
Sixth Session, Fortieth Parliament
66 Elizabeth II, 2017
Legislative Assembly of British Columbia

BILL M 2**

GET BIG MONEY OUT OF POLITICS ACT, 2017

Mr. John Horgan

Explanatory Note

The purpose of this bill is to increase fairness in provincial elections and promote democracy in British Columbia by banning union and corporate donations to political campaigns and clarifying the lawful sources for remuneration for Executive Council members. The bill amends the *Election Act* to restrict political contributions to elections and political campaigns to individuals and further stipulates that such contributions can only be accepted from individuals who normally reside in British Columbia. It also establishes a review of political and campaign financing in British Columbia that will include a review of appropriate donation limits for individuals. Furthermore, the bill restricts remuneration for the Premier and Ministers to the salaries provided under the *Members' Remuneration and Pensions Act*.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Part 1 – Interpretation

Definitions

In this Act:

“**chief electoral officer**” means the chief electoral officer under the Election Act;

“**election advisory committee**” means the Election Advisory Committee established under section 14 of the Election Act;

“**individual**” means only a person normally resident in British Columbia; and

“**review panel**” means the review panel formed under section 8.

Part 2 – Campaign Finance Reform
Consequential and Related Amendments

Election Act

2 Section 1 of the Election Act, R.S.B.C. 1996, c. 106, is amended

(a) by repealing the definition of “organization” and substituting the following:

“organization” means an incorporated or unincorporated organization, and includes a:

- (a) corporation, company, business or partnership;
- (b) unincorporated organization engaged in business or commercial activity;
- (c) trade union;
- (d) employer’s organization;
- (e) community or interest group;
- (f) non-profit organization;
- (g) charitable organization;
- (h) society;
- (i) unregistered political party;
- (j) unregistered constituency association;
- (k) law firm, partnership or corporation; and
- (l) business, trade, industry or professional association.

(b) by adding the following definitions:

“company” means a company as defined in the *Business Corporations Act*;

“employer’s organization” means an employer’s organization as defined in the *Labour Relations Code*;

“society” means a society as defined in the *Society Act*;

“trade union” means a trade union as defined in the *Labour Relations Code*.

3 Section 13 is amended by

(a) repealing subsection (3) and substituting the following:

(3) The chief electoral officer may present a special report to the Speaker on any matter related to the financing of the political process of British Columbia if, in the chief electoral officer’s opinion, such a report is necessary or advisable.

(b) and by adding the following subsections:

(4) On the recommendation of the Legislative Assembly, the Lieutenant Governor in Council may request that the chief electoral officer present a special report to the Speaker under subsection (3).

(5) The Speaker must lay a report of the chief electoral officer before the Legislative Assembly as soon as possible

4 Section 186 is amended

(a) in subsections (1) and (2) by striking out “individual or organization” and substituting “individual”;

(b) by repealing subsections (3) and (4) and substituting the following:

(3) Subject to section 180 (6), an organization must not:

(a) make a political contribution;

(b) make a political contribution indirectly by giving money, other property or services to an individual

(i) for that individual to make as a political contribution, or

(ii) as consideration for that individual making a political contribution.

(4) Subject to section 180 (6), an individual must not make a political contribution:

(a) on behalf of,

(b) at the request of, or

(c) with money, other property or services acquired from

an organization.

5 Section 187 is amended in subsection (1) by adding the following:

(1.2) A financial agent or an individual authorized under subsection (1) must not accept a political contribution from an individual that is not normally resident in British Columbia.

6 Section 190 is amended

(a) in subsection (1) by repealing items (d) and (e); and

(b) by repealing subsection (2).

Income Tax Act

7 Section 20 of the Income Tax Act, R.S.B.C. 1996, c. 215, is amended by repealing subsection (4).

Part 3 – Campaign Finance Review

Campaign finance review

8 (1) Within 30 days of the coming into force of this Act, the chief electoral officer, in consultation with the election advisory committee, will establish terms of reference for and begin a comprehensive review of the financing of the political process in British Columbia.

(2) Without limiting the generality of subsection (1), the review will provide recommendations on:

- (a) the provisions of the Election Act that relate to the financing of the political process;
- (b) matters related to campaign and election financing, including political contributions and expenses, election and contestant expenses, and election communications and advertising; and
- (c) appropriate donation limits for individuals, including a review of donation limits in other Canadian jurisdictions and any other relevant consideration.

Review panel

- 9** (1) For the purposes of the review under this Part, the chief electoral officer and members of the election advisory committee will form a review panel.
- (2) The chief electoral officer will chair the review panel, and may designate one or more vice-chairs of the panel from among the members of the election advisory committee.

Review requirements

- 10** The review panel must, in accordance with the terms of reference for the review,
- (a) ensure that the information required for the review is obtained and made available to the public;
 - (b) hold hearings in a manner that offers the public an opportunity to participate in the review;
 - (c) prepare a campaign finance review report setting out
 - (i) the terms of reference for the review;
 - (ii) a summary of information obtained during the review process, including any comments received from the public; and
 - (iii) the review panel's findings, conclusions and recommendations.

Report and recommendations

- 11** (1) Within 1 year of the coming into force of this Act, the chief electoral officer must present the campaign finance review report to the Speaker of the Legislative Assembly.
- (2) The Speaker must lay the report before the Legislative Assembly as soon as possible.
- (3) The report may set out recommendations in relation to any matter within the terms of reference for the review, including recommendations under section 12(2)(a) of the Election Act respecting amendments to that Act or other enactments affecting election matters.

Part 4 — Accepting Extra Benefits

Members' Conflict of Interest Act

12 Section 7 is amended in subsection (1) by adding the following:

- (1.2) The Premier and Members of Executive Council must not accept a salary or stipend from any source other than the remuneration specified in section 4 of the Members' Remuneration and Pensions Act.

Part 5 – General

Immediate application

- 13** Notwithstanding section 3 of the Election Act, this Act applies immediately upon coming into force.

Act prevails

- 14** If a provision of the Election Act, Income Tax Act or any other Act conflicts with this Act, this Act prevails.

Repeal

- 15** (1) Subject to subsection (2), this Act may be repealed by regulation of the Lieutenant Governor in Council following completion of the reporting process under section 10.
- (2) This Act remains in force until all of its provisions have been fully implemented.