



**ELECTIONS BC**

A non-partisan Office of the Legislature

# POLITICAL PARTY GUIDE TO REGISTRATION



## Table of Contents

General . . . . .	<b>1</b>
What is a Political Party? . . . . .	<b>2</b>
Benefits of Registration . . . . .	<b>3</b>
Obligations Associated with Registration . . . . .	<b>3</b>
Applying for Registration . . . . .	<b>4</b>
Qualifications for Registration . . . . .	<b>4</b>
What Must be Included in an Application for Registration? . . . . .	<b>5</b>
Restrictions on Political Party Names . . . . .	<b>6</b>
When Does Registration Take Effect? . . . . .	<b>7</b>
Updating Registration Information . . . . .	<b>8</b>
Public Access to Registration Information . . . . .	<b>8</b>
Appointing a Financial Agent . . . . .	<b>9</b>
Qualifications for Financial Agents . . . . .	<b>9</b>
Role of the Financial Agent . . . . .	<b>10</b>
Appointment Process for Financial Agents . . . . .	<b>10</b>
Appointing an Auditor . . . . .	<b>11</b>
Qualifications for Auditors . . . . .	<b>11</b>
Role of the Auditor . . . . .	<b>12</b>
Appointment Process for Auditors . . . . .	<b>12</b>
Political Party Deregistration . . . . .	<b>13</b>
Voluntary Deregistration . . . . .	<b>13</b>
Involuntary Deregistration . . . . .	<b>14</b>
Obligations of a Deregistered Political Party . . . . .	<b>15</b>
Reregistration of a Political Party . . . . .	<b>16</b>
How Does a Political Party Reregister? . . . . .	<b>16</b>
Circumstances for Suspension of Political Party Registration. . . . .	<b>17</b>
Questions? . . . . .	<b>18</b>



## 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.

The *Election Act* is available for viewing on the Elections BC website ([www.elections.bc.ca](http://www.elections.bc.ca)) and can be purchased from Crown Publications.

## What is a Political Party?

s. 155      The *Election Act* defines a political party as an organization that has as a primary purpose the fielding of candidates in provincial elections.

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 some 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*.

## Benefits of Registration

- s. 154 Registration brings many benefits. Registered political parties may:
- issue income tax receipts for eligible political contributions
  - incur election expenses
  - be identified on a ballot
  - transfer money, goods and services to its registered constituency associations, candidates, and leadership contestants

Unregistered political parties are not entitled to do any of these things.

## Obligations Associated with Registration

- s. 159, 168 Registered political parties assume certain obligations. Once registered, your organization is required to:
- ensure all registration information filed with the Chief Electoral Officer is kept up to date by filing notice of any changes within 60 days
  - field at least two candidates in one of the last two general elections unless one of the party's candidates is elected
  - comply with the reporting and financing requirements under Parts 9 and 10 of the *Election Act*, including the filing of annual and election financing reports

Failure to meet these obligations can result in suspension, deregistration or prosecution. For further information on suspension and deregistration, see pages 13 to 17.

# Applying for Registration

## Qualifications for Registration

- s. 155, 156 To register as a political party, an organization must:
- have as a primary purpose, the fielding of candidates in provincial elections
  - have a financial agent appointed in accordance with section 176 of the *Election Act*
  - have an auditor appointed in accordance with section 179 of the *Election Act*
  - file a completed application (package) for registration with the Chief Electoral Officer
  - have a proposed name that is not prohibited under section 156

Registration packages, including all the required registration forms, are available on the Elections BC website at [www.elections.bc.ca](http://www.elections.bc.ca) or from Elections BC.

## What Must be Included in an Application for Registration?

- s. 155      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 political party. The following information must be included:
- the full name of the political party
  - the usual name of the political party – if this is different from the full name
  - any abbreviations, acronyms or other names used by the political party
  - the name, abbreviation or acronym by which the political 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 political party are kept
  - the name and address of the person to whom communications to the political party may be addressed
  - the names and mailing addresses of the principal officers of the political party
  - the names and addresses of the auditor and financial agent provided on the required appointment forms
  - the names and addresses of the savings institutions and the account numbers used by the political party for depositing all money received and for paying all expenditures made
  - the names of the signing officers for those savings institution accounts
  - 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. This statement must have a solemn declaration by the political party's financial agent as to its accuracy.
  - a solemn declaration by a principal officer that the political party has as a primary purpose the fielding of candidates in provincial elections
  - any additional evidence necessary to satisfy the Chief Electoral Officer that the political party has as a primary purpose the fielding of candidates

## Restrictions on Political Party Names

- s. 156 Political 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 political party is not affiliated with a political party
  - include any other matter that is prohibited under section 86 of the *Election Act* 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)
  - be similar to the name of a political 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 is likely be confused with that other political party’s name

## When Does Registration Take Effect?

s. 158      Except during an election period, after receiving an application, the Chief Electoral Officer has 30 days to determine if the political party meets the requirements for registration.

If the application for registration is approved, the Chief Electoral Officer will notify the political party of the date of registration and will assign the political party a registration number. This registration number must be included on all income tax receipts issued by the political party. The Chief Electoral Officer will also publish a notice of the political party's registration in the *B.C. Gazette*.

If an organization applies for registration during an election, the application cannot be considered until after General Voting Day. If an election is called after a political party application for registration is filed with the Chief Electoral Officer, but before registration is complete, the Chief Electoral Officer has until 30 days after General Voting Day to determine if the political party meets the requirements for registration.

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

## Updating Registration Information

- s. 159, 160, 161 If any of the registration information changes, the political party must file a notice of the change within 60 days after the change occurs. A notice to update information must be made in writing and must be signed by two principal officers of the political party.

A principal officer of the political party (i.e., a table officer) is an individual identified as such in the documentation previously filed with the Chief Electoral Officer or identified in a notice to update registration information.

The Chief Electoral Officer may suspend the registration of a political party if the party does not file updated registration information within 60 days of the change occurring. The suspension of the political party continues until all required information has been filed.

If a registered political 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 also apply to any proposed name changes.

The same forms used for registering a political party can be used to update the registration information. If unsure about which forms to submit, contact Elections BC.

## Public Access to Registration Information

- s. 162, 275 The information in the application for registration is available for public inspection at the Elections BC office. Individuals whose home phone number is identified in the registration documentation may request that the phone number be removed or obscured for the purposes of public inspection.

The required account numbers are automatically obscured for public inspection purposes.

## Appointing a Financial Agent

- s. 155, 175, 176, 178 In order to register, a political party must have a financial agent. An appointment form is included in the registration package.

A political party may only appoint 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 political party's financial agent may also be the financial agent for the political party's constituency associations and/or its candidates.

The financial agent may appoint one or more deputy financial agents to assist in receiving political contributions and the issuing of income tax receipts. If the financial is absent or incapable of filing reports, a deputy financial agent may file the required financing reports.

### 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. The individual must be capable of managing the party's finances in accordance with the *Election Act*.

The following individuals are disqualified from acting as financial agents:

- election officials, voter registration officials, or employees of Elections BC
- individuals who do not have full capacity to enter into contracts (e.g., a minor child)
- the political party's auditor
- individuals who are members of that auditor's firm
- individuals who have been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last seven years

## Role of the Financial Agent

- s. 177      The financial agent is the person responsible for ensuring compliance with Part 10 of the *Election Act* (Election Financing). The financial agent's responsibilities include, but are not limited to:
- 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
  - filing financial reports upon deregistration

## Appointment Process for Financial Agents

- s. 175, 176      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
  - be signed by the financial agent

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

If the appointment of a financial agent ends for any reason, the political party must appoint a new financial agent and file a new appointment form with Elections BC within 60 days.

If the financial agent resigns, they must notify Election BC in writing. The outgoing financial agent is responsible for the reporting of the financial affairs that occurred during their term as financial agent.

## Appointing an Auditor

- s. 157, 179 To register, the political party 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 all the political party's constituency associations and candidates.

### Qualifications for Auditors

- s. 179 An auditor must be authorized to be the auditor of a company under sections 205 and 206 of the *Business Corporations Act*. Generally, this means that the individual is a Chartered Accountant (C.A.), Certified General Accountant (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 political party's financial agent
- an individual who is a member of the same firm as the political party's financial agent or a firm of which the political party's financial agent is a member
- individuals who have been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last seven years

### Role of the Auditor

- s. 170, 213, 214      The auditor is required to conduct an audit, in accordance with generally accepted auditing standards, of the political party's annual or election financing reports if either total political contributions or total election expenses are \$10,000 or more.

An auditor's report may also be required for certain deregistration financial reports which must be filed if the political party is deregistered.

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 political party.

The auditor must also make any additional reports they consider necessary if they have not received all the information and explanations required or if proper accounting records have not been kept by the financial agent.

### 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 political party
  - be signed by the auditor

An appointment form is included in the registration package.

If the appointment of the auditor ends for any reason, the political party must appoint a new auditor and file a new appointment form with Elections BC within 60 days.

## Political Party Deregistration

A political party can be deregistered for several reasons, both voluntarily and involuntarily.

### Voluntary Deregistration

- s. 164, 166 A political party may only voluntarily request to deregister if:
- the request to deregister is not made during an election in which the political party is fielding candidates
  - the political party has filed the annual and election financing reports required under part 10 of the *Election Act* (Election Financing)
  - the political party has paid any outstanding penalties in relation to exceeding an election expenses limit

Applications for voluntary deregistration must be made in writing and must be signed by two principal officers of the political party.

Voluntary deregistration of a political party results in the automatic deregistration of all the political party's registered constituency associations.

## Involuntary Deregistration

- s. 168, 223, 224, 227 Political parties can be deregistered by the Chief Electoral Officer, if:
- the political 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
  - the political party fails to file an annual or election financing report, unless court relief from filing obligations is granted
  - 50% or 15, whichever is the lesser number, of the candidates representing the political party in a general election fail to file election financing reports
  - the political party is convicted of filing a false or misleading financing report

Involuntary deregistration of a political party results in the automatic deregistration of all the party's registered constituency associations.

The Chief Electoral Officer gives advance warning of any contraventions to the *Election Act* that may result in deregistration. For example, in the case of failing to file financing reports or where party candidates fail to file financing 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 political party is deregistered, the Chief Electoral Officer must give notice of the deregistration, including the effective date and reasons for deregistration, to the political party. Notice is also published in the *B.C. Gazette*.

## Obligations of a Deregistered Political Party

- s. 170, 171,  
172 A deregistered political party must file a financial report for the period from the date of the political party's last annual financial report up to and including the last day the political party was registered. The report must be received by Elections BC within six months of deregistration.

The financial report must be audited unless:

- the political party received \$5,000 or less in political contributions and incurred \$5,000 or less in expenses during the period from the date of the last annual financial report up to and including the last day the party was registered

Deregistered political parties must transfer to the Chief Electoral Officer all funds not required to pay outstanding debts. Any such funds must be transferred within six months of deregistration.

If there are no remaining funds after the payment of debts, the political party must inform Elections BC in writing.

The deregistered political party 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 political party reports that there are no funds to be transferred. The audit requirement is waived if:

- the political party received \$5,000 or less in political contributions and incurred \$5,000 or less in expenses during the period from the date of the last annual financial report up to and including the last day the party was registered

Funds transferred to the Chief Electoral Officer are held in trust for three years from the date of deregistration. If the political party reregisters within this time period, the funds, including accumulated interest, will be paid to the political party. If the political party does not register within three years, the funds are paid to the consolidated revenue fund.

## Reregistration of a Political Party

s. 174 A political party that voluntarily deregisters may apply for reregistration at any time.

If the political party is deregistered because of a conviction for filing a false or misleading report, the political party cannot apply to reregister until two years following the date on which the deregistration reports were filed and if applicable, any funds transferred.

In the case of involuntary deregistration for any other reason, the political party may apply for reregistration one year from the date on which the deregistration reports were filed and if applicable, any funds transferred.

### How Does a Political Party Reregister?

s. 174 To reregister, a political party must:

- submit a new political party application for registration
- satisfy the Chief Electoral Officer that it is the same political party that was previously registered
- fulfill any unfulfilled obligations (i.e. file any outstanding reports, pay 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 political party's financial activities during the period of deregistration.

## Circumstances for Suspension of Political Party Registration

- s. 154, 159, 167, 169, 218
- The registration of a political party can be suspended if:
- the political party exceeds its election spending limits. In such a case, the political party and all of its constituency associations are suspended for six months, unless court relief from the overspending is granted.
  - the political party fails to file the required updated registration information with 60 days of the change occurring

During the period of suspension, an organization is prohibited from incurring election expenses, issuing income tax receipts or making political contributions including transferring money, goods or services to a candidate, a constituency association or another political party. After the suspension ends, the organization must not issue any tax receipts for political contributions received by the organization while it was suspended.

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 political party, its constituency associations and published in the *B.C. Gazette*.

## Questions?

**For more information**

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**or contact**

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