

Complaints, Investigation, and Enforcement Policy

Form of complaints

1. (1) A complaint to the Chief Electoral Officer relating to matters governed by the *Election Act* or *Election Finances Act* shall be made in writing, be signed by an individual, and include contact information for that individual.

(2) An individual who makes a complaint in accordance with (1) shall be considered the complainant.

Receipt of complaints

2. (1) When the Chief Electoral Officer receives a complaint that relates to a matter governed by the *Election Act* or *Election Finances Act*, the Chief Electoral Officer may decide whether or not to investigate the complaint.

(2) When the Chief Electoral Officer decides to investigate a complaint, an acknowledgement of the receipt of the complaint will be sent to the complainant and a copy of the complaint referred to in 1(1) above may be sent to the person or entity against whom the complaint is made.

(3) At the sole discretion of the Chief Electoral Officer, the complainant and the person or entity against whom the complaint is made may be apprised of the status of the investigation of the complaint and its resolution to the extent that the Chief Electoral Officer deems appropriate.

Refusal and referral of complaints

3. When the Chief Electoral Officer decides not to investigate a complaint, the complainant:

(1) shall be advised of this; and,

(2) may be referred to another regulatory or legal authority, if the complaint does not relate to a matter governed by the *Election Act* or *Election Finances Act*.

Confidentiality of complaints

4. Where a complaint has been received, the Chief Electoral Officer may not publicly acknowledge the fact of a complaint to anyone other than the complainant or the person or entity named in the complaint until:

- (i) the investigation into the complaint has been concluded and the determination made that there is no apparent contravention to report to the Attorney General; or
- (ii) the subject matter of the complaint has been reported to the Attorney General as an apparent contravention.

Confidentiality of investigations

5. Where a complaint has been investigated or the Chief Electoral Officer has at his or her own discretion conducted an investigation as to whether or not a person or entity has failed to comply with the *Election Act* or *Election Finances Act*, the Chief Electoral Officer may not publicly acknowledge the fact of an investigation until:

- (i) the investigation has been concluded and the determination made that there is no apparent contravention to report to the Attorney General; or
- (ii) the subject matter has been reported to the Attorney General as an apparent contravention.

Reporting on investigations

6. (1) Once an investigation has concluded with or without referral to the Attorney General, the Chief Electoral Officer may decide to report in his or her next annual or other report tabled with the Legislative Assembly about:

- (i) the fact of the investigation and the resources employed to conduct the investigation,
- (ii) the subject matter of the investigation and what section of the *Election Act* or *Election Finances Act* the investigation concerned,
- (iii) what person or entity the investigation concerned.

Reporting apparent contraventions to the Attorney General

7. Where the Chief Electoral Officer is of the opinion that there is an apparent contravention of the *Election Act* or *Election Finances Act*, the Chief Electoral Officer shall report that fact to the Attorney General and may, at the sole discretion of the Chief Electoral Officer, notify the person or entity of that referral.

Consent to prosecution

8. (1) Where the Chief Electoral Officer is asked to consent to a prosecution of a contravention of the *Election Act* or *Election Finances Act*, the request shall:

- (i) be made in writing,
- (ii) be signed by an individual,
- (iii) include contact information for that individual,
- (iv) provide a written explanation as to why the individual believes the *Election Act* or *Election Finances Act* has been contravened, and
- (v) provide a copy of the sworn information under the *Provincial Offences Act* that the individual certifies will be put before the justice of the peace hearing the prosecution.

(2) Following the review of a written request to consent to prosecution, the Chief Electoral Officer shall:

- (i) provide a consent in writing,
- (ii) advise in writing that consent is not granted, or
- (iii) request further explanation and evidence in respect of the alleged contravention of the *Election Act* or *Election Finances Act*.

Public acknowledgement of consents

9. (1) When a request to consent to the initiation of a prosecution has been received, the Chief Electoral Officer may publicly acknowledge whether or not consent to initiate the prosecution has been granted.

(2) The Chief Electoral Officer may also decide to report on requests for consent to prosecution in his or her next annual or other report tabled with the Legislative Assembly.