



## ***Trustee Elections Bulletin 4/2011***

October 5, 2011

To: Election officers for trustee elections, Secretary Treasurers, Executive Assistants

From: Judith Clark, BCSTA General Counsel

**Re: Trustee Elections Bulletin 4/2011**

I am sending out elections bulletins from time to time, reflecting questions I receive from school district offices and trustee election officials.

### ***Financial Disclosure Act forms***

**Q:** Do candidates have to file *Financial Disclosure Act* forms with their nomination papers? Where do I get these? They are not in the *LGMA Elections Manual*.

**A:** Yes, they have to file them with their nomination forms, according to section 2 of the [Financial Disclosure Act](#) and section 72(2)(d) of the *Local Government Act*. The nomination is not complete without this form.

Disclosure forms will have to be filed again in January by those who are elected. There is a [Disclosure Form](#) and also a [Fact Sheet](#). There are links from the [MCSCD local elections website](#).

School district officials may wish to remind incumbents who are not running again that they have to file an additional disclosure form when they cease holding office (no later than the 15<sup>th</sup> day of the month following the month when they are no longer a trustee.)

FDA disclosure forms are to be transmitted by the chief election officer to the School District Secretary Treasurer.

It is easy to confuse these with the better known Campaign Financing Disclosure forms, which are included in the new [Campaign Financing Standard Forms Booklet](#) and generally provided as part of the nomination package but are not completed until after the election.

## ***Taking signatures on nomination documents***

**Q:** Is the Deputy Chief Election Officer authorized to take signatures on nomination documents? The form says “Chief Election Officer or Commissioner for taking affidavits for British Columbia.”

**A:** The following can take the solemn declaration of the candidate:

- The Chief Election Officer (LGA s. 72(2)(b))
- The Deputy Chief Election Officer, if the chief election officer is absent or unable to act (LGA s. 41(6))
- Any election official who has been delegated this responsibility by the Chief Election Officer (LGA s. 42(2)(d)).
- Any Commissioner for taking affidavits for BC. These include: practising lawyers, notaries public, local government corporate officers or deputies, government agents or deputies, and school district secretary treasurers (*Evidence Act* s. 60). [Service BC](#) offices provide commissioner services.

If the CEO is appointing or designating an election official to take the signatures, the appointment or designation should also include responsibility for receiving the nomination documents (LGA s. 73(1)).

**Q:** What is involved in taking someone’s signature on the nomination documents?

**A:** The person who takes the candidate’s signature is not just a witness, but is performing an official function. The candidate is making a solemn declaration, which is a form of a sworn statement. An untrue statement is an offence and so is signing a document purporting to be declared before you that was not. As the officer taking the statement, you are responsible for

- (1) Identity: Ask for identification if the candidate is not known to you.
- (2) Capacity: You must be satisfied that the candidate understands the contents of the document and the significance of it being a sworn statement. If you have concerns about a lack of understanding, you can ask the person further questions and give further information, but if you then still have concerns that the person making the statement does not understand the contents of the statement or the significance of the undertaking, you should not proceed.
- (3) Administer the Oath: “Do you, *John Doe*, declare that the contents of this declaration are true to the best of your knowledge, information and belief, knowing that it is of the same force and effect as if it were made under oath?”
- (4) Signature of the Candidate: Have the candidate sign in your presence.

- (5) Complete the “jurat” with the date and place of the declaration, your signature and office.  
Print or stamp your name below your signature.

Further information about taking declarations can be found in [Information and Instruction Guide for Commissioners for Taking Affidavits for British Columbia](#).

### ***Nominators***

**Q:** Can election officials nominate candidates?

**A:** They should not. There is no legal prohibition. (See LGA s. 71(3) for qualifications of nominators; s. 41(7) for restrictions on election officers, who may not be candidates, candidate representatives or financial agents.) However, it is important that election officials be perceived as impartial. A public expression of support for a particular candidate would contradict that perception and may give cause to challenge a judgment call that the election official may be required to make.