



ELECTIONS BC

A non-partisan Office of the Legislature

873 (05/06)

POLITICAL PARTY GUIDE TO REGISTRATION

Table of Contents

General	1
What is a Political Party?	2
What are the Benefits of Registration?	2
What are the Obligations Associated with Registration?	3
Applying for Registration.	3
What are the qualifications for registration?	3
What must be included in an application for registration?	4
What are the restrictions for party names? .	5
When does Registration Take Effect?	6
Public Access to Registration Information	6
Updating Registration Information	7
Appointing a Financial Agent	7
What is the role of the financial agent?	8
What are the qualifications for financial agents?	9
How is an appointment made?	9
Appointing an Auditor	10
What is the auditor required to do?	10
What are the qualifications for auditors? .	11
What is the appointment process for auditors?	11
Can a Registered Political Party be Deregistered? .	12
Voluntary deregistration	12
Involuntary deregistration	13
What are the Obligations of a Deregistered Party?	14
When can a Deregistered Party Reregister?	14
How does a Party Reregister?	15
What Happens when Registration is Suspended?	16
Questions?	17

General

This guide is only a summary of political party registration requirements; it is not a substitute for the relevant provisions of the *Election Act*.

Where possible, section references to the *Election Act* are noted in square brackets.

Copies of the *Election Act* are available for purchase from:

Crown Publications
521 Fort Street
Victoria, British Columbia
V8W 1E7

What is a Political Party?

The *Election Act* defines a political party as an organization that has as one of its primary purposes the fielding of candidates in provincial elections [*Election Act*, section 155 (1)]. If your organization meets this “primary purpose” test, your organization may register with the Chief Electoral Officer as a political party.

Forming a political party and registering a political party are two different things. There is no legislation regulating the creation of provincial political parties. The *Election Act* only addresses the registration of political parties.

Although many political parties choose to register as societies under the *Society Act*, it is not necessary to do this to register as a political party under the *Election Act*.

What are the Benefits of Registration?

Registration brings many benefits. Registered political parties may:

- issue income tax receipts for political contributions;
- incur election expenses; and
- be identified on a ballot.

Unregistered political parties are not entitled to do any of these things [*Election Act*, sections 154(1) and 154(4)].

What are the Obligations Associated with Registration?

Registered political parties assume certain obligations. Once registered, your organization is required to:

- ensure that registration information filed with the Chief Electoral Officer is kept up to date by filing notice of any changes within 60 days [*Election Act*, section 159];
- field at least two candidates in one of the last two general elections unless one of the party's candidates is elected [*Election Act*, section 168];
- comply with the financing requirements under Part 10 (Election Financing), including the filing of annual and election financing reports [*Election Act*, sections 207 and 210].

Failure to meet these obligations can result in the suspension or deregistration of the party, or prosecution. For further information on suspension and deregistration, see pages 12 to 16.

Applying for Registration

What are the qualifications for registration?

To register as a political party, your organization must:

- have as a primary purpose, the fielding of candidates in provincial elections;
- have a financial agent appointed in accordance with the *Election Act*;
- have an auditor appointed in accordance with the *Election Act*;
- file a completed application package for registration with the Chief Electoral Officer; and,
- have a proposed name that is not prohibited under section 156.

Registration packages, including all the required forms, are available from Elections BC at the address noted on the last page of this guide.

What must be included in an application for registration?

Section 155 of the *Election Act* specifies the information that must be contained in an application for registration. The application must be made on forms provided by Elections BC and be signed by two principal officers of the party. The following information must be included:

- the full name of the party;
- the usual name of the party – if this is different from the full name – and any abbreviations, acronyms or other names used by the party;
- the name, abbreviation or acronym by which the party proposes to be identified on ballots;
- the name of the leader of the political party;
- the address of the place or places where records of the party are maintained;
- the address to which communications to the party may be addressed;
- the names of the principal officers of the party;
- a copy of the appointment of the auditor;
- a copy of the appointment of the financial agent;
- the names and addresses of the savings institutions used by the party for depositing all money received and for paying all expenditures made;
- the names of the signing officers for accounts in those savings institutions;

- a statement of the assets and liabilities of the political party as of a date not earlier than 90 days before the date the application for registration is made;
- a solemn declaration of the party’s financial agent as to the accuracy of the statement of assets and liabilities; and
- a solemn declaration of a principal officer that the party has as a primary purpose the fielding of candidates in provincial elections and any additional evidence necessary to satisfy the Chief Electoral Officer of this.

What are the restrictions for party names?

Party names (including any abbreviations or acronyms) cannot:

- include the words “independent” or “non-affiliated” or any other wording that, in the opinion of the Chief Electoral Officer, could reasonably indicate that a candidate representing the party is not affiliated with a party;
- include any other matter that is prohibited under section 86 from being included on a ballot (e.g., candidates’ occupations, any titles, honours or degrees held by candidates, or any indication that candidates have held elected office); and
- be similar to the name of a party that is currently registered, has an earlier application for registration pending or was registered at any time during the previous 10 years, if, in the Chief Electoral Officer’s opinion, the name would likely be confused with that other party’s name.

When does Registration Take Effect?

Except during an election period, after receiving an application the Chief Electoral Officer has 30 days to determine if the organization meets the requirements for registration.

If the application for registration is accepted, the Chief Electoral Officer will notify the party of its date of registration and will assign the party a registration number. This registration number must be included on all income tax receipts issued for the party [*Election Act*, section 192(2)]. The Chief Electoral Officer will also have a notice of the party's registration published in the B.C. Gazette.

If your organization applies for registration during an election, the application can not be considered until after General Voting Day. If an election is called after an application is filed, but before the determination is complete, the Chief Electoral Officer has until 30 days after General Voting Day to make the determination [*Election Act*, section 158(2)].

If the party does not meet the registration requirements, the Chief Electoral Officer will provide the party with a written explanation of the reasons why the party could not be registered. The party has 30 days from receiving this notice to amend its application. If the party does not meet the requirements for registration within this 30 day period, the application ceases to be effective [*Election Act*, section 158(6)].

Public Access to Registration Information

Once an organization is registered, the information in the application for registration is available to the public for inspection [*Election Act*, section 162]. Individuals whose home phone number is identified in the registration documentation may request that the Chief Electoral Officer remove or obscure the phone number for the purposes of public inspection [*Election Act*, section 275(2)].

Updating Registration Information

If any of the registration information changes, the party is required to file a notice of the change within 60 days after it occurs. A notice to update information must be made in writing and must be signed by two principal officers of the party [*Election Act*, section 159].

A principal officer is an individual who is in fact a principal officer (i.e., a director) of the party and is either identified as such in the documentation filed with the Chief Electoral Officer or is identified as such in a notice to update registration information [*Election Act*, section 161].

Contact Elections BC for the appropriate forms to be completed and filed as notice of change in registration information.

If a registered party wishes to change its name or to add other names to those specified in its registration documentation, the party must first seek the Chief Electoral Officer's approval for the change. The rules surrounding the prohibition for names and the time for the Chief Electoral Officer's determination of an application apply to any proposed name changes [*Election Act*, section 160].

Appointing a Financial Agent

In order to register, a political party must have a financial agent [*Election Act*, section 155(2)(b)]. An appointment form is included in the registration package.

A party may only have one financial agent at a time [*Election Act*, section 175(3)]; however, an individual can be a financial agent for more than one individual or organization. This means that the party's financial agent may also be the financial agent for the party's constituency associations and/or candidates [*Election Act*, section 176(5)].

The financial agent may appoint deputy financial agents to assist in the receiving of contributions and the issuing of income tax receipts [*Election Act*, section 178].

What is the role of the financial agent?

The financial agent is the person responsible for ensuring compliance with Part 10 (Election Financing) of the *Election Act*. Some of the financial agents' responsibilities include:

- accepting and recording contributions;
- issuing income tax receipts for eligible contributions;
- determining the monetary value of “in-kind” contributions (goods and services);
- incurring and recording expenses;
- keeping complete and accurate financial records;
- filing annual and election financing reports; and,
- filing audited financial reports upon deregistration.

The basic obligations of the financial agent are outlined in section 177.

What are the qualifications for financial agents?

To act as a financial agent, an individual must be capable of entering into contracts. While the *Election Act* does not specify any other qualifications, the selection of the financial agent requires careful consideration. The statutory obligations of the financial agent are significant and require certain skills. In general, the individual must be capable of managing the party's finances in accordance with the *Election Act*.

Certain individuals are disqualified from acting as a financial agent [*Election Act*, section 176(1)]. Election officials, voter registration officials, employees of Elections BC, the party's auditor, individuals who are members of that auditor's firm and individuals who have been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last seven years are disqualified from acting as financial agents.

How is an appointment made?

The appointment of a financial agent must:

- be made in writing;
- include the name, mailing address and telephone number of the individual appointed and an effective date of the appointment;
- be signed by a principal officer of the party; and
- be accompanied by a signed consent of the financial agent [*Election Act*, section 176(2)].

An appointment of financial agent form is included in the registration package.

As soon as an appointment is made, a copy of the appointment form must be delivered to the Chief Electoral Officer [*Election Act*, section 176(3)]. A copy of this appointment is required as part of the party's application for registration.

If the financial agent ceases to hold that position or ceases to be qualified, the party must appoint a new financial agent as soon as possible and file a new appointment form with the Chief Electoral Officer [*Election Act*, section 175(4)].

The outgoing financial agent cannot resign until a new financial agent is appointed and Elections BC is appropriately notified in writing of this appointment. The outgoing financial agent is also responsible for the reporting of the financial affairs that occurred during his or her term as financial agent.

Appointing an Auditor

To register, the party must also appoint an auditor [*Election Act*, section 155(2)]. An auditing firm, rather than an individual, may be appointed as the party's auditor.

An auditor can be appointed as the auditor for more than one organization or individual. For example, a party could retain one firm to act as auditor for the party, as well as all the party's constituency associations and candidates [*Election Act*, section 179(7)].

What is the auditor required to do?

The auditor is required to conduct an audit, in accordance with generally accepted auditing standards, of the party's annual or election financing reports if either the total political contributions or the total election expenses reported are \$10,000 or greater [*Election Act*, section 213(1)].

The auditor must also file reports as requested by the Chief Electoral Officer. The Chief Electoral Officer has the authority to request an audit of any report filed by the party.

What are the qualifications for auditors?

An auditor must be qualified to be the auditor of a company [*Election Act*, section 179(3)]. This means that the individual is a C.A., C.G.A. or has been certified by the auditor certification board. The following persons are disqualified from acting as an auditor:

- election officials, voter registration officials or employees of Elections BC;
- individuals who do not have full capacity to enter into contracts;
- the party's financial agent;
- an individual who is a member of the same firm as the financial agent or a firm of which the party's financial agent is a member; and
- individuals who have been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last 7 years [*Election Act*, section 179(4)].

What is the appointment process for auditors?

To appoint an auditor, the appointment must:

- be made in writing;
- include the name, mailing address and telephone number of the individual or firm appointed and an effective date of the appointment;
- be signed by a principal officer of the party; and
- be accompanied by a signed consent of the auditor [*Election Act*, section 179(5)].

An appointment form is included in the registration package.

As soon as an auditor is appointed, a copy of the appointment form must be delivered to the Chief Electoral Officer [*Election Act*, section 179(6)]. A copy of the appointment form is required as part of the application for registration.

If an auditor ceases to hold that position or ceases to be qualified, the party must appoint a new auditor as soon as possible and file a new appointment form with the Chief Electoral Officer [*Election Act*, section 179(2)].

Can a Registered Political Party be Deregistered?

Voluntary deregistration

A party may at any time - other than during an election in which the party is fielding candidates - request to be deregistered. The party will be deleted from the register, provided it has filed the required annual and election financing reports under Part 10 (Election Financing), the party is not subject to deregistration because of exceeding the spending limits, and has paid any outstanding penalties in relation to overspending [*Election Act*, section 164(2)].

Applications for voluntary deregistration must be made in writing and must be signed by two principal officers of the party [*Election Act*, section 164(3)].

Voluntary deregistration of a party results in the automatic deregistration of all the party's registered constituency associations [*Election Act*, section 166(1)].

Involuntary deregistration

Parties can be deregistered by the Chief Electoral Officer, if:

- the party fails to field at least two candidates in one of the last two general elections unless one of the party's candidates is elected [*Election Act*, section 168(1)];
- the party fails to file an annual or election financing report, unless court relief from filing obligations is granted [*Election Act*, section 223];
- 50% or 15, whichever is the lesser number, of the candidates representing the party in a general election fail to file election financing reports [*Election Act*, section 224]; or
- the party is convicted of filing a false or misleading report [*Election Act*, section 227].

Involuntary deregistration of a party results in the automatic deregistration of all the party's registered constituency associations [*Election Act*, section 166(1)].

The Chief Electoral Officer gives parties advance warning of any contravention that may result in deregistration. For example, in the case of a party that fails to file reports or where party candidates have failed to file reports, the Chief Electoral Officer's notice of non-compliance provides the party with sufficient time to file the required reports or to seek court relief from the filing obligations before deregistration occurs.

When a party is deregistered, the Chief Electoral Officer gives notice of the deregistration, including the effective date and the reasons for deregistration, to the party. Notice is also published in the B.C. Gazette [*Election Act*, section 169].

What are the Obligations of a Deregistered Party?

A deregistered political party must file audited financial reports with the Chief Electoral Officer within 90 days of receiving their notification of deregistration from Elections BC. Section 262 of the *Election Act* makes it an offence to not file audited deregistration reports. The penalties for this type of offence are fine of not more than \$5,000 or imprisonment for a term not longer than one year, or both.

A deregistered party is required to file an audited financial report for the period from the date of the party's last annual financial report to the date of deregistration [*Election Act*, section 170].

Deregistered parties are also required to file an audited financial report for the period from the date of deregistration to the date on which any remaining funds are transferred to the Chief Electoral Officer or the date on which the organization reports that there are no funds to be transferred [*Election Act*, section 170].

Deregistered parties must transfer to the Chief Electoral Officer all funds that are not required to pay outstanding debts. If there are no remaining funds after the payment of debts, the Chief Electoral Officer must be informed of this in writing [*Election Act*, section 171].

Funds transferred to the Chief Electoral Officer are held in trust for three years from the date of deregistration. If the party reregisters within this time period, the funds – including accumulated interest – will be transferred back to the party. If the party does not register within three years, the funds are paid to the consolidated revenue fund [*Election Act*, sections 171 and 172].

When can a Deregistered Party Reregister?

A party that voluntarily deregisters may apply for reregistration at any time [*Election Act*, section 174(1)].

If the party is deregistered because of a conviction for filing a false or misleading report, the party cannot reregister until two years following the date on which the audited deregistration reports were filed and any assets were transferred [*Election Act*, section 174(1)].

In the case of involuntary deregistration for any other cause, the party may apply for reregistration one year from the date on which the audited deregistration reports and the transfer of any assets was made [*Election Act*, section 174(1)].

How does a Party Reregister?

To reregister, a party must:

- apply for registration;
- satisfy the Chief Electoral Officer that it is the same organization that was previously registered;
- fulfill any unfulfilled obligations (i.e., file any outstanding reports, pay outstanding penalties); and,
- file a report detailing political contributions received during the period of deregistration [*Election Act*, section 174(2)].

Additionally, the Chief Electoral Officer may request a report on the party's financial activities during the period of deregistration [*Election Act*, section 174(3)].

What Happens when Registration is Suspended?

A suspension of registration means that the party and all of its constituency associations are prohibited from incurring election expenses and issuing income tax receipts during the period of suspension [*Election Act*, sections 154 (3) and 167]. Exceeding party spending limits results in a 6 month suspension, if court relief from the overspending is not granted [*Election Act*, section 218].

If a political party is on suspension during an election, the party name will not be printed on any ballots.

Notice of suspension is given to the party, its constituency associations and published in the B.C. Gazette [*Election Act*, section 169].

Questions?

For more information

Phone toll-free 1-800-661-8683 / TTY 1-888-456-5448

or contact

Elections British Columbia

Mailing address: PO Box 9275 Stn Prov Govt, Victoria BC V8W 9J6

Location: 333 Quebec Street, Victoria, BC

Phone: (250) 387-5305

Fax: (250) 387-3578

Toll-free Facsimile: 1-866-466-0665

Web site: <http://www.elections.bc.ca>

Email: electionsbc@elections.bc.ca