

# ELECTION AMENDMENT ACT, 2017

## CHAPTER 20

*Assented to November 30, 2017*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

### PART 1 – ELECTION ACT AMENDMENTS

**1** *Section 1 of the Election Act, R.S.B.C. 1996, c. 106, is amended*

*(a) by renumbering the section as section 1 (1),*

*(b) in subsection (1) by adding the following definitions:*

**“campaign period election advertising”** means the transmission to the public by any means, during the campaign period, of an advertising message that promotes or opposes, directly or indirectly, a registered political party or the election of a candidate, including an advertising message that takes a position on an issue with which a registered political party or candidate is associated, but does not include

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

**“contributor confirmation”** means a confirmation under section 235.04 (3) (a);

**“contributor consent”** means consent under section 235.04 (3) (b);

**“election advertising”** means the following:

- (a) campaign period election advertising;
- (b) pre-campaign period election advertising;

**“election opinion survey”** means an opinion survey respecting an election or a matter of public discussion in relation to the election, including an opinion survey respecting an issue discussed publicly in the election;

**“Elections BC”** means the office administered by the chief electoral officer;

**“Elections BC authorized internet site”** means an internet site

- (a) maintained by Elections BC, or
- (b) authorized by the chief electoral officer to be used for purposes of this Act;

**“eligible individual”** means an individual who is, or was immediately before the date of the individual’s death,

- (a) a resident of British Columbia, and
- (b) a Canadian citizen or a permanent resident as defined in the *Immigration and Refugee Protection Act* (Canada);

**“major political party”** means a registered political party that has a representative appointed, or is eligible to appoint a representative under section 14, to the Election Advisory Committee;

**“permissible loan”** means a loan to

- (a) an organization or individual as referred to in section 180 (1) (a) to (e), or
- (b) a third party sponsor for the purpose of sponsoring election advertising at a rate of interest that is not less than the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed;

**“pre-campaign period”** means the period beginning 60 days before the first day of a campaign period for a general election conducted in accordance with section 23 (2) of the *Constitution Act* and ending on the day before the first day of the start of the campaign period;

**“pre-campaign period election advertising”** means the transmission to the public by any means, during the pre-campaign period, of an advertising message that is sponsored by a third party sponsor and directly promotes or opposes a registered political party or the election of a candidate, but does not include

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

**“specified fundraising function”** means a fundraising function that

- (a) is attended by one or more of the following:
  - (i) a member of the Executive Council;

- (ii) a parliamentary secretary;
  - (iii) a leader of a major political party, and
- (b) is held for the purpose of raising funds for one or more of the following that holds the function or on whose behalf the function is held:
  - (i) a major political party;
  - (ii) a candidate who is a representative of a major political party;
  - (iii) a leadership contestant for a major political party;
  - (iv) a constituency association that is the local organization for a major political party;

**“sponsorship account”** means an account opened under section 235.071 or 235.08;

**“sponsorship contribution”** means a sponsorship contribution within the meaning of sections 235.02 to 235.031, whether provided before or after the individual or organization acts as a third party sponsor;

**“third party sponsor”** means an individual or organization, other than a candidate, registered political party or registered constituency association, that sponsors election advertising; ,

(c) *in subsection (1) by striking out “Parts 10 and 11” in the definition of “candidate” and substituting “Parts 10, 10.1 and 11”,*

(d) *in subsection (1) by repealing paragraph (c) of the definition of “registered” and substituting the following:*

- (c) in relation to a third party sponsor, an individual or organization registered as a third party sponsor under Division 3 of Part 11; , **and**

(e) *by adding the following subsections:*

- (2) For the purposes of the definition of “pre-campaign period election advertising”,
  - (a) an advertising message that directly promotes or opposes a registered political party is a message that
    - (i) names the political party or includes a logo or likeness of a logo used by the political party, or
    - (ii) includes anything else prescribed by regulation, or
  - (b) an advertising message that directly promotes or opposes the election of a candidate is a message that
    - (i) names the candidate, includes an image or likeness of the candidate or identifies the candidate by voice or physical description, or
    - (ii) includes anything else prescribed by regulation.

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- (3) Except in relation to sections 228.1, 231, 232, 264 (1) (b) and (c) and 283 (m.1), the transmission of an advertising message, for the purposes of the definitions of “campaign period election advertising” and “pre-campaign period election advertising”, includes the following activities, if the activities are conducted on a commercial basis:
- (a) canvassing voters, in person or by telephone, to attempt to influence how voters vote;
  - (b) mailing material that contains advertising messages.

**2     *Section 11 (1) is repealed and the following substituted:***

- (1) All necessary expenses required for the administration of this Act or required to be paid by the chief electoral officer under this Act must be paid out of the consolidated revenue fund.

**3     *Section 162 (2) is repealed and the following substituted:***

- (2) The information available for public inspection under subsection (1) must not include the following:
- (a) account numbers required under section 155 (3) (j) or 157 (3) (h), as applicable;
  - (b) the address of a contributor.

**4     *Section 181 is repealed and the following substituted:***

**Loans and guarantees**

- 181**     (1) A permissible loan, or a guarantee for a permissible loan, to an organization or individual as referred to in section 180 (1) (a) to (e) is not a political contribution.
- (2) A permissible loan, or a guarantee for a permissible loan, to an organization or individual as referred to in section 180 (1) (a) to (e) must be made only by a savings institution.
- (3) An organization or individual as referred to in section 180 (1) (a) to (e) must not accept a loan other than a permissible loan.
- (4) A savings institution must not make to an organization or individual as referred to in section 180 (1) (a) to (e) a loan other than a permissible loan.
- (5) An organization or individual as referred to in section 180 (1) (a) to (e) must not accept a guarantee for a permissible loan unless the guarantee is provided with non-preferential treatment.
- (6) A savings institution must not make or accept a guarantee for a permissible loan to an organization or individual as referred to in section 180 (1) (a) to (e) unless the guarantee is provided with non-preferential treatment.

- (7) Despite subsection (1) of this section, a permissible loan to an organization or individual as referred to in section 180 (1) (a) to (e) is a political contribution if a savings institution does not make commercially reasonable efforts to collect or enforce the loan.

### **Debts**

**181.01** (1) In this section, “**debt**” means a debt, other than a debt arising from a permissible loan, that is owed as follows:

- (a) a debt owed by a political party or constituency association;
- (b) a debt owed by a candidate in relation to an election expense;
- (c) a debt owed by a nomination contestant or leadership contestant in relation to a contestant expense.

(2) A debt is a political contribution if

- (a) the debt remains unpaid 6 months after becoming due and payable, and
- (b) the creditor does not make commercially reasonable efforts to collect or recover the debt.

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

### **5      *Section 182 is amended***

***(a) by repealing subsection (2) and substituting the following:***

(2) A person other than an eligible individual must not pay a charge per individual for a fundraising function.

(2.1) If a charge per individual for a fundraising function is greater than \$50, the payment of that charge is a political contribution.

(2.2) If an eligible individual pays for more than one charge per individual for a fundraising function, the payment of those charges is a political contribution by the eligible individual. ,

***(b) in subsection (4) by striking out “by an organization or individual” and substituting “by an individual”, and***

***(c) in subsection (5) by striking out “Despite subsection (2)” and substituting “Despite subsections (2.1) and (2.2)”.***

**6      *The following Division is added to Part 10:*****Division 2.1 – Specified Fundraising Functions****Specified fundraising function in private residence**

- 185.01** (1) A person may not hold a specified fundraising function that has a charge per individual of greater than \$100 in or on premises that are used as a private residence.
- (2) A major political party, a candidate who is a representative of a major political party, a leadership contestant for a major political party or a constituency association that is the local organization for a major political party must not accept a political contribution raised at a specified fundraising function described in subsection (1).

**Information respecting specified fundraising function**

- 185.02** (1) No later than 7 days before the date of a specified fundraising function, the organization or individual who plans to hold the specified fundraising function must provide to the chief electoral officer, and to the financial agent of the political party, candidate, leadership contestant or constituency association on whose behalf the specified fundraising function will be held, the following information:
- (a) the name of every member of the Executive Council, parliamentary secretary or leader of the political party who is scheduled to attend the specified fundraising function;
  - (b) the amount of the charge per individual for the specified fundraising function;
  - (c) the date and time of the specified fundraising function;
  - (d) if the specified fundraising function is held
    - (i) in or on premises that are used as a private residence, the address of the premises and the name of the person who usually uses the premises as a private residence, and
    - (ii) in or on premises other than premises that are used as a private residence, the usual name of the premises;
  - (e) the usual name of the political party, candidate, leadership contestant or constituency association that is holding the specified fundraising event or on whose behalf the specified fundraising event is being held.
- (2) No later than 60 days after the date of the specified fundraising function, the organization or individual who held the fundraising function must provide to the chief electoral officer, and to the financial agent of the political party, candidate, leadership contestant or constituency association on whose behalf the specified fundraising function was held, the following information:

- (a) the name of every member of the Executive Council, parliamentary secretary or leader of the political party who attended the specified fundraising function;
  - (b) the number of charges per individual received for the specified fundraising function;
  - (c) the amount of political contributions raised at the specified fundraising function.
- (3) The individual or organization that provides the information to the chief electoral officer under subsections (1) and (2) must, if the individual or organization becomes aware that the information has changed or is not accurate, provide to the chief electoral officer updated information as soon as possible.
- (4) The chief electoral officer must
- (a) publish, as soon as practicable, on an Elections BC authorized internet site the information received under subsections (1), (2) and (3), other than the information described in subsection (1) (d) (i), and
  - (b) ensure the information continues to be published on an Elections BC authorized internet site until one year after general voting day for the next general election.

**7     *Section 186 is amended***

***(a) by adding the following subsection:***

- (0.1) A person must not make a political contribution unless the person is an eligible individual. ,

***(b) in subsection (1) by striking out “An individual or organization” and substituting “An eligible individual”,***

***(c) in subsection (2) (a) by striking out “individual or organization” in both places and substituting “eligible individual”,***

***(d) in subsection (2) (b) by striking out “of another individual,” and substituting “of another individual, if that other individual is an eligible individual,” and by striking out “the individual whose” and substituting “the eligible individual whose”, and***

***(e) by repealing subsections (3) and (4).***

**8     *The following sections are added:***

**Political contribution limits**

- 186.01** (1) An eligible individual must not make political contributions that have a total value greater than the applicable amount under subsection (2) or (3).

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- (2) For 2018,
  - (a) the applicable amount to any one registered political party, the candidates of that political party, the constituency associations of that political party and the nomination contestants of that political party is \$1 200,
  - (b) the applicable amount to an independent candidate and the constituency association that supports the independent candidate is \$1 200,
  - (c) the applicable amount to an independent candidate who is not supported by a constituency association is \$1 200, and
  - (d) the applicable amount to each leadership contestant, in relation to that individual's seeking of the leadership, is \$1 200.
- (3) For 2019 and each following year, the chief electoral officer must establish the applicable amount for the year as soon as possible after each January 1 of that year by
  - (a) determining the ratio between the consumer price index at January 1, 2018 and the consumer price index at January 1 of the year to which the limit applies, and
  - (b) applying the ratio to adjust the amount that is to apply for that year.
- (4) The applicable amount to each leadership contestant, in relation to that individual's seeking of the leadership, is the amount established under subsection (2) (d) and adjusted under subsection (3) for the calendar year in which a registered political party announces a leadership contest.

**Political contributions not to be included as political contributions subject to limit**

- 186.02** (1) The following political contributions are not to be included as political contributions for the purpose of determining whether an eligible individual has complied with an applicable political contribution limit under section 186.01:
- (a) in relation to leadership conventions of a political party, fees of \$350 or less paid to attend each leadership convention of the political party;
  - (b) in relation to conventions of a political party, other than leadership conventions, fees of \$350 or less in total per calendar year paid to attend the conventions of the political party.
- (2) The fee amounts described in subsection (1) apply for 2018.
- (3) For 2019 and each following year, the fee amounts described in subsection (1) increase by \$10 each January 1.

**Testamentary instruments**

- 186.03** (1) In this section, “**testamentary instrument**” has the same meaning as in the *Wills, Estates and Succession Act*.

- (2) An eligible individual may make a political contribution in a testamentary instrument if the political contribution
  - (a) is made in one calendar year only, and
  - (b) does not exceed the contribution limits set in section 186.01, taking into account any political contribution the individual made before his or her death.
- (3) If an eligible individual provides in a testamentary instrument for a political contribution that would cause the individual to exceed an applicable political contribution limit under section 186.01, the testamentary instrument must be read as if the contribution is for the highest amount that would not cause the individual to exceed those limits.

**9     *Section 187 is amended***

***(a) by adding the following subsection:***

- (1.01) A financial agent or an individual authorized under subsection (1) must not accept a political contribution from a person other than an eligible individual.  
*, and*

***(b) in subsection (1.1) by striking out “A financial agent” and substituting “For certainty, a financial agent”.***

**10    *Section 190 is amended***

***(a) in subsection (1) (b) by striking out “made;” and substituting “received;”,***

***(b) by repealing subsections (1) (d) and (e) and (2),***

***(c) in subsection (1) by adding the following paragraphs:***

- (g) whether the contribution is
  - (i) a charge per individual greater than \$250 for a fundraising function,  
or
  - (ii) a political contribution described in section 182 (3) or (4) that is for a fundraising function and has a value greater than \$250;
- (h) in the case of a contribution described in paragraph (g), the date of the fundraising function;
- (i) if applicable, the amount of the contribution that is used to pay fees to attend a convention of a political party, including a leadership convention, and the date of the convention. ,

***(d) by repealing subsection (4) and substituting the following:***

- (4) At the time a permissible loan, or a guarantee for a permissible loan, is received, the financial agent must record the following:

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- (a) the name of the savings institution making the loan or the guarantee;
- (b) the amount of the loan;
- (c) the rate of interest charged for the loan;
- (d) the prime rate of the principal banker to the government at the time the rate of interest for the loan is fixed;
- (e) the date the loan is due.

(4.1) If applicable, the financial agent must record the following:

- (a) if there has been a default on a permissible loan, the date of the default;
- (b) if there has been a call on a guarantee for a permissible loan, the date of the call;
- (c) if there has been non-compliance with the terms and conditions of a guarantee for a permissible loan, the date of the non-compliance. , **and**

**(e) by adding the following subsection:**

(6) For a specified fundraising function held by or on behalf of an organization or individual, the financial agent must record the following:

- (a) the name of every member of the Executive Council, parliamentary secretary or leader of the political party who attended the specified fundraising function;
- (b) the amount of the charge per individual for the specified fundraising function;
- (c) if the specified fundraising function is held
  - (i) in or on premises that are used as a private residence, the address of the premises and the name of the person who usually uses the premises as a private residence, and
  - (ii) in or on premises other than premises that are used as a private residence, the usual name of the premises.

## **11 Section 198 is amended**

**(a) by repealing subsection (1) and substituting the following:**

(1) In respect of a general election, the total value of election expenses incurred by a registered political party during the campaign period must not exceed the amount calculated by multiplying

- (a) \$1.16, and
- (b) the total number of registered voters on the lists of voters for each electoral district prepared under section 47.

(1.1) In respect of a general election, a registered political party not represented by a candidate in the election must also comply with the expense limits set by section 235.1 (1) for campaign period election advertising. ,

*(b) in subsections (3) and (4) by striking out “\$70 000” and substituting “\$58 000”, and*

*(c) by adding the following subsection:*

(3.1) In respect of a by-election, a registered political party not represented by a candidate in the election must also comply with the expense limits set by section 235.1 (2) for campaign period election advertising.

**12 Section 199 is amended**

*(a) in subsection (1) by striking out “\$70 000” and substituting “\$58 000”, and*

*(b) in subsection (3) (b) by striking out “\$140 000” and substituting “\$116 000”.*

**13 Section 204 is amended**

*(a) in subsections (2) and (2.1) by striking out “January 1, 2010” wherever it appears and substituting “January 1, 2018”, and*

*(b) by repealing subsections (3) and (4).*

**14 Section 206 (1) (a) is amended by striking out “, other than the address of an individual”.**

**15 Section 207 (3) is amended**

*(a) by repealing paragraph (g) (ii) and substituting the following:*

(ii) for permissible loans, the information recorded under section 190 (4) and (4.1);, *and*

*(b) by repealing paragraph (h) and substituting the following:*

(h) any permissible loans received before the year for which the report is made if there is an outstanding balance, indicating for each the information recorded under section 190 (4) and (4.1);.

**16 The following section is added:**

**Interim financial reports by registered political parties eligible for allowances**

**207.01** (1) Within 30 days after the end of an interim reporting period, the financial agent of a registered political party referred to in section 215.02 (1) must file with the chief electoral officer, on behalf of the political party, an interim financial report in accordance with this section.

(2) An interim financial report under subsection (1) must be in the form prescribed by regulation and must include the following information:

(a) the political contributions the registered political party accepted during the interim reporting period;

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- (b) any transfers of money or other property or the provision of services, as referred to in section 180 (6), made or received by the registered political party during the interim reporting period;
  - (c) any political contributions received during the interim reporting period by the registered political party but returned or otherwise dealt with in accordance with section 189;
  - (d) any other information required to be included by regulation.
- (3) An interim financial report under subsection (1) must also include the information described under subsection (2) in relation to an organization primarily controlled by the registered political party.
- (4) For 2018, the interim reporting periods are the following:
- (a) January 1 to June 30;
  - (b) July 1 to December 31.
- (5) For 2019 and subsequent years, the interim reporting periods are the following:
- (a) January 1 to March 31;
  - (b) April 1 to June 30;
  - (c) July 1 to September 30;
  - (d) October 1 to December 31.

**17 Section 209 is amended**

- (a) in subsection (2) (a) by adding “and those election expenses for which the candidate makes a claim for reimbursement under section 215.04” after “the applicable election expenses limit”,**
- (b) in subsection (2) (e) by repealing subparagraph (ii) and substituting the following:**
  - (ii) for permissible loans, the information recorded under section 190 (4) and (4.1); ,
- (c) in subsection (2) (h) by striking out “under section 190 (5);” and substituting “under section 190 (5) and, if applicable, under section 190 (6);”,**
- (d) by adding the following subsection:**
  - (5.1) If a candidate is entitled to reimbursement for election expenses under section 215.04, the financial agent for the candidate must file, with the election financing report required under this section, a claim for reimbursement and financial records and receipts supporting the claim. , **and**
- (e) in subsection (6) by striking out “the next general election.” and substituting “the next general election and must not include the address of a contributor.”**

**18 Section 210 is amended****(a) in subsection (1) by adding the following paragraph:**

(a.1) a registered political party that sponsored campaign period election advertising, ,

**(b) in subsection (2) (a) by adding “and those election expenses for which the political party makes a claim for reimbursement under section 215.04” after “the applicable election expenses limit”,****(c) in subsection (2) (e) by repealing subparagraph (ii) and substituting the following:**

(ii) for permissible loans, the information recorded under section 190 (4) and (4.1); ,

**(d) in subsection (2) (f) by striking out “under section 190 (5);” and substituting “under section 190 (5) and, if applicable, under section 190 (6);”, and****(e) by adding the following subsection:**

(5) If a registered political party is entitled to reimbursement for election expenses under section 215.04, the financial agent for the political party must file, with the election financing report required under this section, a claim for reimbursement and financial records and receipts supporting the claim.

**19 Section 211 is amended****(a) in subsection (2) (c) by repealing subparagraph (ii) and substituting the following:**

(ii) for permissible loans, the information recorded under section 190 (4) and (4.1); ,

**(b) in subsection (2) (d) by striking out “under section 190 (5);” and substituting “under section 190 (5) and, if applicable, under section 190 (6);”, and****(c) in subsection (5) by striking out “the next general election.” and substituting “the next general election and must not include the address of a contributor.”****20 Section 213 (2) is amended by adding “an interim financial report under section 207.01 or” before “a supplementary report”.****21 The following section is added to Division 6 of Part 10:****Publication of reports on internet**

**215.01** The chief electoral officer may publish on an Elections BC authorized internet site

- (a) a report that must be available for public inspection, under this Division, at the office of the chief electoral officer during its regular office hours, and
- (b) a report under this Division that the chief electoral officer must publish.

**22     *The following Division is added to Part 10:*****Division 6.1 – Allowance and Reimbursement to Political Parties****Annual allowance to political party**

- 215.02** (1) Subject to subsection (4), the chief electoral officer must pay, in accordance with this section, an annual allowance to a registered political party whose candidates in the most recent general election received at least
- (a) 2% of the total number of valid votes cast in all electoral districts, or
  - (b) 5% of the total number of valid votes cast in the electoral districts in which the political party endorsed candidates.
- (2) The annual allowance is calculated as follows:
- (a) in 2018, \$2.50 per vote received;
  - (b) in 2019, \$2.25 per vote received;
  - (c) in 2020, \$2.00 per vote received;
  - (d) in 2021, \$1.75 per vote received;
  - (e) in 2022, \$1.75 per vote received.
- (3) The chief electoral officer must pay the allowance in 2 equal instalments on the following dates in each applicable year:
- (a) January 1;
  - (b) July 1.
- (4) An annual allowance is not payable to a registered political party if the political party
- (a) failed to file a required report under this Part, or
  - (b) is suspended under Part 9 or this Part.
- (5) If subsection (4) applies to a registered political party, the annual allowance is payable to a registered political party as soon as practicable after
- (a) all reporting requirements under this Part have been met, and
  - (b) any suspension under that subsection is no longer in effect.
- (6) Amounts to be paid by the chief electoral officer under this section must be paid out of the consolidated revenue fund.

**Special committee to review annual allowance**

- 215.03** (1) In this section, “**special committee**” means a special committee of the Legislative Assembly that the Legislative Assembly appoints for the purposes of this section.
- (2) The special committee must conduct a review of the annual allowance paid to political parties under section 215.02, including, without limiting this, a review of the following, and must submit a report under subsection (3):

- (a) whether an annual allowance to political parties should be continued to be paid after 2022;
- (b) if an annual allowance to political parties is to be continued,
  - (i) the amount of the annual allowance, and
  - (ii) the number of years the annual allowance is to be paid.
- (3) Within 6 months of being appointed, the special committee must submit a report to the Legislative Assembly respecting the results of the review under subsection (2).
- (4) A report submitted under subsection (3) may include any recommendations that the special committee considers necessary or appropriate.

**Reimbursement of election expenses**

- 215.04** (1) In this section, “**reimbursable election expense**” means an election expense for which a reimbursement under this section is payable.
- (2) A reimbursement must not be paid under this section for the following:
    - (a) a nomination deposit;
    - (b) a deficit incurred in holding a fundraising function during a campaign period;
    - (c) an election expense for property in relation to which a reimbursement was previously paid under this section;
    - (d) an election expense or a class of election expenses prescribed for the purposes of this section by regulation.
  - (3) For the purposes of this section, the general valuation rules in section 185 do not apply and instead the following rules apply for the purpose of determining the value of reimbursable election expenses:
    - (a) the value of property, other than a capital asset, or services, is the lower of the following:
      - (i) the price paid for the property or services;
      - (ii) the market value of the property or services;
    - (b) the value of property that is a capital asset, is the lower of the following:
      - (i) the price paid for the use of the property;
      - (ii) the market value of the use of the property;
    - (c) the value of free advertising space in a periodical publication and free broadcasting time provided to a candidate in an election, if the space or time is also made available on an equitable basis to all other candidates in the election, is to be considered nil.
  - (4) A reimbursement for reimbursable election expenses must be paid, in accordance with this section, to the financial agent of a candidate in the amount determined under subsection (6) (a) if

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- (a) the financial agent for the candidate has filed with the chief electoral officer
    - (i) an election financing report in accordance with section 209, and
    - (ii) a claim for reimbursement and financial records and receipts supporting the claim under section 209 (5.1), and
  - (b) the candidate in the most recent election in which the individual was a candidate received at least 10% of the total number of valid votes cast in the candidate's electoral district.
- (5) A reimbursement for reimbursable election expenses must be paid, in accordance with this section, to the financial agent of a registered political party in the amount determined under subsection (6) (b) if
  - (a) the financial agent for the political party has filed with the chief electoral officer
    - (i) an election financing report in accordance with section 210, and
    - (ii) a claim for reimbursement and financial records and receipts supporting the claim under section 210 (5), and
  - (b) the political party
    - (i) in the most recent general election received at least 5% of the total number of valid votes cast in the election, or
    - (ii) in a by-election received at least 10% of the total number of valid votes cast in the electoral district in which the political party endorsed a candidate.
- (6) The amount of a reimbursement for
  - (a) a candidate is 50% of the reimbursable election expenses up to 50% of the election expenses limit set under section 199, and
  - (b) a registered political party is 50% of the reimbursable election expenses up to 50% of the election expenses limit set under section 198.
- (7) The chief electoral officer must pay the reimbursement in 2 instalments as follows:
  - (a) an advance of 50% of the estimated reimbursement amount within 15 days of being satisfied that the reports required to be filed under sections 209 and 210 have been filed with sufficient information to warrant the advance;
  - (b) the remainder of the reimbursement as soon as practicable after the chief electoral officer is satisfied all reporting requirements under Part 9 and this Part have been met.
- (8) If the reimbursement paid under subsection (7) exceeds the reimbursement amount that the candidate or political party is entitled to, the excess is an overpayment that may be recovered as a debt due to the government from the candidate or political party.

- (9) Amounts to be paid by the chief electoral officer under this section must be paid out of the consolidated revenue fund.

**Use of reimbursement**

- 215.05** (1) The financial agent of a candidate must use a reimbursement paid under section 215.04 to fully satisfy any loan, debt or other financial obligation of the candidate in relation to the candidate's candidacy.
- (2) If, after any required payment under subsection (1) of this section, there is a remainder of the reimbursement, the remainder must be treated in the same manner as a balance remaining in an account referred to in section 177 (2) (b) is treated under section 205.
- (3) The financial agent of a registered political party must use a reimbursement paid under section 215.04 to fully satisfy any loan, debt or other financial obligation of the political party.

**23    *Section 216 is amended***

*(a) in subsection (1) by striking out "The chief electoral officer" and substituting "Subject to subsection (1.1), the chief electoral officer", and*

*(b) by adding the following subsection:*

- (1.1) The chief electoral officer may publish a notice under subsection (1) in relation to the late filing of a disclosure report by doing the following:
- (a) having the notice published in the Gazette;
  - (b) publishing the notice on an Elections BC authorized internet site.

**24    *Section 220 (5) is amended by adding the following paragraph:***

- (a.1) in the case of an interim financial report for a registered political party, on payment of a late filing fee of \$100, or a higher amount established by regulation, the report may be filed within 30 days after the end of the time period for filing established by section 207.01 or before a later date permitted by a court under section 225; .

**25    *The following sections are added:***

**Monetary penalties for making or accepting prohibited loan or guarantee**

- 220.01** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 181 (2), (3) or (5) by a person, the chief electoral officer must notify the person of the non-compliance and the related penalty.

- (2) Unless relief is granted by a court on an application under section 220.09, if the chief electoral officer gives notice under subsection (1), the person must pay to the chief electoral officer a penalty of up to 100% of the amount of the loan, as determined by the chief electoral officer.

**Monetary penalties for accepting political contributions  
from specified fundraising functions in private residences**

- 220.02** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 185.01 (2) by a major political party, candidate, leadership contestant or registered constituency association, the chief electoral officer must notify the political party, candidate, leadership contestant or constituency association of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 220.09, if the chief electoral officer gives notice under subsection (1) of this section, the major political party, candidate, leadership contestant or registered constituency association must pay to the chief electoral officer a penalty in the amount of up to double the amount of the political contribution raised by the specified fundraising function, as determined by the chief electoral officer.

**Monetary penalties for failure to provide information  
respecting specified fundraising functions**

- 220.03** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 185.02 (1), (2) or (3) by a major political party, candidate, leadership contestant or registered constituency association, the chief electoral officer must notify the political party, candidate, leadership contestant or constituency association of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 220.09, if the chief electoral officer gives notice under subsection (1) of this section, the major political party, candidate, leadership contestant or registered constituency association must pay to the chief electoral officer a penalty in the amount of up to \$10 000, as determined by the chief electoral officer.

**Monetary penalties respecting prohibited political contributions**

- 220.04** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 186 (0.1) or (1) (a), (b), (d) or (e) by a person, the chief electoral officer must notify the person of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 220.09, if the chief electoral officer gives notice under subsection (1) of this section, the person must pay to the chief electoral officer a penalty in the amount of up to double the amount of the political contribution, as determined by the chief electoral officer.

- (3) Within 7 days of the chief electoral officer making a determination of non-compliance with section 186 (1) (c) or (f) by an eligible individual, the chief electoral officer must notify the eligible individual of the non-compliance and the related penalty.
- (4) Unless relief is granted by a court on an application under section 220.09, if the chief electoral officer gives notice under subsection (3) of this section, the eligible individual must pay to the chief electoral officer a penalty in the amount of up to double the amount that the political contribution,
  - (a) in the case of non-compliance with section 186 (1) (c), exceeds the amount described in section 186 (1) (c), as determined by the chief electoral officer, or
  - (b) in the case of non-compliance with section 186 (1) (f), exceeds \$50, as determined by the chief electoral officer.

**Monetary penalties for exceeding political contribution limits**

- 220.05** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 186.01 (1) by an eligible individual, the chief electoral officer must notify the eligible individual of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 220.09, if the chief electoral officer gives notice under subsection (1) of this section, the eligible individual must pay to the chief electoral officer a penalty in the amount of up to double the amount that the political contribution exceeds the political contribution limit set in section 186.01, as determined by the chief electoral officer.

**Monetary penalties respecting accepting political contributions**

- 220.06** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 187 by an organization or individual required to have a financial agent, by a financial agent or by an individual authorized by the financial agent under section 187 (1), the chief electoral officer must notify the organization or individual required to have a financial agent, the financial agent or the individual authorized by the financial agent under section 187 (1) of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 220.09, if the chief electoral officer gives notice under subsection (1) of this section, the organization or individual required to have a financial agent, the financial agent or the individual authorized by the financial agent under section 187 (1) must pay to the chief electoral officer a penalty in the amount of up to double the amount of the political contribution, as determined by the chief electoral officer.

**Monetary penalties respecting anonymous political contributions**

- 220.07** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 188 by a registered political party, registered constituency association, candidate, leadership contestant, nomination contestant or organization or individual acting on behalf of any of these, the chief electoral officer must notify the political party, constituency association, candidate, leadership contestant, nomination contestant or organization or individual acting on behalf of any of these of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 220.09, if the chief electoral officer gives notice under subsection (1) of this section, the registered political party, registered constituency association, candidate, leadership contestant, nomination contestant or organization or individual acting on behalf of any of these must pay to the chief electoral officer a penalty in the amount of up to double the amount that the political contribution exceeds the anonymous contribution limit set in section 188, as determined by the chief electoral officer.

**Monetary penalties for failure to return political contributions**

- 220.08** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 189 by a financial agent, the chief electoral officer must notify the financial agent of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 220.09, if the chief electoral officer gives notice under subsection (1) of this section, the financial agent must pay to the chief electoral officer a penalty in the amount of up to double the amount of the political contribution, as determined by the chief electoral officer.

**Court order for relief respecting political contributions**

- 220.09** (1) A person who is subject to a monetary penalty under sections 220.01 to 220.08 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance with the applicable section.
- (2) For certainty, a political party may apply under subsection (1) in relation to a penalty imposed on any of its candidates, leadership contestants, constituency associations or nomination contestants.
- (3) An application may be made only within 30 days after the chief electoral officer, under the applicable section referred to in subsection (1), notifies the person of the non-compliance and related penalty.
- (4) The petition commencing an application must be served on the chief electoral officer within 7 days after the petition is filed and the chief electoral officer is a party to the application.
- (5) On the hearing of an application, the court may do the following:

- (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the person has acted in good faith;
- (b) make any order the court considers appropriate to secure compliance with the applicable section to the extent the court considers reasonable in the circumstances;
- (c) refuse to grant relief.

**Publication of names**

- 220.10** (1) The chief electoral officer must
- (a) publish on an Elections BC authorized internet site
    - (i) the names of persons on whom the chief electoral officer has imposed a monetary penalty under sections 220.01 to 220.08,
    - (ii) the section under which the chief electoral officer has imposed the monetary penalty, and
    - (iii) the amount of the monetary penalty, and
  - (b) have notice of the information described in paragraph (a) published in the Gazette.
- (2) The information published under subsection (1) (a) must continue to be published on the Elections BC authorized internet site until one year after general voting day for the next general election.
- (3) Publication of the notice under subsection (1) (b) must take place as soon as possible after the chief electoral officer imposes the monetary penalty.

**26** *The following heading is added after section 227:*

**PART 10.1 – ELECTION COMMUNICATIONS .**

**27** *The heading to Part 11 is repealed and the following substituted after section 235:*

**PART 11 – THIRD PARTY ADVERTISING .**

**28** *The heading to Division 1 of Part 10.1 is repealed.*

**29** *Section 228 is repealed.*

**30** *Section 229 is amended by striking out “this Part” wherever it appears and substituting “this Part and Part 11”.*

**31** *Section 231 (1) (b) is amended by striking out “registered sponsor” and substituting “registered third party sponsor”.*

**32     *The following sections are added:*****Identification of sponsor – activities**

- 231.01** (1) With respect to an activity described in section 1 (3) (a), the person canvassing a voter must provide to the voter the information described in section 231 (1) (a) to (c).
- (2) With respect to an activity described in section 1 (3) (b), the material must include the information described in section 231 (1) (a) to (d).
- (3) The chief electoral officer, or a person acting on the direction of the chief electoral officer, may require a person to discontinue any activity referred to in subsections (1) and (2) of this section that does not meet the requirements described in those subsections.

**Monetary penalties for failure to identify sponsor**

- 231.02** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 231 or 231.01 by a person, the chief electoral officer must notify the person of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under this section, if the chief electoral officer gives notice under subsection (1) of this section, the person must pay to the chief electoral officer a penalty in the amount of up to \$10 000, as determined by the chief electoral officer.
- (3) A person who is subject to a monetary penalty under this section may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.
- (4) An application may be made only within 30 days after the chief electoral officer, under subsection (1), notifies the person of the non-compliance and the related penalty.
- (5) The petition commencing an application must be served on the chief electoral officer within 7 days after the petition is filed and the chief electoral officer is a party to the application.
- (6) On the hearing of an application, the court may do the following:
- (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the person has acted in good faith;
  - (b) make any order the court considers appropriate to secure compliance with section 231 or 231.01 to the extent the court considers reasonable in the circumstances;
  - (c) refuse to grant relief.

**33     *Section 232 is amended by striking out “election advertising” and substituting “campaign period election advertising”.***

- 34 *Section 233 is amended by striking out “election advertising” wherever it appears and substituting “campaign period election advertising”.*
- 35 *Section 233.1 (1) is repealed.*
- 36 *Section 234 is amended by striking out “election advertising” wherever it appears and substituting “campaign period election advertising”.*
- 37 *The following Division is added to Part 11:*

### **Division 1 – Sponsorship Contributions**

#### **Definition**

**235.01** In this Division, “**contribution**” means an amount of money or the value of any property or services provided without compensation by way of donation, advance, deposit, discount or otherwise provided to a third party sponsor.

#### **Sponsorship contributions**

- 235.02** (1) Subject to this section and sections 235.021 to 235.031, a sponsorship contribution is a contribution, in relation to which the contributor has provided a contributor confirmation and contributor consent, that is provided for the purpose of sponsoring election advertising.
- (2) If property or services are
- (a) provided to a third party sponsor at less than market value, or
  - (b) acquired from a third party sponsor at greater than market value,
- the difference between the market value of the property or services at the time provided and the amount charged is a sponsorship contribution.
- (3) The value of the following is not a sponsorship contribution:
- (a) services provided by a volunteer, being an individual who
    - (i) voluntarily performs the services, and
    - (ii) receives no compensation, directly or indirectly, in relation to the services or the time spent providing the services;
  - (b) property of a volunteer if it is provided or used in relation to the services of the individual as a volunteer;
  - (c) publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program;
  - (d) broadcasting time provided, without charge, as part of a bona fide public affairs program;
  - (e) producing, promoting or distributing a publication for no less than its market value, if the publication was planned to be sold regardless of the election.

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**Loans and guarantees to third party sponsors**

- 235.021** (1) This section applies to third party sponsors that are required to file disclosure reports under section 244.
- (2) A permissible loan, or a guarantee for a permissible loan, to a third party sponsor is not a sponsorship contribution.
  - (3) A permissible loan, or a guarantee for a permissible loan, to a third party sponsor must be made only by a savings institution.
  - (4) A third party sponsor must not accept a loan other than a permissible loan.
  - (5) A savings institution must not make to a third party sponsor a loan other than a permissible loan.
  - (6) A third party sponsor must not accept a guarantee for a permissible loan unless the guarantee is provided with non-preferential treatment.
  - (7) A savings institution must not make or accept a guarantee for a permissible loan to a third party sponsor unless the guarantee is provided with non-preferential treatment.
  - (8) As an exception to subsection (2), a permissible loan to a third party sponsor is a sponsorship contribution if a savings institution does not make commercially reasonable efforts to collect or enforce the loan.

**Debts**

- 235.03** (1) In this section “**debt**” means a debt, other than a debt arising from a permissible loan, that is owed by a third party sponsor in relation to sponsoring election advertising.
- (2) A debt is a sponsorship contribution if
    - (a) the debt remains unpaid 6 months after becoming due and payable, and
    - (b) the creditor does not make commercially reasonable efforts to collect or recover the debt.
  - (3) For certainty, nothing in this section affects the rights of a creditor in relation to a debt that becomes a sponsorship contribution under this section.

**Sponsorship contributions through fundraising functions**

- 235.031** (1) A charge per individual for a fundraising function is a sponsorship contribution if the third party sponsor obtains a contributor confirmation and contributor consent for that amount.
- (2) If the amount paid for property or services offered for sale at a fundraising function is greater than the market value of the property or services, the difference between the amount paid and the market value at the time the amount is agreed to be paid is a sponsorship contribution if the third party sponsor obtains a contributor confirmation and contributor consent for that amount.

- (3) The value of property or services, or both, donated by an individual for sale at a fundraising function is a sponsorship contribution if the third party sponsor obtains a contributor confirmation and contributor consent for that donation unless the property or services are used for sale at the fundraising function.

**Making and using sponsorship contributions**

- 235.04** (1) A person must not make a sponsorship contribution unless the person is an eligible individual.
- (2) A third party sponsor must not use a contribution that is not a sponsorship contribution to sponsor election advertising.
  - (3) Before a third party sponsor may use a contribution to sponsor election advertising, the third party sponsor must obtain from the contributor the following in writing:
    - (a) a confirmation from the contributor that the contributor is an eligible individual;
    - (b) consent from the contributor that the third party sponsor may use all or part of the contribution to sponsor election advertising.
  - (4) If a contributor does not provide a contributor confirmation and contributor consent, the contribution is not a sponsorship contribution.

**Contributor confirmation and consent  
in relation to sponsorship contributions**

- 235.041** (1) A contributor may provide a contributor confirmation and contributor consent
- (a) at the time the contributor makes a contribution, or
  - (b) after the date the contributor makes a contribution but before the earlier of the following:
    - (i) the date that is 24 months after the date the contributor made the contribution;
    - (ii) the date the third party sponsor uses the contribution.
- (2) A third party sponsor
- (a) may request the contributor to provide a contributor confirmation and contributor consent, and
  - (b) must, when making that request, advise the contributor whether the contributor has previously provided a contributor consent for one or more contributions in the applicable calendar year, and, if so, the amount of those contributions.
- (3) A third party sponsor who does not obtain a contributor confirmation and contributor consent must not use any part of the contribution to sponsor election advertising.

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- (4) A third party sponsor who obtains a contributor confirmation and contributor consent must, if the sponsor is required to open a sponsorship account under section 235.071 or 235.08, transfer to the sponsorship account all sponsorship contributions of money to which the confirmation and consent relate.

**Sponsorship contribution limits**

- 235.05** (1) An eligible individual must not, in a calendar year, make sponsorship contributions that have a total value greater than the applicable amount under subsection (4) or (5) to any one third party sponsor.
- (2) A third party sponsor must not accept
- (a) from an eligible individual, in a calendar year, sponsorship contributions that have a total value greater than the applicable amount under subsection (4) or (5), or
  - (b) a sponsorship contribution that the sponsor has reason to believe is made in contravention of this Act.
- (3) If 2 or more third party sponsors sponsor election advertising in combination, the third party sponsors must not use sponsorship contributions from a single contributor that exceed the limit set in subsection (2) (a) for that sponsorship.
- (4) For 2017 and 2018, the applicable amount for subsections (1) and (2) is \$1 200.
- (5) For 2019 and each following year, the chief electoral officer must establish the applicable amount for subsections (1) and (2) for the year as soon as possible after each January 1 of that year by
- (a) determining the ratio between the consumer price index at January 1, 2018 and the consumer price index at January 1 of the year to which the limit applies, and
  - (b) applying the ratio to adjust the amount that is to apply for that year.

**Restrictions on sponsorship contributions**

- 235.051** (1) An individual or organization must not make a sponsorship contribution indirectly by giving money, or providing property or services without compensation, to a person
- (a) for that person to make a sponsorship contribution, or
  - (b) as consideration for that person making a sponsorship contribution.
- (2) An individual or organization must not make a sponsorship contribution with money, property or services of any other person.
- (3) As an exception to subsections (1) and (2), an individual may make a sponsorship contribution with money, property or services of another individual, if that other individual is an eligible individual, but must disclose to the registered third party

sponsor required to record the contribution under section 241 (2) the full name and address of the eligible individual whose money, property or services are being used.

**Limits on anonymous sponsorship contributions**

**235.06** (1) In respect of a general election, a third party sponsor must not use anonymous sponsorship contributions

(a) such that the total value of the anonymous sponsorship contributions is greater than

(i) \$250, or a higher amount established by regulation, in relation to a single electoral district, and

(ii) \$5 000, or a higher amount established by regulation, overall, or

(b) in combination with one or more third party sponsors such that the total value of the anonymous sponsorship contributions is greater than

(i) \$250, or a higher amount established by regulation, in relation to a single electoral district, and

(ii) \$5 000, or a higher amount established by regulation, overall.

(2) In respect of a by-election, a third party sponsor must not use anonymous sponsorship contributions

(a) such that the total value of the anonymous sponsorship contributions is greater than \$250, or a higher amount established by regulation, or

(b) in combination with one or more third party sponsors such that the total value of the anonymous sponsorship contributions is greater than \$250, or a higher amount established by regulation.

(3) A third party sponsor must not use as an anonymous sponsorship contribution, an anonymous sponsorship contribution that has a value greater than \$25, or a higher amount established by regulation.

(4) Sections 235.04 (2) and (3) and 235.041 (3) do not apply to anonymous sponsorship contributions.

**Prohibited sponsorship contributions must be returned**

**235.061** (1) If a third party sponsor becomes aware that a contribution was made or accepted as a sponsorship contribution in contravention of this Act, the third party sponsor must return to the contributor

(a) the contribution, or

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

within 30 days after the third party sponsor becomes aware of the contravention.

(2) If a third party sponsor is not able to comply with subsection (1), the sponsor must not use the contribution to sponsor election advertising.

**Sponsorship contributions over specified amount**

**235.07** An eligible individual must not make, and a third party sponsor must not accept, a sponsorship contribution of money in an amount greater than \$100, or a higher amount established by regulation, except by means of

- (a) a cheque with the name of the contributor legibly shown on it and drawn on an account in the contributor's name maintained in a savings institution,
- (b) a money order with the name of the contributor legibly shown on it and signed by the contributor,
- (c) a credit card in the name of the contributor, or
- (d) an electronic transfer of funds from an account in the contributor's name maintained in a savings institution.

**Requirement for sponsorship account**

**235.071** (1) A third party sponsor who accepts a sponsorship contribution that brings the total value of the sponsorship contributions accepted by the third party sponsor to an amount greater than \$10 000 must, as soon as practicable, open a sponsorship account at a savings institution.

(2) A sponsorship account under this section

- (a) must be,
  - (i) in the case of a third party sponsor who is an individual, in the name of the individual, and
  - (ii) in the case of a third party sponsor that is an organization,
    - (A) in the name of the organization,
    - (B) in the name of one of the principal officers of the organization, or
    - (C) if there are no principal officers, in the name of one of the principal members of the organization,
- (b) must be used exclusively for purposes of sponsoring election advertising by the sponsor, and
- (c) must not receive deposits other than those required or permitted under this section.

(3) The third party sponsor must ensure that

- (a) the only amounts deposited into a sponsorship account of the sponsor are amounts permitted to be deposited under this section, and
- (b) a sponsorship account of the sponsor is not used for any purpose other than one permitted under this section.

(4) If a third party sponsor is required to open a sponsorship account under subsection (1), the sponsor must

- (a) deposit every sponsorship contribution of money in the sponsorship account, and

- (b) transfer to the sponsorship account, within 7 days of opening the sponsorship account, all sponsorship contributions of money that the sponsor has accepted, other than sponsorship contributions of money that the sponsor has used, before the date of opening the sponsorship account, to sponsor election advertising.
- (5) In addition to purposes of sponsoring election advertising, a sponsorship account under this section may be used for the following purposes:
  - (a) transfers required under section 235.041 (4);
  - (b) making payments required under section 235.061;
  - (c) transfers permitted under section 235.08 (2);
  - (d) transfers out of, or withdrawals from, the sponsorship account if the money being transferred or withdrawn is not used to sponsor election advertising.
- (6) In addition to the required deposits under subsection (4), the following may be deposited into a sponsorship account of the sponsor:
  - (a) assets, other than assets received by way of contribution;
  - (b) an amount equal to the amount transferred or withdrawn under subsection (5) (d) if the money was not used to sponsor election advertising;
  - (c) permissible loans;
  - (d) interest on amounts on deposit in the sponsorship account;
  - (e) dividends paid on the sponsorship account if the account is at a credit union.
- (7) If a third party sponsor who is required to open a sponsorship account under subsection (1) is deregistered as a sponsor, the sponsor is not required to keep the sponsorship account open, but may do so.
- (8) If an individual or organization that is required to open a sponsorship account under subsection (1) does not register as a sponsor, the individual or organization is not required to keep the sponsorship account open, but may do so.

**Subsequent sponsorship account**

- 235.08** (1) If, after closing a sponsorship account, a third party sponsor accepts a sponsorship contribution that brings the total value of the sponsorship contributions accepted by the sponsor from the date of the closure of the sponsorship account to an amount greater than \$10 000, the sponsor must open a new sponsorship account at a savings institution and section 235.071 (2) to (8) applies.
- (2) The third party sponsor may transfer into the sponsorship account required under subsection (1) an amount equal to an amount up to the balance that remained in the previous sponsorship account when it was closed.

**38** *The heading to Division 2 of Part 11 is repealed and the following substituted:*

**Division 2 – Third Party Advertising Limits .**

**39** *The following section is added to Division 2 of Part 11:*

**Value of election advertising**

**235.081** In this Division and Division 4, the value of election advertising is

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

**40** *Section 235.1 is amended*

- (a) *in subsections (1) and (2) by striking out “election advertising” wherever it appears and substituting “campaign period election advertising”, and*
- (b) *in subsection (3) by striking out “Section 204 applies” and substituting “Sections 204 and 270.01 apply”.*

**41** *Section 235.2 is amended*

- (a) *by striking out “sponsor” wherever it appears and substituting “third party sponsor”, and*
- (b) *in subsection (1) by striking out “election advertising” wherever it appears and substituting “campaign period election advertising”.*

**42** *Section 235.3 is amended by striking out “sponsor” wherever it appears and substituting “third party sponsor”.*

**43** *Section 239 is amended*

- (a) *by repealing subsection (2) and substituting the following:*
  - (2) A candidate, registered political party or registered constituency association is not required to be registered under this Division. , *and*
- (b) *in subsection (3) by striking out “as a sponsor” and substituting “as a third party sponsor”.*

**44** *Section 240 is amended*

- (a) *in subsections (1), (5), (6) and (7) by striking out “sponsor” wherever it appears and substituting “third party sponsor”,*
- (b) *in subsection (2) by adding “information” after “following”, and*

***(c) by adding the following subsection:***

- (8) As soon as practicable after the registration of a third party sponsor, the chief electoral officer must advise the registered third party sponsor of the most recent adjusted amount established under section 235.05.

***45 The following section is added:***

**Register of third party sponsors**

**240.01** The chief electoral officer must establish and maintain a register of all registered third party sponsors and must include in the register the information referred to in section 240 (2) and the date of the appointment of an auditor by the registered third party sponsor, if applicable.

***46 Section 241 is amended***

***(a) in subsection (1) by striking out “sponsor” wherever it appears and substituting “third party sponsor”, and***

***(b) by repealing subsection (2) and substituting the following:***

- (2) An individual or organization that is registered or required to be registered as a third party sponsor must maintain records of the following information:
- (a) in respect of sponsorship contributions accepted by the third party sponsor,
    - (i) in the case of anonymous sponsorship contributions, the date on which the sponsorship contributions were accepted, the total amount accepted on each date and, if applicable, the event at which they were accepted, and
    - (ii) in the case of sponsorship contributions that are not anonymous sponsorship contributions, the information referred to in section 190 (1) (a) to (c) and (f) and the written contributor confirmations and contributor consents obtained under section 235.04;
  - (b) in respect of the amounts deposited into or paid from the third party sponsor’s sponsorship account, if applicable,
    - (i) the total amount transferred under section 235.041 (4),
    - (ii) the amount and date of each payment under section 235.061,
    - (iii) the amount and date of each deposit made under section 235.071 (4) (a),
    - (iv) the amount and date of each transfer made under section 235.071 (4) (b),
    - (v) the total amount transferred or withdrawn under section 235.071 (5) (d),

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- (vi) the amount and date of each deposit made under section 235.071 (6) (a) and (b), and
- (vii) the total amount transferred under section 235.08 (2).

**47    *Section 242 is amended***

***(a) in subsections (1), (2) and (4) by striking out “sponsor” wherever it appears and substituting “third party sponsor”, and***

***(b) by repealing subsection (5) and substituting the following:***

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

**48    *The heading to Division 4 of Part 11 is repealed and the following substituted:***

**Division 4 – Reporting by Third Party Sponsors .**

**49    *The following section is added to Division 4 of Part 11:*****Disclosure reporting by third party sponsor**

- 243.01** (1) In this section, “**receiving**”, in relation to a sponsorship contribution of money, means the deposit of the money into an account in a savings institution.
- (2) If a third party sponsor sponsors election advertising that has a total value greater than \$10 000, the third party sponsor must file with the chief electoral officer an initial disclosure report that includes the information referred to in subsection (3) within 14 days of the third party sponsor sponsoring the advertising message being transmitted to the public that brings the total value of the election advertising to an amount greater than \$10 000.
- (3) The initial disclosure report must include the following information:
- (a) the full name of each contributor who made one or more sponsorship contributions that, in total, have a value of more than \$250, or a higher amount established by regulation, since the most recent general election;
  - (b) the value of each sponsorship contribution made by the contributor described in paragraph (a) and the date on which it was made.
- (4) If a third party sponsor must file a disclosure report under subsection (2), the third party sponsor must file with the chief electoral officer a subsequent disclosure report that includes the information referred to in subsection (5) within 14 days of the third party sponsor receiving a sponsorship contribution from a contributor

who makes one or more sponsorship contributions that have a total value greater than the applicable amount under subsection (3) (a).

- (5) A subsequent disclosure report must include the following information:
  - (a) the full name of each contributor who made one or more sponsorship contributions that, in total, have a value of more than \$250, or a higher amount established by regulation since the date of the initial disclosure report;
  - (b) the value of each sponsorship contribution made by the contributor described in paragraph (a) and the date on which it was made.
- (6) The third party sponsor must file subsequent disclosure reports under subsection (4) until general voting day.

**50     *Section 244 is amended***

***(a) by repealing subsections (1) and (3) and substituting the following:***

- (1) If a third party sponsor sponsors election advertising that has a total value of greater than \$500, or a higher amount established by regulation, the third party sponsor must file with the chief electoral officer an election advertising disclosure report in accordance with this section and section 245. , ***and***

***(b) in subsections (4) and (5) by striking out “sponsor” wherever it appears and substituting “third party sponsor”.***

**51     *Section 245 is repealed and the following substituted:***

**Contents of disclosure report**

- 245** (1) An election advertising disclosure report under section 244 must be in the form prescribed by regulation and must include the following information:
- (a) the value of the election advertising sponsored by the third party sponsor, reported by class as required by regulation;
  - (b) the amount of the sponsorship contributions accepted, but not previously reported under section 244, by the third party sponsor, reported in accordance with subsections (2) to (4) of this section;
  - (c) any amount of the third party sponsor’s assets, other than assets received by way of contributions reported under paragraph (b), that was used to pay for the election advertising sponsored by the third party sponsor;
  - (d) any other information required by regulation to be included.
- (2) For the purposes of subsection (1) (b), amounts accepted from anonymous contributors must be reported separately.
- (3) If the records of the third party sponsor indicate that a contributor made one or more sponsorship contributions not previously reported under section 244 that,

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in total, have a value of more than \$250, or a higher amount established by regulation, the report must include the following:

- (a) the full name and address of the contributor;
  - (b) the value of each sponsorship contribution and the date on which it was made.
- (4) For anonymous sponsorship contributions, the report must include the dates on which the sponsorship contributions were received, the amounts received on each date and, if applicable, the events at which they were received.
- (5) The report must be accompanied by a signed declaration of the individual third party sponsor or, in the case of an organization, by a principal officer of the organization or, if there are no principal officers, by a principal member of the organization, as to the accuracy of the report.

**52**     *The following section is added:*

**Requirement for audit**

- 245.01** (1) A third party sponsor who sponsors election advertising with a total value greater than \$10 000 must appoint an auditor.
- (2) Section 179 (2) to (5) applies to an appointment under subsection (1) of this section.
- (3) As soon as possible after an appointment is made under this section, the third party sponsor must deliver to the chief electoral officer a copy of the appointment and the auditor's consent to act.
- (4) The election advertising disclosure report of a third party sponsor who is required to appoint an auditor under subsection (1) must be audited.
- (5) The third party sponsor must give the auditor access at all reasonable times to the records of the third party sponsor and must provide the auditor with any information the auditor considers necessary to enable the auditor to make a report under this section.

**53**     *Sections 246, 247, 248 and 249 are amended by striking out "sponsor" wherever it appears and substituting "third party sponsor".*

**54**     *The following Division is added to Part 11:*

**Division 5 – Monetary Penalties for Third Party Sponsors**

**Monetary penalties respecting making  
and using sponsorship contributions**

- 250.01** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 235.04 by a person, the chief electoral officer must notify the person of the non-compliance and the related penalty.

- (2) Unless relief is granted by a court on an application under section 250.08, if the chief electoral officer gives notice under subsection (1) of this section, the person must pay to the chief electoral officer a penalty in the amount of up to double the sponsorship contribution, as determined by the chief electoral officer.

**Monetary penalties respecting sponsorship contribution limits**

- 250.02** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 235.05 by an eligible individual or a third party sponsor, the chief electoral officer must notify the eligible individual or third party sponsor of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 250.08, if the chief electoral officer gives notice under subsection (1) of this section, the eligible individual or third party sponsor must pay to the chief electoral officer a penalty in the amount of up to double the amount that the sponsorship contribution exceeds the sponsorship contribution limit set in section 235.05, as determined by the chief electoral officer.

**Monetary penalties respecting sponsorship contributions**

- 250.03** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 235.051 by a person, the chief electoral officer must notify the person of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 250.08, if the chief electoral officer gives notice under subsection (1) of this section, the person must pay to the chief electoral officer a penalty in the amount of up to double the sponsorship contribution, as determined by the chief electoral officer.

**Monetary penalties respecting anonymous sponsorship contributions**

- 250.04** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 235.06 by a third party sponsor, the chief electoral officer must notify the third party sponsor of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 250.08, if the chief electoral officer gives notice under subsection (1) of this section, the third party sponsor must pay to the chief electoral officer a penalty in the amount of up to double the amount that the sponsorship contribution exceeds the anonymous sponsorship contribution limit set in section 235.06, as determined by the chief electoral officer.

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**Monetary penalties respecting return of sponsorship contributions**

- 250.05** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 235.061 by a third party sponsor, the chief electoral officer must notify the third party sponsor of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 250.08, if the chief electoral officer gives notice under subsection (1) of this section, the third party sponsor must pay to the chief electoral officer a penalty in the amount of up to double the amount of the sponsorship contribution, as determined by the chief electoral officer.

**Monetary penalties respecting sponsorship contributions over specific amount**

- 250.06** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 235.07 by an eligible individual or third party sponsor, the chief electoral officer must notify the eligible individual or third party sponsor of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 250.08, if the chief electoral officer gives notice under subsection (1) of this section, the eligible individual or third party sponsor must pay to the chief electoral officer a penalty in the amount of up to double the amount that the sponsorship contribution exceeds the amount described in section 235.07, as determined by the chief electoral officer.

**Monetary penalties for failing to register**

- 250.07** (1) Within 7 days of the chief electoral officer making a determination of non-compliance with section 239 by an individual or organization, the chief electoral officer must notify the individual or organization of the non-compliance and the related penalty.
- (2) Unless relief is granted by a court on an application under section 250.08, if the chief electoral officer gives notice under subsection (1) of this section, the individual or organization must pay to the chief electoral officer a penalty in the amount of up to \$10 000, as determined by the chief electoral officer.

**Court order for relief respecting sponsorship contributions**

- 250.08** (1) A person who is subject to a monetary penalty under sections 250.01 to 250.07 may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance with the applicable section.
- (2) An application may be made only within 30 days after the chief electoral officer, under the applicable section, notifies the person of the non-compliance and related penalty.

- (3) The petition commencing an application must be served on the chief electoral officer within 7 days after the petition is filed and the chief electoral officer is a party to the application.
- (4) On the hearing of an application, the court may do the following:
  - (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the person has acted in good faith;
  - (b) make any order the court considers appropriate to secure compliance with the applicable section to the extent the court considers reasonable in the circumstances;
  - (c) refuse to grant relief.

**Publication of names****250.09** (1) The chief electoral officer must

- (a) publish on an Elections BC authorized internet site
    - (i) the names of persons on whom the chief electoral officer has imposed a monetary penalty under sections 250.01 to 250.07,
    - (ii) the section under which the chief electoral officer has imposed the monetary penalty, and
    - (iii) the amount of the monetary penalty, and
  - (b) have notice of the information described in paragraph (a) published in the Gazette.
- (2) The information published under subsection (1) (a) must continue to be published on the Elections BC authorized internet site until one year after general voting day for the next general election.
  - (3) Publication of the notice under subsection (1) (b) must take place as soon as possible after the chief electoral officer imposes the monetary penalty.

**55** *Section 263 (1) is amended**(a) by adding the following paragraph:*

(c.1) contravenes section 181 respecting loans and guarantees for loans; , *and*

*(b) in paragraph (d) by striking out “section 186, 187 or 188” and substituting “section 186, 186.01, 187 or 188”.***56** *Section 264 (1) is amended**(a) in paragraph (c) by striking out “election advertising” and substituting “campaign period election advertising”,**(b) in paragraph (d) by striking out “election advertising on general voting day” and substituting “campaign period election advertising on general voting day and election opinion surveys”,*

*(c) in paragraph (h) by striking out “sponsor” and substituting “third party sponsor”, and*

*(d) by adding the following paragraphs:*

- (b.1) contravenes section 231.01 respecting identification of the sponsor of activities;
- (j) contravenes section 235.021 respecting loans or guarantees;
- (k) contravenes section 235.04, 235.041, 235.05, 235.051, 235.06, 235.061, 235.07, 235.071 or 235.08 respecting sponsorship contributions;
- (l) contravenes section 245.01 respecting the requirement to appoint an auditor and respecting audits of election advertising disclosure reports.

**57**    *The following section is added:*

**Publication of adjusted amounts**

**270.01**    (1) The chief electoral officer must

- (a) publish on an Elections BC authorized internet site the adjusted amounts established under sections 186.01, 204 and 235.05,
  - (b) have notice of the adjusted amounts under those sections published in the Gazette, and
  - (c) give notice of the adjusted amounts to the candidates in the election, the registered political parties represented by those candidates and the registered constituency associations for the electoral district.
- (2) For the purpose of making an adjustment under section 186.01, 204 or 235.05, the chief electoral officer has the discretion to determine whether to use a consumer price index prepared by the director under the *Statistics Act* or published by Statistics Canada under the *Statistics Act* (Canada) and to determine which consumer price index is applicable for a particular time.

**58**    *Section 276 (1) is amended by striking out “registered sponsors” and substituting “registered third party sponsors”.*

**59**    *Section 278 (1) is repealed and the following substituted:*

- (1) In relation to a penalty under any of the following sections, the chief electoral officer may issue and file with the Supreme Court a certificate specifying the name of the candidate, political party or sponsor, as applicable, and the amount owed under that section by the candidate, political party or sponsor:
  - (a) 217 (1) (b);
  - (b) 218 (1) (b);
  - (c) 220.01 (2);
  - (d) 220.02 (2);

- (e) 220.03 (2);
- (f) 220.04 (2) or (4);
- (g) 220.05 (2);
- (h) 220.06 (2);
- (i) 220.07 (2);
- (j) 220.08 (2);
- (k) 235.2 (1) (b);
- (l) 247;
- (m) 250.01 (2);
- (n) 250.02 (2);
- (o) 250.03 (2);
- (p) 250.04 (2);
- (q) 250.05 (2);
- (r) 250.06 (2);
- (s) 250.07 (2).

**60     *Section 283 is amended by***

***(a) renumbering the section as section 283 (1),***

***(b) in subsection (1) by adding the following paragraphs:***

- (b.1) for the purposes of section 1 (2) (a) (ii) and (b) (ii), prescribing anything else;
- (j.2) prescribing the manner in which disclosure reports under Part 11 must be filed;
- (m.01) prescribing election expenses or classes of election expenses for the purposes of section 215.04 (2) (d) that must not be reimbursed; , ***and***

***(c) by adding the following subsections:***

- (2) Subject to section 16 (2), for the purposes of section 215.02, the chief electoral officer may make regulations respecting annual allowances to a merged political party, including defining what a merged political party is and establishing the amount of the annual allowance and the payment schedule.
- (3) Subsection (2) of this section and this subsection are repealed on December 31, 2022.

**61**     *The Schedule is amended by repealing Form 1 and substituting the following:*

## Form 1

(Section 26 (2))

.....  
Lieutenant Governor



## ELECTION ACT

# WRIT OF ELECTION

*Form 1 (Section 26 (2))*

Elizabeth II, by the Grace of God, of the United Kingdom, Canada and Her Other Realms and Territories,  
Queen, Head of the Commonwealth, Defender of the Faith.

**To the District Electoral Officer for the Electoral District of .....**

**GREETING:**

We command you THAT:

Notice of time and place of election being given, you do cause election to be made, according to  
law, of a member to serve in the Legislative Assembly of British Columbia for the Electoral  
District of

.....;

You do accept the nomination of candidates at the office of the District Electoral Officer for the  
Electoral District, from 9 a.m. [Pacific Standard Time] [Pacific Daylight Saving Time] on the  
.... day of ....., 20.... until 1 p.m. [Pacific Standard Time] [Pacific Daylight Saving Time] on the  
.... day of ....., 20....;

If an election by voting is required, you do cause general voting for the election to be conducted, from 8 a.m. until 8 p.m. [Pacific Standard Time] [Pacific Daylight Saving Time] on the .... day of ....., 20....;

You do certify the name of the member elected, to the Chief Electoral Officer, at the City of Victoria, on or before the .... day of ....., 20...., being the day for the return of this Our writ.

In Testimony Whereof, We have caused these Our Letters to be made Patent under the Great Seal of Our Province of British Columbia.

Witness, The Honourable.....

at Our Government House, dated this .... day of ....., 20....

.....  
*Attorney General*

.....  
*Chief Electoral Officer*

## Certificate of Election

I do hereby certify that, in obedience to the Writ of Election, I have caused an Election to take place within the Electoral District of .....

The voters of this Electoral District have elected the following candidate to represent them as a member in the Legislative Assembly of British Columbia:

.....  
Name of elected candidate

Date of certification ....., [month, day, year]

.....  
District Electoral Officer

## PART 2 – TRANSITIONAL PROVISIONS

### Application of *Election Act* definitions

**62** The definitions of the *Election Act* apply to this Part.

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**Duties and powers of chief electoral officer**

- 63** (1) For the purposes of this Part, the chief electoral officer has the same duties and powers as the chief electoral officer has under the *Election Act*.
- (2) Without limiting subsection (1),
- (a) section 10 of the *Election Act* applies to the chief electoral officer in relation to the chief electoral officer's duties under this Part,
  - (b) section 11 of the *Election Act* applies in relation to expenses and payments under this Part,
  - (c) section 12 of the *Election Act* applies in relation to the chief electoral officer's duties and powers under this Part,
  - (d) section 206 (2) of the *Election Act* applies in relation to the chief electoral officer requiring a solemn declaration under this Part,
  - (e) section 276 of the *Election Act* applies in relation to investigations and audits by the chief electoral officer under this Part,
  - (f) sections 278 and 279 of the *Election Act* apply in relation to enforcing this Part, and
  - (g) section 280 of the *Election Act* applies in relation to making exceptions to this Part.
- (3) The chief electoral officer may delegate in writing to an individual appointed under section 10 (1) of the *Election Act* the authority to exercise any power and perform any duty assigned to the chief electoral officer under this Part, subject to any limits or conditions imposed by the chief electoral officer.
- (4) Section 271 of the *Election Act* applies to filing a document or other record under this Part.

**Transition – application of amendments**

- 64** (1) Despite section 3 of the *Election Act*, the amendments made by this Act to the *Election Act* apply to an election called after the date this section comes into force regardless of when the election is called.
- (2) For certainty, this Part applies to an election called after the date this section comes into force regardless of when the election is called.

**Transition – loans before this section comes into force**

- 65** (1) Subject to this section, a loan made or accepted before this section comes into force that
- (a) is not a permissible loan, and
  - (b) does not comply with section 181 of the *Election Act*, as enacted by this Act must be fully satisfied within one year of the date this section comes into force.

- (2) If an organization or individual as referred to in section 180 (1) (a) to (e) of the *Election Act* is unable to comply with subsection (1) of this section, the organization or individual must prepare a plan and submit the plan to the chief electoral officer within one year of the date this section comes into force.
- (3) The plan under subsection (2) must include the following:
  - (a) the name of the organization or individual who accepted the loan;
  - (b) the name of the person who made the loan;
  - (c) the terms and conditions of the loan;
  - (d) the amount of the loan;
  - (e) an explanation of why the loan could not be fully satisfied within one year of the date this section comes into force;
  - (f) a schedule of payments to fully satisfy the loan;
  - (g) the date by which the loan will be fully satisfied.
- (4) The chief electoral officer must review the plan submitted under subsection (2) as soon as practicable and may
  - (a) approve the plan, or
  - (b) reject the plan.
- (5) Within 7 days of the chief electoral officer making a determination that the organization or individual
  - (a) has not fully satisfied the loan within one year of the date this section comes into force, and
  - (b) either
    - (i) has not submitted a plan under subsection (2), or
    - (ii) has submitted a plan under subsection (2) and the plan is rejected by the chief electoral officer,the chief electoral officer must notify the organization or individual of the non-compliance and the related penalty.
- (6) Unless relief is granted by a court on an application under this section, if the chief electoral officer gives notice under subsection (5), the organization or individual must pay to the chief electoral officer a penalty of up to 100% of the amount of the loan, as determined by the chief electoral officer.
- (7) An organization or individual who is subject to a monetary penalty under this section may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.
- (8) An application may be made only within 30 days after the chief electoral officer, under subsection (5), notifies the organization or individual of the non-compliance and related penalty.

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- (9) The petition commencing an application must be served on the chief electoral officer within 7 days after the petition is filed and the chief electoral officer is a party to the application.
- (10) On the hearing of an application, the court may do the following:
  - (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the organization or individual has acted in good faith;
  - (b) make any order the court considers appropriate to secure compliance with this section to the extent the court considers reasonable in the circumstances;
  - (c) refuse to grant relief.

**Transition – debts before this section comes into force**

- 66** Section 181.01, added to the *Election Act* by this Act, does not apply to a debt incurred before the date this section comes into force, and section 181 (3) and (4) of the *Election Act* as it read immediately before the coming into force of this Act continues to apply to debts incurred before the date this section comes into force.

**Transition – specified fundraising functions**

- 67** Sections 185.01 and 185.02, added to the *Election Act* by this Act, do not apply to specified fundraising functions that are publicly announced or publicly advertised before the date this section comes into force.

**Transition – political contributions**

- 68** (1) In this section:
- “specified communications” means the following:
- (a) the transmission to the public by any means of an advertising message that promotes or opposes, directly or indirectly, a registered political party or the election of a candidate, including an advertising message that takes a position on an issue with which a registered political party or candidate is associated, but does not include
    - (i) the publication without charge of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary in a bona fide periodical publication or a radio or television program,
    - (ii) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,
    - (iii) the transmission of a document directly by a person or a group to their members, employees or shareholders, or
    - (iv) the transmission by an individual, on a non-commercial basis on the internet, or by telephone or text messaging, of his or her personal political views;

(b) the conduct of the following activities, if the activities are conducted on a commercial basis:

- (i) canvassing voters, in person or by telephone, to attempt to influence how voters vote;
- (ii) mailing material that contains advertising messages;

**“specified use”** means a use that does the following:

- (a) incurs an election expense on or after the date this section comes into force;
  - (b) sponsors specified communications on or after the date this section comes into force.
- (2) An organization or individual as referred to in section 180 (1) (a) to (c) of the *Election Act* must not use for a specified use any amount of a political contribution that was
- (a) received before this section comes into force, and
  - (b) made by a person other than an eligible individual.
- (3) An organization or individual as referred to in section 180 (1) (a) to (c) of the *Election Act* must not use any amount of a political contribution that was
- (a) received before this section comes into force, and
  - (b) made by a person other than an eligible individual
- to indirectly sponsor specified communications by a third party sponsor.
- (4) An organization or individual as referred to in section 180 (1) (a) to (c) of the *Election Act* may use for a specified use political contributions that have a total value of \$1 200 or less made by an eligible individual before January 1, 2018.
- (5) In relation to political contributions that have a total value of greater than \$1 200 made by an eligible individual before January 1, 2018, an organization or individual as referred to in section 180 (1) (a) to (c) of the *Election Act*
- (a) may use for a specified use that portion of the political contributions that has a value of \$1 200, and
  - (b) must not use for a specified use any other portion of the political contributions.
- (6) An organization or individual as referred to in section 180 (1) (a) to (c) of the *Election Act* must not use the following for a specified use:
- (a) the amount of a political contribution described in subsection (2) of this section that is transferred in a transfer described in section 180 (6) of the *Election Act*;
  - (b) in relation to political contributions that have a total value of greater than \$1 200 made by an eligible individual before January 1, 2018, the amount of the portion of the political contributions that exceeds \$1 200 that is transferred in a transfer described in section 180 (6) of the *Election Act*.

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- (7) Within 7 days of the chief electoral officer making a determination of non-compliance with subsection (2), (3), (5) (b) or (6) of this section by an organization or individual as referred to in section 180 (1) (a) to (c) of the *Election Act*, the chief electoral officer must notify the organization or individual of the non-compliance and the related penalty.
- (8) Unless relief is granted by a court on an application under this section, if the chief electoral officer gives notice under subsection (7) of this section, the organization or individual must pay to the chief electoral officer a penalty of up to double the amount of the political contribution, as determined by the chief electoral officer.
- (9) An organization or individual who is subject to a monetary penalty under this section may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.
- (10) An application may be made only within 30 days after the chief electoral officer, under subsection (7), notifies the organization or individual of the non-compliance and related penalty.
- (11) The petition commencing an application must be served on the chief electoral officer within 7 days after the petition is filed and the chief electoral officer is a party to the application.
- (12) On the hearing of an application, the court may do the following:
  - (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the organization or individual has acted in good faith;
  - (b) make any order the court considers appropriate to secure compliance with this section to the extent the court considers reasonable in the circumstances;
  - (c) refuse to grant relief.

**Transition – testamentary instruments**

- 69** Section 186.03, added to the *Election Act* by this Act, does not apply to testamentary instruments made before January 1, 2018.

**Transition – sponsorship contributions  
before this section comes into force**

- 70** (1) In this section, “**prior sponsorship contribution**” means a sponsorship contribution
- (a) that was received before this section comes into force, and
  - (b) to which one or both of the following apply:
    - (i) the contribution was made by a person other than an eligible individual;
    - (ii) the contribution exceeds \$1 200.

- (2) A third party sponsor must not use a prior sponsorship contribution to sponsor election advertising or for the following activities, if the activities are conducted on a commercial basis:
  - (a) canvassing voters, in person or by telephone, to attempt to influence how voters vote;
  - (b) mailing material that contains advertising messages.
- (3) Within 7 days of the chief electoral officer making a determination of non-compliance with subsection (2) by a third party sponsor, the chief electoral officer must notify the third party sponsor of the non-compliance and the related penalty.
- (4) Unless relief is granted by a court on an application under this section, if the chief electoral officer gives notice under subsection (3), the third party sponsor must pay to the chief electoral officer a penalty in the amount of up to double the amount of the prior sponsorship contribution, as determined by the chief electoral officer.
- (5) A third party sponsor who is subject to a monetary penalty under this section may apply to the Supreme Court in accordance with this section for relief from the monetary penalty for non-compliance.
- (6) An application may be made only within 30 days after the chief electoral officer, under subsection (3), notifies the third party sponsor of the non-compliance and related penalty.
- (7) The petition commencing an application must be served on the chief electoral officer within 7 days after the petition is filed and the chief electoral officer is a party to the application.
- (8) On the hearing of an application, the court may do the following:
  - (a) grant relief from a penalty if the court considers that, in relation to the non-compliance, the third party sponsor has acted in good faith;
  - (b) make any order the court considers appropriate to secure compliance with this section to the extent the court considers reasonable in the circumstances;
  - (c) refuse to grant relief.

**Transition – reimbursement of election expenses**

- 71** Sections 215.04 and 215.05, added to the *Election Act* by this Act, do not apply in relation to election expenses incurred in any election called before the date this section comes into force.

### Consequential Amendments

#### *Miscellaneous Statutes Amendment Act (No. 2), 2012*

- 72 *Section 87 of the Miscellaneous Statutes Amendment Act (No. 2), 2012, S.B.C. 2012, c. 18, is repealed.*

#### *Recall and Initiative Act*

- 73 *Section 38 (2) of the Recall and Initiative Act, R.S.B.C. 1996, c. 398, is amended*

(a) *in paragraph (b) by striking out “the applicable amount under section 182 (2) (b) of the Election Act,” and substituting “\$50, or a higher amount established by regulation,” and*

(b) *in paragraph (c) (i) by striking out “the applicable amount under section 182 (2) (c) (i) of the Election Act,” and substituting “\$250, or a higher amount established by regulation,”.*

- 74 *Section 48 (4) is amended by striking out “section 204 (2) and (4) of the Election Act applies.” and substituting “sections 204 (2) and 270.01 of the Election Act apply.”*

- 75 *Section 92 (4) is repealed and the following substituted:*

(4) A fee may be charged for a report provided under subsection (3), but the fee must be based on the reasonable costs of reproducing the original report prepared for the purposes of that subsection.

- 76 *Section 113 (2) is amended*

(a) *in paragraph (b) by striking out “the applicable amount under section 182 (2) (b) of the Election Act,” and substituting “\$50, or a higher amount established by regulation,” and*

(b) *in paragraph (c) (i) by striking out “the applicable amount under section 182 (2) (c) (i) of the Election Act,” and substituting “\$250, or a higher amount established by regulation,”.*

- 77 *Section 123 (7) is amended by striking out “section 204 (2) and (4) of the Election Act applies.” and substituting “sections 204 (2) and 270.01 of the Election Act apply.”*

**Commencement**

- 78** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 <b>Provisions of Act</b>	Column 2 <b>Commencement</b>
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 6	On the day after the date this Act receives First Reading in the Legislative Assembly
3	Section 49	By regulation of the Lieutenant Governor in Council
4	Section 67	On the day after the date this Act receives First Reading in the Legislative Assembly