



# **Elections**

## **Nova Scotia**

### **THE FORMATION OF RECOGNIZED POLITICAL PARTIES IN NOVA SCOTIA**

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## INTRODUCTION

Individuals who wish to form a new political party in Nova Scotia must follow the procedures mandated by the *Elections Act*. To be recognized as a political party brings significant benefits. Recognized parties may incur election expenses, be identified on ballot papers, and can issue income tax receipts for political contributions. Public support of recognized parties through the income tax system encourages participation in the political process. It is also an acknowledgment of the important role played by political parties in our democratic process.

There are, however, conditions that come with the entitlement to raise and spend money, and to receive income tax rebates for political activity. One of these is that an applicant party must meet the registration criteria established by the legislation to have its registration accepted and be a recognized party.

The Chief Electoral Officer has been given the responsibility to register a new party. Once a party is registered, then it is officially recognized for the purposes of the *Elections Act*, the *Income Tax Act*, under which authority the receipts for political contributions are issued, and the *Members and Public Employees Disclosure Act*, which creates the obligations to disclose political contributions.

The legislation defines a “political party” as a group of individuals that has as its primary purpose the fielding of candidates for election as members of the House of Assembly.

This booklet outlines the step-by-step procedures that need to be followed to form a recognized political party in Nova Scotia.

## Application Process

The application for recognition of the party has two parts. In the first part, the leader of the party must submit and sign an application form to be registered with the Chief Electoral Officer. In the second part, the application must be accompanied by a petition of at least 250 signatures of electors, requesting recognition of the party.

## PART ONE: APPLICATION FORM

The following are the contents of the application to be signed by the party leader:

1. **Full Name of the Party.** In this Section, the full name of the party must be stated. By law, the party name cannot include the word “independent”.
2. **The Party Name, or Abbreviation, if any, of the Party to be shown in any election documents or official materials.** Some parties have abbreviations or acronyms by which the party may be more commonly known, and sometimes, the party would like the the abbreviation to appear on documents used during the election, such as ballots. It is not necessary to have an abbreviation. Remember that the word “independent” or its abbreviation cannot appear.
3. **The Party Logo, if any.** It is not necessary for a party to have a logo. A logo is often used during an election to identify various election materials used by the party and by the candidates sponsored by the party. It is not uncommon for a party to change its logo from election to election.
4. **The name and address of the Party Leader.** This address should be both the home and business address of the leader, and include a telephone number.
5. **The address to which communications intended for the Party may be addressed and where its books, records and accounts, including those pertaining to contributions and expenditures by the Party, are maintained.** It is important for the party to designate a place which might be called its permanent place of business. This does not need to be separate from the residence or business of the person who is accepting the responsibility to maintain these records.
6. **The names and addresses of the officers of the Party.** There is no requirement for a party to have Officers. The following names should be included, where they exist: the President, Vice-President, Secretary and Treasurer, along with their addresses. Table Officers or electoral district association presidents need not be included.
7. **The name, address and telephone number of the Party’s Official Agent or Agents.** All parties are required to have an official agent. It is the role of the official agent to receive all donations to the party, as well as to control the expenses of the party during an election. The official agent is responsible for issuing tax receipts for donations, and for filing with the Chief Electoral Officer the Annual Statement of Political Contributions and the Annual Statement of Contributions for Which Official Receipts are Issued.

A party can have up to three official agents. The *Elections Act* requires that an official agent be:

- (a) of the age of majority
- (b) entitled to be registered as an elector at a general election, and
- (c) not be a member of the House of Assembly, a candidate or an auditor acting for a recognized party, electoral district association or candidate

8. **The name, address and telephone number of the Party's Auditor.** All parties are required to have an auditor. The auditor must be a person licensed under the *Public Accountants Act* of Nova Scotia, and cannot be a returning officer, deputy returning officer, election clerk, candidate or an official agent of a candidate or of a recognized party. The auditor must submit audit reports on the party's Annual Statement of Political Contributions, and on the Annual Statement of Contributions for Which Tax Receipts are Issued. During an election, there must also be an audit of the party's election expenses.
9. **The financial institution in which all contributions to the Party are to be deposited, and the account number.** This information should include the identification of the branch, and the number of the account.
10. **A written statement that its primary purpose is to field candidates for election as members.** A suggested form of this statement is part of this Handbook, but party leaders may wish to submit their own version. The intent of this statement is to ensure that the new party's goal is to sponsor candidates to run for election to the House of Assembly.

## **PART TWO: EVIDENCE OF A PARTY'S ELECTORAL SUPPORT**

The application for registration must be accompanied by a petition which is signed by at least 25 electors in each of 10 electoral districts, requesting the recognition of the party. This is because a party must field ten candidates in a General Election to maintain its status as a recognized party. You are encouraged to have more signatures than the minimum required to ensure that a sufficient number of qualified electors have signed the petition.

The form of the petition is enclosed with this booklet. The names and addresses of the signatories to the petition should be printed, and the signatures placed alongside the names.

For your information in getting names on the petition, a “qualified elector” in Nova Scotia is someone who is at least 18 years of age, ordinarily resident in Nova Scotia for 6 months

at the time of petition was signed, and a Canadian citizen or “other British subject”. In this context, a “British subject” is a citizen of a commonwealth country. Please note that “British subjects” will no longer be allowed to vote after the next provincial general election. Provincial returning officers and prisoners serving a term of two years or more are not qualified electors.

## **REVIEW BY THE CHIEF ELECTORAL OFFICER**

Once a completed application has been submitted to the Chief Electoral Officer, the application will be reviewed for compliance with the requirements of the *Elections Act*. If it meets the requirements, the party leader will be notified that the party has been recognized. If not, the Chief Electoral Officer will inform the leader that there are deficiencies.

The Chief Electoral Officer can refuse to register a party if, in the Chief Electoral Officer’s opinion, the name, abbreviation or logo applied for so closely resembles those of another recognized party that there will likely be confusion.

Following recognition of the party, election-related information will be provided to the leader, as well as tax receipts for the official agent to use. Information about annual reporting requirements for recognized parties will be given, as well as the possibility of a party being de-registered for failure to comply with these annual reporting requirements.

## **ELECTORAL DISTRICT ASSOCIATIONS**

A recognized party is not required to establish electoral district associations. However, if these associations are established, then they are also required to be registered with the Chief Electoral Officer. A form is included with this booklet for registration of an electoral district association.

An electoral district association must have an official agent, and an account in a financial institution which serves as a depository for contributions. An electoral district association is not required to have an auditor unless it receives contributions in excess of \$5000 in a calendar year.

Electoral district associations are required to file an Annual Statement of Political Contributions, as well as an Annual Updating of their Registration Information. They are subject to being de-registered by the Chief Electoral Officer for failure to comply with the annual reporting requirements.

## ASSISTANCE

For further information you can contact the Office of the Chief Electoral Officer, which is located at 3667 Strawberry Hill, Halifax, NS

Telephone: (902) 424-8584 (Halifax Metro), 1-800-565-1504 (toll-free in Nova Scotia),

Mail: P.O. Box 2246, Halifax NS B3J 3C8

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