



DISTRICT OF SOOKE NOMINATION PACKAGE 2014

2014 LOCAL GOVERNMENT ELECTION

(For information purposes only)

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

To all Candidates:

Detailed election information is available through the *Local Government Act* [RSBC 1996] Chapter 323 – Part 3 – Electors and Elections, the *Local Elections Statutes Amendment Act, 2014*, and the *Local Elections Campaign Financing Act*.

The following information is a simple overview only and all nominees/candidates are encouraged to familiarize themselves with the requirements of these Acts.

1.0 Overview of Documents provided with the Candidate Nomination Package

- a. Chief Election Officer's letter: To All Candidates and Deputy Chief Election Officer's *Nomination Period and Receipt of Nomination Papers* schedule (2 pages)
- b. Ministry Brochure: *What Every Candidate Needs to Know*.
- c. "Draft" Notice of Nomination (not published until September 10 and 17, 2014)
- d. Ministry's "standardized" Candidate Nomination Package - Form 3-1
 - fillable form available on the District of Sooke Website www.sooke.ca
 - same package for Office of Mayor or Office of Councillor – form to stipulate which office
 - nominees must use the Ministry's standardized "Candidate Nomination Package" forms:
 - Ministry Candidate Nomination Package (Form 3-1) Includes:
 - Cover Sheet (1 page)
 - C1 - Candidate Cover Sheet and Checklist Form (1 page)
 - C2 - Nomination Documents (3 pages)
 - C3 - Other Information Provided by Candidate (1 page)
 - C4 - Appointment of Candidate Financial Agent (1 page)
 - C5 - Appointment of Candidate Official Agent (1 page)
 - C6 - Appointment of Candidate Scrutineer (1 page)
 - Statement of Disclosure – *Financial Disclosure Act*
- e. Request for Copy of List of Registered Electors¹ – District of Sooke Form 2-12A
- f. Information Memo Re Election Broadcast Blackout, Posting Notices and Sign Regulation
- g. Candidates' Calendar (for information only)
- h. Newly Elected Officials Calendar 2014 (subject to change)
- i. Elections BC Information
 - Elections BC is fully responsible for administering the new campaign financing and advertising rules for local elections campaign organizers, candidates, elector organizations and third party sponsors. The Guide to Local Elections Campaign Financing in B.C. is included with this information package and can also be viewed on the Elections BC website.
- j. Bylaw No. 602, *Election Procedures Bylaw, 2014*.
- k. *Local Elections Campaign Financing Bulletin for Local Elections Candidates, Elector Organizations and Third Party Sponsors* (2 pages)
- l. *Local Elections Campaign Financing Bulletin for Local Elections Campaign Organizers* (2 pages)
- m. *Candidate's Guide to Local Government Elections in B.C. 2014* (Ministry booklet)
- n. *Guide to Supporting a Candidate for Local Government Elections in B.C. 2014* (Ministry booklet)
- o. *Local Government in BC – A Community Effort* (UBCM, LGMA, Ministry of Community Sport, and Cultural Development)

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, District of Sooke bylaws or other legal instruments related to the Local Government Election. Be sure to review the relevant legislation (*Local Government Act* and *Local Elections Statutes Amendment Act, 2014*, and *Local Elections Campaign Financing Act*) and election materials provided by the Ministry of Community, Sport and Cultural Development and Elections BC for specific details, guidance and accuracy.

¹ Only paper copies of District of Sooke List of Registered Electors are provided – no electronic versions permitted.

2.0 Nomination Documents

2.1 Nomination Deposits

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

2.2 Nomination Period and receipt of Original Nomination Documents

The statutory period for receiving the nomination documents begins at 9:00 a.m. on Tuesday, September 30, 2014 and closes at 4:00 p.m. on Friday, October 10, 2014.

2.3 Nomination Documents may be delivered:

- a. By hand, mail or other delivery service to District of Sooke Municipal Hall, 2205 Otter Point Road, Sooke, BC **from 9:00 a.m. Tuesday, September 30, 2014 to 4:00 p.m. Friday, October 10, 2014**, excluding statutory holidays and weekends.
 - i. Municipal Hall's Regular Office hours are Monday to Friday from 8:30 a.m. to 4:30 p.m. excluding statutory holidays. Please note that the deadline for filing nomination documents is 4:00 p.m. on Friday October 10, 2014 – no exceptions.
- b. By facsimile to 250-642-0541 from 9:00 a.m. Tuesday, September 30, 2014 to 4:00 p.m. Friday, October 10, 2014.
- c. By email to 2014Election@sooke.ca from 9:00 a.m. Tuesday, September 30, 2014 to 4:00 p.m. Friday, October 10, 2014.

To file nomination documents in person during a time outside Municipal Hall hours, arrangements can be made by contacting the Deputy Chief Election Officer, Bonnie Sprinkling, at 250-642-1620, or the Chief Election Officer, Tom Moore, at 250-472-0059.

Originals of faxed or emailed nomination documents, which must include the completed solemn declaration duly made, must be received by the Chief or Deputy Chief Election Officer by 4:30 p.m. on Friday, October 17, 2014. 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. No exceptions.

The declaration by a candidate form (Candidate Nomination Package Form C2 – Page 3 of 3) included in the nomination package must be declared and signed in the presence of a Chief or Deputy Chief Election Officer (or designate) or Commissioner for Taking Affidavits for British Columbia.

Review all your documents very carefully for errors or omissions. If your documents are not properly completed, submitted and accepted before the deadline, Election Officials and Staff do not have discretion or authority to extend the deadline for you.

3.0 Public Access to Nomination Documents

- Nomination Documents Form C2 only (Form CS2 for School Trustee Nominations)

The *Local Government Act* (section 73(6)) 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. 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 District of Sooke may not impose fees for copies of nomination documents. Persons who inspect or otherwise access 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 Election Officer must review the Ministry'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 Election Officer must commence a challenge of the nomination:

www.cscd.gov.bc.ca/lgd/gov_structure/elections/disqualified_candidates.htm.

4.0 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 October 10, 2014) 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 if the change is before the declaration of election results, or to Elections BC if the change occurs after that declaration.

5.0 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 or 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 appoint 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 present for the full duration of each voting day, which goes from 8:00 am to 8:00pm.

- 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, October 10, 2014, a nominee must provide the Chief Election Officer with information and materials listed under Section 73.1(1) 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 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

If a sufficient number of nominations are received, the Chief or Deputy Chief Election Officer will make a ‘declaration of candidates’ in the main reception area at District of Sooke Municipal Hall, 2205 Otter Point Road, Sooke, at 4:00 p.m. on Friday, October 10, 2014.

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 Tuesday, October 14, 2014.

5.4 Challenge of Nominations

Only a person who is an elector of the District of Sooke, a nominee in the same election, or the 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, October 14, 2014. 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 Election Officer by 4:00 p.m. Friday, October 17, 2014. The Chief Election Officer must accept the withdrawal if he/she is satisfied with its authenticity. After 4:00 p.m. October 17th a candidate may only withdraw by delivering a signed request to the Chief Election Officer and receiving approval from the Minister. The Minister will be notified of any such requests as soon as possible by the 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.

6.0 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. 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.

7.0 Applying for a copy of the District of Sooke's List of Registered Electors

Under section 62 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" (District of Sooke Form 1-12A) should be completed and presented to an Election Official at the District of Sooke 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 District of Sooke boundaries.

Candidates are entitled to one free paper copy only of the District of Sooke List of Registered Electors. Candidates can purchase additional paper copies of the voters list for a fee (per the 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.

The District of Sooke will not provide electronic versions of the list of registered electors to nominees, candidates, their agents or representatives. We strongly believe that we must take steps to preserve the confidentiality of the list and by providing paper copies only we are able to have some control over the list being (purposely or unintentionally) posted on-line and/or made accessible outside of Canada. Paper format also reduces the ability to manipulate the information contained in the list as provided by the District of Sooke.

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 District of Sooke 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 Municipal 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 Municipal 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 the municipal hall for destruction.

8.0 Council Remuneration, Benefits and Expenses Bylaw, 2008 (Bylaw No. 379)

- The current annual salary (2014 rate) paid to the Mayor of the District of Sooke is \$ 20,320.
- The current annual salary (2014 rate) paid to the Councillors of the District of Sooke is \$ 10,160 .

(There is more information on the District of Sooke website www.sooke.ca as to the bylaws and policies that address other Council expenses incurred for meals, travel, conferences, etc.)