



**ELECTIONS BC**

A non-partisan Office of the Legislature

# **GUIDE TO THE *ELECTION ACT***

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## This guide

The *Election Act* sets the rules for the provincial electoral process. This guide provides some general information about the Act. Where possible, references to specific sections of the Act are included.

This guide is intended only as an aid to understanding the *Election Act*. How the Act applies to any particular case will depend on the individual circumstances of the case, and may change in light of new legislative and judicial developments. Where there is an inconsistency between this guide and the *Election Act*, the Act will prevail.

You can view the *Election Act* on the Elections BC website ([www.elections.bc.ca](http://www.elections.bc.ca)) or you can buy a copy of the Act from Crown Publications ([www.crownpub.bc.ca](http://www.crownpub.bc.ca)).

A glossary of common election-related terms is available on page 26.

## General information

### **Electoral districts**

British Columbia is divided into electoral districts, sometimes called constituencies or ridings. Each electoral district is represented by one Member of the Legislative Assembly (MLA). When you vote in an election, you and the other registered voters in your electoral district choose who will represent you as your MLA. You may only vote in an election for the electoral district where you live.

The *Electoral Districts Act* specifies the names and boundaries of the electoral districts.

A commission reviews the electoral districts after every second general election to make sure that each MLA represents about the same number of people. The review is conducted under the *Electoral Boundaries Commission Act*.

s. 80

### **Voting areas**

Every electoral district is divided into voting areas. A voting area is a neighbourhood, area or city block with approximately 400 registered voters. Elections BC uses voting areas to decide how many voting places will be needed in an election and where each voting place should be located.

The *Election Act* lets the Chief Electoral Officer designate special areas for voters who would not be able to go to a regular voting place. These areas are called site-based voting areas, and are usually located in long-term care facilities.

s. 24, 26

### **General elections**

A general election is an election for every electoral district in the province. In a general election, voters in each electoral district elect an MLA on the same day.

While a general election can seem like one election, it is actually many separate elections happening at the same time.

To call a general election, the Premier asks the Lieutenant Governor to dissolve the Legislative Assembly. If the Lieutenant Governor agrees, the Chief Electoral Officer is asked to issue the writs of election.

A writ is a formal document addressed to each District Electoral Officer. It includes the dates for nominating candidates, General Voting Day and when the writ is to be returned to the Chief Electoral Officer.

When the writs are issued by the Chief Electoral Officer, an election is called.

s. 25-26

**By-elections**

A by-election is an election for one electoral district that is not held as part of a general election. A by-election happens when an MLA resigns, dies, is disqualified from sitting or is recalled. More than one by-election can be held on the same day.

To call a by-election, the Speaker of the Legislative Assembly tells the Chief Electoral Officer that there is a vacancy in the Legislative Assembly, and the Premier asks the Chief Electoral Officer to issue a writ of election to the District Electoral Officer of the electoral district where the election is to be held.

**Election calendar**

An election period is usually 51 days long. It starts on the day the writ is issued and ends on the day the writ is returned to the Chief Electoral Officer.

|        |                                 |
|--------|---------------------------------|
| Day 0  | Writ is issued                  |
| Day 7  | General voter registration ends |
| Day 10 | Nominations end                 |
| Day 28 | General Voting Day              |
| Day 41 | Final count begins              |
| Day 50 | Writ is returned                |

s. 2

**Time**

Unless stated otherwise, the times set under the *Election Act* are local times. If the time set for doing anything falls or ends on a Sunday or holiday, the time is extended to the next day that is not a Sunday or holiday.

## Officials

s. 4-13

### **Chief Electoral Officer**

The Chief Electoral Officer (CEO) applies the *Election Act* in a fair and neutral way. The CEO is an independent Officer of the Legislature. The CEO must be impartial, and cannot be a member of a political party or make contributions to a party or candidate. The CEO is not allowed to vote in provincial elections.

The CEO may appoint a Deputy Chief Electoral Officer to help perform the duties of the office.

s. 18

### **District Electoral Officers**

A District Electoral Officer (DEO) is appointed for each electoral district by the Chief Electoral Officer (CEO). The DEO administers elections in their electoral district and makes sure that the rules in the *Election Act* are followed. One or more Deputy District Electoral Officers (DDEO) are hired in each electoral district to help the DEO.

Like the CEO, DEOs and their deputies must be impartial and must not belong to a political party or make political contributions. However, DEOs and their deputies can vote in an election.

s. 22

### **District Registrars of Voters**

A District Registrar of Voters (DRV) is appointed for each electoral district. The DRV is responsible for registering voters. Deputy DRVs may be appointed to help the DRV.

During elections, District Electoral Officers act as DRVs. Between elections, Elections BC staff are appointed to this role.

s. 17, 19,  
20, 88

**Election officials**

Every voting place is staffed by election officials who are hired by the District Electoral Officer. All election officials must take an oath of office and sign a Declaration of Secrecy. This is to make sure that officials act in a non-partisan manner and maintain the secrecy of the vote. Candidates and their representatives cannot be election officials.

- A Voting Officer is responsible for a voting station. The Voting Officer issues ballots and maintains the ballot box. At the close of voting, the Voting Officer counts the ballots.
- A Voting Clerk helps the Voting Officer. The Voting Clerk maintains the voting book for the voting station. The voting book contains the signatures of all the voters who received ballots and voted at the voting station. The Voting Clerk records the votes on a tally sheet as they are counted.
- A Supervisory Voting Officer may be appointed to a voting place to supervise the officials there.

Other officials may also be appointed to help voters find their correct voting station, to register voters, or to complete other responsibilities in the voting place.

## Registering to vote

s. 31 **Who can register to vote**

To vote in a provincial election you must be registered as a voter.

You can register if you:

- are a Canadian citizen,
- are at least 18 years old, or, if an election is in progress, will be 18 years old on General Voting Day,
- have been a resident of B.C. for the past six months, and
- are not disqualified from voting (see “Who cannot vote” on p. 9).

s. 32-42 **How to register**

To register as a voter you must complete an Application for Registration as a Provincial Voter.

You can register online at [www.elections.bc.ca](http://www.elections.bc.ca), or you can telephone Elections BC and a voter registration official will complete the application for you. A copy of the form can also be printed from the Elections BC website and sent to Elections BC by fax or mail.

After you are registered, it is important that you let Elections BC know if you change your name or address. You can update your voter registration online, by mail, over the phone, by fax or in person.

s. 45-51,  
267, 275 **Provincial voters list**

When you register as a voter your name and address are added to the provincial voters list. The voters list is used to make sure that only registered voters vote, and that they only vote once.

Elections BC updates the voters list with information from the federal voters list and from the Insurance Corporation of B.C. (ICBC). If you are registered on the federal voters list, you may be automatically added to the provincial voters list.

The provincial voters list is not available for public sale or use. It can only be used for purposes allowed by the *Election Act*, and Elections BC does all it can to protect the personal information about voters. Misuse of the provincial voters list is a serious offence, and may result in a fine of up to \$20,000 and imprisonment of up to two years.

You can object to the registration of another voter if you believe they are not qualified to be registered. Objections must be made in writing to the District Registrar of Voters.

s. 33, 34,  
41-41.2

### **Registering when you vote**

During an election, the period between Day 8 (the eighth day after the election is called) and Day 30 is the 'closed period' for voter registration. During this period, you can only register when you vote. This is called registration in conjunction with voting.

To register in conjunction with voting you must complete an Application for Registration as a Provincial Voter. You must also produce identification that verifies your identity and your residential address. If you do not have identification, someone can vouch for you.

Acceptable identification includes:

- one document, issued by the Government of British Columbia or Canada, that contains your name, photograph and address, or
- one document, issued by the Government of Canada, that certifies you are registered as an Indian under the *Indian Act*, or
- two documents, both of which contain your name and one of which contains your residential address, from a list of document types authorized by the Chief Electoral Officer.

Visit the Elections BC website to see the list of document types authorized by the Chief Electoral Officer.

If you cannot produce identification that meets these requirements, you can still register if someone else agrees to confirm your identity and place of residence. An individual who does this is called a voucher.

To be a voucher, an individual must be:

- a registered voter in your electoral district who has the acceptable identification, or
- your spouse, parent, grandparent, or adult child, grandchild or sibling, or
- an individual who has the authority to make personal care decisions for you.

## Voting

s. 29,  
96-99,  
100, 101,  
104, 106

### **Who can vote**

You can vote in a provincial election if you:

- are registered as a voter,
- are a Canadian citizen,
- will be at least 18 years old on General Voting Day,
- have been a resident of B.C. for the six months immediately before General Voting Day
- are not disqualified from voting, and
- are resident in the electoral district.

You also must produce identification that verifies your identity and your residential address, or be vouched for. This is in addition to the requirement to produce identification if you register in conjunction with voting (see “Obtaining a ballot” on p. 14).

s. 32 **Determining where you are a resident**

Under the *Election Act*, you are a resident of the place where you live and where you intend to return when you are away. You can only be a resident of one place at a time. Your residence does not change until you have found a new place of residence.

Temporary absences

You do not stop being a resident of a place if you leave for temporary purposes only. This includes leaving British Columbia to engage in the service of the Government of British Columbia or Canada, or accompanying your spouse, parent or child for that purpose.

If you are on vacation, you also keep your British Columbia residence for the purposes of voting.

Students

If you are a student who has moved away from home – your usual place of residence – to attend an educational institution, you can choose, for the purposes of the *Election Act*, either your usual place or your new place as the place where you are a resident.

Inmates

If you are imprisoned in a penal institution, you can choose to be a resident of either:

- the place where you were a resident before you were imprisoned, or
- the place where a spouse, parent or dependent is a resident.

For the purposes of the *Election Act*, you cannot use a penal institution as your place of residence.

Temporary residences

Temporary residential quarters are considered your place of residence only if you have no other place that you consider to be your residence.

If you have no dwelling place, you can use a shelter, hostel or other social service institution as your residence for registering as a voter.

s. 30,  
251-267

### **Who cannot vote**

If you are convicted of certain election offences, you may be disqualified from voting. Election offences are outlined in Part 12 of the *Election Act* and include, but are not limited to:

- vote buying
- intimidating voters to vote in a certain way or to refrain from voting
- voting twice, or voting when you are not eligible to do so

The Chief Electoral Officer and the Deputy Chief Electoral Officer are not entitled to vote.

s. 79

### **Where to vote**

Elections BC must notify voters of where they can vote.

If you are a registered voter, Elections BC will send you a “Where to Vote” information card in the mail. The card will tell you your assigned voting location.

You can also phone the Elections BC office or visit the Elections BC website ([www.elections.bc.ca](http://www.elections.bc.ca)) for more information about voting opportunities.

s. 27, 73,  
96

### **General voting**

General voting is held between 8 a.m. and 8 p.m. (Pacific time) on Day 28 of the election, and is sometimes referred to as election day or General Voting Day. If that day is a holiday, General Voting Day is the next day that is not a holiday. Most voters use general voting.

To vote on General Voting Day, visit the voting place you have been assigned to. You will be asked to sign the voting book and then will be given a ballot with the name of the candidates in your electoral district. Mark the ballot with a cross or a tick mark in the space next to the candidate you want to vote for.

s. 73, 76,  
97

### **Advance voting**

Advance voting is an opportunity to vote before General Voting Day. It is held from 8 a.m. to 8 p.m. (local time) on the Wednesday, Thursday, Friday and Saturday of the week before General Voting Day.

Advance voting is available to all voters. To vote by advance voting, visit any advance voting place.

s. 73,  
99-101

**Absentee voting**

If you cannot go to your assigned voting place, you can vote at any other voting place in the province. This is called absentee voting.

If you visit a voting place in the electoral district where you are a resident, you will vote with an ordinary ballot. The ballot will list the names of the candidates in your electoral district. To vote, make a cross or a tick mark in the space beside the name of one candidate.

If you visit a voting place in a different electoral district, you will vote with a write-in ballot. Write-in ballots have a blank space instead of candidate names. To vote, write the name of the candidate you want to vote for or a registered political party in the blank space on the ballot.

Absentee voting is available during advance voting and general voting.

s. 73, 78,  
102-108

**Alternative absentee voting**

If you cannot visit any voting place, you can vote at the office of your District Electoral Officer (DEO) or by mail. This is called alternative absentee voting.

Alternative absentee voting is available as soon as reasonably possible after an election is called.

You qualify for alternative absentee voting if you:

- expect to be out of the province on General Voting Day,
- have a physical disability, illness or injury that prevents you from visiting a voting place, or
- cannot visit a voting place because you will be in a remote location, because of bad weather, or for other reasons out of your control.

You can vote by alternative absentee voting at the office of the DEO until 4 p.m. (Pacific time) on General Voting Day.

To vote by mail, you must apply for an alternative absentee voting package from a DEO. Applications are accepted until 4 p.m. (Pacific time) on General Voting Day. The alternative absentee voting package contains instructions, a ballot and envelopes for returning the marked ballot by mail.

To register when you vote by alternative absentee voting package, you must complete an Application for Registration as a Provincial Voter and return it with your ballot to the district electoral office that issued it to you. You will need to include copies of the required identification documents (see “Registering when you vote” on p. 7).

To be counted in the election, the completed voting package must be received by the DEO who issued the package by the close of voting at 8 p.m. (Pacific time) on General Voting Day.

s. 77, 80,  
98

### **Special voting opportunities**

The DEO can set up special voting opportunities for eligible voters who may be unable to vote at other voting opportunities.

Site-based voting areas are one kind of special voting opportunity. They are for voters who reside permanently at a location and are unable to visit other voting opportunities. For example, site-based voting areas are often set up at long-term care facilities, nursing homes and mental health facilities. Voting for residents at site-based voting areas is by general voting.

The DEO can also conduct special voting at locations where voters are staying temporarily. For example, special voting can be conducted at acute care hospitals, correctional facilities and remote work sites.

s. 109, 269

### **Assistance with voting**

If you are unable to mark your ballot due to a physical disability or because you have difficulty reading or writing, an election official or someone you are with can help you. The individual helping you must mark your ballot in the way that you tell them to. If you are helped by someone other than an election official, that individual must take an oath of secrecy.

A template is available at all voting places so that voters who are visually impaired can mark their own ballot. A Braille list of candidates is also available at each voting place.

You can be helped by a translator if you have trouble understanding or reading English. If your translator is not an election official, that individual must make a solemn declaration that they can do the translation and will not tell anyone how you voted. District Electoral Officers try to hire election officials who speak the language of the local community.

s. 110

**Voting place accessibility**

If you cannot enter a voting place because of a physical disability, you can ask to vote at the nearest place where you can gain access. If you are unable to get out of a vehicle, election officials will assist you to cast your ballot while you remain in the vehicle.

All advance voting locations and DEO offices are wheelchair accessible.

s. 74

**Time off from work for voting**

If you are eligible to vote, you are entitled to four consecutive hours free from work between 8 a.m. and 8 p.m. (Pacific time) on General Voting Day so you can vote.

If your work hours do not allow for four consecutive hours free from work, your employer must allow you time off to provide those hours. Your employer may choose when you take the time off so it is convenient to them.

Your employer must not deduct pay or penalize you for taking time off for voting.

You are not entitled to take time off if your place of work is so remote that you would be unable to reasonably reach a voting place during voting hours.

Employers and employees are encouraged to work together so that all eligible voters can vote without disrupting business operations.

s. 86

**Ballots**

A ballot is the piece of paper a voter uses to mark their preference in an election. On an ordinary ballot, candidates for the electoral district are listed in alphabetical order by surname. Candidates can choose to have the name of their registered political party included. They can also be shown as “Independent,” or have only their name listed. No other information about candidates is shown. A separate ordinary ballot is printed for each electoral district.

Beside each candidate’s name is a blank circle where the voter makes their mark. Ballots have a stub and a counterfoil. The stub and counterfoil are numbered and are removed by the Voting Officer before the ballot is placed in a ballot box. You can place the ballot into the ballot box, or a Voting Officer can do it for you.

Absentee voters vote with write-in ballots. These ballots have a blank space instead of candidate names. To vote, you write the name of a candidate or political party on the ballot. Ballots are not rejected because of spelling mistakes if the intent of the voter is clear.

s. 96-99,  
100, 101,  
104, 111

### **Obtaining a ballot**

To obtain a ballot at a voting opportunity, you must satisfy the election official of your identity and place of residence. To do this you must show the election official one of the following:

- one document, issued by the Government of British Columbia or Canada, that contains your name, photograph and address, or
- one document, issued by the Government of Canada, that certifies you are registered as an Indian under the *Indian Act*, or
- two documents, both of which contain your name and one of which contains your residential address, from a list of document types authorized by the Chief Electoral Officer.

Visit the Elections BC website to see the list of document types authorized by the Chief Electoral Officer.

If you cannot produce identification that meets these requirements, you can still vote if someone else agrees to confirm your identity and place of residence. This is called vouching, and the individual who does this for you is called a voucher.

To be a voucher, an individual must be:

- a registered voter in your electoral district who has the acceptable identification, or
- your spouse, parent, grandparent, or adult child, grandchild or sibling, or
- a individual who has the authority to make personal care decisions for you.

After you have satisfied the official of your identity and place of residence, you will be required to sign a voting book or certification envelope declaring that you are eligible to vote.

If your right to vote is challenged at the voting place, you must either:

- provide evidence that satisfies the election official of your eligibility, or
- make a solemn declaration before the election official that you are entitled to vote.

s. 113

### **Spoiled ballots**

If you make a mistake marking a ballot, you can get a new one by giving the spoiled ballot to an election official. Spoiled ballots are not placed in the ballot box.

## Counting of the vote

### s. 115-126 **Initial count**

After voting ends on General Voting Day, the Voting Officers open the ballot boxes and count the ballots from general voting and advance voting. This is called the initial count.

Candidates and their representatives can watch the initial count.

The District Electoral Officer can announce the preliminary results of the election after the initial count.

### s. 127-137, 139 **Final count**

The final count is the count of the ballots that were not considered in the initial count, such as absentee voting ballots in envelopes.

The final count is also when the final results of an election are determined based on the votes accepted in the initial count and in the final count.

If a candidate or their official agent believes that counting errors occurred during the initial count, or if the difference between the candidate declared elected and the next candidate is less than 100 votes, the candidate or their official agent may ask the District Electoral Officer to recount the ballots considered in the initial count as part of the final count. The request for this kind of recount must be made in writing within three days after General Voting Day.

The final count usually starts on Day 41 (41 days after the election is called), and it can take up to three days. After it has ended, the District Electoral Officer adds the results of the final count to the results of the initial count and announces the candidate who is elected.

s. 123

**Rejected ballots**

A ballot is rejected during the initial count or the final count if it:

- is marked for more than one candidate,
- is blank,
- does not clearly indicate the intent of the voter, or
- is marked in a way that could identify the voter.

Write-in ballots are also rejected if they are marked for a person who is not a candidate, or if they are marked for a registered political party that does not have a candidate in the electoral district.

If you spoil your ballot, it is important to get a new one so your vote is not rejected.

s. 139-145

**Judicial recounts**

After the final count, the District Electoral Officer must ask for a judicial recount if the candidates with the most votes are tied or the top two candidates are separated by less than 1/500 of the total ballots considered. Candidates or voters can also ask for a judicial recount if they believe the ballots were not counted properly.

A Judge of the Supreme Court conducts the judicial recount. Judicial recounts must be requested no more than six days after the end of the final count.

# Candidates

## s. 52 **Who can be nominated**

To be a candidate in an election, you must be nominated.

You can be nominated if you:

- are a Canadian citizen,
- are at least 18 years old, or, if an election is in progress, will be 18 years old on General Voting Day,
- have been a resident of B.C. for the past six months, and
- have not been disqualified from voting, being nominated, being elected, or holding office as an MLA.

You cannot be nominated as a candidate for more than one electoral district at a time. You do not have to live in the electoral district where you are a candidate.

Members of Parliament must resign before they can be a candidate in a provincial election. Mayors and local government councillors do not have to resign to be a candidate or to be elected in a provincial election.

## s. 54-57 **How to file nomination documents**

You can file a standing nomination or an ordinary nomination. Standing nominations for a scheduled general election can be filed with the Chief Electoral Officer at any time until the end of the day before the election is called. Standing nominations for a by-election or unscheduled general election can be filed at any time until the end of Day 5 (the fifth day after the election is called).

Ordinary nominations for a scheduled general election can only be filed with the District Electoral Officer for the electoral district where you want to be a candidate, and must be filed between the time the election is called and 1 p.m. (Pacific time) on Day 10 of the election. Ordinary nominations for a by-election or unscheduled general election can be filed between 9 a.m. (Pacific time) on Day 6 and 1 p.m. (Pacific time) on Day 10.

The same forms are used for both types of nomination. All nominations must be signed by at least 75 voters in the electoral district. There is also a \$250 deposit. When the required nomination documents are accepted, a certificate of candidacy is issued. The certificate can only be issued after an election is called. At that point, nominees become candidates in the election.

s. 53

**Who can sign a nomination**

A nomination must be signed by at least 75 voters who live in the electoral district where the election is being held. You can only nominate one candidate in an election.

s. 69,  
175-177

**Agents and financial officers**

Every candidate must appoint a financial agent. A financial agent makes sure candidates manage their finances according to the rules of the *Election Act*. A candidate can be their own financial agent.

Candidates must also appoint an auditor. A candidate cannot be their own auditor, and the auditor and financial agent cannot be the same person.

Candidates can also appoint one official agent to act as their representative. An individual can be both the official agent and the financial agent for a candidate.

s. 70, 93

**Scrutineers and candidate representatives**

A candidate or their official agent can appoint candidate representatives (scrutineers) to observe voting, registration in conjunction with voting and ballot counting for an election.

Other representatives may also be appointed to transmit information to and from scrutineers.

## Political parties and constituency associations

s. 154-162, **Registering with the Chief Electoral Officer**  
186

Political parties and constituency associations must be registered with the Chief Electoral Officer to:

- issue tax receipts for political contributions,
- make political contributions,
- incur election expenses, and
- in the case of a political party, have the party name appear on a ballot.

For more information about registering a political party or constituency association, contact Elections BC or visit the Elections BC website ([www.elections.bc.ca](http://www.elections.bc.ca)).

## Electoral Finance

s. 207,  
209-211

### **Financial reporting**

Registered political parties and registered constituency associations must file annual financial reports by March 31 each year. These reports must disclose all of the financial transactions made by the organization during the previous calendar year.

After an election, candidates, registered political parties, registered constituency associations and election advertising sponsors must file election financing reports. These reports must be filed no later than 90 days after General Voting Day.

Party leadership contestants must file financing reports no later than 90 days after a leader is selected.

s. 180-182,  
186-192

### **Political contributions**

The *Election Act* does not limit the amount of money, property or services that an individual or organization can contribute. However, registered political parties, registered constituency associations, candidates and leadership contestants must record all of the contributions they receive. They must identify the contributors of over \$250 in a single year, election campaign or leadership contest on their financing reports.

Contributions can be made anonymously. Anonymous contributions must be less than \$50, and can only be made at functions held by or on behalf of the organization or individual to whom the contribution is given.

Registered political parties and registered constituency associations cannot accept more than \$10,000 in anonymous contributions in a year. Candidates, leadership contestants and nomination contestants cannot accept more than \$3,000 in anonymous contributions for one election or contest.

Registered political parties and registered constituency associations can issue income tax receipts for contributions of money received at any time, but not for contributions of goods or services. Candidates can only issue income tax receipts for contributions of money received after they have received their certificate of candidacy and before the return of the writ.

s. 196-204 **Election expenses limits**

Candidates

For a scheduled general election, the expenses limit for candidates is:

- \$70,000 during the 60 days before the campaign period, and
- \$70,000 during the campaign period.

For an unscheduled general election, the expenses limit for candidates is:

- \$70,000 during the campaign period.

Registered Political Parties

For a scheduled general election, the expenses limit for registered political parties is:

- \$1.1 million during the 60 days before the campaign period, and
- \$4.4 million during the campaign period.

For an unscheduled general election, the expenses limit for registered political parties is:

- \$4.4 million during the campaign period.

For a by-election, the expenses limit for registered political parties is:

- \$70,000 during the campaign period.

For elections called after January 1, 2010, these spending limits will be adjusted for changes to the consumer price index. The adjusted limits will be posted on the Elections BC website ([www.elections.bc.ca](http://www.elections.bc.ca)).

s. 228

**Election advertising**

Election advertising is the transmission, by any means, of an advertising message to the public that:

- is transmitted during the period that begins 60 days before a campaign period and ends at the close of general voting for the election, and
- promotes or opposes, directly or indirectly, a registered political party or the election of a candidate. This includes taking a position on an issue with which a candidate or registered political party is associated.

Election advertising does not include:

- news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary published without charge in a bona fide periodical or on a radio or television program
- the distribution or promotion of a book for no less than its commercial value, if the book was planned to be made public regardless of whether there was to be an election
- documents sent by a person or a group directly to their members, employees or shareholders
- the transmission by an individual of their personal political views, on a non-commercial basis on the internet, or by telephone or text messaging

The definition of election advertising is broad, and in some cases it can be difficult to determine if an item or activity is election advertising. Election advertising certainly includes signs, posters, leaflets, billboards, brochures, and advertisements in newspapers, magazines, newsletters, and on television, radio, and the internet.

Personal social networking pages and blogs are generally not election advertising, unless they are created to promote or oppose a candidate or a registered political party, or the blogger operates their site on a commercial basis. If they are, the sponsor of the content must be registered with Elections BC.

s. 228-250 **Sponsoring election advertising**

Except for registered political parties, registered constituency associations and candidates, individuals and organizations that want to sponsor election advertising must register with the Chief Electoral Officer. These individuals and groups are called registered advertising sponsors or third party advertisers.

Election advertising must identify the sponsor or, in the case of a candidate, the candidate's financial agent or the financial agent of the registered political party the candidate represents.

The *Election Act* limits the value of election advertising that third party advertisers can sponsor.

The total value of election advertising sponsored by a third party advertiser cannot be more than:

- \$3,000, in relation to one electoral district, and
- \$150,000 in the province overall.

For scheduled general elections, these limits apply to the campaign period and the 60 days before the campaign period. For by-elections and unscheduled general elections, these limits only apply to the campaign period. These limits will be adjusted for changes to the consumer price index for elections called after January 1, 2010.

In some cases, third party advertising sponsors must file a disclosure report within 90 days after General Voting Day. Registered political parties, registered constituency associations and candidates do not need to file separate disclosure reports. Their advertising expenses are included in their election financing reports.

For more information, see the Guide to Election Communications.

s. 233      **Election advertising on General Voting Day**

On General Voting Day, no election advertising may be published, broadcast or transmitted to the public before the close of all the voting stations in the electoral district. This does not include:

- a notice of an event the leader of a registered political party plans to attend
- an invitation to meet or hear the leader of a registered political party
- a message transmitted to the public on the internet before General Voting Day that is not changed before the close of voting stations
- the distribution of pamphlets, or the posting of signs, posters or banners

s. 228.1      **Election advertising in rental and strata units**

Renters and strata owners may display election advertising posters in their residences.

Landlords and strata corporations can set reasonable conditions on the size and type of posters that can be displayed. They can also prohibit posters from being displayed in common areas.

s. 234 **Campaigning near election offices and voting places**Election offices

During a campaign period, there is a 100-metre no-campaigning zone around the building where the office of the District Electoral Officer (DEO) is located. Within this zone, no one may post, display or distribute:

- election advertising
- any material that identifies a candidate, registered political party or registered constituency association, unless it is with the authorization of the DEO

Voting places

There is a similar 100-metre zone around any building where voting is being conducted during advance voting and general voting. Within this zone, no one may:

- post, display or distribute election advertising
- post, display or distribute any material that identifies a candidate, registered political party or registered constituency association, unless it is with the authorization of the DEO
- canvass or solicit votes or attempt to influence how a voter votes
- carry, wear or supply flags, badges or anything else that indicates support for a candidate or registered political party
- post, display, distribute or openly leave a representation of a ballot marked for a candidate or registered political party

While the 100-metre zone is in effect, no one may publish, broadcast or transmit election advertising by means of a public address system or loudspeaker that is within hearing distance of a voting place.

s. 233.1 **New election opinion surveys on General Voting Day**

On General Voting Day, the results of election opinion surveys that have not previously been made public must not be published, broadcast or transmitted until all of the voting stations in the electoral district are closed.

## Glossary

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| <b>Absentee Voting</b> | <p>An opportunity to vote for people who cannot visit their assigned voting place because they are away from home or for other reasons. Absentee ballots are counted at final count.</p> <p>[<i>Election Act</i>, s. 73 (d), (e)]</p>  |
| <b>Advance voting</b>  | <p>An opportunity to vote before General Voting Day. Advance voting is held between 8 a.m. and 8 p.m. on the Wednesday, Thursday, Friday and Saturday of the week before General Voting Day.</p> <p>[<i>Election Act</i>, s. 76, 97]</p>   |
| <b>Ballot</b>          | <p>A piece of paper used by voters to mark their choice in an election or electoral event.</p> <p>[<i>Election Act</i>, s. 86]</p>   |
| <b>Ballot box</b>      | <p>A container for marked ballots.</p> <p>[<i>Election Act</i>, s. 85]</p>   |
| <b>By-election</b>     | <p>An election held between general elections to fill an empty seat in the Legislative Assembly. When an MLA resigns, is disqualified from sitting, dies, or is successfully recalled, a by-election is held. More than one by-election can be held on the same day.</p> <p>[<i>Constitution Act</i>, s. 35; <i>Election Act</i>, s. 1, 25; <i>Recall and Initiative Act</i>, s. 26-28]</p>  |
| <b>Campaign period</b> | <p>The time between when an election is called and the close of voting on General Voting Day.</p> <p>[<i>Election Act</i>, s. 1]</p>   |
| <b>Candidate</b>       | <p>An individual who stands for election to the Legislative Assembly. To become a candidate, an individual must meet the requirements of the <i>Election Act</i>, file nomination documents, and receive a certificate of candidacy from Elections BC.</p> <p>For election financing and election advertising purposes, a candidate includes an individual who becomes a candidate or who was a candidate.</p> <p>[<i>Election Act</i>, s. 1, 52-68]</p> |

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| <b>Candidate representative (scrutineer)</b>    | An individual appointed in writing by a candidate or the candidate's official agent to watch the voting, registration in conjunction with voting, and counting proceedings in an election.<br>[ <i>Election Act</i> , s. 70]  |
| <b>Chief Electoral Officer (CEO)</b>            | An independent Officer of the Legislature appointed by the Lieutenant Governor on the recommendation of the Legislative Assembly. The Chief Electoral Officer supervises and administers the provincial electoral process.<br>[ <i>Election Act</i> , s. 1, 4-13]   |
| <b>Constituency</b>                             | See <i>Electoral District</i> .   |
| <b>Constituency association</b>                 | An organization formed for an electoral district as the local organization of a political party or as the local organization to support an independent Member of the Legislative Assembly for that electoral district.<br>[ <i>Election Act</i> , s. 157]   |
| <b>Deputy Chief Electoral Officer (DCEO)</b>    | A person appointed to help the Chief Electoral Officer with the duties of that office.<br>[ <i>Election Act</i> , s. 10, 12]  |
| <b>District Electoral Officer (DEO)</b>         | A person appointed by the Chief Electoral Officer to conduct elections in an electoral district.<br>[ <i>Election Act</i> , s. 18-21, 88]   |
| <b>Deputy District Electoral Officer (DDEO)</b> | A person appointed by the Chief Electoral Officer to help the District Electoral Officer (DEO) conduct elections in an electoral district. If the DEO becomes unable to carry out their duties, the DDEO takes on their role.<br><br>More than one DDEO can be appointed to an electoral district. In such cases, the Chief Electoral Officer decides which DDEO will act as DEO if that person is no longer able to carry out their duties.<br>[ <i>Election Act</i> , s. 18-21] |

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| <b>Deputy District Registrar of Voters (DDRv)</b> | <p>A person appointed by the Chief Electoral Officer to help the District Registrar of Voters prepare and maintain the provincial voters list in an electoral district.</p> <p>[<i>Election Act</i>, s. 22, 23]</p>   |
| <b>District Electoral Officer (DEO)</b>           | <p>A person appointed by the Chief Electoral Officer to conduct elections in an electoral district.</p> <p>[<i>Election Act</i>, s. 18-21, 88]</p>  |
| <b>District Registrar of Voters (DRV)</b>         | <p>A person appointed by the Chief Electoral Officer to prepare and maintain the provincial voters list in one or more electoral districts.</p> <p>[<i>Election Act</i>, s. 22, 23]</p>   |
| <b>Elections BC (EBC)</b>                         | <p>The usual name for the Office of the Chief Electoral Officer. Elections BC administers the electoral process in B.C. This includes provincial general elections and by-elections, provincial referendums, and recall and initiative petitions and votes.</p> <p>[<i>Election Act</i>, s. 10(1)]</p>  |
| <b>Electoral district (ED)</b>                    | <p>A geographic area represented by a single Member of the Legislative Assembly (MLA). Electoral districts are also called constituencies or ridings.</p> <p>[<i>Constitution Act</i>, s. 18; <i>Electoral Districts Act</i>]</p>   |
| <b>Enumeration</b>                                | <p>A registration event directed to all eligible voters or specific groups of voters in one or more electoral districts. An enumeration is an opportunity to identify and register people who are eligible to vote, but have not yet registered. The information collected in an enumeration is used to update the provincial voters list.</p> <p>[<i>Election Act</i>, s. 42-44]</p> |
| <b>Final Count</b>                                | <p>The count by the District Electoral Officer of the ballots in certification envelopes. Certification envelopes contain the ballots from absentee voting, alternative absentee voting and special voting.</p> <p>Final count ordinarily begins on Day 41 (the 41st day after an election is called).</p> <p>[<i>Election Act</i>, s. 127-137]</p>                                   |

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| <b>Financial agent</b>          | <p>An individual appointed to manage the finances of an individual or group. Registered political parties, registered constituency associations, candidates, leadership contestants, and recall and initiative participants must appoint a financial agent.</p> <p>[<i>Election Act</i>, s. 175-178]</p>  |
| <b>General election</b>         | <p>Elections called on the same date for all the electoral districts in the province.</p> <p>[<i>Election Act</i>, s. 1, 24, 26-28]</p>   |
| <b>General Voting Day (GVD)</b> | <p>The day when an election is held. General Voting Day is Day 28 (the 28th day after the election is called). If it is a holiday, then General Voting Day is the next day that is not a holiday.</p> <p>[<i>Election Act</i>, s. 27]</p>   |
| <b>Independent</b>              | <p>A candidate or MLA who does not represent a political party.</p> <p>[<i>Election Act</i>, s. 1]</p>  |
| <b>Initial count</b>            | <p>The counting of ballots from advance voting and general voting after voting ends on General Voting Day. Candidate representatives are allowed to watch the count.</p> <p>After the initial count, the District Electoral Officer may announce the preliminary results of the election. Final results are determined after final count, when the ballots from absentee, alternative absentee and special voting are counted.</p> <p>[<i>Election Act</i>, s. 115-126]</p>                         |
| <b>Judicial recount</b>         | <p>A recount by the B.C. Supreme Court of some or all of the votes in an election.</p> <p>If two or more candidates in an electoral district receive the same number of votes, or are separated by less than 1/500 of the total ballots considered, the District Electoral Officer must apply for a judicial recount. Voters and candidates can also apply for a judicial recount if they think errors were made in the review or counting of ballots.</p> <p>[<i>Election Act</i>, s. 139-145]</p> |

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| <b>Legislative Assembly</b>                     | <p>A body composed of all elected members (MLAs), who each represent a single electoral district. The role of the Legislative Assembly is to pass legislation, approve public finances, and scrutinize government.</p> <p>[Constitution Act, s. 17]</p>  |
| <b>Legislature of British Columbia</b>          | <p>The formal name for the body that makes provincial laws. It includes the Lieutenant Governor and the Legislative Assembly. In order for a bill to become law, it must be passed by the Legislative Assembly and signed by the Lieutenant Governor.</p>  |
| <b>Lieutenant Governor</b>                      | <p>The representative of the Queen in British Columbia. Along with other formal powers, the Lieutenant Governor can dissolve the Legislative Assembly and order a general election.</p> <p>In practice, this power is exercised at the request of the Premier based on the fixed-date elections established in the Constitution Act, or if the government loses the confidence of a majority of MLAs.</p> <p>[<i>Constitution Act</i>, s. 3, 23]</p> |
| <b>Member of the Legislative Assembly (MLA)</b> | <p>A person elected to represent an electoral district in the Legislative Assembly.</p> <p>[<i>Constitution Act</i>, s. 18]</p>  |
| <b>National Register of Electors (NRoE)</b>     | <p>A list of registered voters maintained by the Chief Electoral Officer of Canada for use in federal elections. The NRoE is also used to update the provincial voters list.</p> <p>[<i>Canada Elections Act</i>, s. 44-56]</p>  |
| <b>Nomination Period</b>                        | <p>The period when a person can be nominated as a candidate. To become a candidate, nominees must file nomination documents with the Chief Electoral Officer or the District Electoral Officer for the electoral district in which they want to run.</p> <p>[<i>Election Act</i>, s. 1, 56, 57]</p>  |

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| <b>Official agent</b>  | <p>An individual appointed by a candidate to serve as their representative during an election. An individual can be appointed as both the financial agent and the official agent of the same candidate.</p> <p>[<i>Election Act</i>, s. 1, 69]</p>   |
| <b>Political party</b> | <p>An organization that has as a primary purpose the fielding of candidates for election to the Legislative Assembly.</p> <p>[<i>Election Act</i>, s. 155]</p>   |
| <b>Rejected ballot</b> | <p>A ballot that is not counted for any candidate. A ballot is rejected if it:</p> <ul style="list-style-type: none"> <li>▪ differs physically from the official ballots</li> <li>▪ is blank</li> <li>▪ is marked in such a way that the voter could be identified</li> <li>▪ is marked for more than one candidate</li> <li>▪ does not clearly indicate the intention of the voter</li> <li>▪ is a write-in ballot that is marked for a political party that is not represented by a candidate in the election</li> <li>▪ is a write-in ballot marked for both a candidate and a political party, but the candidate is not a representative of that political party</li> </ul> <p>[<i>Election Act</i>, s. 123]</p> |
| <b>Return Day</b>      | <p>The day when the District Electoral Officer must return the writ of election and other documents to the Chief Electoral Officer. Return Day is usually Day 50 (the 50th day after an election is called).</p> <p>[<i>Election Act</i>, s. 146]</p>  |
| <b>Riding</b>          | <p>See <i>Electoral District</i>.</p>  |
| <b>Scrutineer</b>      | <p>See <i>Candidate representative</i>.</p>  |

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| <b>Special voting opportunity</b>        | An opportunity to vote for eligible voters who cannot visit a regular voting place because they are in hospital, a mental health facility, a long-term care facility, a remote work site or a correctional centre.<br>[ <i>Election Act</i> , s. 77, 98]                     |
| <b>Spoiled ballot</b>                    | A ballot that is marked inappropriately or in such a way that it would be rejected. If a voter spoils their ballot and would like a replacement, they can do so by giving the spoiled ballot to an election official.<br>[ <i>Election Act</i> , s. 113]                     |
| <b>Statement of Votes (SOV)</b>          | A report prepared by the Chief Electoral Officer after an election or referendum. The report contains a review of the proceedings and results of the electoral event, and is submitted to the Speaker of the Legislative Assembly.<br>[ <i>Election Act</i> , s. 13 (1) (b)] |
| <b>Time</b>                              | All times referred to in the <i>Election Act</i> are local times, except for the close of nominations and voting hours on General Voting Day, which are Pacific time.<br>[ <i>Election Act</i> , s. 2]   |
| <b>Voter</b>                             | An individual who meets the qualifications to be registered as a voter.<br>[ <i>Election Act</i> , s. 29, 31]  |
| <b>Voter Registration Official (VRO)</b> | A person appointed by the District Registrar of Voters on a temporary basis to help register voters in an electoral district.<br>[ <i>Election Act</i> , s. 23]  |
| <b>Voters list</b>                       | A list prepared by the Chief Electoral Officer that contains the names and addresses of registered voters in each electoral district.<br>[ <i>Election Act</i> , s. 45-51]   |

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| <b>Voting area (VA)</b>    | <p>An area containing approximately 400 registered voters. Each electoral district is divided into voting areas to assign voters to voting places.</p> <p>[<i>Election Act</i>, s. 1, 80]</p>   |
| <b>Voting book</b>         | <p>A book that contains a record of who voted at a specific voting station or voting opportunity.</p> <p>[<i>Election Act</i>, s. 84]</p>   |
| <b>Voting Clerk (VC)</b>   | <p>A person appointed by the District Electoral Officer to help the Voting Officer.</p> <p>[<i>Election Act</i>, s. 19, 88]</p>   |
| <b>Voting Officer (VO)</b> | <p>The election official appointed by the District Electoral Officer to conduct the vote at a particular voting station.</p> <p>[<i>Election Act</i>, s. 19, 88]</p>  |
| <b>Voting place</b>        | <p>The building or facility where advance voting is held or where voters of one or more voting areas are assigned to vote on General Voting Day.</p> <p>[<i>Election Act</i>, s. 1, 81]</p>   |
| <b>Voting screen</b>       | <p>A screen in a voting place where voters go to mark their ballot in private.</p> <p>[<i>Election Act</i>, s. 83]</p>  |
| <b>Voting station</b>      | <p>A table in a voting place with a Voting Officer, a Voting Clerk and a ballot box. Voters in a voting area are assigned to vote at a voting station.</p> <p>[<i>Election Act</i>, s. 82]</p>  |
| <b>Writ of Election</b>    | <p>A formal order signed by the Chief Electoral Officer and the Lieutenant Governor that directs a District Electoral Officer to conduct an election. An election is called when the writ of election has been issued. In a general election, a writ is issued for every electoral district in the province.</p> <p>[<i>Election Act</i>, s. 1, 26]</p> |

## Questions?

**For more information**

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