

LOCAL GOVERNMENT ACT

CHAPTER 1 [RSBC 2015]

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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 (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 period

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

Notice of nomination

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

Nomination of candidates

- 86** (1) A nomination for office as a member of a local government must be made in accordance with section 87, separately for each candidate,

- (a) by at least 2 qualified nominators of the municipality or electoral area for which the nomination is made, or
 - (b) if a bylaw under subsection (2) of this section applies, by at least the minimum number of such persons as set by the bylaw.
- (2) A local government may, by bylaw, set the minimum number of qualified nominators as follows:
- (a) in relation to a municipality or electoral area that has a population of 5 000 or more, the minimum number of qualified nominators may be set at either 10 or 25;
 - (b) in relation to a municipality or electoral area that has a population of less than 5 000, the minimum number of qualified nominators may be set at 10.
- (3) In order to be qualified as a nominator, a person
- (a) must be an elector of the municipality or electoral area for which the nomination is made, and
 - (b) in the case of a nomination for an office to be filled on a neighbourhood constituency basis, must also be qualified as a resident elector or non-resident property elector in relation to the area of the neighbourhood constituency.
- (4) A person may subscribe as nominator to as many nomination documents as, but not more than, the number of persons who are to be elected to fill the office for which the election is being held.
- (5) Even if one or more of the nominators are not qualified in accordance with this section, a nomination is valid as long as the nomination is made by at least the minimum number of qualified nominators.

Nomination documents

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

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

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.

Nomination by delivery of nomination documents

- 89** (1) In order to make a nomination,

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

Other information to be provided by candidate

- 90** (1) A person who is nominated for local government office must, before the end of the nomination period, provide the following to the chief election officer:
- (a) a telephone number at which the person may be contacted;
 - (b) an email address at which the person may be contacted, unless the person does not have such an address;

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

Challenge of nomination

- 91** (1) A nomination may be challenged only by an application to the Provincial Court in accordance with this section.
- (2) The time period during which a challenge may be made is between the time of the delivery of the nomination documents in accordance with section 89 and 4 p.m. on the fourth day after the end of the nomination period.
- (3) A challenge may be made only by
- (a) a person who is an elector of the municipality or electoral area for which the election is being held,
 - (b) another nominee in the same election, or
 - (c) the chief election officer.
- (4) A challenge may be made only on one or more of the following bases:
- (a) that the person is not qualified to be nominated or elected;
 - (b) that the nomination was not made in accordance with sections 86 to 89;
 - (c) that the usual name given under section 87 (1) (b) in the nomination documents is not in fact the usual name of the person.
- (5) The chief election officer must commence a challenge under this section if, on a review under section 89 (6) [*review of disqualification list*], it appears to the chief election officer that a person is disqualified from being nominated.
- (6) The document filed with the court to commence a challenge must briefly set out the facts on which the challenge is based and must be supported by affidavit as to those facts.
- (7) At the time a challenge is commenced, a time must be set for the hearing that is adequate to allow the court to give its decision on the matter within the time limit set by subsection (9).

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

Division 8 — Declaration of Candidates

Declaration of candidates

- 97 (1) Immediately following the end of the nomination period, the chief election officer must declare as candidates for an elected office all persons who have been nominated for the office.
- (2) If there are fewer persons declared as candidates than there are to be elected, additional nominations must be received by the chief election officer from the time of the declaration under subsection (1) up until 4 p.m. on the third day after the end of the nomination period.
- (3) If reasonably possible, the chief election officer must give notice to the public of an extended time for receiving nominations under subsection (2).
- (4) At the end of the time for receiving additional nominations under subsection (2), the chief election officer must declare as candidates for an elected office all additional persons who have been nominated for the office.

Declaration of election by voting or acclamation

- 98 (1) At 4 p.m. on the Monday following the last day for determining a challenge under section 91 [*challenge of nomination*], the chief election officer must declare the election in accordance with this section.
- (2) If there are more candidates for an office than there are to be elected for the office, the chief election officer must declare that an election by voting is to be held.
- (3) If no more candidates for an office are nominated than there are to be elected for that office, the chief election officer must declare the candidate or candidates elected by acclamation.

Notice of election by voting

- 99 (1) At least 6 days but not more than 30 days before general voting day for an election by voting under section 98 (2), the chief election officer must issue a notice of election in accordance with section 50 [*public notice requirements*].
- (2) The notice must include the following information:
- (a) the offices for which persons are to be elected;
 - (b) the usual names and residential addresses of the candidates for each office;
 - (c) the date of general voting day, the voting places for required general voting opportunities and the voting hours for those places;
 - (d) the documents that will be required in order for a person to register as an elector at the time of voting;
 - (e) if applicable, information required to be included under section 53 (6) regarding neighbourhood constituencies or section 113 (5) regarding municipal voting divisions.
- (3) The notice may also include any other information the chief election officer considers appropriate.
- (4) The chief election officer may provide for additional notice of the election to be given to the public.

- (5) For the purposes of including the residential address of a candidate in a notice under this section, an address that indicates the municipality or electoral area in which the candidate is resident is sufficient.
- (6) If requested by a candidate in sufficient time to reasonably have this done, the residential address of the candidate included in a notice under this section must be limited to the municipality or electoral area in which the candidate is resident.

Appointment if insufficient number of candidates are elected

- 100** (1) If there are fewer candidates declared elected by acclamation under section 98 than there are to be elected, the local government must appoint a person to each vacant office,
- (a) in the case of a general local election, within 30 days after the first meeting of the local government at which the persons elected in the election are holding office, and
 - (b) in any other case, within 30 days after the first meeting of the local government after the declaration of the election results.
- (2) If a local government fails to make an appointment required by subsection (1), or if there is no quorum of the local government able to make the appointment, the minister must appoint a person to each vacant office.
- (3) A person appointed under this section
- (a) must be qualified under section 81 to hold the office, and
 - (b) must reside in the municipality, electoral area or neighbourhood constituency, as applicable, at the time of appointment.
- (4) A person appointed as a member of a local government under this section or any other provision of this Act has the same rights, duties and powers as a person elected as a member.
- (5) An enactment that applies to an elected member of a local government applies to a person appointed under this section in the same manner as if the person had been elected at the election in relation to which the appointment is made.

Division 9 — Candidates and Representatives

Withdrawal, death or incapacity of candidate

- 101** (1) At any time up until 4 p.m. on the twenty-ninth 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** 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.