

Elections Saskatchewan

A Guide for
the Party Leader
to The Election Act, 1996

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Table of Contents

1.	Introduction	1
2.	Background	2
3.	Preparing an Application for Registration	3
4.	Preparing a Petition for Registration	4
5.	Appointing a Chief Official Agent	6
5.1	What Does the Chief Official Agent Do?.....	6
5.2	Eligibility Criteria for Chief Official Agents	7
6.	Appointing an Auditor	8
6.1	What Does the Auditor Do?.....	8
6.2	Eligibility Criteria for Auditors	9
7.	Filing an Application for Registration	10
8.	Maintaining the Party's Registration	11
8.1	Requirements for Maintaining Registration.....	11
9.	Nominating Candidates for Election	12
9.1	Nomination Outside the Writ Period.....	12
9.2	In-Writ Nomination	12
10.	Deregistration	13
10.1	Voluntary Deregistration	13
10.2	Involuntary Deregistration	13
10.3	What Must Happen When a Party is Deregistered	13



1. Introduction

Elections Saskatchewan (referred to in legislation as The Office of the Chief Electoral Officer) is the province's independent, impartial, election management body. Under a legal mandate established by the Legislative Assembly of Saskatchewan, Elections Saskatchewan plans, organizes, conducts, and reports on provincial electoral events.

This guide has been prepared to help the leaders of political parties fulfill their responsibilities under *The Election Act, 1996* (the Election Act). It provides information on:

- preparing the party's petition for registration;
- completing an application for registration;
- appointing a chief official agent and an auditor;
- updating the party's registration; and
- deregistering the party.

This guide has no legislative authority. For specific statutory responsibilities, please refer to the Election Act. In case of a discrepancy between the Election Act and this guide, the Election Act will apply.

Party leaders should also review the guides that describe the responsibilities of their chief official agent, auditors, and candidates:

- *A Guide for the Chief Official Agent to The Election Act, 1996*;
- *A Guide for the Auditor of a Registered Political Party in Saskatchewan*; and
- *A Guide for the Candidate to The Election Act, 1996*.

Copies of the Election Act, this guide, and all forms and the guides listed above or mentioned in this guide are available on the Elections Saskatchewan website at www.elections.sk.ca/candidates-political-parties/forms-and-guides/.

2. Background

In Saskatchewan, a political party must be registered **before** it may receive contributions or spend money to promote, oppose, or endorse the party, another political party, or an individual's candidacy [section 223(a) of the Election Act]. An unregistered political party may, however, incur reasonable costs to become registered [section 223(b) of the Election Act].

Section 224 of the Election Act outlines the requirements for registration of a political party. The party's leader is responsible for ensuring the party:

- collects the signatures required for the petition for registration;
- appoints a chief official agent;
- appoints an auditor;
- prepares and files the application for registration; and
- keeps party registration information filed with Elections Saskatchewan up to date.

In addition, the party leader may endorse potential candidates outside the writ period and approve nomination papers in-writ or may choose to appoint a designate to endorse candidates on behalf of the party.

Once the party is registered, it may solicit and receive contributions, incur expenses, and field candidates for election to the Legislative Assembly of Saskatchewan.

The party must also meet certain requirements to maintain its registration.

Elections Saskatchewan may examine parties' books, records, and documents to ensure their returns are accurate and comply with the Election Act.



3. Preparing an Application for Registration

Form E-509, Application to the Chief Electoral Officer for Registration of a Political Party may be submitted to Elections Saskatchewan any time between the day fixed for the return to the writ of election for a general election and the day that is seven months before polling day for the next general election.

The application must be accompanied by:

- Form E-510, Petition for Registration of a Political Party;
- Form E-511, Appointment/Consent of the Chief Official Agent of a (Registered) Political Party;
- Form E-512, Appointment/Consent of the Auditor of a (Registered) Political Party;
- the party's audited financial statement, which must include a statement of assets and liabilities as of not more than 60 days prior to the application; and
- a written statement that the party's primary purpose is to field candidates for election as members of the Legislative Assembly of Saskatchewan.

Signatures collected on the Form E-510, Petition for Registration of a Political Party must have been collected within six months of the date that the application is submitted.

Once the application and supplementary forms have been submitted, Elections Saskatchewan will undertake a two-phase review of the application. The first phase is a preliminary review of the package submitted to ensure it meets all legislated requirements. The second phase is a verification of a sample of the signatures provided on the E-510 to satisfy our office that a minimum of 2,500 signatures are valid and meet the requirements of the Act.

4. Preparing a Petition for Registration

Form E-510, Petition for Registration of a Political Party must accompany the party's application for registration.

- The petition must be signed by at least 2,500 voters—all of them eligible to vote under the Election Act;
- At least 1,000 of the 2,500 voters must reside in at least 10 different constituencies, with a minimum of 100 voters in each of those constituencies; and
- All signatures must have been collected within six months of the date the application is submitted.

Elections Saskatchewan recommends that the number of signatures collected exceeds the minimum number of 2,500 as some signatures may be disqualified during the validation process.



Petition for Registration of a Political Party

E-510

The Election Act, 1996
Section 224
Revised: 2020

- To be submitted in support of an application for registration of a political party.
- In order for this petition to be valid it must be 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.
- Any signatures older than six months at the time the application for registration of a political party is submitted will be deemed invalid as per section 244(2.1).
- It is an offence punishable on summary conviction to a fine of not more than \$5,000 or to imprisonment for a term not exceeding two years or to both to make a false statement in any application or other document filed with the Chief Electoral Officer under this Act.

We, the undersigned residents of Saskatchewan:

1. Petition to the Chief Electoral Officer of Saskatchewan in support of an application for the registration of Liberty Party of Saskatchewan

a political party, pursuant to subsection 224(2) of *The Election Act, 1996*.

2. Severally declare, each for himself or herself that:
 - a. we are Canadian citizens or British subjects other than Canadian citizens who were qualified as voters on June 23, 1971;
 - b. we are of the full age of 18 years;
 - c. we have ordinarily resided in Saskatchewan for at least six months immediately preceding the day we signed this petition;
 - d. we are not disqualified from voting pursuant to section 17 of *The Election Act, 1996*;
 - e. we reside in the constituency indicated beside our signatures; and
 - f. we have each signed this petition only once.

Date (DD/MM/YY)	Name of Voter (Full Name)	Phone Number (Including Area Code)	Land Location (Rural) or Street & Number (City/Town)	Postal Code	Constituency	Signature of Voter
01/02/20	Bob Smith	306 555 0000	123 1st Street Moorh, SK	S9T 7K6	Cerroville Turtleford	B Smith
01/02/20	Sally Jones	306 555 0000	123 3rd Ave Prince, SK	S6O 0T7	Cerroville Turtleford	S Jones

All 2,500 people must be eligible to vote under the Election Act

Number the pages of the petition

5. Appointing a Chief Official Agent

Every party must appoint a chief official agent to manage and administer its finances. The appointment must be documented on Form E-511, Appointment/Consent of the Chief Official Agent of a (Registered) Political Party, which must accompany the party's application for registration.

5.1 What Does the Chief Official Agent Do?

Under the Election Act, a registered political party's chief official agent is responsible for administering all the party's financial operations. This includes:

- banking, i.e., opening and maintaining the party's accounts at a financial institution;
- accepting and recording all income, including political contributions;
- keeping proper records of all contributions;
- issuing income tax receipts;
- keeping proper records of all income tax receipts issued;
- authorizing and paying expenses;
- keeping proper records of all bills, invoices, vouchers, and receipts; and
- preparing all the party's financial statements, reports, and returns required under the Election Act. For example, a financial statement must accompany the party's application for registration, a fiscal period return must be prepared annually, and an election expenses return must be prepared after every electoral event.

For detailed information about the chief official agent's responsibilities, see Elections Saskatchewan's *A Guide for the Chief Official Agent to The Election Act, 1996*.



5.2 Eligibility Criteria for Chief Official Agents

Under the Election Act, the party’s chief official agent may be:

- an individual other than an election officer (see below); or
- a corporation as long as it is incorporated or registered in Saskatchewan. The corporation must designate an individual to act as the chief official agent on its behalf.

Election Officer

In this guide, the term “election officer” includes:

- the Chief Electoral Officer;
- returning officers, including supervisory deputy returning officers and deputy returning officers;
- election clerks;
- poll clerks;
- enumerators;
- office coordinators;
- revising agents; and
- registration officers.

If the chief official agent’s appointment ends for any reason, the party has 30 days to appoint another chief official agent and inform Elections Saskatchewan by submitting Form E-511, Appointment/Consent of the Chief Official Agent and Form E-513, Alteration in the Application for Registration of a Registered Political Party (see Chapter 8).

6. Appointing an Auditor

Every party must appoint an auditor to review the party's returns and help the party meet its financial reporting responsibilities. The appointment must be documented on Form E-512, Appointment/Consent of the Auditor of a (Registered) Political Party, which must accompany the party's application for registration.

6.1 What Does the Auditor Do?

Under the Election Act, the auditor's responsibilities include:

- working with the party leader and chief official agent to set up the party's financial management and accounting system(s);
- auditing the party's financial records, documents, books, accounts, and vouchers;
- auditing the financial statement that must accompany the party's application for registration;
- auditing the party's fiscal period return annually and the party's election expenses return after an electoral event; and
- preparing the written reports that must accompany the party's returns when the chief official agent submits them to Elections Saskatchewan.

In conducting an examination or in making a report pursuant to the Election Act, the auditor must apply generally accepted accounting and auditing principles and take any additional steps that are necessary to ensure the examination or report comply with the Act.

The auditor is entitled—at reasonable times—to have access to all the party's financial records, documents, books, accounts, and vouchers and to ask the party's leader and chief official agent for all explanations and information he or she considers necessary to audit the party's returns and finances.

For detailed information about the auditor's responsibilities, see Elections Saskatchewan's *A Guide for the Auditor of a Registered Political Party in Saskatchewan*.



6.2 Eligibility Criteria for Auditors

Under the Election Act, the auditor may be an individual or a firm. The auditor or at least one member of the auditor's firm must be a member in good standing of the Institute of Chartered Professional Accountants of Saskatchewan

However, the following individuals may not serve as the auditor or participate in the examination or preparation of the auditor's report:

- an election officer (see page 7);
- a candidate;
- the business manager of a candidate;
- the chief official agent of a registered political party; and/or
- a partner (business, married, or common-law partner), employee, or student of these individuals.

If the auditor's appointment ends for any reason, the party must immediately appoint another and inform Elections Saskatchewan by submitting Form E-512, Appointment/Consent of the Auditor and Form E-513, Alteration in the Application for Registration (see Chapter 8).

7. Filing an Application for Registration

The party's application for registration package may be submitted to Elections Saskatchewan any time **except** the period that begins seven months prior to polling day for a general election and the day fixed for the return of a writ for that election.

The application for registration package, which may be delivered in person or by courier, must include:

- Form E-509, Application to Chief Electoral Officer for Registration of a Political Party;
- Form E-510, Petition for Registration of a Political Party;
- Form E-511, Appointment/Consent of the Chief Official Agent of a (Registered) Political Party;
- Form E-512, Appointment/Consent of the Auditor of a (Registered) Political Party;
- the party's audited financial statement, which must include a statement of assets and liabilities as of not more than 60 days prior to the application; and
- a written statement that the party's primary purpose is to field candidates for election as members of the Legislative Assembly of Saskatchewan.

If the party meets the requirements of the Election Act, the Chief Electoral Officer will include it in the Register of Political Parties and publish the following information in *The Saskatchewan Gazette*:

- the name of the party;
- any abbreviation of the party's name (if one has been chosen); and
- the date of registration.



8. Maintaining the Party's Registration

The Chief Electoral Officer maintains a Register of Political Parties and all information filed under section 224 of the Election Act.

When there is a change in any of the information that accompanied the party's application for registration, the party leader must deliver written notice of the alteration to Elections Saskatchewan and provide the updated information within 30 days of the change by submitting Form E-513, Alteration(s) in the Application for Registration of a Registered Political Party

In addition, within 10 days after a writ of election is issued, all registered political parties must deliver a written notice to Elections Saskatchewan confirming or updating the information that accompanied its application for registration by submitting Form E-515, Confirmation of Party Details / Designation of Representatives for an Election Period.

8.1 Requirements for Maintaining Registration

To maintain its standing as a registered political party, the party **must**:

- nominate two or more candidates in the province by or on nomination day for a general election (see Chapter 9);
- maintain an office in Saskatchewan;
- keep its registration information up to date;
- at election time, confirm or update the information that accompanied its application for registration;
- maintain the appointments of its chief official agent and auditor; and
- submit a fiscal period return and an annual report of contributions annually and an election expenses return after every electoral event. See *A Guide for the Chief Official Agent to the Election Act, 1996* and *A Guide for the Chief Official Agent to the Political Contributions Tax Credit Act, 2001*.

If a party fails to meet the requirements for ongoing registration, the Chief Electoral Officer may deregister the party (see Chapter 10).

9. Nominating Candidates for Election

A registered political party's primary purpose must be to field candidates for election as members of the Legislative Assembly of Saskatchewan [section 224 (1)(h) of the Election Act]. For a general election, every registered political party must nominate at least two candidates by the close of nominations on nomination day.

Saskatchewan has two nomination processes: the potential candidate process outside the writ period and the in-writ nomination process.

9.1 Nomination Outside the Writ Period

When a party selects a potential candidate, it must notify the Chief Electoral Officer by submitting Form E-516, Notice of Selection of a Candidate by a Registered Political Party and Form E-401, Appointment/Consent of the Business Manager of a Candidate. Although not immediately required, the party may also submit Form E-403, Appointment/Consent of the Auditor of a Candidate.

If the party is prepared to endorse more than one candidate at the same time, the party leader (or designated representative) may complete Form E-516C, Declaration of a Candidate's Political Affiliation Composite rather than Form E-516.

9.2 In-Writ Nomination

For the in-writ nomination process, potential candidates must complete a package of forms (Form E-405, Nomination Paper) in which they submit information on their business manager and auditor as well as their political affiliation (if Form E-517 or Form E-517C has not yet been submitted). The information submitted in the Form E-405, Nomination Paper package is the official record and supersedes any information provided before the package. Refer to *A Guide to Preparing and Filing a Candidate's Nomination Package* on Election Saskatchewan's website for more information on how to complete the nomination package.

The party must also submit either Form E-517, Declaration of a Candidate's Political Affiliation or Form E-517C, Declaration of a Candidate's Political Affiliation Composite any time after the candidates are registered as potential candidates up until 2:00 p.m. on the day fixed for the close of nominations for the election.



10. Deregistration

10.1 Voluntary Deregistration

If a party wishes to apply for deregistration, the party leader must complete Form E-514, Application to Chief Electoral Officer for Deregistration of a Registered Political Party.

10.2 Involuntary Deregistration

If a party fails to meet the requirements for ongoing registration, the Chief Electoral Officer may deregister the party. However, the party will be given at least 30 days written notice and an opportunity to speak on the matter at a hearing.

After the hearing, the Chief Electoral Officer will decide whether or not to proceed with deregistration. He or she may also give the party 30 days to rectify the contravention.

10.3 What Must Happen When a Party is Deregistered

When a party is deregistered, the party's chief official agent must:

- liquidate the party's assets;
- submit an audited report of the liquidation to the Chief Electoral Officer; and
- pay any remaining surplus to the Chief Electoral Officer. The surplus will be held in trust for the party for two years. If the party is re-registered within that two-year period, the surplus will be returned to it; if the party is not re-registered within that period, the surplus will be paid to the Minister of Finance [section 227(6) to 227(8) of the Election Act].

A party may apply to be re-registered after it has been deregistered but must first resolve the original contravention and show that it meets the requirements for registration [section 228 of the Election Act].