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# LOCAL GOVERNMENT ACT

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## LOCAL GOVERNMENT ACT

### CHAPTER 1 [RSBC 2015]

[includes 2018 Bill 23 c. 26 & Bill 24, c. 23 amendments (effective May 31, 2018)]

## Part 3: 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.

RS2015-1-161 (B.C. Reg. 257/2015).

### 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.

RS2015-1-162 (B.C. Reg. 257/2015).

### 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.

RS2015-1-163 (B.C. Reg. 257/2015).

### **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.

RS2015-1-164 (B.C. Reg. 257/2015).

### 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.

RS2015-1-165 (B.C. Reg. 257/2015).

### 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.

RS2015-1-166 (B.C. Reg. 257/2015).