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LOCAL GOVERNMENT ACT

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LOCAL GOVERNMENT ACT

CHAPTER 1 [RSBC 2015]

[includes 2015 Bill 21, c. 14 (B.C. Reg. 261/2016) amendments (effective January 1, 2017)]

Public notice by newspaper publication

50. (1) If this Part requires notice to be given in accordance with this section, the notice must be given by publication in a newspaper in accordance with section 4 of the Schedule to this Act.
- (2) Notices to which this section applies may be combined as long as the requirements of all applicable sections are met.
RS2015-1-50 (B.C. Reg. 257/2015).

Solemn declarations

51. (1) If this Part requires a solemn declaration to be made, the declaration must be
- (a) made on oath or by solemn affirmation,
 - (b) made before a commissioner for taking affidavits for British Columbia or a person authorized by this Part to take the oath or solemn affirmation, and
 - (c) signed by the person making the oath or solemn affirmation and by the person before whom it is made.
- (2) If a regulation under section 168 [*election regulations*] applies, the declaration must be made in a form prescribed by the regulation.
RS2015-1-51 (B.C. Reg. 257/2015).

General local elections every 4 years

52. (1) Elections for the mayor and all councillors of each municipality and elections for the electoral area directors of each regional district, to be known collectively as a general local election, must be held in the year 2014 and in every 4th year after that.
- (2) General voting day for a general local election must be the 3rd Saturday of October in the year of the election.
RS2015-1-52 (B.C. Reg. 257/2015).

Non-resident property electors

66. (1) In order to be registered as a non-resident property elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must not be entitled to register as a resident elector of the municipality or electoral area;
 - (b) the person must be
 - (i) an individual who is 18 years of age or older on the day of registration, or

- (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
 - (c) the person must be a Canadian citizen;
 - (d) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the day of registration;
 - (e) the person must have been a registered owner of real property in the municipality or electoral area for at least 30 days immediately before the day of registration;
 - (f) the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;
 - (g) the person must not be disqualified under this Act or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) A person may register as a non-resident property elector only in relation to one parcel of real property in a municipality or electoral area.
 - (3) If the boundaries of a municipality or electoral area are extended or if a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (e) if, for at least 30 days before the person applies for registration as a non-resident property elector, the person has been a registered owner of property within the area that is included in the municipality or electoral area or that becomes the new municipality.
 - (4) For the purposes of this section, the registered owner of real property means whichever of the following is applicable:
 - (a) the owner of a registered estate in fee simple of the property, unless another person holds an interest in the property referred to in paragraphs (b), (c) or (d);
 - (b) the holder of the last registered agreement for sale, unless another person holds an interest in the property referred to in paragraph (c) or (d);
 - (c) the tenant for life under a registered life interest in the property, unless another person holds an interest in the property referred to in paragraph (d);
 - (d) the holder of a registered lease of the property for a term of at least 99 years.
 - (5) If there is more than one individual who is the registered owner of real property, either as joint tenants or tenants in common, only one of those individuals may register as a non-resident property elector under this section in relation to the real property.
 - (6) If the land title registration of the real property in relation to which a person is registering under this section indicates that there is more than one individual who is the registered owner of the real property, the person registering must do so with the written consent of the number of those individuals who, together with the person registering, are a majority of those individuals.
 - (7) A registered owner who has consented to the registration of another registered owner of the property may withdraw the consent by delivering a written withdrawal to the municipality or regional district.
 - (8) Once a withdrawal of consent has been delivered in accordance with subsection (7), the person registered as the non-resident property elector in relation to the property ceases to be entitled to be registered and vote as such if the number of individuals referred to in subsection (6) falls below a majority of the registered

owners, with this effective

- (a) for the next election, in the case of a withdrawal delivered at least 52 days before general voting day for the election, and
- (b) following the next election, in the case of a withdrawal delivered less than 52 days before general voting day for the election.

RS2015-1-66 (B.C. Reg. 257/2015).

Rules for determining residence

67. (1) The following rules apply to determine the area in which a person is a resident:
- (a) a person is a resident of the area where the person lives and to which, whenever absent, the person intends to return;
 - (b) a person may be the resident of only one area at a time for the purposes of this Part;
 - (c) a person does not change the area in which the person is a resident until the person has a new area in which the person is a resident;
 - (d) a person does not cease being a resident of an area by leaving the area for temporary purposes only.
- (2) As an exception to subsection (1), if
- (a) a person establishes for the purposes of attending an educational institution a new area in which the person is a resident, and
 - (b) the new area is away from the usual area in which the person is a resident,
- the person may choose for the purposes of this Part either the usual area or the new area as the area in which the person is a resident.

RS2015-1-67 (B.C. Reg. 257/2015).

When a person may register as an elector

68. (1) A person may register as an elector
- (a) at the time of voting in accordance with section 72 [*resident elector registration*] or 73 [*non-resident property elector registration*], or
 - (b) by advance registration in accordance with section 71, if this is available.
- (2) If a bylaw under section 76 [*Provincial list of voters as register of resident electors*] is in effect for a municipality or electoral area, a person entitled to register as a resident elector of the municipality or electoral area may effectively register as such by registering as a voter under the *Election Act* in sufficient time to have the person's name appear on the Provincial list of voters that becomes, under the bylaw, the register of resident electors for the municipality or electoral area.

RS2015-1-68 (B.C. Reg. 257/2015).

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

72. (1) A person may register as a resident elector immediately before voting by
- (a) either
 - (i) delivering an application in accordance with section 70 [*application for registration*] to the election official responsible at the place where the person is voting, or

- (ii) providing to that official the information required under that section in the manner established by the chief election officer, and
 - (b) satisfying that official of the applicant's identity and place of residence in accordance with subsection (2).
- (2) For the purposes of subsection (1) (b), an individual may either
- (a) produce to the election official at least 2 documents that provide evidence of the applicant's identity and place of residence, at least one of which must contain the applicant's signature, or
 - (b) produce to the election official at least 2 documents that provide evidence of the applicant's identity, at least one of which must contain the applicant's signature, and make a solemn declaration as to the applicant's place of residence within the meaning of section 67 [rules for determining residence].
- (3) Documents accepted under subsection (2) must either be documents prescribed as acceptable under section 168 [election regulations] or provide evidence satisfactory to the election official respecting the matter.
- (4) The election official registering an elector under this section must note on the application the nature of the documents produced for the purposes of subsection (1) (b).
- (5) The election official responsible for receiving applications under subsection (1) is the presiding election official or another election official designated by the presiding election official.

RS2015-1-72 (B.C. Reg. 257/2015).

Objection to elector registration

- 79.**
- (1) The registration of a person whose name appears on the list of registered electors under section 77 (3) may be objected to in accordance with this section.
 - (2) An objection must be received by the designated local government officer, or a person authorized for this purpose by that officer, before 4 p.m. on the 36th day before general voting day.
 - (3) An objection may be made only by a person entitled to be registered as an elector of the municipality or electoral area for which the registration is questioned.
 - (4) An objection may be made only on the basis
 - (a) that the person whose name appears has died, or
 - (b) that, at the time of the objection, the person is not qualified to be registered as an elector of the municipality or electoral area.
 - (5) An objection must be made in writing, signed by the person making it and include the following:
 - (a) the name and address, as shown in the list of registered electors, of the person against whose registration the objection is made;
 - (b) the basis of the objection, including a statement of the facts that the objector believes support this;
 - (c) the name and address of the person making the objection.
 - (6) On receiving an objection, the designated local government officer must make a reasonable effort to notify the person against whom the objection is made of
 - (a) the objection,
 - (b) the name of the person who made the objection, and

- (c) the basis on which the objection is made.

RS2015-1-79 (B.C. Reg. 257/2015).

Resolving objections to registration

80. (1) An objection under section 79 on the basis of death must be resolved by the designated local government officer in accordance with the following:
- (a) that official must have a search made of the records under the *Vital Statistics Act*;
 - (b) if a record of death is found and that official is satisfied that it applies to the person whose registration is being objected to, that official must remove the person's name from the register of electors;
 - (c) if a record of death is not found and that official is unable to contact the person, the official must proceed in accordance with subsection (2) (c) and (d).
- (2) An objection on the basis that a person is not entitled to be registered as an elector must be resolved by the designated local government officer in accordance with the following:
- (a) if, after receiving notice of the objection, the person provides proof satisfactory to that official of the person's entitlement to be registered or makes a solemn declaration as to that entitlement, the person's name is to stay on the register of electors;
 - (b) if, after receiving notice of the objection, the person does not provide proof of entitlement or make a solemn declaration as to entitlement, that official must remove the person's name from the register of electors;
 - (c) if that official is unable to contact the person, that official must require the person who made the objection to provide proof satisfactory to that official of the basis of the objection and, if this is done, must remove the name from the register of electors;
 - (d) if the person who made the objection does not provide satisfactory proof as required by paragraph (c), the name is to stay on the register of electors.

RS2015-1-80 (B.C. Reg. 257/2015).

Who may hold office on a local government

81. (1) A person is qualified to be nominated for office, and to be elected to and hold office, on a local government if at the relevant time the person meets all the following requirements:
- (a) the person must be an individual who is, or who will be on general voting day for the election, 18 years of age or older;
 - (b) the person must be a Canadian citizen;
 - (c) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the relevant time;
 - (d) the person must not be disqualified under this Act or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to or holding the office, or be otherwise disqualified by law.
- (2) Without limiting subsection (1) (d), the following persons are disqualified from being nominated for, being elected to or holding office on a local government:
- (a) a person who is a judge of the Court of Appeal, Supreme Court or Provincial Court;

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- (b) a person who is disqualified under section 82 as an employee of a local government, except as authorized under that section;
- (c) a person who is disqualified under any of the following provisions of this Act, including as the provisions apply under section 6 (6) [application to trustees] of the *Islands Trust Act*:
 - (i) section 202 (4) [failure to make oath or affirmation of office];
 - (ii) section 204 (1) [unexcused absence from board meetings];
- (d) a person who is disqualified under any of the following provisions of the *Community Charter*:
 - (i) Division 6 [Conflict of Interest] of Part 4 [Public Participation and Council Accountability], including as it applies under section 205 (1) [application to regional district directors] of this Act and under section 6 (7) [application to trustees] of the *Islands Trust Act*;
 - (ii) section 120 (1.1) [failure to make oath of office];
 - (iii) section 125 (5) [unexcused absence from council meetings];
 - (iv) section 191 (3) [unauthorized expenditures];
- (e) a person who is disqualified under any of the provisions referred to in paragraph (c) or (d) as the provision applies under another enactment;
- (f) a person who is disqualified from holding office on the council of the City of Vancouver under any of the provisions of the *Vancouver Charter* referred to in section 38 (2) (c) or (d) [disqualifications from holding office] of that Act;
- (g) a person who is disqualified from holding office under
 - (i) Division 18 [Election Offences] of this Part as it applies to elections or voting under this Act or any other Act, or
 - (ii) Division (17) of Part I of the *Vancouver Charter* as it applies to elections or voting under that Act or any other Act;
- (h) a person who is disqualified under the *Local Elections Campaign Financing Act* from holding office on a local authority;
- (i) a person who is disqualified under any other enactment.

RS2015-1-81 (B.C. Reg. 257/2015); 2016-9-42.

Disqualification of local government employees

- 82.** (1) For the purposes of this section, "employee" means
- (a) an employee or salaried officer of a municipality or regional district, or
 - (b) a person who is within a class of persons deemed by regulation under section 168 [election regulations] to be employees of a specified municipality or regional district,
- but does not include a person who is within a class of persons excepted by regulation under section 168.
- (2) Unless the requirements of this section are met, an employee of a municipality is disqualified from being nominated for, being elected to or holding office
- (a) as a member of the council of the municipality, or
 - (b) as a member of the board of the regional district in which the municipality is located.
- (3) Unless the requirements of this section are met, an employee of a regional district is disqualified from being nominated for, being elected to or holding office
- (a) as a member of the board of the regional district, or

- (b) as a member of the council of a municipality, including the City of Vancouver, that is within the regional district.
- (4) Before being nominated for an office to which subsection (2) or (3) applies, the employee must give notice in writing to his or her employer of the employee's intention to consent to nomination.
- (5) Once notice is given under subsection (4), the employee is entitled to and must take a leave of absence from the employee's position with the employer for a period that, at a minimum,
 - (a) begins on the first day of the nomination period or the date on which the notice is given, whichever is later, and
 - (b) ends, as applicable,
 - (i) if the person is not nominated before the end of the nomination period, on the day after the end of that period,
 - (ii) if the person withdraws as a candidate in the election, on the day after the withdrawal,
 - (iii) if the person is declared elected, on the day the person resigns in accordance with subsection (8) or on the last day for taking office before the person is disqualified for a failure to take the oath of office within the time specified by an enactment that applies to the person,
 - (iv) if the person is not declared elected and an application for judicial recount is not made, on the last day on which an application for a judicial recount may be made, or
 - (v) if the person is not declared elected and an application for judicial recount is made, on the date when the results of the election are determined by or following the judicial recount.
- (6) If agreed by the employer, as a matter of employment contract or otherwise, the leave of absence under this section may be for a period longer than the minimum required by subsection (5).
- (7) Sections 54 [*duties of employer in relation to leave*] and 56 [*employment deemed continuous while on leave*] of the *Employment Standards Act* apply to a leave of absence under this section.
- (8) Before making the oath of office, an employee on a leave of absence under this section who has been elected must resign from the person's position with the employer.
- (9) At the option of the employee, a resignation under subsection (8) may be conditional on the person's election not being declared invalid on an application under section 153 [*application to court respecting validity of election*].

RS2015-1-82 (B.C. Reg. 257/2015).

Only one elected office at a time in the same local government

- 83.**
- (1) At any one time a person may not hold more than one elected office in the same local government.
 - (2) At any one time a person may not be nominated for more than one elected office in the same local government.
 - (3) A current member of a local government may not be nominated for an election under section 54 [*by-elections*] for another office in the same local government unless the person resigns from office within 14 days after the day on which the chief election officer is appointed.

RS2015-1-83 (B.C. Reg. 257/2015).

Nomination period

- 84.** (1) The period for receiving nominations begins at 9 a.m. on the 46th day before general voting day and ends at 4 p.m. on the 36th day before general voting day.
- (2) If the first day of the nomination period would otherwise fall on a holiday, the nomination period begins on the next day that is not a holiday.
- (3) If the last day of the nomination period would otherwise fall on a holiday, the nomination period ends on the last day before that day that is not a holiday.

RS2015-1-84 (B.C. Reg. 257/2015).

Notice of nomination

- 85.** (1) At least 6 days but not more than 30 days before the nomination period begins, the chief election officer must issue a notice of nomination under this section in accordance with section 50 [*newspaper publication*].
- (2) The notice must include the following information:
- (a) the offices for which candidates are to be elected;
- (b) the dates, times and places at which nominations will be received;
- (c) how interested persons can obtain information on the requirements and procedures for making a nomination;
- (c.1) the expense limits,
- (i) made publicly available under section 63.03 of the *Local Elections Campaign Financing Act*, that apply to the election area, or
- (ii) if the election is a by-election, that apply to the election area under section 63.04 of the *Local Elections Campaign Financing Act*;
- (c.2) the third party advertising limits,
- (i) made publicly available under section 41.3 (2) of the *Local Elections Campaign Financing Act*, that apply to the election area, or
- (ii) if the election is a by-election, that apply to the election area under section 41.4 of the *Local Elections Campaign Financing Act*;
- (d) any other information required to be included by regulation under section 168 [*election regulations*].
- (3) The notice may include any other information the chief election officer considers appropriate.
- (4) The chief election officer may provide for additional notice of the call for nominations to be given to the public.

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RS2015-1-85 (B.C. Reg. 257/2015); 2016-9-43.

Nomination of candidates

- 86.** (1) A nomination for office as a member of a local government must be made in accordance with section 87, separately for each candidate,
- (a) by at least 2 qualified nominators of the municipality or electoral area for which the nomination is made, or
- (b) if a bylaw under subsection (2) of this section applies, by at least the minimum number of such persons as set by the bylaw.
- (2) A local government may, by bylaw, set the minimum number of qualified nominators as follows:

- (a) in relation to a municipality or electoral area that has a population of 5 000 or more, the minimum number of qualified nominators may be set at either 10 or 25;
 - (b) in relation to a municipality or electoral area that has a population of less than 5 000, the minimum number of qualified nominators may be set at 10.
- (3) In order to be qualified as a nominator, a person
- (a) must be an elector of the municipality or electoral area for which the nomination is made, and
 - (b) in the case of a nomination for an office to be filled on a neighbourhood constituency basis, must also be qualified as a resident elector or non-resident property elector in relation to the area of the neighbourhood constituency.
- (4) A person may subscribe as nominator to as many nomination documents as, but not more than, the number of persons who are to be elected to fill the office for which the election is being held.
- (5) Even if one or more of the nominators are not qualified in accordance with this section, a nomination is valid as long as the nomination is made by at least the minimum number of qualified nominators.

RS2015-1-86 (B.C. Reg. 257/2015).

Nomination documents

87. (1) A nomination for local government office must be in writing and must include the following:
- (a) the full name of the person nominated;
 - (b) the usual name of the person nominated, if the full name of the person is different from the name the person usually uses and the person wishes to have his or her usual name on the ballot instead;
 - (c) the office for which the person is nominated;
 - (d) the residential address of the person nominated, and the mailing address if this is different;
 - (e) the names and residential addresses of the nominators and, if a nominator is a non-resident property elector, the address of the property in relation to which the nominator is such an elector;
 - (f) a statement signed by the nominators that, to the best of their knowledge, the person nominated is qualified under section 81 [*who may hold office on a local government*] to be nominated.
- (2) For a nomination to be accepted for filing, a nomination must be accompanied by the following:
- (a) a statement signed by the person nominated consenting to the nomination;
 - (b) a solemn declaration in accordance with subsection (3) of the person nominated, either made in advance or taken by the chief election officer at the time the nomination documents are delivered;
 - (c) as applicable, a signed declaration of the person nominated
 - (i) that the person is acting as his or her own financial agent, or
 - (ii) identifying the person who is appointed under the *Local Elections Campaign Financing Act* to act as financial agent for the person nominated;

- (d) the written disclosure required by section 2 (1) of the *Financial Disclosure Act*.
- (3) For the purposes of subsection (2) (b), the person nominated must make a solemn declaration
 - (a) that he or she is qualified under section 81 to be nominated for the office,
 - (b) that, to the best of the person's knowledge and belief, the information provided in the nomination documents is true,
 - (c) that the person fully intends to accept the office if elected, and
 - (d) that the person
 - (i) is aware of the *Local Elections Campaign Financing Act*,
 - (ii) understands the requirements and restrictions that apply to the person under that Act, and
 - (iii) intends to fully comply with those requirements and restrictions.
- (4) A person must not consent to be nominated knowing that he or she is not qualified to be nominated.

RS2015-1-87 (B.C. Reg. 257/2015).

Nomination deposits

- 88.**
- (1) The local government may, by bylaw, require that a nomination for mayor, councillor or electoral area director be accompanied by a nomination deposit.
 - (2) The amount of a required nomination deposit may be different for the different offices referred to in subsection (1), but must not be greater than \$100.
 - (3) A nomination deposit must be held by the chief election officer to be dealt with as follows:
 - (a) if the person nominated is not declared to be a candidate under section 97 [*declaration of candidates*], the deposit is to be returned to the person or to the financial agent for the person;
 - (b) in the case of a person declared to be a candidate, if the candidate disclosure statement required under the *Local Elections Campaign Financing Act* for the person is filed in accordance with section 47 (1) [*time limit for filing on time*] of that Act, the deposit is to be returned to the person or the financial agent for the person;
 - (c) in the case of a person declared to be a candidate, the deposit is to be returned to the person or the financial agent for the person if the required candidate disclosure statement is not filed as referred to in paragraph (b), but
 - (i) an application for relief in relation to the disclosure statement is made under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6 of the *Local Elections Campaign Financing Act*,
 - (ii) the court provides relief in relation to forfeiture of the deposit, and
 - (iii) if applicable, there is compliance with the court order;
 - (d) in other cases, the deposit is forfeited and is to be paid to the local government.

RS2015-1-88 (B.C. Reg. 257/2015).

Nomination by delivery of nomination documents

- 89.** (1) In order to make a nomination,
- (a) the nomination documents required by section 87, and
 - (b) if applicable, the nomination deposit required under section 88
- must be received before the end of the nomination period by the chief election officer or a person designated by the chief election officer for this purpose.
- (2) The obligation to ensure that the nomination documents and nomination deposit are received in accordance with this section rests with the person being nominated.
- (3) For the purposes of subsection (1), the nomination documents and nomination deposit
- (a) must be received at the local government offices during its regular office hours, and
 - (b) may be received at other times and places as specified by the chief election officer.
- (4) Nomination documents may be delivered
- (a) by hand, by mail or by other delivery service, or
 - (b) by fax or email, with originals to follow.
- (5) If the originals of nomination documents delivered by fax or email are not received by the chief election officer before the end of the 29th day before general voting day, the person nominated is deemed to have withdrawn from being a candidate in the election.
- (6) After receiving nomination documents, the chief election officer must review the list under section 60 [*Elections BC to maintain disqualification lists*] of the *Local Elections Campaign Financing Act* to determine whether an application must be made under section 91 (5) [*challenge required if candidate appears to be disqualified*] of this Act.
- (7) Nomination documents delivered to the chief election officer
- (a) must be available for public inspection in the local government offices during its regular office hours from the time of delivery until 30 days after the declaration of the election results under section 146, and
 - (b) if a bylaw under subsection (8) applies, must be made available to the public in accordance with the bylaw.
- (8) A local government may, by bylaw, provide for public access to nomination documents, during all or part of the period referred to in subsection (7) (a), in any manner the local government considers appropriate, including by the internet or other electronic means.
- (9) A person who inspects or otherwise accesses nomination documents under this section must not use the information included in them except for the purposes of this Act or purposes authorized by section 63 [*restrictions on use of personal information*] of the *Local Elections Campaign Financing Act*.

RS2015-1-89 (B.C. Reg. 257/2015).

Other information to be provided by candidate

- 90.** (1) A person who is nominated for local government office must, before the end of the nomination period, provide the following to the chief election officer:

- (a) a telephone number at which the person may be contacted;
 - (b) an email address at which the person may be contacted, unless the person does not have such an address;
 - (c) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the person;
 - (d) as applicable,
 - (i) a statement that the person is acting as his or her own financial agent, or
 - (ii) the information and material required under section 17 (5) [*candidate financial agent appointment documents*] of the *Local Elections Campaign Financing Act*;
 - (e) any other information or material required by regulation under section 168 [*election regulations*].
- (2) If the information and material required under subsection (1) are not received by the chief election officer before the end of the nomination period, the person nominated is deemed to have withdrawn from being a candidate in the election.
- (3) If there is any change in the information or related material required to be provided under subsection (1), the person nominated must provide updated information and material as follows:
- (a) to the chief election officer if the change occurs before the declaration of the results of the election;
 - (b) to the BC chief electoral officer if the change occurs after the declaration of those results.

RS2015-1-90 (B.C. Reg. 257/2015).

Challenge of nomination

- 91.**
- (1) A nomination may be challenged only by an application to the Provincial Court in accordance with this section.
 - (2) The time period during which a challenge may be made is between the time of the delivery of the nomination documents in accordance with section 89 and 4 p.m. on the 4th day after the end of the nomination period.
 - (3) A challenge may be made only by
 - (a) a person who is an elector of the municipality or electoral area for which the election is being held,
 - (b) another nominee in the same election, or
 - (c) the chief election officer.
 - (4) A challenge may be made only on one or more of the following bases:
 - (a) that the person is not qualified to be nominated or elected;
 - (b) that the nomination was not made in accordance with sections 86 to 89;
 - (c) that the usual name given under section 87 (1) (b) in the nomination documents is not in fact the usual name of the person.
 - (5) The chief election officer must commence a challenge under this section if, on a review under section 89 (6) [*review of disqualification list*], it appears to the chief election officer that a person is disqualified from being nominated.
 - (6)

The document filed with the court to commence a challenge must briefly set out the facts on which the challenge is based and must be supported by affidavit as to those facts.

- (7) At the time a challenge is commenced, a time must be set for the hearing that is adequate to allow the court to give its decision on the matter within the time limit set by subsection (9).
- (8) The person making a challenge must
 - (a) immediately give notice of the challenge to the chief election officer and the person whose nomination is challenged, and
 - (b) within 24 hours of filing the document commencing the application, serve on these persons that document, the accompanying affidavit and a notice of the time set for the hearing.
- (9) Within 72 hours of the end of the period for commencing a challenge, the court must hear and determine the matter and must issue an order, as applicable,
 - (a) confirming the person as a candidate or declaring that the person is no longer a candidate, or
 - (b) declaring that the person is or is not entitled to have the usual name indicated in the nomination documents used on the ballot.
- (10) The court may order that the costs of a challenge, within the meaning of the Supreme Court Civil Rules, be paid in accordance with the order of the court.
- (11) The decision of the court on a challenge under this section is final and may not be appealed.

RS2015-1-91 (B.C. Reg. 257/2015).

Candidate endorsement by elector organization may be included on ballot

- 92.** (1) Subject to this section, an incorporated or unincorporated organization may endorse a candidate in an election and have that endorsement included on the ballot for the election if
- (a) the organization makes the endorsement in accordance with section 93,
 - (b) the candidate consents to the endorsement, and
 - (c) the organization complies with section 94 (1) [*other information to be provided by elector organization*].
- (2) To be qualified to endorse a candidate, an organization
- (a) must have a membership that, at the time the solemn declaration under section 93 (1) (c) is made, includes at least 50 electors of the municipality or regional district for which the election is being held, and
 - (b) must not be disqualified under this Act, the *Local Elections Campaign Financing Act* or any other Act from endorsing a candidate.
- (3) An organization must not endorse more candidates in an election for a particular office than there are positions to be filled for that office.
- (4) A candidate must not consent to endorsement by more than one organization in relation to the same election for the same office.

RS2015-1-92 (B.C. Reg. 257/2015).

Endorsement documents

- 93.** (1) An organization must file the following with the chief election officer before the end of the nomination period in order to endorse a candidate:

- (a) a statement of the following:
 - (i) the full name of the candidate to be endorsed by the elector organization and, if applicable, the usual name that is to be used on the ballot;
 - (ii) the legal name of the organization, if applicable;
 - (iii) the usual name of the organization, if this is different from its legal name or if it has no legal name;
 - (iv) any abbreviations, acronyms and other names used by the elector organization;
 - (v) subject to the restrictions in subsection (3), which name, abbreviation or acronym the elector organization wishes to have included on the ballot;
 - (vi) the mailing address for the organization;
 - (b) written consent of the candidate to the endorsement;
 - (c) a solemn declaration of the authorized principal official of the organization in accordance with subsection (2) and any applicable regulations;
 - (d) any other information or material required to be provided by regulation under section 168 [*election regulations*].
- (2) For the purposes of subsection (1) (c), the authorized principal official of the organization must make a solemn declaration that, to the best of the knowledge and belief of the official, the organization
- (a) has a membership of at least 50 electors of the municipality or regional district for which the election is being held,
 - (b) is not disqualified from endorsing a candidate,
 - (c) is aware of the *Local Elections Campaign Financing Act*,
 - (d) understands the requirements and restrictions that apply to the organization under the *Local Elections Campaign Financing Act*,
 - (e) intends to fully comply with the requirements and restrictions referred to in paragraph (d) of this subsection, and
 - (f) has authorized the official to make the solemn declaration.
- (3) The name, abbreviation or acronym referred to in subsection (1) (a) (v) must not
- (a) include any matter that is prohibited by section 115 [*what must and must not be included on a ballot*] from being included on the ballot, or
 - (b) be, in the opinion of the chief election officer, so similar to the name, abbreviation or acronym of another elector organization whose endorsement of a candidate appeared on a ballot at the preceding general local election, or at an election after that general local election, as to be confusing to the electors.
- (4) If an organization is filing endorsement documents
- (a) for more than one candidate in the same election, or
 - (b) in multiple elections being held at the same time for the same jurisdiction,
- a solemn declaration under subsection (1) (c) may be made in relation to any or all of those candidates.
- (5) After receiving endorsement documents, the chief election officer must review the list under section 60 [*Elections BC to maintain disqualification lists*] of the *Local Elections Campaign Financing Act* to determine whether an application

must be made under section 96 (5) [*challenge required if organization appears to be disqualified*] of this Act.

- (6) Section 89 (7) to (9) [*public access to nomination documents*] applies in relation to endorsement documents.

RS2015-1-93 (B.C. Reg. 257/2015).

Determination of results by lot if tie vote after judicial recount

- 151.** (1) A local government may, by bylaw, provide that, if at the completion of a judicial recount the results of the election cannot be declared because there is an equality of valid votes for 2 or more candidates, the results will be determined by lot in accordance with this section rather than by election under section 152.
- (2) If a bylaw under subsection (1) applies and there is an equality of votes as described in that subsection, the results of the election are to be determined, as the conclusion of the judicial recount, by lot between those candidates in accordance with the following:
- (a) the name of each candidate is to be written on a separate piece of paper, as similar as possible to all other pieces prepared for the determination;
 - (b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;
 - (c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;
 - (d) the court is to direct a person who is not a candidate or candidate representative to withdraw one paper;
 - (e) the court is to declare elected the candidate whose name is on the paper that was drawn.

RS2015-1-151 (B.C. Reg. 257/2015).

Runoff election if tie vote after judicial recount

- 152.** (1) If at the completion of a judicial recount the results of the election cannot be declared because there is an equality of valid votes for 2 or more candidates, a runoff election must be held in accordance with this section unless a bylaw under section 151 [*determination by lot*] applies.
- (2) Except as provided in this section, this Part applies to a runoff election under subsection (1).
- (3) The candidates in the runoff election are to be the unsuccessful candidates in the original election who do not withdraw, and no new nominations are required or permitted.
- (4) As soon as practicable after the judicial recount, the chief election officer must notify the candidates referred to in subsection (3) that an election is to be held and that they are candidates in the election unless they deliver a written withdrawal to the chief election officer within 3 days after being notified.
- (5) The chief election officer must set a general voting day for the runoff election, which must be on a Saturday no later than 50 days after the completion of the judicial recount.
- (6) If advance registration would otherwise be permitted, the closed period under section 71 (4) [*closing of advanced registration*] extends until the day after the close of general voting for the election under this section.
- (7) No new list of registered electors is required and sections 77 to 80 do not apply.

- (8) So far as reasonably possible, election proceedings must be conducted as they were for the original election except that, if voting under section 112 [*use of voting machines*] was used for the original election, it is not necessary to use this for the election under this section.
- (9) Without limiting subsection (8), so far as reasonably possible, voting opportunities equivalent to those provided for the original election must be held and, for these, no new bylaws under this Part are required.

RS2015-1-152 (B.C. Reg. 257/2015).

Application to court respecting validity of election

- 153.** (1) The right of an elected candidate to take office or the validity of an election may not be challenged except by an application under this section.
- (2) An application may be made in accordance with this section to the Supreme Court for a declaration regarding the right of a person to take office or the validity of an election.
 - (3) The time limit for making an application is 30 days after the declaration of official election results under section 146.
 - (4) An application may be made only by a candidate in the election, the chief election officer or at least 4 electors of the municipality or electoral area for which the election was held.
 - (5) An application may be made only on one or more of the following bases:
 - (a) that a candidate declared elected was not qualified to hold office at the time he or she was elected or, between the time of the election and the time for taking office, the candidate has ceased to be qualified to hold office;
 - (b) that an election should be declared invalid because it was not conducted in accordance with this Act or a regulation or bylaw under this Act;
 - (c) that an election or the election of a candidate should be declared invalid because section 161 [*vote buying*], 162 [*intimidation*] or 163 (2) (a) [*voting when not entitled*] was contravened.
 - (6) As a restriction on subsection (5) (b), an application may not be made on any basis for which an application for judicial recount may be or may have been made.
 - (7) At the time the petition commencing an application is filed, the court registry must set a date for the court to hear the application, which must be at least 10 days but no later than 21 days after the date the petition is filed.
 - (8) As soon as practicable, but no later than 2 days after a petition is filed, the person making the application must serve the petition and the notice of hearing on the municipality or regional district for which the election was held.
 - (9) If a candidate affected by an application files a written statement renouncing all claim to the office to which the candidate was elected, the court may permit the petition for the application to be withdrawn unless it is based on an allegation that the candidate who has renounced the office contravened section 161 [*vote buying*] or 162 [*intimidation*].

RS2015-1-153 (B.C. Reg. 257/2015).

Hearing of application

- 154.** (1)

The Supreme Court must hear and determine an application under section 153 as soon as practicable and, for these purposes, must ensure that the proceedings are conducted as expeditiously as possible.

- (2) If the application is based on a claim that section 161 [*vote buying*] or 162 [*intimidation*] was contravened, the evidence regarding that claim must be given orally by witnesses rather than by affidavit.

RS2015-1-154 (B.C. Reg. 257/2015).