

# Local Government Elections Task Force Disclosure Filing Time Discussion Paper

April 2010



# Disclosure Filing Time

---

**ISSUE:** This paper has been prepared as a follow up item to the Local Government Elections Task Force’s discussion of campaign finance disclosure. It asks: should campaign finance disclosure filing deadlines be moved forward?

## 1. Current campaign finance disclosure statement filing rules in B.C. local government elections

Currently, under the *Local Government Act* and the *Vancouver Charter*, all campaign finance disclosure, including both contributions and expenses, is made post-election. Within 120 days after general voting day, the financial agent of candidates<sup>1</sup> and elector organizations<sup>2</sup> must file a disclosure statement. The same rules apply to campaign organizers<sup>3</sup> who receive or spend more than \$500 toward a campaign. Those who miss a filing deadline have 30 days to file the required disclosure information provided they pay a \$500 late filing fee. Campaign participants can also apply to court for relief from the late filing fee. If a campaign participant or their financial agent becomes aware of new information or inaccuracies, a supplementary report must be filed within 30 days.

## 2. Campaign finance disclosure statement filing rules in B.C. provincial elections

The provincial *Election Act* requires contributions and expenses to be disclosed post-election by candidates, registered political parties that fielded candidates and their registered constituency associations, and election advertising sponsors who sponsored election advertising with a value of \$500 or more. Within 90 days after general voting day, each campaign participant must file a report in accordance with the Act. If new transactions occur, or inaccuracies are identified, a supplementary report must be filed within 30 days. Those who miss the original filing deadline have a 30-day late filing period, but must pay a \$500 fee.

## 3. Local government campaign finance disclosure in other jurisdictions.

Alberta, Saskatchewan, New Brunswick, Prince Edward Island, Yukon, Northwest Territories and Nunavut<sup>4</sup> do not have provincially or territorially mandated local government campaign finance disclosure rules. Amongst the provinces that have such rules, all require that campaign finance information is disclosed post-election.

Ontario requires, and Alberta will require, campaign finance disclosure statements to be filed approximately 120 days after polling day. Like B.C., Alberta will permit late filing of 30 days with payment of a \$500 fee. Quebec requires campaign finance disclosure statements to be filed 90 days after polling day for authorized parties and independent candidates. However, private intervenors (i.e., third party advertisers) must file their campaign

---

<sup>1</sup> A “candidate” is anyone seeking election to local government office or who accepts contributions or incurs expenses with this intention.

<sup>2</sup> “Elector organizations” are formed for promoting a candidate in a local government election and can indicate their endorsement on the ballot.

<sup>3</sup> “Campaign organizers” are groups or individuals that create and implement local government election campaigns that augment the election campaign of one or more candidates or elector organizations. A campaign organizer may do this by promoting or opposing a candidate or an elector organization, or point of view. A campaign organizer need not identify itself to the chief election officer unless it incurs campaign contributions or election expenses greater than \$500.

<sup>4</sup> Alberta currently does not have campaign finance disclosure requirements for local government, but is in the process of introducing campaign finance rules.

finance disclosure information within 30 days of polling day. Nova Scotia has the earliest filing deadline for all campaign participants of 60 days after the election.

While Manitoba has provincially mandated campaign finance rules generally, it gives local governments the authority to determine, by bylaw, the filing deadline for campaign finance disclosure statements. The deadline cannot be more than 210 days after polling day. Newfoundland also provides for local choice in this regard; however, where a municipality does not have a bylaw stipulating the date for filing financial disclosure statements, there is a provincially mandated deadline of 90 days after the election.

#### 4. Considerations for changing financial disclosure filing dates

Some would argue that the current time period for campaign participants to file financial disclosure statement is too long and, therefore, contrary to the principle of accountability. An earlier deadline for filing financial disclosure statements would ensure that the public is aware of the source of the elected candidates' campaign funding early on in the term of office before any key decisions, such as financial plans, are made. Earlier disclosure would also enable issues regarding non-compliance with campaign financing rules (and therefore possible disqualification) to come to light earlier and may assist to reduce conflict (or perceived conflict) of interest situations. Written submissions to the Task Force advocating for an earlier post-election disclosure statement filing deadline have suggested limits between 15 to 90 days after the election.

Others would argue that reducing the financial disclosure statement filing time would create accessibility issues for campaign participants. Campaign finances may not be fully settled until significantly after the election. For example, companies providing printing or advertising services to campaign participants may have extended billing dates. Thus, the initial financial disclosure statement may require changes and candidates could have to submit multiple supplementary reports which may diminish certainty. This may result in burdensome administrative requirements and serve to confuse campaign participants, especially in the case of smaller communities or small campaigns. This may affect accessibility and could deter some potential candidates from participating in the local government election process.

Some argue that in order to enhance transparency, candidates should be required to file pre-election disclosure statements of campaign *contributions*. This would enable electors to know who provided financial support to campaign participants prior to voting and, therefore, permit them to make a more fully informed decision on voting day. This could also serve to enhance the ability of election administrators to monitor compliance and to correct minor infractions quickly. Furthermore, this approach may also allow for the development of other enforcement remedies besides disqualification. That is, the documents would be available for public scrutiny before the election which could lead to administrative penalties for the campaign participants. Indeed, a few of the submissions to the Task Force have specifically advocated pre-election disclosure – including a submission by the Canadian Taxpayers Federation advocating disclosure five days prior to general voting day of all contributions greater than \$300. Another submission suggested that significant contributions from a single source (suggested amount \$1000) be disclosed within three business days of receipt.

Those against pre-election disclosure could argue that earlier disclosure may simply encourage campaign participants to modify their behaviour to avoid providing such information. That is, campaign participants could purposely not accept campaign contributions until after the election and then file a supplementary report. This would negate the benefits of pre-election disclosure. In addition, there may also be concerns regarding

administrative burdens for both election participants and election administrators who would receive pre-election financial disclosure statements, make them available, and potentially enforce compliance. While this system is rare in Canada, as only Ontario requires pre-election disclosure of campaign contributions for provincial political parties<sup>5</sup>, it is in place in many jurisdictions in the United States.

## Possible Directions

- 1) Should the current 120 day filing time be left in place?
- 2) Should filing time be reduced to 90 days after voting day?
- 3) Should additional pre-election disclosure of campaign contributions be required in all jurisdictions?
- 4) Should additional pre-election disclosure of only significant (over a certain amount) campaign contributions be required in all jurisdictions?
- 5) Should local governments have the choice to impose additional pre-election disclosure of campaign contributions in their jurisdiction?
- 6) Are there other directions related to campaign finance disclosure filing timing that should be considered?

---

<sup>5</sup> Provincial political parties must disclose all contributions over \$100 within 10 business days of depositing the contribution.