

**INTERPRETATION
BULLETIN NO.**

ESKIB-2022/01

DATE: MAY 6, 2022

SUBJECT

**USE OF ELECTRONIC SIGNATURES FOR COMPLETION OF PETITION
REQUIREMENTS IN *THE REFERENDUM AND PLEBISCITE ACT***

REFERENCE

***THE REFERENDUM AND PLEBISCITE ACT, s. 7*
*THE ELECTRONIC INFORMATION AND DOCUMENTS ACT, 2000, s. 14***

This bulletin relates to provisions within *The Referendum and Plebiscite Act* (the “Act”) and the collection of signatures on a petition for the purpose of conducting a plebiscite. Specifically, this bulletin considers whether the requirement for a signature on a petition, for the purposes of requiring a plebiscite to be conducted, can be satisfied by a signature made by electronic means. This bulletin has no impact on traditional, handwritten signatures.

The Act allows for electors to force a plebiscite through the submission of a petition:

7(1) Subject to subsections (2) to (11), where a petition that:

- (a) is in the prescribed form;
- (b) is signed by not less than 15% of the electors;
- (c) sets out the name and address of one of the petitioners who is an elector and on whom service of a notice of motion pursuant to subsection (6) may be effected on behalf of all petitioners; and
- (d) requests that a question concerning a matter within the jurisdiction of the Government of Saskatchewan be put to electors on a plebiscite;

is presented to the minister, the minister shall direct that a plebiscite be conducted.

For the purposes of the Act, the term “electors” is defined in *The Referendum and Plebiscite Regulations* as persons who are qualified voters pursuant to *The Election Act* and whose names appear as electors on the voters list prepared for use in the last general election, the last general federal election or the last municipal elections.

Where a petition is submitted, the Chief Electoral Officer is responsible for determining whether the petition meets the requirements set out in subsection 7(1). As part of this determination, the Chief Electoral Officer must determine whether the petition has been signed by not less than 15 percent of electors.

Neither the Act nor *The Referendum and Plebiscite Regulations* include any instructions for how the Chief Electoral Officer should verify the signatures on the petition nor a definition for “signed” or “signature.” They also do not include any instructions on how a signature should be made or the manner in which signatures should be collected by the petitioner. The Act does point to *The Election Act, 1996* (in s. 2(2)) for the meaning of terms which are not specifically defined within the Act. *The Election Act, 1996*, however, also does not include a definition for “signature” or “signed.”

However, there does exist *The Electronic Information and Documents Act, 2000*. This legislation states that where a law requires a signature, this can be satisfied by an electronic signature (subject to exceptions not applicable to this context):

14(1) A requirement pursuant to any law for the signature of a person is satisfied by an electronic signature.

In addition, section 3(b) defines “electronic signature” as follows:

3(b) “electronic signature” means information in electronic forms that a person has created or adopted in order to sign a document and that is in, attached to or associated with the document.

The Chief Electoral Officer has determined that, for the purposes of collecting signatures for a petition under the Act, either a physical signature or an electronic signature as defined in section 3(b) of *The Electronic Information and Documents Act, 2000* are acceptable. For clarity, electronic signatures as defined by section 3(b) of *The Electronic Information and Documents Act, 2000* will be considered by the Chief Electoral Officer when determining whether a petition has been signed by not less than 15 percent of electors. Given the lack of clarity and specificity in both *The Referendum and Plebiscite Act* and *The Election Act, 1996*, the Chief Electoral Officer has relied on s. 14 of *The Electronic Information and Documents Act, 2000* to make this decision.

A handwritten signature in blue ink that reads 'Michael D. Boda'.

MICHAEL D. BODA, D.PHIL., PH.D.
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN