



ELECTIONS BC

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CONSTITUENCY ASSOCIATION GUIDE TO REGISTRATION

Table of Contents

General	1
What is a Constituency Association?	2
What are the Benefits of Registration?	2
What are the Obligations Associated with Registration?	2
Applying for Registration	3
What are the qualifications for registration?	3
What must be included in an application for registration?	4
When can Constituency Associations Apply for Registration?	5
When does Registration take Effect?	5
Public Access to Registration Information	6
Updating Registration Information	6
Appointing a Financial Agent	7
What is the role of the financial agent?	7
What are the qualifications for financial agents?	8
How is an appointment made?	8
Appointing an Auditor	9
What is the auditor required to do?	9
What are the qualifications for auditors?	10
What is the appointment process for auditors?	10
Can a Constituency Association be Deregistered?	11
Voluntarily	11
Involuntarily	11
What are the Obligations of a Deregistered Organization?	12
When can a Constituency Association Reregister?	13
How does a Constituency Association Reregister?	14
Under what Circumstances can Registration be Suspended?	14
Questions?	15

General

This guide is only a summary of the constituency association 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.

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

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

What is a Constituency Association?

S. 157 The *Election Act* defines a constituency association as the local organization formed for an electoral district for a registered political party or the local organization formed to support an independent member of the Legislative Assembly (MLA) for the electoral district.

Only one constituency association for an electoral district can be registered for each registered political party or independent MLA. However, registered constituency associations may have one or more branches (clubs) within an electoral district.

What are the Benefits of Registration?

S. 154 Registering as a constituency association brings significant benefits, including:

- issuing income tax receipts for political contributions;
- incurring election expenses; and
- making political contributions to political parties and candidates.

Unregistered organizations are not entitled to do any of these things.

What are the Obligations Associated with Registration?

S. 159 Registered constituency associations assume certain obligations. Once registered, an 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; and,
- comply with the financing requirements under Part 10 (Election Financing) of the *Election Act*, including the filing of annual and election financing reports.

Failure to meet these obligations can result in deregistration or prosecution. For more information on deregistration see pages 11 to 13.

Applying for Registration

What are the qualifications for registration?

To register as a constituency association, your organization must:

- be the local organization of a registered political party (or a party that is currently applying for registration), or the local organization formed to support an independent MLA for an electoral district;
- 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.

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 157 of the *Election Act* (Registration of a constituency association) specifies the information that must be contained in an application for registration. The application must be signed by two principal officers of the association and must include the following:

- the full name of the constituency association;
- the name of the party or independent MLA which it supports;
- the address of the place or places where records of the association are maintained;
- the address to which communications may be addressed;
- the names of the principal officers of the constituency association;
- the names and addresses of the auditor and the financial agent and copies of the appointment forms;
- the names and addresses of the savings institutions used by the association 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 constituency association as of a date not earlier than 90 days before the date the application for registration is made;
- a solemn declaration by the financial agent as to the accuracy of the statement of assets and liabilities; and
- a signed statement of a principal officer of the party, or by the independent MLA, assenting to the association's application.

When can Constituency Associations Apply for Registration?

Constituency associations of political parties can apply for registration at any time if the endorsing party:

- is registered,
- has a registration application pending with the Chief Electoral Officer, or
- is applying for registration at the same time as the constituency association.

When does Registration take Effect?

S. 158 After receiving an application, the Chief Electoral Officer has 30 days to determine if the organization meets the requirements for registration. Once that determination is complete, the Chief Electoral Officer will enter the organization in the Register of Constituency Associations at Elections BC. Once entered in the Register, the association is officially registered.

The Chief Electoral Officer will notify the constituency association of the date of registration and will assign the association a registration number. This registration number must be included on all income tax receipts issued by the association. The Chief Electoral Officer will also have a notice of the association's registration published in the B.C. Gazette.

If an 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 with the Chief Electoral Officer, but before the determination is complete, the Chief Electoral Officer has until 30 days after General Voting Day to make the determination.

If a constituency association does not meet the registration requirements, the Chief Electoral Officer will provide the organization with a written explanation of the reasons why the constituency association could not be registered. The organization has 30 days from receiving this notice to amend its application. If the organization does not meet the requirements for registration within this 30 day period, the application ceases to be effective.

Public Access to Registration Information

- S. 162, 275 Once an association is registered, the information in the application for registration is available for public inspection. Individuals whose home phone number is identified in the application documentation may request that the Chief Electoral Officer remove or obscure the phone number for the purposes of public inspection.

Updating Registration Information

- S. 159, 161 If any of the registration information changes, the constituency association must 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 constituency association and by a principal officer of the political party or by the independent MLA, as applicable.

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

A principal officer is an individual who is in fact a principal officer of the organization (i.e., a “table officer”) 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 information.

Appointing a Financial Agent

S. 157, 175, 176, 178 In order to register, a constituency association must have a financial agent. An appointment form is included in the registration package available from Elections BC.

A constituency association may only have one financial agent at a time; however, an individual can be a financial agent for more than one individual or organization. This means that the constituency association’s financial agent may also be the financial agent for the party and/or candidates.

The financial agent may appoint deputy financial agents to assist in the receiving of contributions and the issuing of income tax receipts.

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 agent’s 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?

S. 176 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 organization’s finances in accordance with the *Election Act*.

Certain individuals are disqualified from acting as a financial agent. Election officials, voter registration officials, employees of Elections BC, the constituency association’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?

S. 175, 176 The appointment of 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 constituency association; and,
- be accompanied by the signed consent of the financial agent.

An appointment form is included in the registration package.

As soon as an appointment is made, a copy of the appointment and the signed consent to the appointment must be delivered to the Chief Electoral Officer. A copy of this appointment is required as part of the constituency association’s application for registration.

If the financial agent ceases to hold that position or ceases to be qualified, the constituency association must appoint a new financial agent as soon as possible and file a new appointment form with the Chief Electoral Officer.

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

S. 157, 179 In order to register, the constituency association must also appoint an auditor. An auditing firm, rather than an individual, may be appointed as the auditor.

An auditor can be appointed as the auditor for more than one organization or individual. For example, a political party could retain one firm to act as auditor for the party, as well as for your constituency association and party candidates.

What is the auditor required to do?

S. 213, 214 The auditor is required to file reports for the constituency association’s annual or election financing reports if the total political contributions to be reported are \$10,000 or more.

The auditor must also file reports as requested by the Chief Electoral Officer. The Chief Electoral Officer has the authority to request an audited report for any report filed by the constituency association.

What are the qualifications for auditors?

S. 179 An auditor must be qualified to be the auditor of a company. Generally, 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 constituency association's financial agent;
- an individual who is a member of the same firm as the constituency association's financial agent or a firm to which the constituency association'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 seven years.

What is the appointment process for auditors?

S. 179 The appointment of an auditor 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 constituency association; and,
- be accompanied by a signed consent of the auditor.

An appointment form is included in the registration package.

As soon as an auditor is appointed, a copy of the appointment and the signed consent to the appointment must be delivered to the Chief Electoral Officer. 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 constituency association must appoint a new auditor as soon as possible and file a new appointment form with the Chief Electoral Officer.

Can a Constituency Association be Deregistered?

Voluntarily

S. 164 A constituency association may at any time request to be deregistered. The association will be deleted from the register, provided it has filed the required annual and election financing reports under Part 10 (Election Financing) of the *Election Act*.

Applications for voluntary deregistration must be made in writing and must be signed by two principal officers of the constituency association and a principal officer of the party or the independent MLA, as applicable.

Involuntarily

S. 165, 166, 169, 223, 227 Constituency associations are automatically deregistered by the Chief Electoral Officer, if:

- deregistration is requested by the party or the independent MLA;
- the electoral district is disestablished as a result of electoral boundary re-distribution;

- the association fails to file an annual or election financing report, unless court relief from filing obligations is granted;
- the constituency association is convicted of filing a false or misleading annual or election financing report;
- the party is deregistered, voluntarily or otherwise; and,
- for associations of independent members, if the member ceases to be a member, dies or becomes a representative of a party.

The Chief Electoral Officer is required to give organizations advance warning of any contravention that may result in deregistration. For example, in the case of failing to file a report, the Chief Electoral Officer’s notice of non-compliance provides the constituency association and the party or independent MLA with sufficient time to file the required reports or to seek court relief from the filing obligations before deregistration occurs.

When a constituency association is deregistered, the Chief Electoral Officer must give notice of the deregistration, including the effective date and any reasons, to the association and the party or independent MLA. Notice is also published in the B.C. Gazette.

What are the Obligations of a Deregistered Organization?

S. 170, 171
173 A deregistered constituency association must file a financial report for the period from the date of the organization’s last financial report to the date of deregistration. Unless the deregistration is due to the disestablishment of the electoral district, the financial report must be audited.

Deregistered constituency associations are required to 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.

The deregistered organization is 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 on which the organization reports that there are no funds to be transferred. The audit requirement is waived for those constituency associations deregistered as a result of the disestablishment of electoral districts.

Funds held in trust by the Chief Electoral Officer are held for three years from the date of deregistration. If the constituency association reregisters within this time period, the funds, including accumulated interest, will be transferred back to the association.

If the constituency association for a political party does not reregister within three years, the funds are paid to the registered political party, if the party is still registered. Otherwise the funds are paid to the consolidated revenue fund.

Funds held in trust for the constituency association of an independent MLA will be paid to the former member if the individual runs as an independent candidate in a provincial election within the three year period. If the individual is not an independent candidate within this period, the funds are paid to the consolidated revenue fund.

When can a Constituency Association Reregister?

S. 174 An organization that voluntarily deregisters may apply for reregistration at any time.

If the constituency association is deregistered because of a conviction for filing a false or misleading financial report, the association cannot reregister for two years following the date on which the audited deregistration reports were filed.

In the case of deregistration for any other cause, the organization may apply for registration one year from the date on which the audited deregistration reports and the transfer of any assets were made.

How does a Constituency Association Reregister?

S. 174 To reregister, an organization must:

- apply for registration;
- satisfy the Chief Electoral Officer that it is the same organization;
- fulfill any unfulfilled obligations (i.e., file outstanding reports and pay any outstanding penalties);
- file a report detailing political contributions received during the period of deregistration.

Additionally, the Chief Electoral Officer may request a report on the constituency association's financial activities during deregistration.

Under what Circumstances can Registration be Suspended?

S. 154, 167, 218 If a party exceeds its spending limits, the party and all of its constituency associations are suspended for six months, unless court relief from the overspending is granted. A suspension means that, during the period of suspension, the organization is prohibited from incurring election expenses, issuing income tax receipts, or making political contributions.

Notice of suspension is given to the party and its constituency associations and is published in the B.C. Gazette.

Questions?

For more information

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

or contact

Elections British Columbia

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