

Resolution on Free Speech and BC's Election Act

1. Title of Resolution

Resolution on Free Speech and BC's Election Act

2. Rationale / Purpose for Resolution

In May 2008, the BC legislature made changes to the Election Act which among other things extended restrictions on "advertising" during election campaigns to include individuals and groups spending less than \$500, resulting in an impingement on free speech. For example, an ad hoc group of tenants in Vancouver's West End has been required to register with Elections BC (involving, among other things, submitting names and contact information of all volunteers) for posting material on their website about evictions and putting up posters during a byelection last year, even though the group is not even a registered society.

A number of public interest groups, including the BC Civil Liberties Association and the BC Freedom of Information and Privacy Association, have taken a stand against the implementation of the revised Elections Act. These groups have also formed a campaign to raise awareness of the problem and call for changes.

Ultimately, this is an intellectual freedom issue, as ordinary British Columbians' right to free expression is being curtailed under the guise of placing limits on election advertising. That makes it an issue for librarians, for whom intellectual freedom is a fundamental value.

The IPC will prepare a backgrounder with more detailed information on the issue prior to the AGM.

3. Prior History of this Resolution (IF ANY)

None, as it pertains to a law that was only recently passed. However, the Act, as revised, is a threat to free speech, and BCLA has a history of taking a stand on issues of intellectual freedom.

4. Body of the Resolution (Action Proposed)

WHEREAS free speech is a vital component of a democratic society and a fundamental value of librarianship;

AND WHEREAS the BC legislature passed revisions to the Election Act in May 2008 which puts severe restrictions on the ability of individuals and organizations to speak publicly on matters of public interest during provincial election campaigns, with penalties ranging from fines to time in jail;

AND WHEREAS this process is complaint-driven, resulting in Elections BC acting as a proxy for censorship, thereby undermining open debate on matters of public interest, stifling free expression, and creating a chilling effect;

AND WHEREAS the BC Freedom of Information and Privacy Association, the BC

Civil Liberties Association, and other public interest groups have launched a Free to Speak Campaign that aims to:

- raise awareness of the problems with the Election Act,
- demand that Elections BC stop persecuting individual and organizations in the name of enforcing the new restrictions, and
- call for changes to the Election Act to remove those restrictions;

BE IT RESOLVED that BCLA endorse the work of the Free to Speak Campaign on this issue;

BE IT FURTHER RESOLVED that BCLA take a public position against the provisions in the Election Act that restrict the ability of individuals and organizations to speak freely on matters of public interest;

BE IT FURTHER RESOLVED that BCLA write to Elections BC to inform them of the association's position.

5. Initiating Individual, Committee or Interest Group

Information Policy Committee

6. Mover's Name, Telephone and Email

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7. Seconder's Name, Telephone and Email

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8. BCLA Committees / Interest Groups Consulted (IF ANY)

Information Policy Committee

9. Endorsement by BCLA Committees / Interest Groups (IF ANY)

Information Policy Committee

10. Fiscal Implications (IF ANY)

None.

11. If this resolution necessitates a change in an existing bylaw, state the bylaw and the change. If this resolution proposes a new bylaw, please state the new bylaw.

n/a

12. If this resolution conflicts with existing bylaw, state provisions for

resolving the conflict.

n/a

13. If this resolution proposes a BCLA position statement, indicate the position's relation to libraries and library service. (Review BCLA's mission statement)

As mentioned above, this is an intellectual freedom issue, and thus relates to the fundamental values of libraries and library service. It's also worth noting that BCLA has endorsed the work of groups like BC FIPA and BCCLA in the past; they are allied organizations (see, for example, BCLA's 2006 resolution endorsing the Campaign for Open Government).