

Excerpts from the *Local Government Act*:

Division 4 – Electors and Registration of Electors

Who may vote at an election

- 64** (1) In order to vote at an election for a municipality or electoral area, a person
- (a) must meet the requirements of section 65 (1) (a) to (e) [resident electors] or 66 (1) (a) to (g) [non-resident property electors] at the time of voting,
 - (b) must not be disqualified by this Act or any other enactment from voting in the election or be otherwise disqualified by law, and
 - (c) must be registered as an elector of the municipality or electoral area.
- (2) The following persons are disqualified from voting at an election:
- (a) a person who has not completed the sentence for an indictable offence, unless the person is released on probation or parole and is not in custody;
 - (b) a person who is involuntarily confined to a psychiatric or other institution as a result of being acquitted of or found not criminally responsible for an offence under the Criminal Code on account of mental disorder;
 - (c) a person who has contravened section 161 (3) [accepting inducements to vote] in relation to the election.
- (3) For clarification, no corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.
- (4) A person must not vote at an election unless entitled to do so.

Resident electors

- 65** (1) In order to be registered as a resident elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must be
 - (i) an individual who is 18 years of age or older on the day of registration, or

- (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
 - (b) the person must be a Canadian citizen;
 - (c) the person must have been a resident of British Columbia, as determined in accordance with section 67 [rules for determining residence], for at least 6 months immediately before the day of registration;
 - (d) the person must have been a resident of the municipality or electoral area, as determined in accordance with section 67, for at least 30 days immediately before the day of registration;
 - (e) the person must not be disqualified under this or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) If the boundaries of a municipality or electoral area are extended or a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (d) if, for at least 30 days before the person applies for registration as an elector, the person has been a resident, as determined in accordance with section 67, of the area that is included in the municipality or electoral area or that becomes the new municipality.

Non-resident property electors

- 66** (1) In order to be registered as a non-resident property elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must not be entitled to register as a resident elector of the municipality or electoral area;
 - (b) the person must be
 - (i) an individual who is 18 years of age or older on the day of registration, or
 - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
 - (c) the person must be a Canadian citizen;

- (d) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the day of registration;
 - (e) the person must have been a registered owner of real property in the municipality or electoral area for at least 30 days immediately before the day of registration;
 - (f) the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;
 - (g) the person must not be disqualified under this Act or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) A person may register as a non-resident property elector only in relation to one parcel of real property in a municipality or electoral area.
- (3) If the boundaries of a municipality or electoral area are extended or if a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (e) if, for at least 30 days before the person applies for registration as a non-resident property elector, the person has been a registered owner of property within the area that is included in the municipality or electoral area or that becomes the new municipality.
- (4) For the purposes of this section, the registered owner of real property means whichever of the following is applicable:
- (a) the owner of a registered estate in fee simple of the property, unless another person holds an interest in the property referred to in paragraph (b), (c) or (d);
 - (b) the holder of the last registered agreement for sale, unless another person holds an interest in the property referred to in paragraph (c) or (d);
 - (c) the tenant for life under a registered life interest in the property, unless another person holds an interest in the property referred to in paragraph (d);
 - (d) the holder of a registered lease of the property for a term of at least 99 years.

- (5) If there is more than one individual who is the registered owner of real property, either as joint tenants or tenants in common, only one of those individuals may register as a non-resident property elector under this section in relation to the real property.
- (6) If the land title registration of the real property in relation to which a person is registering under this section indicates that there is more than one individual who is the registered owner of the real property, the person registering must do so with the written consent of the number of those individuals who, together with the person registering, are a majority of those individuals.
- (7) A registered owner who has consented to the registration of another registered owner of the property may withdraw the consent by delivering a written withdrawal to the municipality or regional district.
- (8) Once a withdrawal of consent has been delivered in accordance with subsection (7), the person registered as the non-resident property elector in relation to the property ceases to be entitled to be registered and vote as such if the number of individuals referred to in subsection (6) falls below a majority of the registered owners, with this effective
 - (a) for the next election, in the case of a withdrawal delivered at least 52 days before general voting day for the election, and
 - (b) following the next election, in the case of a withdrawal delivered less than 52 days before general voting day for the election.

Rules for determining residence

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

resident that is away from the usual area in which the person is a resident, the person may choose for the purposes of this Part either the usual area or the new area as the area in which the person is a resident.

Division 5 — Qualifications for Office

Who may hold office on a local government

- 81 (1)** A person is qualified to be nominated for office, and to be elected to and hold office, on a local government if at the relevant time the person meets all the following requirements:
- (a) the person must be an individual who is, or who will be on general voting day for the election, 18 years of age or older;
 - (b) the person must be a Canadian citizen;
 - (c) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the relevant time;
 - (d) the person must not be disqualified under this Act or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to or holding the office, or be otherwise disqualified by law.
- (2) Without limiting subsection (1) (d), the following persons are disqualified from being nominated for, being elected to or holding office on a local government:
- (a) a person who is a judge of the Court of Appeal, Supreme Court or Provincial Court;
 - (b) a person who is disqualified under section 82 as an employee of a local government, except as authorized under that section;
 - (c) a person who is disqualified under any of the following provisions of this Act, including as the provisions apply under section 6 [application to trustees] of the Islands Trust Act:
 - (i) section 202 (4) [*failure to make oath or affirmation of office*];
 - (ii) section 204 (1) [*unexcused absence from board meetings*];

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

Disqualification of local government employees

- 82 (1)** For the purposes of this section, "**employee**" means
- (a) an employee or salaried officer of a municipality or regional district, or
 - (b) a person who is within a class of persons deemed by regulation under section 168 [election regulations] to be employees of a specified municipality or regional district, but does not include a

person who is within a class of persons excepted by regulation under section 168.

- (2) Unless the requirements of this section are met, an employee of a municipality is disqualified from being nominated for, being elected to or holding office
 - (a) as a member of the council of the municipality, or
 - (b) as a member of the board of the regional district in which the municipality is located.
- (3) Unless the requirements of this section are met, an employee of a regional district is disqualified from being nominated for, being elected to or holding office
 - (a) as a member of the board of the regional district, or
 - (b) as a member of the council of a municipality, including the City of Vancouver, that is within the regional district.
- (4) Before being nominated for an office to which subsection (2) or (3) applies, the employee must give notice in writing to his or her employer of the employee's intention to consent to nomination.
- (5) Once notice is given under subsection (4), the employee is entitled to and must take a leave of absence from the employee's position with the employer for a period that, at a minimum,
 - (a) begins on the first day of the nomination period or the date on which the notice is given, whichever is later, and
 - (b) ends, as applicable,
 - (i) if the person is not nominated before the end of the nomination period, on the day after the end of that period,
 - (ii) if the person withdraws as a candidate in the election, on the day after the withdrawal,
 - (iii) if the person is declared elected, on the day the person resigns in accordance with subsection (8) or on the last day for taking office before the person is disqualified for a failure to take the oath of office within the time specified by an enactment that applies to the person,
 - (iv) if the person is not declared elected and an application for judicial recount is not made, on the last day on

which an application for a judicial recount may be made, or

- (v) if the person is not declared elected and an application for judicial recount is made, on the date when the results of the election are determined by or following the judicial recount.
- (6) If agreed by the employer, as a matter of employment contract or otherwise, the leave of absence under this section may be for a period longer than the minimum required by subsection (5).
- (7) Sections 54 [duties of employer in relation to leave] and 56 [employment deemed continuous while on leave] of the Employment Standards Act apply to a leave of absence under this section.
- (8) Before making the oath of office, an employee on a leave of absence under this section who has been elected must resign from the person's position with the employer.
- (9) At the option of the employee, a resignation under subsection (8) may be conditional on the person's election not being declared invalid on an application under section 153 [application to court respecting validity of election].

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

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

Division 6 — Nomination of Candidates

Nomination deposits

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

Division 9 — Candidates and Representatives

Withdrawal, death or incapacity of candidate

- 101(1)** At any time up until 4 p.m. on the 29th day before general voting day, a person who has been nominated may withdraw from being a candidate in the election by delivering a signed withdrawal to the chief election officer, which must be accepted if the chief election officer is satisfied as to its authenticity.
- (2) After the time referred to in subsection (1), a candidate may withdraw only by delivering to the chief election officer a signed request to withdraw and receiving the approval of the minister.
 - (3) For the purposes of subsection (2), the chief election officer must notify the minister of a request to withdraw as soon as practicable after receiving it.
 - (4) The chief election officer must notify the minister if, between the declaration of an election by voting under section 98 (2) and general voting day for the election,
 - (a) a candidate dies, or
 - (b) in the opinion of the chief election officer, a candidate is incapacitated to an extent that will prevent the candidate from holding office.
 - (5) On approving a withdrawal under subsection (2) or being notified under subsection (4), the minister may order
 - (a) that the election is to proceed, subject to any conditions specified by the minister, or
 - (b) that the original election is to be cancelled and that a new election is to be held in accordance with the directions of the minister.

Appointment of candidate representatives

- 102(1)** A candidate may appoint
- (a) one individual to act as official agent of the candidate, to represent the candidate from the time of appointment until the final determination of the election or the validity of the election, as applicable, and
 - (b) scrutineers, to represent the candidate by observing the conduct of voting and counting proceedings for the election.

- (2) An appointment as a candidate representative must
 - (a) be made in writing and signed by the person making the appointment,
 - (b) include the name and address of the person appointed, and
 - (c) be delivered to the chief election officer or a person designated by the chief election officer for this purpose as soon as practicable after the appointment is made.
- (3) An appointment as a candidate representative may be rescinded only in the same manner as the appointment was made.
- (4) An appointment of an official agent may include a delegation of the authority to appoint scrutineers.
- (5) If notice is to be served or otherwise given under this Part to a candidate, it is sufficient if the notice is given to the official agent of the candidate.

Presence of candidate representatives at election proceedings

- 103(1)** A candidate representative present at a place where election proceedings are being conducted must
- (a) carry a copy of the person's appointment under section 102,
 - (b) before beginning duties at the place, show the copy of the appointment to the presiding election official or an election official specified by the presiding election official, and
 - (c) show the copy of the appointment to an election official when requested to do so by the official.
- (2) The presiding election official may designate one or more locations at a place where election proceedings are being conducted as locations from which candidate representatives may observe the proceedings and, if this is done, the candidate representatives must remain in those locations.
 - (3) The absence of a candidate representative from a place where election proceedings are being conducted does not invalidate anything done in relation to an election.

Division 18 — Election Offences

Vote buying

- 161(1)** In this section, "inducement" includes money, gift, valuable consideration, refreshment, entertainment, office, placement, employment and any other benefit of any kind.
- (2) A person must not pay, give, lend or procure inducement for any of the following purposes:
- (a) to induce a person to vote or refrain from voting;
 - (b) to induce a person to vote or refrain from voting for or against a particular candidate;
 - (c) to reward a person for having voted or refrained from voting as described in paragraph (a) or (b);
 - (d) to procure or induce a person to attempt to procure the election of a particular candidate, the defeat of a particular candidate or a particular result in an election;
 - (e) to procure or induce a person to attempt to procure the vote of an elector or the failure of an elector to vote.
- (3) A person must not accept inducement
- (a) to vote or refrain from voting,
 - (b) to vote or refrain from voting for or against a particular candidate, or
 - (c) as a reward for having voted or refrained from voting as described in paragraph (a) or (b).
- (4) A person must not advance, pay or otherwise provide inducement, or cause inducement to be provided, knowing or with the intent that it is to be used for any of the acts prohibited by this section.
- (5) A person must not offer, agree or promise to do anything otherwise prohibited by this section.
- (6) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.

Intimidation

- 162(1)** In this section, "intimidate" means to do or threaten to do any of the following:
- (a) use force, violence or restraint against a person;
 - (b) inflict injury, harm, damage or loss on a person or property;
 - (c) otherwise intimidate a person.
- (2) A person must not intimidate another person for any of the following purposes:
- (a) to persuade or compel a person to vote or refrain from voting;
 - (b) to persuade or compel a person to vote or refrain from voting for or against a particular candidate;
 - (c) to punish a person for having voted or refrained from voting as described in paragraph (a) or (b).
- (3) A person must not, by abduction, duress or fraudulent means, do any of the following:
- (a) impede, prevent or otherwise interfere with a person's right to vote;
 - (b) compel, persuade or otherwise cause a person to vote or refrain from voting;
 - (c) compel, persuade or otherwise cause a person to vote or refrain from voting for a particular candidate.
- (4) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.

Other election offences

- 163(1)** In relation to nominations, a person must not do any of the following:
- (a) contravene section 87 (4) [unqualified candidate consenting to nomination];
 - (b) before or after an election, purport to withdraw a candidate from an election without authority to do so or publish or cause to be published a false statement that a candidate has withdrawn;
 - (c) before or after an election, purport to withdraw the endorsement of a candidate by an elector organization except as provided in section 95 (b) [withdrawal of endorsement on ballot].

- (2) In relation to voting, a person must not do any of the following:
 - (a) vote at an election when not entitled to do so;
 - (b) contravene section 124 (1) [each elector may vote only once] regarding voting more than once in an election;
 - (c) obtain a ballot in the name of another person, whether the name is of a living or dead person or of a fictitious person;
 - (d) contravene section 123 (2) [requirement to preserve secrecy of the ballot] regarding the secrecy of the ballot.
- (3) In relation to ballots and ballot boxes, a person must not do any of the following:
 - (a) without authority supply a ballot to another person;
 - (b) without authority print or reproduce a ballot or a paper that is capable of being used as a ballot;
 - (c) without authority take a ballot out of a place where voting proceedings are being conducted;
 - (d) put in a ballot box, or cause to be put in a ballot box, a paper other than a ballot that the person is authorized to deposit there;
 - (e) interfere with voting under section 112 [use of voting machines] contrary to the applicable bylaw and regulations;
 - (f) without authority destroy, take, open or otherwise interfere with a ballot box or ballots.
- (4) In relation to voting proceedings, a person must not do any of the following at or within 100 metres of a building, structure or other place where voting proceedings are being conducted at the time:
 - (a) canvass or solicit votes or otherwise attempt to influence how an elector votes;
 - (b) display, distribute, post or openly leave a representation of a ballot marked for a particular result in the voting;
 - (c) post, display or distribute
 - (i) election advertising, or
 - (ii) any material that identifies a candidate or elector organization, unless this is done with the authorization of the chief election officer;
 - (d) carry, wear or supply a flag, badge or other thing indicating that the person using it is a supporter of a particular candidate, elector organization or result in the voting.

- (5) In relation to any matter or proceeding to which this Part applies, a person must not do any of the following:
- (a) provide false or misleading information when required or authorized under this Part to provide information;
 - (b) make a false or misleading statement or declaration when required under this Part to make a statement or declaration;
 - (c) inspect or access under this Part
 - (i) a list of registered electors,
 - (ii) nomination documents,
 - (iii) disclosure statements or supplementary reports, or
 - (iv) other election materials referred to in section 143 [delivery of election materials to chief election officer],or use the information from any of them, except for purposes authorized under this Act;
 - (d) be present at a place where voting or counting proceedings are being conducted, unless authorized under this Part to be present;
 - (e) interfere with, hinder or obstruct an election official or other person in the exercise or performance of his or her powers, duties or functions under this Part or the Local Elections Campaign Financing Act.
- (6) A person who is an election official must not contravene this Part with the intention of affecting the result or validity of an election.

Prosecution of organizations and their directors and agents

- 164(1)** An act or thing done or omitted by an officer, director, employee or agent of an organization within the scope of the individual's authority to act on behalf of the organization is deemed to be an act or thing done or omitted by the organization.
- (2) If an organization commits an offence under this Part, an officer, director, employee or agent of the organization who authorizes, permits or acquiesces in the offence commits the same offence, whether or not the organization is convicted of the offence.
- (3) A prosecution for an offence under this Part may be brought against an unincorporated organization in the name of the organization and, for these purposes, an unincorporated organization is deemed to be a person.

Time limit for starting prosecution

165(1) The time limit for laying an information to commence a prosecution respecting an offence under this Part is one year after the date on which the act or omission that is alleged to constitute the offence occurred.

Penalties

- 166(1)** A person who contravenes section 161 [vote buying] or 162 [intimidation] is guilty of an offence and is liable to one or more of the following penalties:
- (a) a fine of not more than \$10 000;
 - (b) imprisonment for a term not longer than 2 years;
 - (c) disqualification from holding office in accordance with subsection (2) of this section for a period of not longer than 7 years.
- (2) Disqualification under subsection (1) (c) is disqualification from holding office as follows:
- (a) on a local government;
 - (b) on the council of the City of Vancouver or on the Park Board established under section 485 of the Vancouver Charter;
 - (c) as a trustee under the Islands Trust Act;
 - (d) as a trustee on a board of education, or as a regional trustee on a francophone education authority, under the School Act.
- (3) A person or unincorporated organization who contravenes section 163 [other election offences] is guilty of an offence and is liable to one or both of the following penalties:
- (a) a fine of not more than \$5 000;
 - (b) imprisonment for a term not longer than one year.
- (4) Any penalty under this Division is in addition to and not in place of any other penalty provided in this Part.
- (5) A person or unincorporated organization is not guilty of an offence under this Part if the person or organization exercised due diligence to prevent the commission of the offence.