### **Elections Saskatchewan**

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

May 2015



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#### 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 the guides listed above are available on the Elections Saskatchewan website at <a href="www.elections.sk.ca/candidates-political-parties/forms-and-guides/">www.elections.sk.ca/candidates-political-parties/forms-and-guides/</a>.



## 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;
- keeps party registration information filed with Elections Saskatchewan up to date;
- endorses potential candidates outside the writ period; and
- approves nomination papers in-writ.

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.

A political party registered under the act that preceded *The Election Act*, 1996 is considered a registered political party unless it has been lawfully deregistered [section 289 of the Election Act].



## 3. Preparing an Application for Registration

<u>Form E-509</u>, <u>Application to the Chief Electoral Officer for Registration of a Political Party</u> 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 fifth day after the writ of election is issued.

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.



# 3.1 Form E-509, Application for Registration of a Political Party

	Application to Chief Electo Registration of a Political I		E-509 Form HM The Election Act, 1996 Section 224 (rev. 2005)
hereby a	apply to have registered, pursuant to section 224,	of The Election Act, 1996, the political pe	arty named herein:
Ĺ	the full name of the political party is		
	Liberty Party of Saskatch	ewan	
	the name of the political party and any abbreviat	TO CONTRACT CONTRACTOR OF THE CONTRACT	ny election documents is
	LPS - Liberty Party of Sa		
	the name and address of the leader of the politic	200-1011/2	
	AL Leader	NO. (\$1.00 (\$1.00)	
	Namo		desperatores.
	400 1st Ave, Regina, SK		S4T 1B1
).	the address of the office of the political party wh communications pursuant to this Act, may be de-	slivered is	West of the late of the state o
	1000 Main Street, Regin	a, sk	54W 2T2
	the names and addresses of the officers of the p	political party are affixed, or	Postal Code
	The state of the s	13 Osler Place	
	(1) Jane Hannah	Address	12-4-270 Newson
	Director Office Held	Saskatoon, SK	SFN 040
	m Bill Barker	1634 3rd St	
	(ii) Nama	Address	20-0000000
	Treasurer Office Hold	Regina, SK	S3N 1TF
	Haveld Prawer	15 Coteau St	Plane Code
	Name	Address	(E) (2-5)
	Director Office Held	Weyburn, SK	53V 4N1 Postal Code
Ē.	the name and address of the chief official agent	of the party is	
	James Jones		
	Name	20.00	
	1000 Main Street	Regina, SK	S4W 2T2 Postal Code
3.	the name and address of the auditor of the party	y is	
	ABC Chartered Profession	al Accountants	
	Namo 123 Center Street	Regina, SK	E ALLIONS
	Control of the Contro	regina, sk	54W 2R3
	Address hereto is an audited financial statement of the political		Postal Code ts and liabilities, as at a da , 20.11
The prim Saskatche	ary purpose of the political party is to field ca ewan.		the Legislative Assembly
		Al Leader	
		Signature of Party Leader	



### 4. Preparing a Petition for Registration

<u>Form E-510, Petition for Registration of a Political Party</u> 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; and
- 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.

#### 4.1 Form E-510, Petition for Registration of a Political Party





## 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 <a href="Form E-511">Form E-511</a>, 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 may 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;
- the Assistant Chief Electoral Officer;
- returning officers, including supervisory deputy returning officers and deputy returning officers;
- election clerks;
- poll clerks;
- enumerators;
- automation coordinators;
- revising agents; and
- registration officers.



# 5.3 Form E-511, Appointment/Consent of the Chief Official Agent

ALLE .			E-511
MA BATCHEMAN			The Election Act, 1998 Section 224(1)(f)
		Chief Officia	nt/Consent of the al Agent of a ) Political Party
political party, the leader of the p him or her (Form E-513), notify the	recorded in the Register of the Chief Elect arty shall forthwith appoint a new Chief Oil o Chief Electoral Officer of the alteration put toral Officer shall very the register accordi-	icle! Agent (this form) and revent to section 225 of 1	d by instrument in writing signed by
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n my capacity as Leader of the	Liberty Party of Saska of (Registered) Political Party	chewan	
Nama			
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1000 Main Street  Iddress  To be Chief Official Agent of the above  Part II  James Jones  Chief Official Agent of the above-name	Regina, SK e-named (registered) political party.  d day of  Signal  sed (registered) political party pursua	AL Leades ture of Party Leader of to The Election Act.	Postal Code
Address to be Chief Official Agent of the above  Given under my hand this	e-named (registered) political party.  d day of  Signs	AL Leades ture of Party Leader of to The Election Act.	Postal Code
1000 Main Street Address to be Chief Official Agent of the above  Given under my hand this	e-named (registered) political party.  d day of  Signal  sed (registered) political party pursua	AL Leades ture of Party Leader of to The Election Act.	Postal Code.  2011  , do hereby consent to act a 1996 (s. 234 and s. 235).

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 7.



### 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 <u>Form E-512</u>, <u>Appointment/Consent of the Auditor of a (Registered) Political Party</u>, which must accompany the party's application for registration.

#### 6.1 What Does the Auditor Do?

Under the Election Act, the auditor 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;
- preparing the written reports that must accompany party's returns when the chief official agent submits them to Elections Saskatchewan.

The auditor must apply generally accepted accounting and auditing principles in conducting an examination or in making a report pursuant to the Election 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.



### 6.3 Form E-512, Appointment/Consent of the Auditor

1	F:						E-512	
							The Election Act, 1996 Section 224(1)(f)	
1000000							nt of the Audi	tor
				of a	(Regist	ered) Pol	itical Party	
Note:	political party, the leader of	of the party shall for Officer of the ait	orthwith appoint a wration pursuant	new Auditor (f to section 226	his form; and by	y instrument in writi	ison to act as Auditor of a ing signed by him or her (Fo receipt of any such notice,	m E-51
Part I								
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to here	eby appoint	AT	sc Charte	red Prof	essional	Account	ints	
	Name	L. seed.						
	123 Center S	treet	REGIN	a, SK			S4W 2R3	5
o be A	Auditor of the above-na		d) political part	10000 185	tion #		Postal Code	
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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 7.



### Filing an Application for Registration

The party's application for registration package may be submitted to Elections Saskatchewan any time except the period between the day the writ of election is issued for a general election and the day fixed for its return.

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

- Form E-509, Application for Registration;
- 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.

#### Register of Political Parties and The Saskatchewan Gazette

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);
- the date of registration.

When a political party is registered, the Chief Electoral Officer must publish its name and any abbreviation of its name, the date of its registration, and any subsequent alteration or abbreviation of its name in *The Saskatchewan Gazette* [sections 225(1) and 233 of the Election Act].

Elections Saskatchewan maintains the permanent Register of Political Parties and makes it available to the public [sections 231 to 233 of the Election Act].



## 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 [section 226(1) of the Election Act].
- 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 [section 226(3) of the Election Act].

#### 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 <u>A Guide for the Chief Official Agent to the Election Act, 1996</u> and <u>A Guide for the Chief Official Agent to the Political Contributions Tax Credit Act, 2001.</u>

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



# 8.2 Form E-513, Alteration in the Application for Registration

				E-513 The Election Act, 1996 Section 226
BASKATC			the Application	n for Registration
Note:	Where any information filed in the Regist altered, the registered political party sha Electoral Officer in writing (this form) of any such notice, the Chief Electoral Office	ll, within 30 days and not late the alteration and any subsec	r than 10 days after a writ of e quent replacements thereof (s.	lection is issued, notify the Chief
Party	Al Leader Leader/Designate			, having authority to act
ne	Liberty Party of Sasl	eatchewan		in this capacity, do bere
	me of Registered Political Party	-		
erve r	notice of the			
	✓ alteration(s) of the particulars of the particulars of the particulars of the appointment of the appo	currently disclosed in the		
	the full name of the political party Liberty Party of Sa:			
	the name of the political party and LPS - Liberty Party	d any abbreviation of that of Saskatchewa	name that is to be shown	in any election documents is
<b>)</b> .	the name and address of the lead	der of the political party is	<del></del>	
	400 1st Ave	Regina, SK		S4T1B1
	Address			Postal Code
	the address of the office of the po other communications pursuant to 1000 Mary St		ed is	ere notices, documents and
	Address			Postal Code
	the names and addresses of the	officers of the political pa		
	(i) <u>lane Hannah</u> Name		4304 Cambrid	age Ave
	Director		Saskatoon, S	K S7K 3V4
	Office Held			Postal Code
	(ii) Bill Barker		1634 3rd St	
	Name		Address Regina, SK	S3N 1T7
	Office Held		100000000000000000000000000000000000000	Postal Code
	(iii) Harold Kramer		15 Coteau St	
	Name, Director		Address Weyburn, SK	S3V 4N1
	Office Held		Troyourro, SK	Postal Code
	the name and address of the chie	official agent of the par	ty is	
	1000 Main St	Regina	SV	S4W 2T2
	Address	i Coojirou	, _,_	Postal Code
	the name and address of the aud  ABC Chartered Pr		untants	
	Name 123 Center St	Reaina	.sk	S4w 2R3
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iven (	under my hand this	day of _	February	2015
AL	Leader	or		
gnatur	e of Party Leader		gnature of Designate	
		Po	sition Held	

Select the type of alteration



# 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.

The party may submit <u>Form E-517</u>, <u>Declaration of a Candidate's Political Affiliation</u> or <u>Form E-517C</u>, <u>Declaration of a Candidate's Political Affiliation Composite</u> any time after the candidates are registered as potential candidates.

#### 9.2 In-Writ Nomination

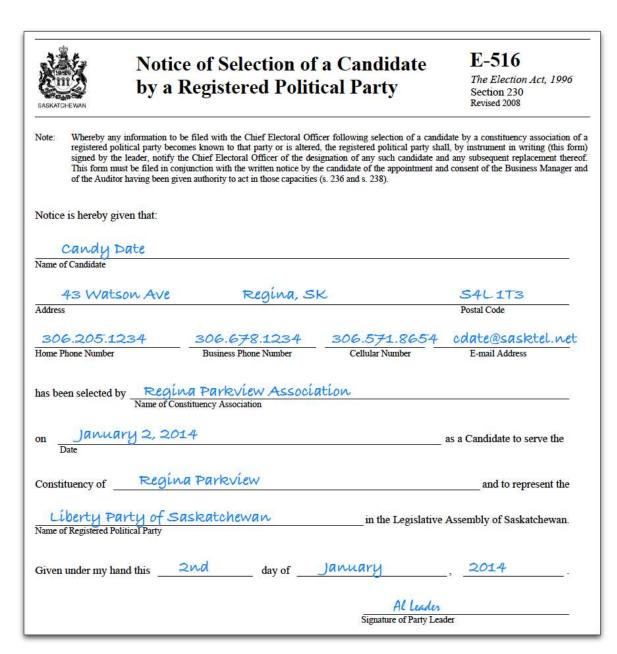
For the in-writ nomination process, potential candidates must complete a package of forms (Form E-405, Nomination Paper) in which they submit information on their business manager and auditor as well as their political affiliation (if Form E-517 or Form E-517C has not yet been submitted). The information submitted in the Form E-405, Nomination Paper package is the official record and supersedes any information provided before the package.

Unless the party leader submits Form E-515, Designation of Representative(s) for Endorsement of Candidates, he or she is the only person who may endorse candidates during the election period [sections 45(1) and 45(1.1) of the Election Act]. See page 19.



#### 9.3 Form E-516, Notice of Selection of a Candidate

Form E-401, Appointment/Consent of the Business Manager of a Candidate and Form E-403, Appointment/Consent of the Auditor of a Candidate usually accompany this notice. See *A Guide for the Candidate to The Election Act*, 1996.

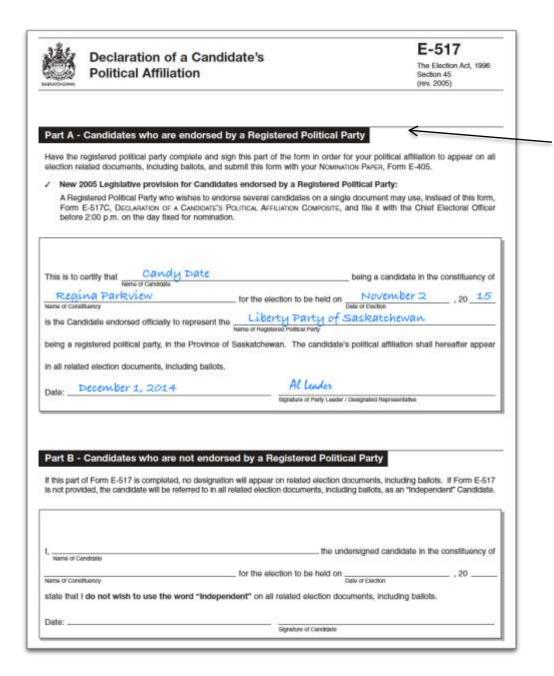




# 9.4 Form E-517, Declaration of a Candidate's Political Affiliation

If the party wants to endorse a candidate for election, the party leader must complete this form.

If the party is prepared to endorse more than one candidate at the same time, the party leader may complete Form E-517C, Declaration of a Candidate's Political Affiliation Composite rather than Form E-517.



Complete Part A only



# 9.5 Form E-517C, Declaration of a Candidate's Political Affiliation Composite

25 000 C	tion of a Candi I Affiliation Con		<b>E-517C</b> The Election Act, 1996 Section 45 (rev. 2005)
<b>✓</b> Original Submi	ission Ad	ditions Changes	( will supersede any prior submissions ) related to the same information
		5(1.1) of The Election Act, 1996	
	the day fixed for nomination	-	be filed with the Chief Electoral Officer
		POLITICAL AFFILIATION COMPOSITE MUST b	e signed by the leader of a registered
Note: A candidate will no the registered part		Officer or Form E-517 (accompanied	unless either Form E-517C is filed by with the Candidate's Nomination Paper,
		Declaration	. Charles Tooler of
The undersigned, hereby	certify that the following p	persons are endorsed as candidates	of the Name of Registered Political Party
Saskatchewan			names in the current provincial election.
Date: April 1		on 15 Allerden	
Date: April 1	,	20 15 Al Leader Signature of Party Leader / Des	ignated Representative
		¬	
Constituency	Candidate's Name	Constituency	Candidate's Name
Arm River	lane Smith	Regina Northeast	
thabasca		Regina Pasqua	
Batoche		Regina Rochdale	
Biggar-Sask Valley		Regina Rosemont	
Cannington		Regina University	
Canora-Pelly		Regina Walsh Acres	Phílíp Brown
Carrot River Valley	Sam Green	Regina Wascana Plains	T THOUSE DID TO
Cumberland		Rosetown-Elrose	
Cut Knife-Turtleford		Rosthern-Shellbrook	+
Cypress Hills		Saskatchewan Rivers	+
stevan		Saskatoon Centre	
Humboldt-Watrous		Saskatoon Churchill-	
ndian Head-Milestone		Wildwood	
Kelvington-Wadena		Saskatoon Eastview	
Cindersley		Saskatoon Fairview	Sally Gray
ast Mountain-Touchwood	Barry Jone	Saskatoon Meewasin	Sutty Gruy
loydminster	-MI 191 1000	Saskatoon Northwest	+
.umsden-Morse		Saskatoon Nutana	
Martensville-Warman		Saskatoon Riversdale	
Meadow Lake		Saskatoon Silverspring-	+
Melfort		Sutherland	
Melville-Saltcoats		Saskatoon Southeast	
Moose Jaw North		Saskatoon Stonebridge-	
Moose Jaw Wakamow		Dakota Saskatoon University	
Moosomin		Saskatoon Westview	
Prince Albert Carlton		DUSKULOON WESLVIEW	
Prince Albert Northcote	The contract of a last	Saskatoon Willowgrove	
Regina Coronation Park	Dave Wright	Swift Current	Bob Andrews
	I	The Bettlefords	<del> </del>



# 9.6 Form E-515, Designation of Representative(s) for Endorsement of Candidates

The party leader is the only person who may endorse candidates during the election period unless he or she completes this form to name others who may also endorse candidates.

L.S.	E-515
BABILITO CHEMAN	The Election Act, 1996 Section 226(3)(b)
	Designation of Representative(s) for Endorsement of Candidates
election, the registered political party	ical party, wishes to designate a person or persons to endorse candidates at the all, not later than 10 days after the writ of election is issued, notify the Chief Electoral ignation of any such representatives. Upon receipt of any such notice, the Chief accordingly (s. 226(4)).
I, AL Leader	_ , having authority to act for the
Liberty Party of Sask	t-character.
Name of Registered Political Party	In this capacity, do hereby designate
the following person(s) as my represen	Ive(s) to act for the purpose of officially endorsing candidates at the
election to be held on the 2nd day	November 2015 in the Province of Saskatchewan:
(i) Ben Bigman	(ii) Larry Little
Name of Designated Representative	Name of Designated Representative
Given under my hand this20th	day of October 2015
	Al leader
	Signature of Party Leader



# 10. Deregistration

### 10.1 Voluntary Deregistration

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

N.C		E-514
( <u></u>		The Election Act, 1996 Section 227(1)(a)
	Application to Control Deregistration of	hief Electoral Officer for f a Registered Political Party
This will serve as notice of Name of Regis	nocracy Party of Saskat Hared Political Party	chewan
21 Luther Street	Saskatoon, Sk	S7H3V2
Address		Postal Code
n my capacity as Leader of the aforeme		untarily request that the Chief Electoral Officer
n my capacity as Leader of the aforeme	entioned registered political party, volu rarty of Saskatchewan	untarily request that the Chief Electoral Officer
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#### 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:

- 1. liquidate the party's assets;
- 2. give the Chief Electoral Officer an audited report of the liquidation; and
- 3. 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 for registration 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].