

LIDSTONE & COMPANY

BARRISTERS AND SOLICITORS

BULLETIN

To: All Clients
From: Lidstone & Company
Date: March 8, 2012
RE: Campaign Finance Disclosure Statement Deadline

The deadline by which successful and unsuccessful candidates for local government office must file their Campaign Financing Disclosure Statements is fast approaching.

Section 90 of the *Local Government Act*, R.S.B.C. 1996 c. 323 (the "Act") states that within 120 days after the general voting day for an election, the financial agent of all candidates, elector organizations and campaign organizers must file a disclosure statement with the designated local government officer. This year, the 120th day falls on the weekend, and thus the deadline for the regular filing period is March 19, 2012.

Each candidate, elector organization and campaign organizer is responsible for ensuring that their financial agent files a disclosure statement (s.90(2)). If a candidate did not nominate a financial agent, he or she is deemed to be his or her own financial agent (s.85(2)). A disclosure statement is required even if the candidate receives no campaign contributions, incurs no election expenses, is acclaimed, dies, withdraws from the election or is declared by a court to no longer be a candidate.

Section 90.2 of the *Act* provides for a late filing period for disclosure statements, and states that the penalties for not filing a disclosure statement do not apply if a candidate's disclosure statement is filed within 30 days of the date specified in section 90. This year, the deadline for the late filing period is April 16, 2012. If a candidate's disclosure statement is filed between March 20 and April 16, 2012, they must pay a \$500.00 late filing penalty to the municipality or regional district to avoid disqualification from office pursuant to section 92.

According to section 90(4), a disclosure statement must include the following:

- (a) the total amount of campaign contributions;

(b) for each person or unincorporated organization who made a campaign contribution of \$100 or more, the information referred to in section 88 (1) (a) to (e) [*records of contributions*] other than the address of an individual;

(c) for each anonymous campaign contribution that was given to the municipality or regional district under section 87 (2), the information referred to in section 88 (1) (a) and (b) [*records of contributions*];

(d) for contributions not referred to in paragraph (b) or (c), the total value of the campaign contributions received and the total number of contributors from whom they were received;

(e) the total amount of election expenses;

(f) the total amount of election expenses in each class prescribed by regulation under section 156;

(g) any transfers received from the municipality or regional district under section 89.1 (5) (a) [*transfer of candidate's surplus election funds*];

(h) any balance for a candidate as referred to in section 89.1 (1) [*candidate's surplus election funds*], or any equivalent deficit, on the day the report is prepared;

(i) if there was a surplus as referred to in section 89.1 (1) [*candidate's surplus election funds*], how that surplus was dealt with;

(i.1) the name and address of the savings institution for the accounts required under section 85.1 [*campaign accounts*];

(i.2) in the case of a disclosure statement for a candidate who was endorsed by an elector organization, the name of the elector organization;

(i.3) in the case of a disclosure statement for an elector organization, the names of the candidates endorsed by the elector organization;

(i.4) in the case of a disclosure statement for a campaign organizer, the names of the candidates and elector organizations in relation to which the campaign organizer undertook an election campaign;

(j) any other information required by regulation under section 156.

The disclosure statement must also be accompanied by a solemn declaration by the candidate as well as the financial agent, chief official of a elector organization and/or chief official of a campaign organizer, stating that "to the best of the knowledge, information and belief" of the person making the declaration:

(a) the disclosure statement completely and accurately discloses the required information, and

(b) the requirements of this Division have been met in relation to the election campaign of the candidate, elector organization or campaign organizer, as applicable.

If a candidate fails to file a disclosure statement by the filing deadline and fails to file a disclosure statement and pay \$500.00 by the late filing deadline, unless the candidate is relieved from the obligation to file a disclosure statement by a court (s.91), the candidate ceases to hold office (s.92(1)(a)) and is disqualified from being nominated for, elected to or holding office in a local government until after the next general local election (s.92(1)(b)).