

NEWS RELEASE
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Charter challenge to BC *Election Act* continues

BC FIPA takes its case to the BC Court of Appeal

VANCOUVER, B.C.—The BC Freedom of Information and Privacy Association is continuing its battle to protect freedom of expression during elections in this province.

An earlier decision from the BC Supreme Court held that although the third party spending provisions did violate the right to freedom of expression under the Charter of Rights and Freedoms, and the violation was not ‘trivial or insubstantial’ as claimed by the government, it was found to be justified under section 1 of the Charter.

[http://fipa.bc.ca/library/Legal_Decisions/Judge%20Cohen,%20re%20BC%20FIPA%20v.%20British%20Columbia%20\(Attorney%20General\),%2004-16.pdf](http://fipa.bc.ca/library/Legal_Decisions/Judge%20Cohen,%20re%20BC%20FIPA%20v.%20British%20Columbia%20(Attorney%20General),%2004-16.pdf)

We filed a Notice of Appeal of that decision this morning.

“This appeal is important to keep free speech alive during elections,” said FIPA Executive Director Vincent Gogolek. “It is even more important as the BC government is now expanding this suppression of individuals and groups to municipal elections, even though they haven’t seen fit to bring in expense limits on either candidates or parties until 2017.”

This means municipal candidates and parties can raise and spend unlimited amounts of money as long as they declare it.

The BC system is the only one in Canada which does not have a minimum amount that must be spent on ‘advertising’ before a person or group is required to register with the election authorities. We argued that this absolute ban on unregistered expression was unconstitutional as it applies to things like handwritten signs or electronic communications with a value of zero. Studies have shown people and groups avoid public comment, for fear of hefty fines and even jail time for violating the law.

We thank lawyer Sean Hern of Farris Vaughan, who will continue to represent FIPA pro bono in this case.

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