



## 2018 LOCAL GOVERNMENT ELECTION

(For information purposes only)

(Information does not supersede requirements of legislation or city bylaws)

### All Candidates: Nomination Documents and Other Information

## 1 Introduction: Documents provided with the Candidate Nomination Package

The following information is provided for information purposes only and is not a full or complete overview of the legal or legislated requirements or relevant legislation, City bylaws or other legal instruments related to the Local Government Election. Be sure to review the relevant legislation, and election materials provided by or through the Ministry of Municipal Affairs and Housing and Elections BC for specific details, guidance and accuracy.

## 2 Nomination Documents

### 2.1 Nomination Deposits

The City of Colwood does not require a nomination deposit to be paid to run for election to the Office of Mayor or Councillor.

### 2.2 Nomination Period

The statutory period for receiving the nomination documents begins at 9:00 a.m. on Tuesday, September 4, 2018 and closes at 4:00 p.m. on Friday, September 14, 2018.

### 2.3 Nomination Documents – Filing

Nomination forms must be submitted in writing to the Chief or Deputy Chief Election Officer from 9:00 a.m. Tuesday, September 4, 2018 to 4:00 p.m. Friday, September 14, 2018, excluding statutory holidays and weekends.

### Submission can be by hand (in person), by mail, facsimile or email.

Unless the Candidate has had their Nomination Document Form C2 declared and signed in front of the City's Chief or Deputy Chief Election Officer or a Commissioner for Taking Affidavits, it should not be sent in or simply left at City Hall: it will be incomplete.

a. **\*By hand (in person), mail or other delivery service to:**

**3300 Wishart Road, Colwood, BC, V9C 1R1**

9:00 a.m. September 4, 2018 to 4:00 p.m. September 14, 2018, excluding statutory holidays and weekends.

b. **By facsimile to 250-478-7516**

from 9:00 a.m. September 4, 2018 to 4:00 p.m. September 14, 2018.

c. **By email to [pecroz@shaw.ca](mailto:pecroz@shaw.ca)**

from 9:00 a.m. September 4, 2018 to 4:00 p.m. September 14, 2018.

### **\*By hand (in person): The Deputy Chief Election Officer will be at Colwood Municipal Hall to receive nomination papers during the following dates and times:**

- i. September 4, 2018 through September 12, 2018  
between the hours of 10:00 a.m. and 2:00 p.m. daily, excluding weekends; and
- ii. September 13, 2018 and September 14, 2018  
between the hours of 9:00 a.m. and 4:00 p.m. daily.
- iii. Contact Pat Crozier, Deputy Chief Election Officer, to make arrangements for filing nomination forms during or outside of these hours:  
250-478-4566 or [pecroz@shaw.ca](mailto:pecroz@shaw.ca).
- iv. Contact the Chief Election Officer to make alternate arrangements:  
250-472-0059 or [tmoore63@shaw.ca](mailto:tmoore63@shaw.ca).

## 2.4 Receipt of Original Nomination Documents

Originals of faxed or emailed nomination documents, which must include the completed and signed solemn declaration, must be received by the Chief or Deputy Chief Election Officer by 4:00 p.m. on Friday, September 21, 2018. The nomination is not valid if the original nomination documents that were faxed or emailed are not received by the deadline, the person nominated is deemed to have withdrawn from being a candidate in the election.

## 3 Public Access to Nomination Documents - Nomination Documents Form C2 only (Form CS2 for School Trustee Nominations)

The *Local Government Act* (section 89(7)) requires that public access be given to your nomination documents from the time of delivery unto 30 days after the declaration of the elections results.

The City's election bylaw, cited as "Election and Voting Procedure Bylaw No. 1546, 2014" allows the City to provide public access to nomination documents in paper form or via the internet or other electronic means from the time of delivery of the nomination documents until 30 days after the declaration of the election results. The authority comes from section 89(8) the *Local Government Act*.

To "inspect" includes "to make copies or extracts of the records" (*Interpretation Act*, section 27(7)). If requested, paper copies must be provided and the City may not impose fees for copies of nomination documents. Persons who inspects or otherwise accesses nomination documents must not use the information except for the purpose of the *Local Government Act* or purposes authorized by Section 63 of the *Local Elections Campaign Financing Act*.

After receiving nomination documents, the Chief or Deputy Chief Election Officer must review the Elections BC's candidate disqualification list provided on the website address following this statement, and if a nominee's name is on the disqualification list, the Chief or Deputy Chief Election Officer must commence a challenge of the nomination.

## 4 Nomination Documents cannot be altered in any way once received by the Chief Election Officer or designate.

- a. A candidate decides to run for Mayor instead of Councillor but submitted nomination papers for the office of Councillor. The candidate must formally withdraw the original nomination and file new documents with the Chief Election Officer or designate.
- b. A candidate indicated on their nomination they would act as their own financial agent. He/she then decides to appoint someone to this position.

Before the end of the nomination period (4 pm September 14, 2018) he/she must submit the Appointment of Financial Agent form (Candidate Nomination Package Form C4 (CS4 for School Trustee)). After the deadline, a change requires providing updated information and material as soon as practicable to the Chief Election Officer (or designate) if the change is before the declaration of election results, or to Elections BC if the change occurs after that declaration.

## 5 Candidates

### 5.1 Candidate Representatives – Financial Agent – Scrutineer(s)

Candidates can appoint one official agent to represent them from the time of appointment until the final determination of the election of the validity of the election. The official agent can be given the authority to appoint Scrutineers. Refer to Candidate Nomination Package – Form 3-1, C5 – Appointment of Candidate Official Agent

Candidates must have a financial agent and can appointment an individual or act as his/her own financial agent. Candidates cannot have more than one financial agent at a time and the appointment must be made in accordance with the *Local Elections Campaign Financing Act* (s. 17(4)).

Candidates can also appoint one or more Scrutineers to represent them by overseeing the conduct of voting and counting proceedings for the election. Appointments must be in writing and signed by the Candidate or the official agent (if authority to do this given to the official agent), and must include the name and address of the appointee, and be delivered to the Chief Election Officer or designate, as soon as practicable after the appointment is made. The same is required to rescind an appointment.

Only one Scrutineer can be in the polling station at any given time. This allows the candidate to have Scrutineers working “shifts” instead of being presented for the full duration of each voting day, which goes from 8:00 a.m. to 8:00 p.m. Refer to Candidate Nomination Package – Form 3-1, C6 – Appointment of Candidate Scrutineer

## **5.2 Other Information to be Provided by Candidate**

Before 4:00 p.m. Friday, September 14, 2018, a nominee must provide the Chief or Deputy Chief Election Officer with information and materials listed under Section 90 of the *Local Government Act* – Refer to Candidate Nomination Package–Form C3 (CS3 for School Trustees) – Other Information Provided by Candidate. If this information is not received by the end of the nomination period the nominee is deemed to have withdrawn from being a candidate in the local government election. A Nominee does not have to use Form C3 to provide the Other Information. The form is intended to make submitting the information easier. No matter “how” it is put together, the required information must be provided to the Chief or Deputy Chief Election Officer who will provide the information to Elections BC as required under the *Local Elections Campaign Financing Act*. If there is any change to the information and materials provided, the nominee must provide updated information to the Chief Election Officer or designate if the change occurs before the election results are declared or to Elections BC if the change occurs after the declaration is made.

## **5.3 Declaration of Candidates**

Immediately following the end of the nomination period, if a sufficient number of nominations are received, the Chief or Deputy Chief Election Officer must declare as candidates for an elected office all personal who have been nominated for the office. This will take place in the main reception area at Colwood City Hall, 3300 Wishart Road, at 4:00 p.m. on Friday, September 14, 2018.

If there aren’t enough candidates, the nomination period will be extended and additional nominations will be received starting immediately. The deadline for receiving nominations if extension given due to insufficient candidates will be 4:00 p.m. on Monday, September 17, 2018 Where possible, notice of the extension will be given and at the end of the extended nomination period, the Chief or Deputy Chief Election Officer will declare as candidates for an elected office all additional persons who have been nominated for office.

## **5.4 Challenge of Nominations**

Only a person who is an elector of the city, a nominee in the same election, or the Chief or Deputy Chief Election Officer can challenge a nomination. The challenge must be filed from the time the nomination documents are delivered to 4:00 p.m. Tuesday, September 18, 2018. The application must be made to the Provincial Court pursuant to the *Local Government Act* and must include the facts for the challenge and be supported by an affidavit.

## **5.5 Withdrawal, Death or Incapacity of Candidate**

A candidate can withdraw from the election if they deliver a signed withdrawal to the Chief or Deputy Chief Election Officer by 4:00 p.m. Friday, September 21, 2018. The Chief Election Officer or designate must accept the withdrawal if he/or she is satisfied with its authenticity. After 4:00 p.m. Friday, September 21, 2018, a candidate may only withdraw by delivering a signed request to the Chief Election Officer (or designate) and receiving approval from the Minister. The Minister will be notified of any such requests as soon as possible by

the Chief or Deputy Chief Election Officer, and the Minister may or may not allow a candidate to withdraw. The decision will depend on the timing of the election and other circumstances as determined by the Minister.

## 6 Statement of Disclosure - Financial Disclosure Act

Complete, sign and date the Statement of Disclosure included with your Candidate Nomination Package Form 3-1. The Statement of Disclosure under the *Financial Disclosure Act* is mandatory and *must* accompany and be filed with your Nomination Papers.

A Fact Sheet (prepared by the Ministry of Attorney General) has been provided with the Candidate Nomination Package to better explain what is required under the *Financial Disclosure Act*. If you have questions about the Statement of Financial Disclosure form, it is suggested that you seek financial or legal counsel.

Note that the Statement of Financial Disclosure is different from the Campaign Financing Disclosure Statement, which must be filed with Elections BC after the election.

## 7 Applying for a copy of the City of Colwood's List of Registered Electors

Under section 77(8) of the *Local Government Act*, each person who has been nominated may request one copy of the list of registered electors without charge. (This means you have successfully filed your nomination papers with the Chief/Deputy Chief Election Officer, which makes you a candidate.) A signed "Request for Copy of the List of Registered Electors" ([City Form 2-12A](#)) should be completed and presented to an Election Official at the City of Colwood before the list is released. Please note that School Trustee candidates may also request a copy of the list of registered electors for the relevant portion of School District No. 62 located within City boundaries.

Candidates are entitled to one free printed (paper) copy or one free DVD of the City of Colwood List of Registered Electors. Candidates can purchase additional paper copies of the voters list for a fee of \$20 each, or an electronic version (DVD only) of the list of electors for a fee of \$10 (miscellaneous fees and charges bylaw). The List of Registered Electors can be provided with the listing being by name in alphabetic order from A to Z, or by order of street name, street number, last name, first name.

We strongly believe that we must take steps to preserve the confidentiality of the list, whether it is provided in paper or electronic format. Candidates must ensure there is sound security and control over the voters list and access to it. There is no authority for a candidate or his/her representatives to post the voters list online or to make it accessible outside of Canada. Paper format is encouraged as it reduces the ability to share (on purpose or inadvertently) or to manipulate the information contained in the list as provided by the City.

### 7.1 Confidentiality of the List of Registered Electors

The list of registered electors contains personal information which, as defined in the *Freedom of Information and Protection of Privacy Act*, is confidential. The *Election Act* and the *Local Government Act* provide serious penalties for the misuse of this information. The list of registered electors is supplied to declared candidates solely for municipal election purposes.

Candidates (or persons accepting the list on behalf of a candidate) are responsible for protecting the confidentiality of the information and for ensuring that all people in their organization who have access to the list do likewise. The list must be stored in a secure manner so that only authorized individuals have access to the information. All persons who have access to the information are individually responsible for protecting the confidentiality of that information.

**The candidate's copy of the list of registered electors is not available for public inspection and citizens are not permitted to directly access a candidates list of registered electors to look up information. Only**

authorized individuals in a candidate's office may use the list to assist citizens in determining whether they are on the list and whether their voter information is up-to-date.

As noted on the "Request for Copy of the List of Registered Electors", information in the list of registered electors may not be used, copied, or distributed, in whole or in part, by or for any person, in any form whatsoever, except in relation to municipal election purposes.

## **7.2 Destruction of the List of Registered Electors**

When no longer required, or within eight weeks of the declaration of final results of the election (whichever date is sooner), **all copies of the list of registered electors must be destroyed**. For paper lists this does not mean simply recycling the paper: the list must be shredded or otherwise confidentially destroyed. Candidates are asked to return paper copies of the list of registered electors to the City of Colwood for confidential destruction. The Request for a Copy of the List of Registered Electors document requires the candidate's (or candidate's official) signature. When copies of the list are returned to City Hall, an election official will sign the bottom of that candidate's request form acknowledging that it was returned and when.

Those who choose to destroy their copies themselves will not have this section signed off by city hall and are bound by legislation to destroy all paper copies accordingly. There are serious consequences and penalties for the misuse of the information contained in the List of Electors. Candidates are encouraged to return their copies to city hall for destruction.

## **8 Council Remuneration Bylaw No. 1732, 2018**

The current annual salary (2018 rate) paid to the Mayor of Colwood is \$28,900.

The current annual salary (2018 rate) paid to the Councillors of Colwood is \$14,450.

The annual salary paid to the Mayor of Colwood, effective January 1, 2019, is \$31,100.

The annual salary paid to the Councillors of Colwood, effective January 1, 2019, is \$15,550.

**Mileage rates are set at the rate established by the Canada Revenue Agency.**

(There is more information in City bylaws and/or policies that address other expenses incurred for meals, travel, conferences, and so on.)