**

In *Stow v. British Columbia (Attorney General)* [2009] B.C.J. No. 2835 (B.C.S.C.), [2010] B.C.J. No. 1789 (B.C.C.A.), we at last have an answer to the question whether a candidate filing a late disclosure statement must pay the \$500 late filing fee at the same time - and the answer is yes.

The *Local Government Act* set out the following requirements:

#### Duty to file disclosure statement

**90(1)** Within 120 days after general voting day for an election, the financial agent of

- (a) each person who was declared to be a candidate under section 74,

must file with the designated local government officer a disclosure statement in accordance with this section.

#### Late filing of disclosure statements

**90.2** The penalties under sections 92 [candidate disqualification] and 92.1 [elector organization or campaign organizer disqualification] do not apply in the following circumstances:

- (a) if the disclosure statement is filed within 30 days after the time period established by section 90 (1) [duty to file disclosure statement] and a late filing

penalty of \$500 is paid to the municipality or regional district;

Court order for relief from filing obligations

**91(1)** A candidate, elector organization or campaign organizer may apply to the Supreme Court in accordance with this section for relief from an obligation to file a disclosure statement or supplementary report.

(2) An application in relation to a disclosure statement must be made before the end of the late filing period ...

Candidate disqualification for failure to file disclosure statement

**92(1)** Unless a court order under section 91 [court order for relief] relieves the candidate from the obligation to file a disclosure statement, a candidate for whom the disclosure statement is not filed before the end of the late filing period is subject to the following penalties:

- (a) in the case of a candidate who is declared elected, at the applicable time under subsection (2) the council member ceases to hold office and the seat of the member becomes vacant;
- (b) in all cases, from the applicable time under subsection (2) the person is disqualified from being nominated for, elected to or holding office on a local government, the council of the City of Vancouver or a board of school trustees, or as a local trustee of the Islands Trust, until after the next general local election.

(2) The time at which a candidate becomes subject to the penalties under subsection (1) is as follows:

- (a) if no application under section 91 is commenced, at the end of the late filing period;
- (b) if an application under section 91 is commenced but the matter is not set for hearing in accordance with section 91 (4), 15 days after the petition was filed;

- (c) if, on an application under section 91, the Supreme Court refuses to grant relief from the obligation to file the disclosure statement, at the time of that decision;
- (d) if, on an application under section 91, the Supreme Court grants relief but the candidate does not comply with the court order, at the end of the late filing period or at the time set for filing by the order, as applicable.

Public notice of failure to file

**92.2(1)** Reports respecting the following must be presented at an open meeting of the local government of the municipality or regional district in relation to which the election was held:

- (a) the name of any candidate ...for whom a disclosure statement is not filed within the time period under section 90 (1) [duty to file disclosure statement];
- (b) the name of any candidate ... for whom a disclosure statement is not filed by the end of the late filing period;
- (c) the name of any candidate who is subject to a penalty under section 92 [disqualification for failure to file] ...

(2) A report under subsection (1) must be presented as soon as practicable after the local government officer assigned responsibility under section 198 [corporate administration] becomes aware of the applicable circumstances referred to in that subsection.

(3) The local government officer assigned responsibility under section 198 [corporate administration] must send to the inspector a copy of any report under subsection (1) (c), together with a copy of the nomination under section 72 (1) for the candidate or a copy of the solemn declaration under section 79 (2) [endorsement declaration] for the elector organization, as applicable.

### Disqualification list

**92.3** The inspector must have available for public inspection a list of the individuals and organizations identified in a report under

- (a) section 92.2 (3) [report to inspector respecting disqualification for failure to file disclosure statement]...

In light of that legislative scheme, let's look again at the wording in section 90.2(a) regarding the \$500 late filing payment:

“if the disclosure statement is filed within 30 days after the time period established by section 90 (1) [duty to file disclosure statement] and a late filing penalty of \$500 is paid to the municipality”.

Mr. Stow argued that if the \$500 had to be paid at the same time, the legislation would read as follows:

“if the disclosure statement is filed and a late filing penalty of \$500 is paid to the municipality within 30 days after the time period established by section 90 (1) [duty to file disclosure statement]”.

The court held that the language of section 90.2(a) had to be read in its entire context and harmoniously with the scheme and object of the *Local Government Act*. The court noted that the report of the local government officer under section 92.2 must be presented “as soon as practicable” after the non-compliance with section 90.1. Also, he or she must send a copy of the report to the Inspector. These requirements only make sense if it is possible to ascertain whether or not a given candidate is subject to a penalty, which would not be possible if it were open to a candidate to pay the late filing penalty at any time.

### **Disqualification of Elected Candidate for Fraud**

In *Todd v. Coleridge* [2009] B.C.S.C. 688, Gerow J. of the B.C. Supreme Court declared the election of a municipal councillor invalid due to fraud. The petitioner, Todd, was an unsuccessful candidate for council in the City of White Rock. The respondent, Coleridge, was a successful candidate for council. Under an assumed name, Coleridge's wife sent a mass e-mail linking Todd with a pro-development slate of candidates for council during the election campaign. Later that day, Coleridge purported to respond to his wife's e-mail and an e-mail chain ensued in which Todd was criticized. Coleridge's e-mail was written in a way that made it seem as if he was responding to one of his supporters. When asked by members of the media if he knew who sent the original e-mail, Coleridge lied, said he had no idea and, when pressed, sketched a vague picture of a shadowy character whom no one had ever met. The media

discovered that the e-mail had originated from Coleridge's home. Coleridge claimed to the media that he was a victim of identity theft.

In court, Coleridge admitted his wife had sent the e-mail, and said that he lied about the e-mail's origins to the press because he wanted to protect his wife, who was pregnant and had suffered miscarriages in the past. Todd argued that Coleridge's actions violated section 152(3) of the *Local Government Act* because he had used fraudulent means to persuade persons to vote for him. In response, Coleridge argued that, while he had been dishonest, he did not lie about an issue "material" to the election, an element that had been identified in previous cases as necessary for a violation of s. 152. That is, Coleridge claimed that his deception did not go to a political issue and therefore he should not be found in violation of section 152(3). Coleridge argued that any criticisms of Todd in the e-mail were a matter of opinion and were fair comment.

The Court found that while the e-mail's origins may not have been material to the election, Coleridge had campaigned on the pledge that he was a straightforward, honest person. The Court found that Coleridge made his integrity an issue material to the election by campaigning on the strength of it, and that Coleridge's feigned ignorance about the e-mail's origins, and, perhaps most damagingly, the creation of a fictional supporter, constituted fraud within the meaning of section 152(3). Moreover, the court found that the fraudulent conduct led people to vote for Coleridge.

The remedies awarded by the court were harsh for Coleridge. The court used sections 143 and 145 of the *Local Government Act* and declared his seat vacant and Coleridge was required to pay \$20,000 to the City to help cover the costs of a by-election. It was open to Coleridge and Todd to run in the by-election. Further, Coleridge had to pay for Todd's costs in bringing the petition.

### **CEO Actions Prior to Solemn Declaration**

In *Patterson v. Kent (District)* [2008] B.C.J. No. 501 (B.C.S.C.), Ms. Patterson, who was an unsuccessful candidate, challenged a January 12, 2008 by-election on nine grounds. Her challenge was unsuccessful.

The court reviewed the bases on which an election may be challenged under section 143(5) of the *Local Government Act*:

143(5) An application may be made only on one or more of the following bases:

- (a) that a candidate declared elected was not qualified to hold office at the time he or she was elected or, between the time of the election and the time for taking office, the candidate has ceased to be qualified to hold office;

- (b) that an election should be declared invalid because it was not conducted in accordance with this Act or a regulation or bylaw under this Act;
- (c) that an election or the election of a candidate should be declared invalid because section 151, 152 or 153(2)(a) was contravened.

The court also reviewed the saving provision in section 145(3):

145 (3) The court must not declare an election invalid by reason only of an irregularity or failure to comply with this Act or a regulation or bylaw under this Act if the court is satisfied that

- (a) the election was conducted in good faith and in accordance with the principles of this Act, and
- (b) the irregularity or failure did not materially affect the result of the election.

The court noted that this saving provision is not discretionary - it is mandatory.

In the *Patterson* case, there was a margin of victory of 415 to 135. In other words, there was a spread of 280 votes between the last successful candidate and first unsuccessful candidate.

Ms. Patterson alleged that the CEO had placed the advertisements calling for nominations before he had made his solemn declaration as required by section 41(8). The CEO said that those advertisements had been placed by a district official. The court held that even if the CEO had placed the advertisements before making his solemn declaration, that would have simply been an irregularity that could not have affected the result of the election.

Despite this case, the CEO will want to ensure that the solemn declaration is made at the earliest possible opportunity.

### **Cumulative Effect of a Series of Election Mistakes**

In the *Patterson v. Kent* case, the court found that none of the following bases alleged by Ms. Patterson was warranted. The court also refused to consider the alleged violations cumulatively.

#### **1. Advance Voting**

The CEO had originally thought there did not need to be an advance vote, then he realized that was an error. This resulted in the election date changing from January 5th to 12th.

Ms. Patterson argued that that created confusion. The court saw no evidence of confusion, and noted that a wrong decision which is corrected is not a basis for challenging an election.

## 2. Nomination Documents of Successful Candidate

Ms. Patterson alleged that one of the nomination documents of a successful candidate was incomplete - namely, the Statement of Disclosure required under the *Financial Disclosure Act*.

Section 75 of the *Local Government Act* provides that a nomination may only be challenged by an application to the Provincial Court brought within four days of the close of nominations. Ms. Patterson said she was unable to bring that court application because she was unable to reach the CEO and review the nomination documents during that time period. The CEO answered that he was available by cell phone and email.

The court held that it might be possible that a refusal or delay by the CEO to comply with a request to review nomination documents might be a ground for challenging an election under section 143, but there was no evidence in this case of such a refusal or delay.

## 3. Reported Withdrawal of Candidate

The local newspaper reported that a candidate had withdrawn, but at that time it was too late for a candidate to withdraw without Ministerial approval. In fact, the candidate did not withdraw.

The court held that there was no reason to assume the CEO was the cause of the false newspaper report. In any case, an improper withdrawal or a false newspaper statement were not bases for setting aside an election.

## 4. Notices of Election

The CEO originally published a notice of election for the January 5th date, but then also published a notice of election for the January 12th date. The second notice incorrectly had the letter “t” in front of Ms. Patterson’s first name:

PATTERSON                    tJen                    Aggasiz, B.C.                    [typos in newspaper ad]

Coincidentally the newspaper had candidate biographies on the same page and Ms. Patterson’s information was shown correctly.

The court held that this name typo was an irregularity which could not have caused any confusion.

#### 5. Signs Near Polling Station

There was a difference of opinion between Ms. Patterson and the CEO regarding how to measure the location of two election signs and whether they were within 100 metres of a building where voting took place, contrary to section 153(4).

The court concluded that the section provides the ability for the CEO to authorize signs within the 100 metres, and the CEO did so in this case.

#### 6. Attendance of Candidate's Supporter at Voting Place

The court held that there was insufficient evidence that a candidate's supporter "wandered about" the voting place, and even if he did, that would have been merely an irregularity.

#### 7. Determination and Declaration of Election Results

Ms. Patterson argued that the CEO did not comply with the following requirements:

135(2) The chief election officer must notify the candidates in an election of the date, time and place when the determination is to be made and the candidates are entitled to be present when those proceedings take place.

and

136(1) Before 4 p.m. on the fourth day following the close of general voting, the chief election officer must declare the results of the election as determined under section 135.

The CEO stated that he did comply with these requirements, without providing details. The court stated that it would have been beneficial to have further details, but in the end Ms. Patterson had not proven that these requirements had not been met.

#### **Missed Time Deadlines**

Section 42(2)(e) authorizes the CEO to apply to the Minister for an order under section 155:

Powers of minister in relation to elections

**155** (1) If the minister considers that special circumstances regarding an election require this, the minister may make any order the minister considers appropriate to achieve the purposes of this Part, including an order providing an exception to this Act or a bylaw or regulation under this Act.

(2) Without limiting subsection (1), the minister may make an order extending a time period or establishing a new date in place of a date set under this Act and giving any other directions the minister considers appropriate in relation to this.

We have found this an extremely useful remedy in the past, and have obtained time extensions even though the request for the extension was made after expiry of the time deadline.

### **Non-Resident Property Electors and Corporate Co-Owners**

Our reading of section 51(1)(e.1) of the *Local Government Act* is that in order for a person to vote as a non-resident property elector, all owners of the property must be individuals - and those individuals must not be holding the property in trust for a corporation or another trust:

Non-resident property electors

**51 (1)** In order to be registered as a non-resident property elector of a jurisdiction, a person must meet all the following requirements on the day of registration:

(e.1) the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;

In other words, if a corporation is a part owner of the property, no individual who is also an owner may vote as a non-resident property elector in respect of that property.

### **Dates of By-Elections**

Where a by-election is necessary, please note the distinction in roles between Council and the Chief Election Officer. Under section 37(4) and (5) of the *Local Government Act*, Council appoints the Chief Election Officer, but it is the Chief Election Officer who sets the by-election date.

37(4) As soon as reasonably possible after a vacancy occurs for which an election under this section is to be held, the local government must appoint a chief election officer for the election.

37(5) The chief election officer must set a general voting day for the election, which must be on a Saturday no later than 80 days after the date the chief election officer was appointed.

### Remedy Where Complaint Involves Ballot Rejection and Ballot Counting

In *Sadler v. Gibsons* [2009] B.C.J. No. 203 (B.C.S.C.), the court heard a number of complaints about election night counting of ballots and the later proceedings when the official election results were determined.

The court disposed of these complaints as follows:

“I accept the evidence of Ms. G. that on election night, near the end of the evening, she took the tally sheets only and not the ballots to an adding machine in another part of the Town Hall to check the running totals, and that while she performed this task there were scrutineers watching her as she checked the numbers on the tally sheets. Although they claim that they could not see the actual tabulations, the evidence of Ms. Smart and Ms. Hobbs is consistent with the evidence of Ms. G. that she was conducting her work on the tally sheets in plain view of the scrutineers. In my view, Ms. G.'s conduct does not amount to a breach of s. 124 of the Act.

Further, there is no evidence to support the allegation that Ms. G. opened the ballot boxes on her own. I take from her evidence that she prevailed on Mr. G. to allow her to review the ballots on November 18th. It is far from clear who in fact opened the ballot boxes on that occasion.

Ms. G.'s evidence is that the ballots that the election officials considered questionable were not counted and were reviewed at the end of the count when they were either rejected or allowed. There were no objections raised at the time with this procedure. Thus, I reject the allegation that the Town violated ss. 128 and 130 of the Act.

The Town conceded that the tally sheets are important. However, the fact remains that they are not included in the provisions of ss. 131-133. In any event, Ms. G. deposed that the tally sheets remained with the election material. I do not think the petitioners have established a breach of these sections of the Act.

....

I accept Ms. G.'s evidence that no tally sheets were lost or misplaced; that the ballot boxes with ballots in them were sealed and moved into a locked room along with all other election

material; that she arranged to do a check of the tally sheets on November 18th with Mr. G.; that on November 18th she advised Mr. G. of the counting errors and went through the tally sheets with him; and that upon her review of ballots on November 18th she found two ballots that ought to have been rejected and brought them to the attention of Mr. G.

....

Certainly mistakes were made in tabulating and calculating the election results. However, as already found, there is no evidence of bad faith, only inadvertence, and the errors made were discovered and corrected before the official election results were declared by Mr. G.”

[names truncated]

The most important part of this case is the court’s decision that the appropriate remedy would have been for the petitioners to have sought a judicial recount:

“Finally, I find that in all the circumstances the appropriate remedy to address the petitioners' complaints would have been an application for a judicial recount. Section 143(6) provides that an application for a declaration of an invalid election may not be made on any basis for which an application for judicial recount may be or may have been made. I do not accept the petitioners' position that a judicial recount would not have addressed their concerns. There is no evidence to support their charges about misplaced ballots or tally sheets. In fact, the true nature of their complaints has to do with human error in the tabulation and calculation of the election results. It strikes me that rather than speculate, as they have, on alleged discrepancies or the reason for changes in the totals for the candidates between the preliminary and official election results, they should have applied for a judicial recount pursuant to ss. 138 and 139 of the Act. These sections are an important tool for those who wish to challenge election results as they provide a speedy process for determining whether votes were correctly accepted or rejected, or were correctly calculated.”

[underlining added]

## Voter Identification

Section 57 of the *Local Government Act* outlines the identification required to register as a resident elector at the time of voting, and section 57.1 has the same criteria to register to vote as a non-resident elector at the time of voting.

How to register as a resident elector at the time of voting

**57** (1) A person may register as a resident elector immediately before voting by

- (a) either
  - (i) delivering an application form in accordance with section 55 [*application for registration*] to the election official responsible at the place where the person is voting, or
  - (ii) providing to that official the information required under that section in the manner established by the chief election officer, and
- (b) satisfying that official of the applicant's identity and place of residence in accordance with subsection (2).

(2) For the purposes of subsection (1) (b), an individual may either

- (a) produce to the election official at least 2 documents that provide evidence of the applicant's identity and place of residence, at least one of which must contain the applicant's signature, or
- (b) produce to the election official at least 2 documents that provide evidence of the applicant's identity, at least one of which must contain the applicant's signature, and make a solemn declaration as to the applicant's place of residence within the meaning of section 52 [*rules for determining residence*].

(3) Documents accepted under subsection (2) must either be documents prescribed as acceptable under section 156

[regulations] or provide evidence satisfactory to the election official respecting the matter.

The wording of section 57 is somewhat ambiguous. It is not clear whether the wording requires “two documents that each provide evidence of the applicant’s identity and residence” or “two documents that together provide evidence of the applicant’s identity and residence”.

For the following reasons, we think that a voter is entitled to register if he or she presents one document showing identity and residence, and one document showing identity only. In other words, we do not think that each document must show both identity and residence.

- Where there is any ambiguity in the legislation, the courts have held that ambiguity should be resolved in favour of not disenfranchising voters. The following are excerpts from court decisions:

"It is a rule that franchise acts should be liberally construed. The object of the Elections Act is to enfranchise and not disenfranchise, persons who possess the necessary qualification for being placed on the Voters List; and hence the Act should, if possible, be so construed as to forward that object."

"Accordingly, where the statutory language is capable of construction giving effect to that right (right to vote) such construction is to be preferred to a narrow legalistic construction, the effect of which would be to deny citizens their right to the franchise."

- The Local Government Elections Regulation outlines documents that may be accepted as evidence for the purposes of section 57. That Regulation lists several documents - such as credit cards and CareCards - that do not show residence. Again, this suggests that one of the documents under section 57 may show identity only, not residence.
- If local governments have a voters list, such that voters can register in advance under section 56 of the *Local Government Act*, those voters may register without providing any documentation. (Thus it is curious why the legislation was amended to require voters registering at the time of voting to provide documentation.)

This ability to register before voting without documentation was noted by the B.C. Supreme Court in *Coalition of Progressive Electors v. Vancouver (Deputy Chief Election Officer)* [2002] B.C.J. No. 2939 and likely influenced the court’s decision in giving a liberal interpretation to the clause (b) alternate documentation.

We think this same factor also lends weight to a liberal interpretation of the documentation requirements under clause (a).

- Clause (b) of section 57(2) allows a voter to register with alternate documentation. As interpreted by the COPE case mentioned above, the alternate documentation could be one document showing identity and a solemn declaration as to identity and residence. This lends further support to the conclusion that evidence of identity is the main concern and one of the documents under clause (a) could show identification only, with the second document under clause (a) showing identity and residence.
- The intent of section 57 was not to impose onerous requirements on persons attempting to register to vote, and section 57 should be interpreted contrary to this intent. In the COPE case, the court noted that a utility bill is acceptable documentation under the Regulation. About this, the court stated:

"I am not sure what weight can be placed, or what significance can be placed, on a utility bill or a cable television bill, but it is one of the documents that is acceptable and that, I think, is some indication that the legislature intended people to be able to vote without having to meet any onerous requirements."

### **Failure to Notify of Proceedings to Determine Official Election Results**

Section 135 provides for the determination of official election results and the CEO must give notice of this proceeding:

Determination of official election results

**135** (1) As the final counting proceeding subject to a judicial recount, the chief election officer must determine the results of an election in accordance with this section.

(2) The chief election officer must notify the candidates in an election of the date, time and place when the determination is to be made and the candidates are entitled to be present when those proceedings take place.

In *Sadler v. Gibsons (Town)*, two unsuccessful candidates and two other electors brought a challenge to the 2008 general local election in Gibsons.

The petitioners brought before the court a detailed list of actions that they claimed were done by the CEO and Deputy CEO in breach of the *Local Government Act*.

In the end, the court found only one breach of a statutory requirement:

I turn then to the single breach which I think is at the crux of the petitioners' application.

In his affidavit, Mr. G. conceded that he did err in not notifying the candidates of the date, time and place of his determination of the official election results as required by s. 135(2). Clearly, this error on his part compromised the transparency of the election proceedings. However, was this breach so egregious in the circumstances to warrant a declaration that the election was invalid? I think not.

First, I am satisfied that the election was conducted in good faith. Certainly there is no allegation by the petitioners that there was any conduct on the part of Ms. G. or Mr. G. that amounts to a lack of integrity in carrying out their duties under the Act. I accept Mr. G.'s evidence that his failure to notify the candidates was an oversight.

Secondly, I am satisfied that the irregularity did not materially affect the result of the election. ...

I also accept Mr. G.'s evidence that the election results are accurate and reflect a true result. There is no evidence that Mr. G.'s failure to notify the candidates of the date, time and place of the recount affected how Mr. G. or Ms. G. carried out the process for the determination of the official election results. ...

Thirdly, I am mindful that Mr. G.'s failure to notify the candidates as required by s. 135(2) undermined the important principle of transparency on which the Act is grounded. However, I remain satisfied for the reasons expressed, that the election should not be declared invalid.

[names truncated]

Despite this case, CEO's are reminded of the necessity of giving notice of the determination of official election results, and declaring the official results.

### **Local Government Elections Task Force**

The Provincial government formed a task force last year to examine certain local government elections issues and make recommendations for legislative amendments. Consultation was

sought around the Province and online, and the *Report of the Local Government Elections Task Force* was issued on May 28, 2010.

The report is available online at [www.localelectionstaskforce.gov.bc.ca](http://www.localelectionstaskforce.gov.bc.ca)

Legislation respecting some or all of the Task Force's recommendations is expected to be introduced Spring, 2011 in time for Fall, 2011 elections.

There is not much point in repeating the Task Force's report in depth here, but we outline some main issues and recommendations in the report below:

- Third party advertising
  - Proposed legislative change: Require third party advertisers to register; prohibit advertising by non-registered third parties
  - Objective: Increase accountability of third party advertisers
  - The Task Force further recommended that all elections advertising show who paid for ads in order to increase transparency
- Separate *Local Government Elections Act*
  - Problem: Campaign participants find it difficult to navigate the elections provisions of the *Local Government Act* and the *Vancouver Charter*
  - Objective: Raise the profile of elections rules and make them easier to digest
- Campaign finance disclosure
  - Proposed legislative change: Require disclosure forms to be submitted sooner; develop standard forms and require the forms to be published online and accessible through Elections BC
  - Objective: Increase transparency
- Chief Elections Officer
  - Proposed legislative change: Clarify that the local Chief Election Officer's role is impartial; also give the Chief Election Officer greater powers to enforce election day advertising rules
  - Objective: Make clear to the public, campaigners and government that the Chief Election Officer is impartial

- Role for Elections BC
  - Proposed legislative change: Make Elections BC the central depository for finance disclosure documents and the command centre for managing investigations into elections offences
  - Objective: Place disclosure and enforcement responsibilities in the hands of a neutral agency with specialized knowledge

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