CODE CHANGES 2022: CAMPAIGN MATERIAL

TO: Council
FROM: Governance Committee
February 2022

Amendment to remove the requirement that campaign material be approved beforehand in elections

Deletions are made by striking through (like this).

SECTION IX A: ELECTORAL PROCEDURES

Article 1. Elections Committee

C. Duties of Committee Members

1. The Chief Electoral Officer shall:

   (i) approve campaign material pursuant to Article 2;

Article 2. Nomination and Campaign Regulations

6. Campaigning

   (j) All campaign material must be approved by the Chief Electoral Officer or the Chief Returning Officer, or their designate in case of a conflict of interest, before it is used.

   (k) The Chief Electoral Officer shall not approve campaign material which they deem to be offensive.

   (l) A decision of the Chief Electoral Officer to approve or not approve campaign material may be appealed to the Elections Committee, in accordance with the appeal procedures in Article 8 below.

7. Conflict of Interest Involving Members of the Elections Committee

   (d) If the Chief Electoral Officer has a close connection with a candidate, the Chief Electoral Officer shall designate some other member of the Elections Committee to approve that candidate’s campaign material and to make preliminary rulings under Article 8 concerning that candidate.
Article 4. Referendum Regulations

6. (a) Campaign material must be approved by the Chief Electoral Officer or the Chief Returning Officer before being posted or published.

(b) The Chief Electoral Officer and the Chief Returning Officer shall not approve campaign material which they deem to be offensive.

(c) A decision of the Chief Electoral Officer or the Chief Returning Officer to approve or not approve campaign material may be appealed to the Elections Committee, in accordance with the appeal procedures in Article 8 below.

(d) All campaign material must be removed within one (1) week of the end of voting.

Article 8. Interpretations, Rulings, Complaints, and Appeals

1. During an election or referendum, the Chief Electoral Officer, or their designate in the case of a conflict of interest, may make preliminary rulings and interpretations which must be ratified by the Elections Committee within forty-eight (48) hours. Decisions of the Chief Electoral Officer regarding the approval of campaign material need not be ratified by the Elections Committee; but such decisions may be appealed to the Elections Committee in accordance with the appeal procedures in paragraph 2 below.

Article 9. Constituency Elections and Referenda

1. Constituencies shall determine the rules and procedures to be followed in conducting their elections and referenda, provided however that the following conditions are adhered to:

(u) the Constituency shall require its chief elections official to not approve campaign material they deem to be offensive;

(v) the decision of a Constituency chief elections official to not approve campaign material shall be appealable within the Constituency and may be subsequently appealed according to the procedures outlined in paragraph 2 below;