

**INTERPRETATION
BULLETIN NO.**

ESKIB-2022/02

DATE: MAY 10, 2022

SUBJECT

**USE OF ELECTRONIC SIGNATURES FOR COMPLETION OF PETITION
REQUIREMENTS IN *THE ELECTION ACT, 1996***

REFERENCE

***THE ELECTION ACT, 1996, s. 224*
*THE ELECTRONIC INFORMATION AND DOCUMENTS ACT, 2000, s. 14***

This bulletin relates to provisions within *The Election Act, 1996* (the “Act”) and the collection of signatures on a petition for the purpose of registering a new political party. Specifically, this bulletin considers whether the requirement for a signature on a petition, for the purposes of registering a new political party, can be satisfied by a signature made by electronic means. This bulletin has no impact on traditional, handwritten signatures.

The Act, in subsection 224(2), requires an application for registration of a new political party to be accompanied by a petition:

224 (2) An application for registration pursuant to subsection (1) must be accompanied by a complete and accurate petition for registration in the prescribed form signed by not fewer than 2,500 voters, 1,000 of whom must reside in at least 10 different constituencies, with a minimum of 100 voters in each of those constituencies.

For the purposes of the Act, the term “voters” is defined in subsection 2(oo) as “an individual who is entitled to vote during an election.”

Where a petition is submitted, the Chief Electoral Officer is responsible for determining whether the petition meets the requirements set out in subsection 224(2). As part of this determination, the Chief Electoral Officer must determine whether the petition has been signed by not less than 2,500 voters, 1,000 of whom must reside in at least 10 different constituencies with a minimum of 100 voters in each of those constituencies.

Neither the Act nor accompanying 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 not include a definition for “signature” or “signed.”

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 2,500 voters, 1,000 of whom must reside in at least 10 different constituencies, with a minimum of 100 voters in each of those constituencies. Given the lack of clarity and specificity in *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