

## BC Court of Appeal strikes down the "Gordo/Christy Clark Wants you to Shut Up" Law, Again

by kevin harding - Thursday, October 04, 2012

<http://politicsrespun.org/2012/10/bc-court-of-appeal-strikes-down-the-gordochristy-clark-wants-you-to-shut-up-law-again/>

Way back in Gordon Campbell's reign, the BC government tried to ban third-party election advertising or communications with a law so broad that it would effectively prohibit anyone from publicly expressing a political opinion in the sixty days before an election.

The BCTF and other public sector unions contested this law, and won - it was soundly unconstitutional.

So, Christy Clark's government brought the law back, not really changing anything aside from limiting the time frame in which the ban would apply. And they did something smart, in the context of prohibiting us from expressing a political opinion, in that they referred it to the BC Court of Appeal to see if it might be constitutional. The government thought it was, argued that it was, and said that this would improve democracy.

Turns out they were wrong. Since the government didn't really change anything, the [Court of Appeal said it's still the same problems, and struck it down again as unconstitutional](#). Second time for this law. That's impressive.

Here's a good quote from Mr. Justice Lowry on the expanse of political expression the law would have prohibited before an election:

It appears that any public communication on government action would be seen as “taking a position” on an issue “associated with” a political party and limited accordingly during the pre-campaign as well as the campaign period. The definition is very broad indeed.

For some reason, Christy Clark's government wanted this "very broad indeed" definition of political expression - effectively taking a position on any government action - used to prohibit public political expression before the upcoming election.

They really seem to like unconstitutional laws.