

Local Government Elections Task Force: Comparison between BCSTA Submission and Task Force Report

Topic	BCSTA Submission	Task Force Recommendation	BCSTA Comment
<i>Frequency of Elections; Date of Election; Term Limits</i>	<p>No term limits.</p> <p>Trustee term and election date should be same as those of local governments.</p>	<p>Four-year term.</p> <p>Consider moving date of election to third Saturday October if endorsed by UBCM, effective 2015.</p>	<p>Consistent with BCSTA submission.</p>
<i>Campaign Financing Rules</i>	<p>Simplify campaign financing disclosure requirements for campaigns with low expenses and low third-party donations.</p> <p>Exempt from requirement for separate campaign bank account where expenditures and third-party contributions do not exceed a specified amount.</p>	<p>Campaign finance disclosure statements to be submitted no later than 90 days after general voting day.</p> <p>Campaign finance disclosure information to be published online and made centrally accessible through Elections BC.</p> <p>Develop standard campaign finance disclosure statement forms.</p> <p>Make the rules for disclosing volunteer and candidate “in-kind” contributions consistent with the provincial rules.</p>	<p>Simplification for smaller campaigns not directly addressed. Change to requirement to disclose “in-kind contributions” would assist small campaigns. Change would mean candidate would not have to calculate or report value of contributions of property used in connection with the person’s services (e.g., depreciation on volunteer’s car would not be considered campaign contribution.)</p>
<i>Campaign Contribution Limits</i>	<p>Do not increase complexity or costs of reporting to support contribution or expenses limits.</p>	<p>No campaign contribution limits.</p>	

<i>Expense Limits</i>	Do not increase complexity or costs of reporting to support contribution or expenses limits.	Implement expense limits for all campaign participants (e.g.,electors, elector organizations and third party advertisers).	New campaign expense limits would expand reporting requirements to include third-party advertisers (even if they are not “campaign organizers”).
<i>Public Financing (Tax Credits for Contributions)</i>	Provincial tax credit for individual contributors.	No tax credits.	
<i>Anonymous Contributions</i>		Ban any anonymous contributions.	Current law prohibits anonymous contributions over \$50. Would this change effectively discourage small individual contributions and make candidates more reliant on large organizational contributors, e.g., would a teacher be uncomfortable being identified as contributor to a trustee candidate running in opposition to union-backed candidate?
<i>Corporate Vote</i>	No corporate vote.	No corporate vote.	Consistent with BCSTA submission.

<p><i>Role of Elections BC</i></p>	<p>Provide authority for Elections BC to monitor, receive complaints, investigate, and rule on campaign financing disclosure breaches, and that the costs be borne by the Province.</p>	<p>Establish a key role for Elections BC in enforcing campaign finance rules in local elections, focusing on:</p> <ul style="list-style-type: none"> • Publication and compliance review of campaign finance disclosure statements; • Provision of guidance on campaign finance rules during elections; • Response to campaign finance queries and complaints after elections; • Management of preliminary investigations and, when required, referral to the appropriate law enforcement bodies. • Continue a role for local government in enforcing campaign finance rules, focusing on local CEOs as frontline contacts and responders on certain compliance issues that arise during a campaign. • Build mechanisms to clearly define the responsibilities and relationships of those involved in campaign finance enforcement; support collaborative development of training and education materials, standard forms and provision of guidance; and provide Elections BC and local governments with the authority they need to effectively fulfil their roles. 	<p>Consistent with BCSTA submission.</p>
<p><i>Application of Local Government Bylaws to Trustee Elections</i></p>	<p>Amend provisions dealing with harmonization of elections to (i) remove restrictions on the ability of local governments and boards of education to adopt election bylaws of another entity; and (ii) clarify the authority of boards of education to make decisions with respect to trustee candidates and elections.</p>	<p>Issue not addressed.</p>	

<p><i>Local vs. Provincial Rules</i></p>	<p>Generally favour provincial rules to reduce inconsistencies between local government jurisdictions within one Trustee Electoral Area or school district.</p>	<p>Inconsistent rules between local governments increase confusion.</p> <p>None of recommendations include local options.</p>	<p>Consistent with BCSTA submission.</p>
<p><i>Separate Legislation</i></p>	<p>Separate <i>Local Elections Act</i>, revised for clarity.</p>	<p>Separate <i>Act</i> to deal with campaign financing.</p>	<p>Not as requested but should be helpful in educating candidates on their responsibilities.</p>
<p><i>Education and Training</i></p>		<p>Strengthen commitment to collaborative local elections education.</p> <p>Establish a more formalized process for guiding development of elections education.</p> <p>Involve more participants: organizations such as LGMA, UBCM, Elections BC, Ministry of Education, LGLA.</p> <p>Ensure all involved commit staff and/or financial resources to education and advice.</p> <p>Provide education and advice on new topics resulting from implementation of Task Force recommendations (e.g., third-party advertising rules), for new audiences (e.g., candidates' financial agents, third party advertisers, other campaign participants), in new ways (e.g., webinars, "candidate schools," advice line for election administrators on general voting day).</p> <p>Enhance education and advice in a phased approach: focus first on materials to assist in understanding of new rules, roles and responsibilities for the 2011 elections; expand to cover other issues based on feedback from 2011 elections.</p>	<p>BCSTA mentioned in text (though not recommendation) as an organization that should be involved in collaboration with Ministry of Community and Rural Development to produce educational materials.</p>

<i>Candidate's Declaration; Oath of Office</i>		Revise declaration to clarify obligations of running for office; review oath of office to reflect positive requirements for integrity.	
<i>Third-party Advertising</i>		<p>Establish that third-party advertisers must register and must disclose what they spent on ads and who contributed to them (possibly for advertising expenditures over a certain threshold).</p> <p>Prohibit advertising by unregistered third parties.</p> <p>Explore establishing some automatic (administrative) penalties for failure to comply with third party advertising rules, such as exceeding expense limits or failing to file a disclosure statement.</p> <p>Continue to regulate people or organizations (currently referred to as “campaign organizers”) that undertake election campaigns that support (or operate in place of) a candidate or elector organization’s campaign and conduct political activity such as collecting campaign contributions.</p>	Will any new rules for third-party advertising affect board of education or BCSTA advertising encouraging public participation in elections?
<i>Election Advertising</i>		<p>Require all election advertising to disclose who sponsored (paid for) the advertising.</p> <p>Sponsorship information should be in English and the language of the advertisement.</p> <p>Make it an offence to publish ads without required sponsorship information.</p> <p>Explore establishing some automatic (administrative) penalties in relation to election advertising (e.g.,for failing to comply with the proposed requirement for advertising to include sponsorship information).</p>	

<i>Local Election Offences</i>		<p>Override <i>Offence Act</i> limitation for investigation of an alleged local elections offence, extending it to one year instead of the current six months.</p> <p>Specify that the one year period starts from when the alleged contravention is brought to the attention of local elections administrators.</p>	
<i>Chief Election Officer Duties and Powers</i>		<p>Provide local Chief Election Officers with additional powers for enforcement during the campaign; for example:</p> <ul style="list-style-type: none"> • to enforce rules against election-day advertising (e.g., provide clear authority for Chief Election Officers to enter on private property to remove unauthorized campaign signs on election day) • seek injunctions in order to enforce rules, such as stopping unauthorized advertising • Clarify the status of the local Chief Election Officer by statutorily establishing that position as impartial. 	
<i>Late Filing: Obligation of Local Government</i>		<p>Require local governments to use best efforts to provide notice of the remaining 30-day late filing period to those candidates who have not filed at the end of initial filing period.</p>	<p>Legislation would need to clarify whether obligation is on board of education or a local government that conducted the election.</p>
<i>Eligibility of Employees</i>		<p>Clarify that volunteers who receive no direct monetary compensation are not considered to be “employees” for the purposes of determining eligibility to run for, and hold, elected office while continuing to volunteer.</p>	<p>Would need to ensure that volunteers can be reimbursed for expenses without prejudicing eligibility.</p>
<i>Effective Date of Changes</i>		<p>Terms of reference state that changes should be in place by 2011 election. Legislation not likely to be presented before 2011. Government should consider whether all changes can be brought in effect in this time frame.</p>	