

Election Act

[RSBC 1996] CHAPTER 106

Part 10 — Election Financing

Division 1 — Financial Officers

Requirement for financial agent

175 (1) The following must have a financial agent:

- (a) a registered political party;
- (b) a registered constituency association;
- (c) a candidate;
- (d) a leadership contestant.

(2) For the purposes of subsection (1),

(a) a political party or constituency association must appoint an individual as financial agent in accordance with section 176, and

(b) a candidate or leadership contestant may appoint an individual as financial agent in accordance with section 176 but, if no financial agent is appointed, the candidate or leadership contestant is his or her own financial agent.

(3) An organization or individual may not have more than one financial agent at the same time.

(4) If the appointment of a financial agent for a registered political party or registered constituency association ends for any reason, the organization must appoint a new financial agent within 60 days.

(5) A nomination contestant, although not required to have a financial agent, must ensure that records are maintained respecting nomination contestant contributions and nomination contestant expenses to comply with the requirements of section 209 if applicable.

Appointment of financial agent

176 (1) The following are disqualified from acting as financial agent:

(a) an election official, a voter registration official or an individual who is otherwise a member of the staff of the chief electoral officer;

(b) an individual who does not have full capacity to enter into contracts;

(c) an individual who is a member of the same firm as the auditor for the appointing organization or individual, or who is a member of the firm which is that auditor;

(d) an individual who, at any time within the previous 7 years, has been convicted of an offence under this Act or the *Recall and Initiative Act*.

(2) The appointment of a financial agent must be made in writing and must

(a) include the name, mailing address and telephone number of the individual appointed and the effective date of the appointment,

- (b) be signed, as applicable, by a principal officer of the appointing organization or by the appointing individual, and
- (c) be accompanied by a signed consent of the individual appointed to act as financial agent.
- (3) As soon as possible after an appointment is made under this section, the appointing organization or individual must deliver a copy of the appointment and of the financial agent's consent to act
 - (a) to the district electoral officer, in the case of a candidate nominated under section 56, or
 - (b) to the chief electoral officer in other cases.
- (4) If a candidate or leadership contestant ceases to have an appointed financial agent, the individual must deliver, in accordance with subsection (3), a statement that the individual is acting as his or her own financial agent.
- (5) For certainty, an individual may be the financial agent for more than one organization or individual.

Obligations of financial agent

- 177** (1) A financial agent must administer in accordance with this Act the finances of the organization or individual for whom the financial agent is acting.
- (2) Without limiting subsection (1), a financial agent must do the following:
- (a) ensure that all political contributions, income, election expenses, contestant expenses, loans and other expenditures of the organization or individual for whom the financial agent is acting are properly recorded to allow compliance with the reporting requirements of this Act and the *Income Tax Act*;
 - (b) ensure that all money received by or on behalf of the organization or individual for whom the financial agent is acting is deposited in an account in a savings institution and that all expenditures of the organization or individual are paid from an account in a savings institution;
 - (c) ensure that all records required to be kept for the purposes of this Part by the financial agent or the organization or individual for whom the financial agent is acting are maintained in British Columbia;
 - (d) ensure that all financial records and receipts of the organization or individual for whom the financial agent is acting are retained for at least 5 years, or a longer period specified by the chief electoral officer, from the date of filing of any report under this Act required in relation to them;
 - (e) make every reasonable effort to ensure that every expenditure greater than \$25, or a higher amount established by regulation, that is incurred by the organization or individual for whom the financial agent is acting is documented by a statement setting out the particulars of the expenditure.
- (2.1) For the purposes of subsection (2) (b), a financial agent must ensure that a separate account is established for each organization and each individual for whom the financial agent is acting.
- (3) A financial agent is not personally liable for any liability of the organization or individual for whom the financial agent is acting unless the liability is personally guaranteed by the financial agent.

Deputy financial agents

- 178** (1) A financial agent may appoint one or more individuals as deputy financial agents for the purposes of issuing tax receipts and filing reports under Parts 9 and 10.
- (2) Section 176 applies to the appointment of a deputy financial agent.
- (3) For the purposes of this Part, the authority of a deputy financial agent as a deputy is limited to

- (a) the issuing of income tax receipts and the receiving of political contributions for which these tax receipts are issued, and
 - (b) if the financial agent is absent or incapable of filing reports under Parts 9 and 10, the filing of those reports.
- (4) A deputy financial agent has the same authority as a financial agent to exercise the powers and perform the duties referred to in subsection (3), and the same responsibilities as a financial agent in relation to them.

Appointment of auditor

179 (1) A registered political party, registered constituency association or candidate must have an auditor appointed in accordance with this section.

(2) If the appointment of an auditor ends for any reason, the organization or candidate must appoint a new auditor within 60 days.

(3) In order to be appointed, an auditor must be authorized to be the auditor of a company under sections 205 and 206 of the *Business Corporations Act*.

(4) The following are disqualified from being appointed as an auditor:

- (a) an individual who is disqualified under section 176 (1) from being a financial agent;
- (b) an individual who is the financial agent of the organization or individual to be audited;
- (c) a firm of which a member is the financial agent of the organization or individual to be audited, or an individual who is a member of the same firm as that financial agent.

(5) The appointment of an auditor must be made in writing and must

- (a) include the name, mailing address and telephone number of the auditor appointed and the effective date of the appointment,
- (b) be signed, as applicable, by a principal officer of the appointing organization or by the appointing individual, and
- (c) be accompanied by a signed consent of the auditor.

(6) As soon as possible after an appointment is made under this section, the appointing organization or individual must deliver a copy of the appointment and of the auditor's consent to act

- (a) to the district electoral officer, in the case of a candidate nominated under section 56, or
- (b) to the chief electoral officer in other cases.

(7) For certainty, an auditor may be appointed as such for more than one organization or individual.

Division 2 — Definition and Valuation of Political Contributions and Expenses

Political contributions generally

180 (1) Subject to this Division, a political contribution is an amount of money or the value of any property or services provided without compensation by way of donation, advance, deposit, discount or otherwise to any of the following:

- (a) a political party;
- (b) a constituency association;

- (c) a candidate, in relation to that individual's candidacy;
- (d) a leadership contestant, in relation to that individual's seeking of the leadership;
- (e) a nomination contestant, in relation to that individual's seeking of the nomination.

(2) If property or services are

(a) provided to an organization or individual as referred to in subsection (1) (a) to (e) at less than market value, or

(b) acquired from an organization or individual as referred to in subsection (1) (a) to (e) at greater than market value,

the difference between the market value of the property or services at the time provided and the amount charged is a political contribution.

(3) Without limiting subsection (1), fees paid for conferences and conventions of a political party, including leadership conventions, and membership fees for a political party or constituency association are political contributions.

(4) The amount of any money, but not the value of any property or services, provided by an individual who is, intends to become or was a candidate, nomination contestant or leadership contestant in relation to that role is a political contribution.

(5) The value of the following is not a political contribution:

(a) services provided by a volunteer, being an individual who

(i) voluntarily performs the services, and

(ii) receives no compensation, directly or indirectly, in relation to the services or the time spent providing the services;

(iii) and (iv) [Repealed 2002-60-2.]

(b) property of a volunteer if it is provided or used in relation to the services of the individual as a volunteer;

(c) property or services provided by an election official, a voter registration official or any other member of the staff of the chief electoral officer in that official capacity;

(d) publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program;

(e) broadcasting time provided, without charge, as part of a bona fide public affairs program;

(f) producing, promoting or distributing a publication for no less than its market value, if the publication was planned to be sold regardless of the election.

(6) The following are not political contributions, but must be reported in accordance with Division 6 of this Part:

(a) a transfer of money or other property from, or the provision of services by, a registered political party to

(i) a candidate representing the political party,

(ii) a registered constituency association for the political party, or

(iii) a leadership contestant, in relation to that individual seeking the leadership of that party;

(b) a transfer of money or other property from, or the provision of services by, a registered constituency association to

(i) its registered political party,

(ii) a candidate who represents its political party or who is the independent member supported by the constituency association, or

(iii) another registered constituency association of the same registered political party;

(c) a transfer of money or other property from, or the provision of services by, a candidate to

(i) the registered political party represented by the candidate,

(ii) a registered constituency association for the political party represented by the candidate,

(iii) a registered constituency association that supports the candidate as an independent member, or

(iv) another candidate of the same registered political party;

(c.1) a transfer of money or other property from, or the provision of services by, a leadership contestant to the registered political party for which the leadership is sought;

(d) the transfer of a surplus under section 205 (2) (a);

(e) a transfer from the chief electoral officer under Division 3 of Part 9.

Political contributions through loans and debts

181 (1) A loan to an organization or individual as referred to in section 180 (1) (a) to (e) is not a political contribution unless it is forgiven or written off.

(2) If a loan to an organization or individual as referred to in section 180 (1) (a) to (e) is made at a rate of interest that is less than the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed, the benefit of the difference between the amount of interest that would be payable at that prime rate and the amount of interest being charged for the loan is a political contribution.

(3) The amount of a debt owed as follows is a political contribution if it remains unpaid for 6 months after becoming due and no legal proceedings to recover the debt have been commenced by the creditor:

(a) a debt owed by a political party or constituency association;

(b) a debt owed by a candidate in relation to an election expense;

(c) a debt owed by a nomination contestant or leadership contestant in relation to a contestant expense.

(4) For certainty, nothing in subsection (3) affects the rights of a creditor in relation to a debt that becomes a political contribution under that subsection.

Political contributions through fundraising functions

182 (1) Except as provided in this section or if received as anonymous contributions under section 186 (1) (f), funds raised by a fundraising function for an organization or individual as referred to in section 180 (1) (a) to (e) are not political contributions.

(2) If a charge per individual is made for a fundraising function, the following rules apply:

(a) the payment of such a charge by an organization is a political contribution;

(b) if the per individual charge is greater than \$50, or a higher amount established by regulation, the

payment of such a charge by an individual is a political contribution;

(c) if the per individual charge is the amount referred to in paragraph (b) or less,

(i) the payment by an individual of more than \$250, or a higher amount established by regulation, in respect of one or more charges is a political contribution, and

(ii) the payment by an individual of the amount referred to in subparagraph (i) or less in respect of one or more charges is not a political contribution.

(3) If the amount paid for property or services offered for sale at a fundraising function is greater than their market value, the difference between the amount paid and the market value at the time it is agreed to be paid is a political contribution.

(4) The value of property or services, or both, donated by an organization or individual for sale at a fundraising function is a political contribution unless the property or services or both, as applicable,

(a) are used for sale at the fundraising function, and

(b) have a total value that is not greater than \$250 or a higher amount established by regulation.

(5) Despite subsection (2), for the purposes of section 20 of the *Income Tax Act*, the amount, if any, by which the charge per individual for a fundraising function exceeds the reasonably estimated cost of the function apportioned on a per individual basis is the political contribution in respect of that charge.

Election expenses

183 (1) Subject to this Division, an election expense is the value of property or services used within the period beginning 60 days before a campaign period and ending at the end of the campaign period by or on behalf of a candidate, registered constituency association or registered political party

(a) to promote or oppose, directly or indirectly, the election of a candidate, or

(b) to promote or oppose, directly or indirectly, a registered political party.

(2) For certainty, an election expense includes such an expense incurred by an individual who becomes a candidate before that individual in fact became a candidate under Part 5.

(3) A deficit incurred in holding a fundraising function during a campaign period is an election expense.

(4) The following election expenses incurred by a candidate, if they are reasonable, are personal election expenses of the candidate:

(a) payments for care of a child or other family member for whom the candidate is normally directly responsible;

(b) the cost of travelling to, within or from the electoral district;

(c) the cost of lodging, meals and incidental charges while travelling as referred to in paragraph (b);

(d) the cost of renting a temporary residence if it is necessary for the election;

(e) election expenses incurred as a result of any disability of the candidate, including the cost of any individual required to assist the candidate in performing the functions necessary for seeking election;

(f) any other election expenses specified by regulation.

(5) If, during a campaign period, a candidate for a registered political party incurs nomination contestant expenses that in total exceed 10% of the candidate's election expenses limit under

section 199, the excess is deemed to be election expenses of the candidate.

(6) For the purposes of subsection (5), the personal contestant expenses of the candidate are not to be included as contestant expenses.

(7) Election expenses incurred by the leader of a registered political party, other than those election expenses directly related to that individual as a candidate in an electoral district, are election expenses of the registered political party.

(8) The value of the following is not an election expense:

(a) services and property referred to in section 180 (5);

(b) services provided by a candidate in relation to that individual's candidacy and goods produced by a candidate in relation to that individual's candidacy from the property of the candidate;

(c) goods produced by an individual as a volunteer from the property of the individual.

Contestant expenses

184 (1) A contestant expense in relation to a leadership contestant is the value of property or services used by or on behalf of the leadership contestant to promote or oppose, directly or indirectly, the selection of a leadership contestant as leader of a registered political party.

(2) A contestant expense in relation to a nomination contestant is the value of property or services used by or on behalf of the nomination contestant to promote or oppose, directly or indirectly, the selection of a nomination contestant as the candidate to represent a registered political party.

(3) A deficit incurred in holding a fundraising function for or on behalf of a nomination contestant or a leadership contestant is a contestant expense.

(4) The following contestant expenses incurred by a nomination or leadership contestant, if they are reasonable, are personal contestant expenses of the contestant:

(a) payments for care of a child or other family member for whom the contestant is normally directly responsible;

(b) the cost of travelling to, within or from the electoral district in the case of a nomination contestant, and within British Columbia in the case of a leadership contestant;

(c) the cost of lodging, meals and incidental charges while travelling as referred to in paragraph (b);

(d) the cost of renting a temporary residence if it is necessary for seeking the nomination or leadership;

(e) contestant expenses incurred as a result of any disability of the contestant, including the cost of any individual required to assist the contestant in performing the functions necessary for seeking the nomination or leadership;

(f) any other contestant expenses specified by regulation.

(5) Except as provided in section 183 (5), a nomination contestant expense is not an election expense.

(6) The value of the following is not a contestant expense:

(a) services and property referred to in section 180 (5);

(b) services provided by a contestant and goods produced by a contestant from the property of the contestant;

(c) goods produced by an individual as a volunteer from the property of the individual.

General valuation rules

185 (1) The rules in this section apply for the purpose of determining the value of a political contribution, election expense or contestant expense unless otherwise expressly provided.

(2) The value of any property or services is

(a) the price paid for the property or services, or

(b) the market value of the property or services, if no price is paid or if the price paid is lower than the market value.

(3) If the property is a capital asset, the value of the property is the market value of using the property.

(4) For the purposes of this Part, the value of free advertising space in a periodical publication and free broadcasting time provided to a candidate in an election, if the space or time is also made available on an equitable basis to all other candidates in the election, is to be considered nil.

Division 3 — Making and Accepting Political Contributions

Restrictions on making political contributions

186 (1) An individual or organization must not do any of the following:

(a) make a political contribution to an organization or individual required to have a financial agent except by making it to the financial agent or an individual authorized in writing by the financial agent;

(b) make a political contribution without disclosing to the individual required to record the contribution under section 190 the information that the individual is required to record;

(c) make a political contribution of money in an amount greater than \$100, or a higher amount established by regulation, except by means of

(i) a cheque with the name of the contributor legibly shown on it and drawn on an account in the contributor's name maintained in a savings institution,

(ii) a money order with the name of the contributor legibly shown on it and signed by the contributor,

(iii) a credit card in the name of the contributor, or

(iv) an electronic transfer of funds from an account in the contributor's name maintained in a savings institution;

(d) make a political contribution with the money, other property or services of another;

(e) make a political contribution indirectly by giving money, other property or services to an individual or organization

(i) for that individual or organization to make as a political contribution, or

(ii) as consideration for that individual or organization making a political contribution;

(f) make an anonymous political contribution unless the contribution

(i) is provided in response to a general solicitation for funds at a function held on behalf of or in relation to the affairs of the organization or individual to whom the contribution is provided, and

(ii) has a value of less than \$50 or a higher amount established by regulation.

(2) As exceptions to subsection (1) (d) and (e),

(a) an individual or organization may make a political contribution indirectly by providing

compensation to an individual who provides services that are a political contribution, in which case the individual or organization providing the compensation is the contributor for the purposes of this Act, and

(b) an individual may make a political contribution with the money of another individual, but must disclose to the individual required to record the contribution under section 190 the full name and address of the individual whose money is being used.

(3) An unregistered political party or unregistered constituency association must not make a political contribution.

(4) A charitable organization must not make a political contribution.

Restrictions on accepting political contributions

187 (1) An organization or individual required to have a financial agent must not accept political contributions except through the financial agent or an individual authorized in writing by the financial agent.

(1.1) A financial agent or an individual authorized under subsection (1) must not accept a political contribution from a political party or electoral district association that is registered under the *Canada Elections Act*.

(2) A financial agent or an individual authorized under subsection (1) must not accept a political contribution that the financial agent or authorized individual has reason to believe is made in contravention of this Act.

(3) If an individual authorized under subsection (1) becomes aware that a political contribution may have been made in contravention of the Act, the individual must immediately inform the financial agent.

Limits on anonymous contributions

188 (1) A registered political party or registered constituency association must not accept in any calendar year more than \$10 000, or a higher amount established by regulation, in permitted anonymous contributions under section 186 (1) (f).

(2) A candidate, leadership contestant or nomination contestant must not, in relation to any one election or contest, accept more than \$3 000, or a higher amount established by regulation, in permitted anonymous contributions under section 186 (1) (f).

(3) An organization referred to in subsection (1) or an individual referred to in subsection (2), or an organization or individual acting on behalf of any of these, must not accept an anonymous political contribution if this will exceed the applicable limit under this section.

Prohibited contributions must be returned

189 (1) If a financial agent becomes aware that a political contribution was made or accepted in contravention of this Act, the financial agent must return to the contributor

(a) the political contribution, or

(b) an amount equal to the value of the political contribution,

within 30 days after the financial agent becomes aware of the contravention.

(2) If a financial agent is not able to comply with subsection (1), as soon as practicable the financial agent must instead pay the amount referred to in that subsection to the chief electoral officer for payment to the consolidated revenue fund.

(3) A financial agent must use his or her best efforts to obtain the contributor's copy of any tax receipt issued for a political contribution referred to in subsection (1), and, if the tax receipt is obtained, the financial agent must

(a) clearly mark the tax receipt as void, and

(b) retain the tax receipt for at least 5 years, or a longer period specified by the chief electoral officer, from the date the receipt was obtained.

(4) If a financial agent is unable to destroy the copy of the tax receipt referred to in subsection (3), the financial agent must notify the Commissioner of Income Tax under the *Income Tax Act*.

(5) If an account maintained by a financial agent for a candidate or leadership contestant contains insufficient funds to make a payment required under subsection (1) or (2), the individual for whom the financial agent is appointed must provide the necessary funds to meet the deficiency.

Financial agent must record each political contribution

190 (1) For the purposes of complying with the reporting requirements of Division 6 of this Part, a financial agent must record the following for each political contribution made to the organization or individual for whom the financial agent is acting:

(a) the value of the contribution;

(b) the date the contribution was made;

(c) the full name and address of the contributor;

(d) the class of the contributor as described in subsection (2);

(e) if the contributor is a numbered corporation or an unincorporated organization, the full names and addresses of at least 2 individuals

(i) who are directors of the organization, or

(ii) if there are no individual directors, who are principal officers or principal members of the organization;

(f) in the case of a contribution referred to in section 186 (2) (b), the full name and address of the individual whose money was used to make the contribution.

(2) Contributors must be classified as follows:

(a) individuals;

(b) corporations;

(c) unincorporated organizations engaged in business or commercial activity;

(d) trade unions;

(e) non-profit organizations;

(f) other contributors.

(3) As an exception in the case of anonymous contributions permitted under section 186 (1) (f), the financial agent must record the following:

- (a) a description of the function at which the contributions were collected;
 - (b) the date of the function;
 - (c) the number of people in attendance at the function;
 - (d) the total amount of anonymous contributions accepted.
- (4) In the case of a loan referred to in section 181 (2), at the time the loan is made the financial agent must record the following:
- (a) the information referred to in subsection (1) (b) to (e);
 - (b) the amount of the loan;
 - (c) the rate of interest charged for the loan;
 - (d) the date the loan is due.
- (5) For a fundraising function held by or on behalf of an organization or individual, the financial agent must record the following:
- (a) a description of the function;
 - (b) the date of the function;
 - (c) the cost, the gross income and the net income or loss arising from the function.

Candidate and constituency association records must be provided to political party

191 For the purposes of reporting by a registered political party as required by section 207 (4), a copy of all information required to be recorded under section 190 (1) for a candidate or registered constituency association of the political party must be provided to the financial agent of the political party as follows:

- (a) in the case of a candidate representing the political party, the financial agent of the candidate must provide the information within 60 days after general voting day for an election;
- (b) in the case of a constituency association for the political party, the financial agent of the constituency association must provide the information for each year by February 15 of the following year.

Income tax receipts for political contributions

192 (1) A financial agent or deputy financial agent must not issue tax receipts except in accordance with this Act and section 20 of the *Income Tax Act*.

(2) Before income tax receipts are issued in respect of a registered political party, registered constituency association or candidate, the financial agent of the organization or individual must receive from the chief electoral officer an identity number that must be included on all income tax receipts issued for the organization or individual.

(3) The financial agent of a candidate for a registered political party must provide to the financial agent of the political party a copy of each tax receipt issued for a political contribution to the candidate.

Division 4 — Incurring Election and Contestant Expenses

Restrictions on who may incur election and contestant expenses

- 193** (1) An organization or individual who is not authorized by this section must not incur an election expense or a leadership contestant expense.
- (2) A registered political party must not incur an election expense or a leadership contestant expense except through its financial agent or an individual authorized in writing by the financial agent.
- (2.1) A registered constituency association must not incur an election expense except through its financial agent or an individual authorized in writing by the financial agent.
- (3) A candidate must not incur an election expense, and a leadership contestant must not incur a contestant expense, except through his or her financial agent or an individual authorized in writing by the financial agent.
- (4) An individual must not pay an election expense or a leadership contestant expense unless
- (a) the payment is either
- (i) made out of the property of the organization or individual for whom it is incurred, or
- (ii) reimbursed from the property described in subparagraph (i) on the production of receipts, and
- (b) the individual paying the expense is the financial agent or an individual authorized in writing by the financial agent.
- (5) As an exception, subsections (3) and (4) (b) do not apply to personal election expenses and personal contestant expenses.
- (6) If a registered political party incurs a contestant expense on behalf of a leadership contestant,
- (a) the financial agent of the registered political party must deliver, within 60 days after a leader is selected for that registered political party, to the financial agent of the leadership contestant a report of that contestant expense, and
- (b) the contestant expense must be included in the contestant expenses of the leadership contestant.

Restrictions on who may incur expenses equivalent to election expenses

- 194** (1) Except as permitted under subsection (2) or (3), an individual or organization must not incur, directly or indirectly, an expense that would be an election expense if it were incurred on behalf of a candidate, registered political party or registered constituency association.
- (2) An individual may incur an expense referred to in subsection (1) if both the following requirements are met:
- (a) the expense must be incurred for the purpose of
- (i) gaining support for views held by the individual on an issue of public policy, or
- (ii) advancing the aims of an organization, other than a political party or an organization of a partisan political character, of which the individual is a member and on whose behalf the expense is incurred;
- (b) the expense must be incurred in good faith and not for any purpose related to the provisions of this Act limiting the value of election expenses that may be incurred by a candidate or registered political party.
- (3) An organization may incur an expense referred to in subsection (1) if all the following requirements are met:

- (a) the organization must not be a political party or an organization of a partisan political character;
- (b) the expense must be incurred for the purpose of
 - (i) gaining support for views held by the organization on an issue of public policy,
 - (ii) advancing the aims of the organization, or
 - (iii) advancing the aims of another organization, other than a political party or an organization of a partisan political character, of which the organization is a member and on whose behalf the expense is incurred;
- (c) the expense must be incurred in good faith and not for any purpose related to the provisions of this Act limiting the value of election expenses that may be incurred by a candidate or registered political party.

Time limit for demanding payment of election expenses

195 (1) The creditor of an election expense is not entitled to be paid unless a claim for the amount owing is submitted to the appropriate financial agent within 60 days after general voting day.

(2) As an exception to subsection (1), if the creditor in respect of an election expense dies within the 60 day period referred to in that subsection before having made a claim, the time limit for making the claim is extended to 30 days after the date the personal representative of the creditor is authorized to administer the estate of the creditor.

Division 5 — Election Expenses Limits

Election expenses in excess of limits prohibited

196 (1) A registered political party, registered constituency association or candidate must not incur an election expense if this will result in the election expenses of the organization or individual exceeding the applicable election expenses limit.

(2) A registered political party, a registered constituency association or a candidate must not incur an election expense in cooperation with an organization or individual if this will result in an organization or individual subject to an election expenses limit exceeding that limit.

Repealed

197 [Repealed 2008-41-50.]

Election expenses limit for registered political parties

198 (1) In respect of a general election conducted in accordance with section 23 (2) of the *Constitution Act*, the total value of election expenses incurred by a registered political party

- (a) during the period beginning 60 days before the campaign period must not exceed \$1.1 million, and
- (b) during the campaign period must not exceed \$4.4 million.

(2) In respect of a general election conducted other than in accordance with section 23 (2) of the *Constitution Act*, the total value of election expenses incurred by a registered political party during the campaign period must not exceed \$4.4 million.

(3) In respect of a by-election, the total value of election expenses incurred by a registered political party during the campaign period must not exceed \$70 000.

(4) If a campaign period in an electoral district is extended under section 65 (2) as a result of the death of a candidate, the election expenses limit under subsection (1), (2) or (3) is increased by \$70 000 in respect of the electoral district.

Election expenses limit for candidates

199 (1) In respect of a general election conducted in accordance with section 23 (2) of the *Constitution Act*, the total value of election expenses incurred by a candidate

- (a) during the period beginning 60 days before the campaign period must not exceed \$70 000, and
- (b) during the campaign period must not exceed \$70 000.

(2) In respect of an election conducted other than in accordance with section 23 (2) of the *Constitution Act*, the total value of election expenses incurred by a candidate during the campaign period must not exceed \$70 000.

(3) If a campaign period is extended under section 65 (2) as a result of the death of a candidate, the election expenses limit under subsection (1) or (2)

- (a) applies to a candidate who is nominated after the date the new election proceedings are started, and
- (b) is \$140 000 for a candidate who was nominated before the new election proceedings were started.

Constituency association expenses on behalf of candidate

200 (1) A registered constituency association must not incur an election expense unless both of the following requirements are met:

(a) the election expense must be incurred, as applicable, on behalf of the individual who is selected to be nominated as the candidate for its registered political party or on behalf of the independent member it is supporting;

(b) the election expense must be incurred during the period between when the election is called and when the individual referred to in paragraph (a) becomes a candidate within the meaning of section 63.

(2) Within 60 days after general voting day, the financial agent of a constituency association that incurs election expenses under this section must deliver to the financial agent of the candidate a report of those election expenses.

(3) An election expense incurred by a constituency association under this section must be included in the election expenses of the candidate on whose behalf it was incurred.

Political party expenses on behalf of candidate

201 (1) If a registered political party incurs an election expense for the primary purpose of promoting the election of a particular candidate, the election expense is deemed to be an election expense incurred on behalf of the candidate.

(2) Subsection (1) does not apply to an election expense incurred for the primary purpose of promoting the election of the leader of a registered political party.

(3) Within 60 days after general voting day, the financial agent of a registered political party that incurs an election expense to which subsection (1) applies must deliver to the financial agent of the candidate a report of that election expense.

(4) An election expense to which subsection (1) applies must be included in the election expenses of

the candidate on whose behalf it is deemed to have been incurred.

New limits if by-election cancelled by general election

202 If a by-election is cancelled because a general election is called, any election expenses incurred for the by-election are not to be included in calculating the limits under this Division on election expenses for the election conducted as part of the general election.

Expenses not to be included in calculating amounts subject to limit

203 (1) The following expenses are not to be included as election expenses for the purpose of determining whether an organization or individual has complied with an election expenses limit:

- (a) the nomination deposit of a candidate;
- (b) personal election expenses of a candidate;
- (c) legal or accounting services provided to comply with this Act;
- (d) services provided by a financial agent or auditor in that capacity;
- (e) the cost of any communication that a registered political party or a registered constituency association sends exclusively to its members;
- (f) subject to section 183 (3), expenses incurred in holding a fundraising function;
- (g) expenses incurred exclusively for the day-to-day administration of a registered political party or a registered constituency association;
- (h) interest on a loan for election expenses to a candidate, registered constituency association or registered political party;
- (i) expenses prescribed for the purposes of this section by regulation.

(2) For certainty, an election expense that is not included for the purpose of determining whether there has been compliance with a limit under this Division remains an election expense and is subject to all other provisions of this Act.

Limits and adjustment to reflect changes in consumer price index

204 (1) [Repealed 2008-41-53.]

(2) In respect of each general election conducted in accordance with section 23 (2) of the *Constitution Act* that is called after January 1, 2010, the chief electoral officer must establish, 60 days before the campaign period, the applicable election expense limit amounts for the election by

- (a) determining the ratio between the consumer price index at January 1, 2010 and the consumer price index 60 days before the campaign period, and
- (b) applying the ratio to adjust the amounts under sections 198 (1) and 199 (1).

(2.1) In respect of each general election conducted other than in accordance with section 23 (2) of the *Constitution Act* and each by-election that is called after January 1, 2010, the chief electoral officer must establish before the end of the nomination period the applicable election expense limit amounts for the election by

- (a) determining the ratio between the consumer price index at January 1, 2010 and the consumer price index at the time the election is called, and

(b) applying the ratio to adjust the amounts under sections 198 (2) to (4) and 199 (2) and (3).

(3) The chief electoral officer must

(a) have notice of adjusted amounts under this section published in the Gazette, and

(b) give notice of them to the candidates in the election, the registered political parties represented by those candidates and the registered constituency associations for the electoral district.

(4) For the purpose of making an adjustment under this section, the chief electoral officer has the discretion to determine whether to use a consumer price index prepared by the director under the *British Columbia Statistics Act* or published by Statistics Canada under the *Statistics Act* (Canada) and to determine which consumer price index is applicable for a particular time.

Transfer of candidate's surplus election funds

205 (1) If, after the payment of a candidate's election expenses and any other reasonable expenses incidental to the candidacy, there is a balance remaining in an account referred to in section 177 (2) (b) for the candidate, the financial agent of the candidate must as soon as possible pay the balance as follows:

(a) in the case of a candidate that represented a registered political party, the surplus must be paid

(i) to the registered constituency association for the registered political party in the electoral district, if there is one,

(ii) to the registered political party if there is no registered constituency association, or

(iii) to the chief electoral officer if the political party is no longer registered;

(b) in the case of a candidate elected as an independent member of the Legislative Assembly, the surplus must be paid

(i) to the registered constituency association for the independent member, if there is one, or

(ii) to the chief electoral officer if there is no registered constituency association;

(c) in the case of a candidate not referred to in paragraph (a) or (b), the surplus must be paid to the chief electoral officer.

(2) Funds received by the chief electoral officer under subsection (1), including accumulated interest, must be held in trust by the chief electoral officer to be dealt with as follows:

(a) if the candidate in respect of whom they were paid is a candidate within the meaning of section 63 for any electoral district in the next general election or in a by-election called before that time, the chief electoral officer must pay the funds to the financial agent of the candidate for use in the election;

(b) if the funds are not paid out under paragraph (a), the chief electoral officer must pay the funds to the consolidated revenue fund.

Division 6 — Reporting

Reporting of information regarding political contributions

206 (1) Where this Act requires that political contributions be disclosed in a report, the report must include the following:

(a) for each contributor who, during the period covered by the report, made one or more political contributions that in total have a value of more than \$250, or a higher amount established by regulation,

- the information required to be recorded under section 190 (1), other than the address of an individual;
- (b) for anonymous contributions, the information required to be recorded under section 190 (3);
 - (c) for contributions not referred to in paragraph (a) or (b), the aggregate value of the political contributions received and the total number of contributors from whom they were received.
- (2) On request by the chief electoral officer, a contributor must file with the chief electoral officer a solemn declaration that the contributor has not contravened this Part.

Annual financial reports by registered political parties and constituency associations

- 207** (1) The fiscal year of a registered political party or registered constituency association must be the calendar year.
- (2) By March 31 in each year, the financial agent must file with the chief electoral officer, on behalf of the appointing organization, a financial report respecting the previous calendar year.
 - (3) An annual financial report under subsection (2) must be in the form prescribed by regulation and must include the following information:
 - (a) the political contributions the organization accepted during the year;
 - (b) the total amount of all tax receipts issued for contributions received during the year;
 - (c) the assets, liabilities and surplus or deficit of the organization at the end of the year;
 - (d) any transfers of money or other property or the provision of services, as referred to in section 180 (6), made or received by the organization during the year;
 - (e) for fundraising functions held by or on behalf of the organization during the year, the information recorded under section 190 (5);
 - (f) any income received and any expenditures made or incurred by the organization during the year, if these are not otherwise disclosed in the report;
 - (g) any loans or guarantees received by the organization during the year and any conditions attached to them, including
 - (i) the date the loan is due, and
 - (ii) for loans referred to in section 181 (2), the information recorded under section 190 (4) other than the address of an individual;
 - (h) any loans referred to in section 181 (2) received before the year for which the report is made if there is an outstanding balance, indicating for each the information recorded under section 190 (4) other than the address of an individual;
 - (i) any political contributions received during the year by the organization but returned or otherwise dealt with in accordance with section 189;
 - (j) any other information required to be included by regulation.
 - (3.1) An annual financial report under subsection (2) must also include the information described under subsection (3) in relation to an organization primarily controlled by the registered political party or registered constituency organization.
 - (4) In addition to the requirements of subsection (3), a report for a registered political party must include the political contributions made by contributors who, during the period covered by the report, made political contributions to one or more of

- (a) the political party,
- (b) a registered constituency association for the political party, and
- (c) a candidate for the political party

that, in total, have a value of more than the applicable amount under section 206 (1) (a).

(5) If applicable, income and expenditures must be reported by class as prescribed by regulation.

(6) The first report of an organization under this section must include the information referred to in subsections (3) and (4) for the period between the date of the statement of the assets and liabilities of the organization included in its application for registration and the end of the fiscal year for which the report is made.

Personal expenses reports by candidates and leadership contestants

208 (1) A candidate who is not acting as his or her own financial agent must, within 60 days after general voting day, provide to the financial agent a report of the candidate's personal election expenses and, if applicable, personal contestant expenses.

(2) A leadership contestant who is not acting as his or her own financial agent, must, within 60 days after a leader is selected for the political party, provide to the financial agent a report of his or her personal contestant expenses.

(3) A report under this section must set out the details of the personal election expenses or personal contestant expenses incurred by the individual for whom it is prepared and must be in the form prescribed by regulation.

(4) If an individual required to provide a report under this section dies before the report is provided, the financial agent must make every reasonable effort to prepare the required financing report on behalf of the individual.

Election financing reports by candidates

209 (1) Within 90 days after general voting day for an election, the financial agent of a candidate must file with the chief electoral officer, on behalf of the candidate, an election financing report in accordance with this section.

(2) The election financing report must be in the form prescribed by regulation and must include the following information:

(a) the election expenses incurred by the candidate, showing separately those election expenses that are not included for the purposes of determining whether the candidate exceeded the applicable election expenses limit;

(b) the political contributions accepted by the candidate in relation to that individual's candidacy;

(c) the total amount of all tax receipts issued for contributions received in relation to the individual's candidacy;

(d) any transfers of money or other property or the provision of services, as referred to in section 180 (6), made or received by the candidate;

(e) any loans or guarantees received by the candidate for election expenses and any conditions attached to them, including

(i) the date the loan is due, and

- (ii) for loans referred to in section 181 (2), the information recorded under section 190 (4) other than the address of an individual;
 - (f) if the candidate was a nomination contestant, the political contributions accepted by the candidate as a nomination contestant in relation to the seeking of the nomination;
 - (g) if the candidate incurred nomination contestant expenses during the campaign period, those nomination contestant expenses that are not included as election expenses under section 183 (5);
 - (h) for fundraising functions held by or on behalf of the candidate, the information recorded under section 190 (5);
 - (i) any income received and any expenditures made or incurred by the candidate in relation to the individual's candidacy or election, if these are not otherwise disclosed in the report;
 - (j) any surplus for the candidate as referred to in section 205, or any equivalent deficit, as at the day the report is prepared;
 - (k) any political contributions received by the candidate but returned or otherwise dealt with in accordance with section 189;
 - (l) any other information required by regulation.
- (3) If applicable, election expenses and contestant expenses must be reported by class as prescribed by regulation.
- (4) If a by-election is cancelled because a general election is called, the financial agent for a candidate in the by-election must file a report under this section respecting the cancelled election but, as an exception to subsection (1) in the case of an individual who was a candidate in both elections, that report is not required to be filed until the time for filing the report in relation to the general election.
- (5) For certainty, a report under this section is required even if the candidate is acclaimed, dies, withdraws from the election or is declared by a court to no longer be a candidate.
- (6) A report under this section, or under section 212 in relation to a report under this section, must be available for public inspection at the office of the chief electoral officer during its regular office hours until one year after general voting day for the next general election.

Election financing reports by registered political parties and constituency associations

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

- (a) a registered political party that was represented by a candidate in the election,
- (b) a registered constituency association that is the local organization for the electoral district of a registered political party referred to in paragraph (a), or
- (c) a registered constituency association for an independent candidate in the election

must file with the chief electoral officer, on behalf of the organization, an election financing report in accordance with this section.

(2) The election financing report must be in the form prescribed by regulation and must include the following information:

- (a) in the case of a report for a registered political party, the election expenses of the political party, showing separately those election expenses that are not included for the purposes of determining whether the political party exceeded the applicable election expenses limit;

(b) the political contributions accepted by the organization between December 31 of the previous year and the end of the campaign period;

(c) the total amount of all tax receipts issued for contributions received between December 31 of the previous year and the end of the campaign period;

(d) any transfers of money or other property or the provision of services, as referred to in section 180 (6), made or received by the organization between December 31 of the previous year and the end of the campaign period;

(e) any loans or guarantees received by the organization for election expenses and any conditions attached to them, including

(i) the date the loan is due, and

(ii) for loans referred to in section 181 (2), the information recorded under section 190 (4) other than the address of an individual;

(f) for fundraising functions held by or on behalf of the organization between December 31 of the previous year and the end of the campaign period, the information recorded under section 190 (5);

(g) any political contributions received by the organization between December 31 of the previous year and the end of the campaign period, but returned or otherwise dealt with in accordance with section 189;

(h) any other information required by regulation.

(2.1) An election financing report must also include the information described under subsection (2) in relation to an organization primarily controlled by the registered political party or registered constituency organization.

(3) If applicable, election expenses must be reported by class as prescribed by regulation.

(4) If a by-election is cancelled because a general election is called, a report under this section respecting the cancelled election must be filed but, as an exception to subsection (1) in the case of a political party or constituency association that is required to file reports for both elections, those reports are not required to be filed until the time for filing the report in relation to the general election.

Leadership contestant financing reports

211 (1) Within 90 days after a leader is selected for a registered political party, the financial agent of a leadership contestant must file with the chief electoral officer, on behalf of the leadership contestant, a financing report in accordance with this section.

(2) The financing report must be in the form prescribed by regulation and must include the following information:

(a) the contestant expenses incurred by or on behalf of the leadership contestant;

(b) the political contributions accepted by the leadership contestant in relation to that individual's seeking of the leadership;

(c) any loans or guarantees received by the leadership contestant for contestant expenses and any conditions attached to them, including

(i) the date the loan is due, and

(ii) for loans referred to in section 181 (2), the information recorded under section 190 (4) other than the address of an individual;

(d) for fundraising functions held by or on behalf of the contestant, the information recorded under section 190 (5);

(d.1) any transfers of money or other property made or received by, or provision of services by or to, a leadership contestant under section 180 (6);

(e) any political contributions received by the leadership contestant but returned or otherwise dealt with in accordance with section 189;

(f) any other information required to be included by regulation.

(3) If applicable, contestant expenses must be reported by class as prescribed by regulation.

(4) For certainty, a report under this section is required even if the leadership contestant dies or withdraws from the leadership contest.

(5) A report under this section, or under section 212 in relation to a report under this section, must be available for public inspection at the office of the chief electoral officer during its regular office hours until one year after general voting day for the next general election.

Supplementary reports

212 (1) A supplementary report must be filed with the chief electoral officer within 30 days after the financial agent, or the individual or organization for whom a report was filed, becomes aware that

(a) information disclosed in the report has changed, or

(b) the report did not completely and accurately disclose the required information.

(2) A supplementary report under this section must be in the form prescribed by regulation or, if no form is prescribed, in the same form as that required for the initial report to which it is a supplement.

General requirements for reports

213 (1) A report under this Part must be prepared in accordance with the regulations, or, if no regulations apply, generally accepted accounting principles, and must be filed with

(a) a signed declaration of the financial agent or other individual filing it as to its accuracy, and

(b) a report of the auditor prepared under section 214 if the value of the political contributions, election expenses or contestant expenses to be reported is equal to or greater than \$10 000 or a higher amount established by regulation.

(2) As an exception to subsection (1) (b), a report of the auditor is not required for a supplementary report under section 212.

(3) After examining a report for which no report of the auditor is filed, the chief electoral officer may require such a report and may establish a time limit by which the financial agent must provide the report to the chief electoral officer.

(4) The financial agent of a registered political party may file the required reports for its constituency associations, candidates and leadership contestants.

Auditing of reports

214 (1) For every report that is required to be audited under this Act, the auditor for the organization or individual must make a report to the financial agent.

- (2) Subject to any guidelines issued by the chief electoral officer, the auditor must
 - (a) conduct an audit in accordance with generally accepted auditing standards, and
 - (b) perform such tests and other procedures as in the auditor's judgment are necessary to determine whether the report has been prepared in accordance with generally accepted accounting principles.
- (3) An auditor must make any additional reports the auditor considers necessary if
 - (a) the auditor has not received all the information and explanations required from the financial agent or from the organization or individual on whose behalf the report has been prepared, or
 - (b) proper accounting records have not been kept by the financial agent.
- (4) The financial agent must give the auditor access at all reasonable times to the records of the financial agent and must provide the auditor with any information the auditor considers necessary to enable the auditor to give a report under this section.

Publication of election financing summary

215 (1) After each election, the chief electoral officer must publish a report respecting the political financing for the election.

- (2) The report under subsection (1) must include the following:
 - (a) a summary of the information included in the election financing reports for the election;
 - (b) a statement of the applicable election expenses limits for the registered political parties and candidates;
 - (c) a summary of the information included in any election advertising disclosure reports under Part 11 in relation to the election;
 - (d) a list of the names of any individuals or organizations who
 - (i) failed to file the required election financing reports or election advertising disclosure reports,
 - (ii) filed the required reports after the time period for filing established under this Division or Division 4 of Part 11, as applicable, or
 - (iii) exceeded the applicable election expenses limit.

Division 7 — Penalties for Failure to Comply

Publication of failure to comply

216 (1) The chief electoral officer must have notice of the following published in the Gazette:

- (a) the name of any political party, constituency association, candidate or leadership contestant for whom a report required under this Act is not filed within the applicable time limit established under Division 6 of this Part or by court order under section 225;
- (b) the name of any political party, constituency association, candidate or leadership contestant for whom a report required under this Act is not filed before the end of the applicable late filing period under section 220;
- (c) the name of any candidate or political party that exceeds the applicable election expenses limit under Division 5 of this Part;
- (d) the name of any political party, constituency association, candidate or leadership contestant in

relation to whom there was a conviction under section 266 in relation to a report under this Act.

(2) Publication under subsection (1) must take place as soon as possible after the chief electoral officer becomes aware of the applicable circumstances referred to in that subsection.

Candidate who incurs election expenses over limit

217 (1) Unless relief is granted by a court under section 219, a candidate whose election expenses exceed the applicable election expenses limit is subject to the following penalties:

(a) in the case of a candidate who is declared elected as a member of the Legislative Assembly, at the applicable time under subsection (3) the member ceases to hold office and the seat of the member becomes vacant;

(b) in all cases, the candidate must pay to the chief electoral officer a penalty of double the amount by which the election expenses exceed the limit.

(2) The chief electoral officer must present a report to the Speaker respecting a member of the Legislative Assembly who may be subject to the penalty under subsection (1) (a) as soon as possible after the applicable report is filed for the candidate.

(3) A member referred to in subsection (1) (a) ceases to hold office and the seat of the member becomes vacant as follows:

(a) if no application under section 219 is made in respect of the member, at the end of the period for making such an application;

(b) if, on the final determination of an application under section 219, the court refuses to grant relief, at the time of that determination.

Political party that incurs election expenses over limit

218 (1) Unless relief is granted by a court under section 219, a registered political party whose election expenses exceed the applicable election expenses limit is subject to the following penalties:

(a) the chief electoral officer must suspend the registration of the political party for a period of 6 months from the date of the suspension as recorded under section 169;

(b) the registered political party must pay to the chief electoral officer a penalty of double the amount by which the election expenses exceed the limit.

(2) The chief electoral officer must give the registered political party notice of the period of a suspension under subsection (1) (a).

Court order for relief from election expenses limits

219 (1) A registered political party or candidate may apply to the Supreme Court in accordance with this section for relief from a penalty under this Division for failing to comply with an election expenses limit.

(2) For certainty, a registered political party may apply under subsection (1) in relation to an obligation of a candidate who represented the political party.

(3) An application may only be made within 120 days after general voting day for the election or, if the failure to comply is disclosed by a supplementary report under section 212, within 30 days after the supplementary report is filed.

- (4) The petition commencing an application must be served on the chief electoral officer within 7 days after it is filed and the chief electoral officer is a party to the application.
- (5) On the hearing of an application, the court may do the following:
- (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the financial agent and, if applicable, the candidate have acted in good faith;
 - (b) if relief is granted for a political party that has been suspended under section 218 (1) (a), order that the suspension be cancelled immediately or at a time or on conditions specified by the court;
 - (c) refuse to grant relief.

Late filing of required reports

220 (1) This section applies if a financial agent fails to file a report under Division 6 of this Part with the chief electoral officer within the time period established by that Division or by order of a court under section 225.

(2) In the case of a report for a registered political party or registered constituency association, in addition to publishing notice in accordance with section 216, the chief electoral officer must make a note of the failure in the applicable register.

(3) The chief electoral officer must give notice to the individual or organization for whom the report was to be filed that, if the report is not filed within the late filing period permitted by this section, the individual or organization will be subject to the penalties provided in this Division unless an extension is granted by a court under section 225.

(4) In the case of a report for a candidate, leadership contestant or constituency association, the chief electoral officer must also give the notice under subsection (3) to the registered political party or independent member of the Legislative Assembly who may be affected by the failure.

(5) The report may be filed within the following applicable late filing period on payment to the chief electoral officer of the specified late filing fee:

(a) in the case of an annual financial report for a registered political party or registered constituency association, on payment of a late filing fee of \$100, or a higher amount established by regulation, the report may be filed before June 30 of that year or a later date permitted by a court under section 225;

(b) in the case of an election financing report for a candidate, registered political party or registered constituency association or a contestant financing report for a leadership contestant, on payment of a late filing fee of \$500, or a higher amount established by regulation, the report may be filed within 30 days after the end of the time period for filing established by Division 6 of this Part or before a later date permitted by a court under section 225.

Candidate who fails to file election financing report

221 (1) Unless relief is granted by a court on an application under section 225 commenced before the end of the late filing period under section 220 (5), a candidate for whom the election financing report under section 209 is not filed with the chief electoral officer before the end of that period is subject to the following penalties:

(a) in the case of a candidate who is declared elected as a member of the Legislative Assembly, at the applicable time under subsection (4) the member ceases to hold office and the seat of the member becomes vacant;

(b) in all cases, unless the individual complies with subsection (2), from the applicable time under subsection (4) the individual is disqualified from being nominated, being elected or holding office as a member of the Legislative Assembly until after the next general election after the applicable time under subsection (4).

(2) An individual referred to in subsection (1) (b) is not disqualified under that subsection if, before the individual is nominated, the outstanding election financing report is filed with the chief electoral officer and a late filing penalty of \$10 000 is paid to the chief electoral officer.

(3) The chief electoral officer must present a report to the Speaker respecting a member of the Legislative Assembly who may be subject to the penalty under subsection (1) (a) as soon as possible after the end of the late filing period referred to in subsection (1).

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

(a) if no application under section 225 is commenced in respect of the candidate before the end of the late filing period under section 220 (5), at the end of that period;

(b) if, on the final determination of an application under section 225 commenced before the end of the late filing period under section 220 (5) the court refuses to grant relief from the penalty, at the time of that determination.

Leadership contestant who fails to file contestant financing report

222 (1) Unless relief is granted by a court on an application under section 225 commenced before the end of the late filing period under section 220 (5), a leadership contestant for whom the contestant financing report under section 211 is not filed with the chief electoral officer before the end of that period is subject to the following penalties:

(a) in the case of a leadership contestant who is a member of the Legislative Assembly, at the applicable time under subsection (4) the member ceases to hold office and the seat of the member becomes vacant;

(b) in all cases, unless the individual complies with subsection (2), from the applicable time under subsection (4) the individual is disqualified from being nominated, being elected or holding office as a member of the Legislative Assembly until after the next general election after the applicable time under subsection (4).

(2) An individual referred to in subsection (1) (b) is not disqualified under that subsection if, before the individual is nominated, the outstanding contestant financing report is filed with the chief electoral officer and a late filing penalty of \$10 000 is paid to the chief electoral officer.

(3) The chief electoral officer must present a report to the Speaker respecting a member of the Legislative Assembly who may be subject to the penalty under subsection (1) (a) as soon as possible after the end of the late filing period referred to in subsection (1).

(4) The time at which a leadership contestant becomes subject to the penalties under subsection (1) is as follows:

(a) if no application under section 225 is commenced in respect of the leadership contestant before the end of the late filing period under section 220 (5), at the end of that period;

(b) if, on the final determination of an application under section 225 commenced before the end of the late filing period under section 220 (5) the court refuses to grant relief from the penalty, at the time of that determination.

Deregistration of political party or constituency association for failure to file financial reports

223 (1) Unless relief is granted by a court under section 225, the chief electoral officer must deregister a political party or constituency association if a report for the organization required under Division 6 of this Part is not filed with the chief electoral officer before the end of the late filing period under section 220 (5).

(2) As an exception to subsection (1), the chief electoral officer must suspend the registration of the organization pending the decision of the court if, by the end of the late filing period referred to in subsection (1), an application for relief under section 225 has been made but not decided.

(3) If on the final determination of an application under section 225 the court refuses to grant relief under that section from deregistration to an organization whose registration has been suspended, the chief electoral officer must deregister the organization.

Deregistration of political party for failure of candidates to file election financing reports

224 (1) The chief electoral officer must deregister a political party following a general election if election financing reports under section 209 are not filed by the end of the late filing period under section 220 (5) for 50% or 15, whichever is the lesser number, of the candidates representing the political party in the general election.

(2) If a court grants relief under section 225 to a candidate from the obligation to file an election financing report, for the purposes of subsection (1) of this section the candidate is deemed to have filed the report.

(3) As an exception to subsection (1), the chief electoral officer must suspend the registration of the political party pending the decisions of the court if, by the end of the late filing period referred to in that subsection, sufficient applications for relief under section 225 have been made but not decided that, if they were successful, would relieve the political party from deregistration under this section.

(4) If on the final determination of applications referred to in subsection (3) the court refuses to grant relief from the obligation to file, the chief electoral officer must deregister the political party.

Court order for relief from filing obligations

225 (1) A political party, constituency association, candidate or leadership contestant may apply to the Supreme Court in accordance with this section for relief from an obligation to file a report under Division 6 of this Part.

(2) For certainty, a political party may apply under subsection (1) in relation to an obligation of any of its constituency associations, candidates or leadership contestants.

(3) An application may be made at any time before or after the end of the late filing period permitted for the report under section 220 (5).

(4) The petition commencing an application must be served on the chief electoral officer within 7 days after it is filed and the chief electoral officer is a party to the application.

(5) On the hearing of an application, the court may do the following:

(a) relieve the organization or individual from the obligation to file the report, or from specified obligations in relation to the report, if the court considers that, in relation to the non-compliance, the financial agent and, if applicable, the candidate or leadership contestant have acted in good faith;

(b) grant an extension of the time for filing the report without payment of a late filing fee under

section 220 if

- (i) the application is commenced before the end of the time for filing without penalty, and
- (ii) the court considers that, in relation to the non-compliance, the financial agent and, if applicable, the candidate or leadership contestant have acted in good faith;
- (c) grant an extension of the time for filing the report, subject to payment of the late filing fee under section 220, if the court considers that, in relation to the non-compliance, the financial agent and, if applicable, the candidate or leadership contestant have acted in good faith;
- (d) make any order the court considers appropriate to secure compliance with Division 6 of this Part to the extent the court considers reasonable in the circumstances;
- (e) if relief is granted for an organization that has been deregistered or suspended under section 223 or 224, order that the registration be reinstated, or the suspension be cancelled, immediately or at a time or on conditions specified by the court;
- (f) refuse to grant an extension or other relief.

False or misleading reports in relation to candidates and leadership contestants

226 (1) If a candidate or leadership contestant is convicted under section 266 (1) or (2) in relation to a report under this Part, the candidate or leadership contestant is subject to the following penalties:

- (a) in the case of an individual who is a member of the Legislative Assembly, at the applicable time under subsection (3) the member ceases to hold office and the seat of the member becomes vacant;
- (b) in all cases, from the applicable time under subsection (3) the individual is disqualified from being nominated, being elected or holding office as a member of the Legislative Assembly until after the next general election after the applicable time under subsection (3).

(2) The chief electoral officer must present a report to the Speaker respecting a member of the Legislative Assembly who may be subject to the penalty under subsection (1) (a) as soon as possible after the conviction to which it relates.

(3) A candidate or leadership contestant becomes subject to a penalty under subsection (1) as follows:

- (a) if no appeal of the conviction is made, at the end of the period for making such an appeal;
- (b) if the conviction is upheld on its final determination on appeal, at the time of that determination.

False or misleading reports in relation to political parties and constituency associations

227 (1) If a registered political party or a registered constituency association is convicted under section 266 (1) or (2) in relation to a report under this Part, the political party or constituency association is subject to the following penalties:

- (a) immediately on conviction, the chief electoral officer must suspend the registration of the organization until such time as the organization is deregistered or the conviction is overturned on the final determination of an appeal;
- (b) if no appeal of the conviction is made, at the end of the time for making an appeal the chief electoral officer must deregister the organization;
- (c) if the conviction is upheld on the final determination of an appeal, the chief electoral officer must deregister the organization.

(2) A suspension under subsection (1) (a) may be cancelled, pending the final determination of an appeal of the conviction, by a court hearing the appeal.

Part 11 — Election Communications

Division 1 — General

Election advertising

228 For the purposes of this Act:

"contribution" means a contribution of money provided to a sponsor of election advertising, whether given before or after the individual or organization acts as a sponsor;

"election advertising" means the transmission to the public by any means, during the period beginning 60 days before a campaign period and ending at the end of the campaign period, of an advertising message that promotes or opposes, directly or indirectly, a registered political party or the election of a candidate, including an advertising message that takes a position on an issue with which a registered political party or candidate is associated, but does not include

(a) 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,

(b) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,

(c) the transmission of a document directly by a person or a group to their members, employees or shareholders, or

(d) the transmission by an individual, on a non-commercial basis on the internet, or by telephone or text messaging, of his or her personal political views;

"value of election advertising" means

(a) the price paid for preparing and conducting the election advertising, or

(b) the market value of preparing and conducting the election advertising, if no price is paid or if the price paid is lower than the market value.

Tenant and strata election advertising

228.1 (1) A landlord or person acting on a landlord's behalf must not prohibit a tenant from displaying election advertising posters on the premises to which the tenant's tenancy agreement relates.

(2) A strata corporation or any agent of a strata corporation must not prohibit the owner or tenant of a strata unit from displaying election advertising posters on the premises of his or her unit.

(3) Despite subsections (1) and (2), a landlord, a person, a strata corporation or an agent referred to in that subsection may

(a) set reasonable conditions relating to the size or type of election advertising posters that may be displayed on the premises, and

(b) prohibit the display of election advertising posters in common areas of the building in which the premises are found.

Sponsorship of election advertising

229 (1) For the purposes of this Part, the sponsor of election advertising is whichever of the following is applicable:

- (a) the individual or organization who pays for the election advertising to be conducted;
 - (b) if the services of conducting the advertising are provided without charge as a contribution, the individual or organization to whom the services are provided as a contribution;
 - (c) if the individual or organization that is the sponsor within the meaning of paragraph (a) or (b) is acting on behalf of another individual or organization, the other individual or organization.
- (2) Where this Part requires the inclusion of a mailing address or telephone number at which a sponsor can be contacted,
- (a) any mailing address given must be within British Columbia,
 - (b) any telephone number given must be that of a place within British Columbia, and
 - (c) the sponsor must make available an individual to be responsible for answering questions from the public that are directed to the address or telephone number.
- (3) Where this Part requires a sponsor to be identified, for a numbered corporation or an unincorporated organization the identification must include both
- (a) the name of the organization, and
 - (b) the name of an individual director or, if there are no individual directors, an individual who is a principal officer or a principal member of the organization.
- (4) On request of the chief electoral officer,
- (a) an individual identified as a sponsor, or
 - (b) an individual identified as a director, principal officer or principal member of an organization identified as a sponsor
- must file with the chief electoral officer a solemn declaration that the identified sponsor is in fact the sponsor and that the sponsor has not contravened this Part.

No indirect sponsorship of election advertising

230 An individual or organization must not sponsor election advertising with the property of any other individual or organization or indirectly through any other individual or organization.

Election advertising must identify sponsor

231 (1) Subject to subsection (2), an individual or organization must not sponsor, or publish, broadcast or transmit to the public, any election advertising unless the advertising

- (a) identifies the name of the sponsor or, in the case of a candidate, the name of the candidate's financial agent or the financial agent of the registered political party represented by the candidate,
- (b) if applicable, indicates that the sponsor is a registered sponsor under this Act,
- (c) indicates that it was authorized by the identified sponsor or financial agent, and
- (d) gives a telephone number or mailing address at which the sponsor or financial agent may be contacted regarding the advertising.

- (2) Subsection (1) does not apply to any class of election advertising exempted under section 283.
- (3) The chief electoral officer, or a person acting on the direction of the chief electoral officer, may
- (a) remove and destroy, without notice to any person, or
 - (b) require a person to remove or discontinue, and destroy,
- any election advertising that does not meet the requirements of subsection (1) and is not exempted under subsection (2).

Restriction on rates charged for election advertising

232 An individual or organization must not charge a registered political party, registered constituency association or candidate a rate for election advertising in a periodical publication or on radio or television that exceeds the lowest rate charged by the individual or organization for equivalent advertising in the same medium during the same campaign period.

Prohibition against certain election advertising on general voting day

233 (1) An individual or organization must not publish, broadcast or transmit to the public election advertising in an electoral district on general voting day before the close of all of the voting stations in the electoral district.

(2) An individual or organization must not sponsor or agree to sponsor in an electoral district election advertising that is or is to be published, broadcasted or transmitted to the public on general voting day before the close of all of the voting stations in the electoral district, whether the publication, broadcast or transmission is within British Columbia or outside British Columbia.

(3) Subject to section 234 (2) (a), subsections (1) and (2) do not apply in respect of any of the following:

- (a) a notice of an event that the leader of a registered political party intends to attend or an invitation to meet or hear the leader of a registered political party;
- (b) a message that was transmitted to the public on the internet before general voting day and that was not changed before the close of all of the voting stations in the electoral district;
- (c) the distribution on general voting day of pamphlets or the posting of messages on signs, posters or banners.

Prohibition against transmitting new poll results on general voting day

233.1 (1) In this section, "**election opinion survey**" means an opinion survey respecting an election or a matter of public discussion in relation to the election, including an opinion survey respecting an issue discussed publicly in the election.

(2) An individual or organization must not publish, broadcast or transmit to the public, in an electoral district on general voting day before the close of all of the voting stations in the electoral district, the results of an election opinion survey that have not previously been made available to the public.

Restriction on election campaigning near election offices and voting places

234 (1) During a campaign period, an individual or organization must not post, display or disseminate in or within 100 metres of the building where the office of the district electoral officer is located

- (a) election advertising, or
 - (b) any material that identifies a candidate, registered political party or registered constituency association, unless this is done with the authorization of the district electoral officer.
- (2) While advance voting or general voting is being conducted at a voting place, an individual or organization must not do any of the following in or within 100 metres of the building where the voting is being conducted:
- (a) post, display or disseminate
 - (i) election advertising, or
 - (ii) any material that identifies a candidate, registered political party or registered constituency association, unless this is done with the authorization of the district electoral officer;
 - (b) canvass or solicit votes or otherwise attempt to influence how a voter votes;
 - (c) carry, wear or supply a flag, badge or other thing indicating that the individual using it is a supporter of a particular candidate or registered political party;
 - (d) post, display, disseminate or openly leave a representation of a ballot marked for a particular candidate or registered political party.
- (3) If subsection (1) or (2) is being contravened by the posting or display of materials, the district electoral officer or another election official authorized by the district electoral officer may enter on the property where the materials are located and remove or cover or otherwise obscure them from view.
- (4) While advance voting or general voting is being conducted at a voting place, an individual or organization must not publish, broadcast or transmit to the public election advertising by means of a public address system or loudspeaker that is within hearing distance of the voting place.

Repealed

235 [Repealed 2002-60-7.]

Division 2 — Election Advertising Limits

Third party advertising limits

235.1 (1) In respect of a general election conducted in accordance with section 23 (2) of the *Constitution Act*, an individual or organization other than a candidate, registered political party or registered constituency association must not sponsor, directly or indirectly, election advertising during the period beginning 60 days before the campaign period and ending at the end of the campaign period

- (a) such that the total value of that election advertising is greater than
 - (i) \$3 000 in relation to a single electoral district, and
 - (ii) \$150 000 overall, or
 - (b) in combination with one or more individuals or organizations, or both, such that the total value of the election advertising sponsored by those individuals and organizations is greater than
 - (i) \$3 000 in relation to a single electoral district, and
 - (ii) \$150 000 overall.
- (2) In respect of a general election conducted other than in accordance with section 23 (2) of the

Constitution Act, the limits under subsection (1) do not apply to the period beginning 60 days before campaign period, but do apply to the campaign period.

(3) In respect of a by-election, the limits under subsection (1) do not apply to the period beginning 60 days before campaign period, but the limits under subsection (1) (a) (i) and (b) (i) do apply to the campaign period.

(4) Section 204 applies to adjust the amounts under this section.

Penalties for exceeding third party advertising limit

235.2 (1) Unless relief is granted by a court under section 235.3, if a sponsor exceeds an election advertising limit, the sponsor

(a) is deregistered as a sponsor under Division 3 of this Part and is not entitled to be reregistered as a sponsor until after the next general election, and

(b) must pay to the chief electoral officer a penalty of 10 times the amount by which the value of the election advertising sponsored by the sponsor exceeds the limit.

(2) In the case of a sponsor that is an unincorporated organization, the members of the organization are jointly and severally liable to pay the penalty under subsection (1) (b).

(3) A penalty referred to in subsection (1) is effective as follows:

(a) if no application under section 235.3 is made in respect of the sponsor, at the end of the period for making such an application;

(b) if, on the final determination of an application under section 235.3, the court refuses to grant relief from the penalty, at the time of that determination.

Court order for relief from advertising limit

235.3 (1) A sponsor may apply to the Supreme Court in accordance with this section for relief from penalties under section 235.2.

(2) An application may be made only within 120 days after general voting day for the election in relation to which the election advertising limit was exceeded.

(3) The petition commencing an application must be served on the chief electoral officer within 7 days after it is filed and the chief electoral officer is a party to the application.

(4) On the hearing of an application, the court may

(a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the sponsor acted in good faith, or

(b) refuse to grant relief.

Repealed

236–238 [Repealed 2002-60-8.]

Division 3 — Registration of Sponsors

Election advertising sponsors must be registered

239 (1) Subject to subsection (2), an individual or organization who is not registered under this

Division must not sponsor election advertising.

(2) A candidate, registered political party or registered constituency association is not required to be registered as a sponsor if the individual or organization is required to file an election financing report by which the election advertising is disclosed as an election expense.

(3) An individual or organization who is registered or required to be registered as a sponsor must be independent of registered political parties, registered constituency organizations, candidates, agents of candidates and financial agents, and must not sponsor election advertising on behalf of or together with any of these.

Registration with chief electoral officer

240 (1) An individual or organization who wishes to become a registered sponsor must file an application in accordance with this section with the chief electoral officer.

(2) An application must include the following:

(a) the full name of the applicant and, in the case of an applicant organization that has a different usual name, this usual name;

(b) the full address of the applicant;

(c) in the case of an applicant organization, the names of the principal officers of the organization or, if there are no principal officers, of the principal members of the organization;

(d) an address at which notices and communications under this Act and other communications will be accepted as served on or otherwise delivered to the individual or organization;

(e) a telephone number at which the applicant can be contacted;

(f) any other information required by regulation to be included.

(3) An application must

(a) be signed, as applicable, by the individual applicant or, in the case of an applicant organization, by 2 principal officers of the organization or, if there are no principal officers, by 2 principal members of the organization, and

(b) be accompanied by a solemn declaration of an individual who signed the application under paragraph (a) that the applicant

(i) is not prohibited from being registered by section 247, and

(ii) does not intend to sponsor election advertising for any purpose related to circumventing the provisions of this Act limiting the value of election expenses that may be incurred by a candidate or registered political party.

(4) The chief electoral officer may require applications to be in a specified form.

(5) As soon as practicable after receiving an application, if satisfied that the requirements of this section are met by an applicant, the chief electoral officer must register the applicant as a registered sponsor in the register maintained by the chief electoral officer for this purpose.

(6) If there is any change in the information referred to in subsection (2) for a registered sponsor, the sponsor must file with the chief electoral officer written notice of the change within 30 days after it occurs.

(7) A notice or other communication that is required or authorized under this Act to be given to a

sponsor is deemed to have been given if it is delivered to the applicable address filed under this section with the chief electoral officer.

Obligations of registered sponsor

241 (1) The identification of a registered sponsor referred to in section 231 must be a name filed by the sponsor under section 240 with the chief electoral officer.

(2) An individual or organization who is registered or required to be registered as a sponsor must maintain records of the following information in respect of contributions received by the sponsor:

(a) in the case of anonymous contributions, the date on which the contributions were received, the total amount received on each date and, if applicable, the event at which they were received;

(b) in other cases, the information referred to in section 190 (1) (a) to (e), with the class of contributor recorded in accordance with section 245 (2).

Voluntary deregistration

242 (1) A registered sponsor may apply to the chief electoral officer for deregistration in accordance with this section.

(2) As an exception, a sponsor may not apply for deregistration under this section if the sponsor is subject to deregistration under this Part or has not yet paid a penalty under this Part.

(3) An application for deregistration must be in writing and must be signed, as applicable,

(a) by the individual applicant, or

(b) in the case of an applicant organization, by 2 principal officers of the organization or, if there are no principal officers, by 2 principal members of the organization.

(4) On being satisfied that an application for deregistration is authorized by the sponsor, the chief electoral officer must deregister the sponsor.

(5) As a limit on subsection (4), if during a campaign period a registered sponsor has sponsored election advertising, the sponsor may not be deregistered until the election advertising disclosure report for the sponsor has been filed.

Reregistration

243 In order to be reregistered, an individual or organization must file any outstanding reports and pay any outstanding penalties under this Part.

Division 4 — Disclosure of Independent Election Advertising

Independent sponsors must file disclosure reports

244 (1) Subject to subsection (3), if during a campaign period or the period beginning 60 days before the campaign period an individual or organization sponsors election advertising that has a total value of \$500 or a higher amount established by regulation, the sponsor must file with the chief electoral officer an election advertising disclosure report in accordance with this section and section 245.

(2) An election advertising disclosure report under subsection (1) must be filed within 90 days after general voting day for the election to which it relates.

(3) A candidate, registered political party or registered constituency association is not required to file a

report under this section if the individual or organization is required to file an election financing report by which the election advertising is disclosed as an election expense.

(4) A sponsor must file a supplementary report with the chief electoral officer if any of the information required to be disclosed in an election advertising disclosure report changes or if the sponsor becomes aware that the report does not accurately and completely disclose that information.

(5) A supplementary report under subsection (4) must be filed within 30 days after the sponsor becomes aware of the circumstances requiring the report to be filed.

Contents of disclosure report

245 (1) An election advertising disclosure report must be in the form prescribed by regulation and must include the following information:

(a) the value of the election advertising sponsored by the sponsor, reported by class as required by regulation;

(b) the amount of the contributions accepted by the sponsor during the period beginning 6 months before the election is called and ending at the end of the campaign period for the election, reported in accordance with subsections (2) to (4);

(c) any amount of the sponsor's assets, other than assets received by way of contribution reported under paragraph (b), that was used to pay for the election advertising sponsored by the sponsor;

(d) any other information required by regulation to be included.

(2) For the purposes of subsection (1) (b), amounts accepted from contributors must be reported separately for each of the following classes of contributor:

(a) individuals;

(b) corporations;

(c) unincorporated organizations engaged in business or commercial activity;

(d) trade unions;

(e) non-profit organizations;

(f) other identifiable contributors;

(g) anonymous contributors.

(3) If the records of the sponsor indicate that, during the period for which contributions are required to be reported, a contributor made one or more contributions of money that, in total, have a value of more than \$250 or a higher amount established by regulation, the report under this section must include the following:

(a) the full name of the individual;

(b) the class of the contributor as referred to in subsection (2);

(c) if the contributor is a numbered corporation or an unincorporated organization, the full names and addresses of at least 2 individuals

(i) who are directors of the organization, or

(ii) if there are no individual directors, who are principal officers or principal members of the organization;

(d) the value of each contribution and the date on which it was made.

(4) For anonymous contributions, the report under this section must include the dates on which the contributions were received, the amounts received on each date and, if applicable, the events at which they were received.

(5) A report under this section must be accompanied by a signed declaration of the individual sponsor or, in the case of an organization, by a principal officer of the organization or, if there are no principal officers, by a principal member of the organization, as to the accuracy of the report.

(6) As a limit on the reporting obligations under this section, the obligations of a sponsor in relation to contributions accepted before the campaign period to which the report relates is that reasonable effort must be made to report the information required under this section.

Late filing of reports

246 If a sponsor fails to file a report under section 244 with the chief electoral officer within the time period established by that section or by a court under section 248, on payment to the chief electoral officer of a late filing fee equivalent to the applicable amount under section 220 (5) (b), the report may be filed within 30 days after the end of the time period under section 244 or before a later date permitted by a court under section 248.

Failure to file reports

247 (1) Unless relief is granted by a court on an application under section 248 commenced before the end of the late filing period under section 246, if an election advertising disclosure report is not filed with the chief electoral officer before the end of that period, the sponsor

(a) is deregistered as a sponsor under Division 3 of this Part and is not entitled to be reregistered as a sponsor until after the next general election, and

(b) must pay to the chief electoral officer a penalty equivalent to the applicable amount under section 220 (5) (b) for each day after the last day on which it may be filed under section 246 up to the date on which it is in fact filed.

(2) In the case of a sponsor that is an unincorporated organization, the members of the organization are jointly and severally liable to pay the penalty under subsection (1) (b).

(3) The penalties referred to in subsection (1) are effective as follows:

(a) if no application under section 248 is made in respect of the sponsor, at the end of the period for making such an application;

(b) if, on the final determination of an application under section 248, the court refuses to grant relief from the penalty, at the time of that determination.

Court order for relief from filing obligations

248 (1) A sponsor subject to section 246 or 247 may apply to the Supreme Court in accordance with this section for relief from an obligation to file an election advertising disclosure report or from a penalty in relation to the filing of such a report.

(2) An application may be made only within 120 days after general voting day for the election in relation to which the report is required or, if the failure is disclosed in a supplementary report under section 244 (4), within 30 days after the supplementary report is filed.

- (3) Within 7 days after it is filed, the petition commencing an application must be served on the chief electoral officer.
- (4) The applicant and the chief electoral officer are parties to the application.
- (5) On the hearing of an application, the court may do the following:
 - (a) relieve the sponsor from the obligation to file the report, or from specified obligations in relation to the report, if the court considers that, in relation to the non-compliance, the sponsor acted in good faith;
 - (b) grant an extension of the time for filing the report without payment of a late filing fee under section 246 if
 - (i) the application is commenced before the end of the time for filing without penalty, and
 - (ii) the court considers that, in relation to the non-compliance, the sponsor acted in good faith;
 - (c) grant an extension of the time for filing the report, subject to payment of the late filing fee under section 246, if the court considers that, in relation to the non-compliance, the sponsor acted in good faith;
 - (d) make any order the court considers appropriate to secure compliance with this Act and the regulations to the extent the court considers reasonable in the circumstances;
 - (e) refuse to grant an extension or other relief.

Obligation to maintain records

249 An individual or organization who is or has been a sponsor of election advertising must

- (a) ensure that the records required for the purposes of this Part are maintained in British Columbia, and
- (b) retain these records for at least 5 years, or a longer period specified by the chief electoral officer, from the date of filing of a report required under this Division in relation to those records.

Information to be open to the public

250 The information filed under this Part with the chief electoral officer since the general election before the previous general election must be available for public inspection at the office of the chief electoral officer during its regular office hours.