

1996

## CHAPTER E-6.01

### An Act respecting Elections

(Assented to June 25, 1996)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

#### PART I

##### Short Title and Interpretation

##### Short title

1 This Act may be cited as *The Election Act, 1996*.

##### Interpretation

2(1) In this Act:

- (a) **“advance poll”** means a poll taken in advance of polling day;
- (b) **“ballot”** means the portion of a ballot paper that is to be marked by a voter, detached from the counterfoil and deposited in the ballot box;
- (c) **“beverage alcohol”** means beverage alcohol as defined in *The Alcohol and Gaming Regulation Act*;
- (d) **“broadcaster”** means a person licensed by the Canadian Radio-Television Commission as a broadcasting undertaking and includes a cablecaster as defined in *The Community Cablecasters Act* or any other prescribed communications carrier;
- (e) **“broadcasting undertaking”** means a broadcasting undertaking as defined in section 2 of the *Broadcasting Act (Canada)*;
- (f) **“business manager”** means a business manager that a candidate or potential candidate is required by this Act to appoint;
- (g) **“by-election”** means an election held in a constituency on a date on which there is no general election;
- (h) **“candidate”** means any individual who is nominated in accordance with section 44 as a candidate at an election;
- (i) **“candidate's representative”** means an individual who is appointed by a candidate pursuant to section 54 or 144 to be a candidate's representative;
- (j) **“Chief Electoral Officer”** means the Chief Electoral Officer appointed pursuant to section 4;
- (k) **“constituency”** means a constituency established pursuant to *The Representation Act, 1994*;
- (l) **“corrupt practice”** means any act or omission that is declared by this Act or any other Act to be a corrupt practice and includes any act or omission that is recognized by parliamentary law or custom to be a corrupt practice;

- (m) **"court"** means the Court of Queen's Bench;
- (n) **"declined ballot"** means a ballot declined pursuant to section 80;
- (o) **"during an election"** means the period commencing the day a writ is issued for an election and ending on polling day for the election;
- (p) **"election"** means an election of a member;
- (q) **"election officer"** includes a returning officer, supervisory deputy returning officer, deputy returning officer, enumerator, election clerk or poll clerk appointed for an election;
- (r) **"election proclamation"** means a proclamation issued by a returning officer pursuant to section 34 or, in the case of a northern constituency, section 138;
- (s) **"final count"** means a final count made by a returning officer pursuant to section 145;
- (t) **"general election"** means an election that is held with respect to each constituency on the same day;
- (u) **"holiday"** does not include a Sunday;
- (v) **"hospital"** means a hospital that has not less than five patient or resident beds and that is approved pursuant to subsection 3(1) of *The Hospital Standards Act* or pursuant to any former *Hospital Standards Act* and includes any free-standing facility that is designated pursuant to subsection 4(1) of *The Mental Health Services Act* and that:
- (i) serves acute-care mental patients; and
  - (ii) has five or more patient beds;
- (w) **"member"** means a member of the Legislative Assembly;
- (x) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (y) **"nomination day"** means the day fixed pursuant to clause 31(3)(b) for the nomination of candidates;
- (z) **"person"** includes a society, trade union, unincorporated organization or association, syndicate, trust, firm, partnership, political party, registered political party and a political party that is registered pursuant to the *Canada Elections Act*;

- (aa) **“personal care facility”** means a personal care home licensed pursuant to *The Personal Care Homes Act*, a special-care home licensed pursuant to *The Housing and Special-care Homes Act*, a residential-service facility licensed pursuant to *The Residential Services Act* or an approved home as defined in *The Mental Health Services Act*, but only if the home or facility accommodates or cares for at least five individuals;
- (bb) **“political affiliation”**, with respect to a candidate, means affiliation with a political party;
- (cc) **“political party”** means a group of individuals comprising a political organization whose primary purpose is to field candidates for election as members;
- (dd) **“poll book”** means a record containing the names of persons who have received ballot papers or who have applied for ballot papers at an election;
- (ee) **“polling day”** means the day fixed pursuant to clause 31(3)(c) for taking the votes of voters;
- (ff) **“polling division”** means a portion of a constituency in which the votes of voters are taken;
- (gg) **“polling place”** means a place where voters vote at an election;
- (hh) **“potential candidate”** means an individual who, before he or she is nominated in accordance with section 44, is declared by the individual or others to be a person who intends to become a candidate;
- (ii) **“prescribed”** means prescribed in the regulations;
- (jj) **“registered political party”** means a political party that is registered pursuant to Part VII;
- (kk) **“rejected ballot”** means a ballot rejected pursuant to section 142;
- (ll) **“returning officer”** means a returning officer for a constituency appointed pursuant to section 9;
- (mm) **“spoiled ballot”** means a ballot that on polling day or any other voting day has not been deposited in the ballot box but has been:
- (i) found by the deputy returning officer to be soiled or improperly printed; or
  - (ii) handed by the deputy returning officer to a voter to cast his or her vote, spoiled in marking by the voter and handed back to the deputy returning officer and exchanged for another ballot paper;
- (nn) **“supervisory deputy returning officer”** means a supervisory deputy returning officer appointed pursuant to section 37;
- (oo) **“voter”** means an individual who is entitled to vote during an election;

(pp) **"voter data"** means any information respecting a voter that is reasonably required for the purposes of preparing a voters' list, including the following information respecting each voter:

- (i) name;
- (ii) birthdate;
- (iii) mailing address and residential location;
- (iv) sex;
- (v) occupation;
- (vi) citizenship;
- (vii) date of commencement of ordinary residence;
- (viii) date of termination of ordinary residence;

(qq) **"voter's declaration"** means a voter's declaration made or required to be made pursuant to this Act;

(rr) **"voters' list"** means a secondary voters' list prepared pursuant to section 24 and revised pursuant to this Act;

(ss) **"voting station"** means a compartment, room, screen or other place or means supplied or used to facilitate the secrecy of voting at a polling place;

(tt) **"writ"** means a writ issued pursuant to section 32.

(2) If an election officer is required by this Act to state an occupation on a voters' list, the election officer shall use the commonly employed description of that occupation.

(3) In this Act, unless the reference is to a number of clear days or to "at least" or "not less than" a certain number of days:

- (a) the first day is to be excluded; and
- (b) the last day is to be included.

(4) Notwithstanding *The Interpretation Act, 1995* and *The Time Act*, where there is a reference in this Act to a particular time of the day, the reference is deemed to be a reference to central standard time.

PART II  
**Election Officers**

**Persons not eligible to be appointed election officers**

3(1) None of the following persons are eligible to be appointed as an election officer:

- (a) a member of the Executive Council;
  - (b) a member of the Senate, the House of Commons of Canada or the Legislative Assembly;
  - (c) a judge of the federal or provincial courts;
  - (d) the Chief Electoral Officer or the Assistant Chief Electoral Officer;
  - (e) a candidate at the election, a business manager of a candidate or a candidate's representative;
  - (f) a person who has been found guilty by a competent tribunal of a corrupt practice or who has been convicted by a competent tribunal of any offence against this Act or any previous *Election Act*;
  - (g) a person convicted of an indictable offence within the five years preceding the date of the issue of the writ;
  - (h) a person who is not eligible to vote pursuant to this Act.
- (2) No person mentioned in subsection (1) shall act as an election officer.
- (3) A contravention of this section does not affect the validity of the election.

**Chief Electoral Officer - appointment**

4(1) The Lieutenant Governor in Council shall appoint a voter residing in Saskatchewan as the Chief Electoral Officer.

(2) The Chief Electoral Officer holds office at the pleasure of Lieutenant Governor in Council.

**Chief Electoral Officer - powers and responsibilities**

5(1) The Chief Electoral Officer is responsible for administering this Act, including:

- (a) guiding and supervising election officers with respect to the conduct of all elections;
- (b) ensuring that election officers act fairly and impartially in the conduct of their duties and that they comply with this Act;
- (c) issuing to election officers any information and guidance the Chief Electoral Officer considers necessary to ensure the effective carrying out of the provisions of this Act;
- (d) preparing, printing and distributing forms for use pursuant to this Act;
- (e) issuing and distributing financial and administrative guidelines to candidates and registered political parties and their business managers, chief official agents and auditors; and
- (f) performing any other duties assigned by this or any other Act.

(2) If, in the opinion of the Chief Electoral Officer, there is no adequate provision made by this Act to resolve the situation, the Chief Electoral Officer may:

(a) suspend or remove from office any election officer for disability, misconduct, or neglect of duty; and

(b) if the Chief Electoral Officer suspends or removes an election officer pursuant to clause (a):

(i) demand that the election officer deliver all election materials in the election officer's possession to the Chief Electoral Officer or to any other person designated by the Chief Electoral Officer; and

(ii) notwithstanding any other provision of this Act, appoint on a temporary basis an individual to hold the office of the suspended or removed election officer until a permanent appointment can be made in accordance with this Act.

(3) The Chief Electoral Officer may attend at any polling place and consult with any deputy returning officer and any poll clerk.

(4) The Chief Electoral Officer shall send to each returning officer a sufficient number of copies of this Act, election forms, enumeration booklets, materials and supplies to enable the returning officer to carry out his or her duties.

(5) The Chief Electoral Officer shall send the things mentioned in subsection (4) immediately after the writ is issued, but may send them earlier if the Chief Electoral Officer considers it to be appropriate.

(6) The Chief Electoral Officer shall send to each returning officer a sufficient number of stereotypes or printer's blocks or other printing aids that are:

(a) specially made for the purpose of the election; and

(b) designed so that an impression made using the printing aids will be readily recognizable on the back of the ballot paper and will show the name of the constituency and the date of the election.

**Chief Electoral Officer - prescribing seal**

6 The Chief Electoral Officer shall prescribe a seal to be used for locking the ballot boxes.

**Chief Electoral Officer - emergency powers**

7(1) If, in the opinion of the Chief Electoral Officer, an emergency exists and there is a circumstance for which no adequate provision is made by this Act, the Chief Electoral Officer may do all or any of the following:

- (a) extend the time specified in this Act for the doing of any thing, except:
  - (i) the time by which nomination papers may be filed;
  - (ii) the hours during which a polling place is to be kept open; or
  - (iii) the holding of an election;
- (b) increase the number of election officers or polling places;
- (c) adapt any other provision of this Act in a manner that will, in the opinion of the Chief Electoral Officer, achieve the purposes of the provision and this Act.

(2) Notwithstanding subclause (1)(a)(ii) but subject to subsection (5), the Chief Electoral Officer may extend the hours during which a polling place is to be kept open if:

- (a) a returning officer informs the Chief Electoral Officer that it has been necessary to suspend voting at the polling place during any part of the polling day because of an accident, riot or other emergency; and
- (b) the Chief Electoral Officer is of the opinion that, if the hours are not extended, a substantial number of voters who are entitled to vote at the polling place will be unable to vote.

(3) Immediately after taking any action pursuant to this section, the Chief Electoral Officer shall give notice of the action and the reasons for taking the action to:

- (a) every registered political party; and
- (b) every candidate in a constituency that will be affected by the action.

(4) The Chief Electoral Officer shall give the notice mentioned in subsection (3) in the manner that the Chief Electoral Officer considers most appropriate.

(5) When extending the number of hours during which a polling place may be kept open, the Chief Electoral Officer shall not permit votes to be cast at the polling place during an aggregate period of more than 11 hours.

(6) If the Chief Electoral Officer takes any action pursuant to this section during an election, the Chief Electoral Officer shall prepare and submit to the minister, within 60 days of polling day, a written report respecting actions taken pursuant to this section.

(7) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report received by the minister pursuant to subsection (6).

**Assistant Chief Electoral Officer**

- 8(1) The Lieutenant Governor in Council shall appoint a voter residing in Saskatchewan as the Assistant Chief Electoral Officer.
- (2) The Assistant Chief Electoral Officer holds office at the pleasure of the Lieutenant Governor in Council.
- (3) The Chief Electoral Officer may delegate any of the Chief Electoral Officer's responsibilities and powers, other than the responsibilities and powers mentioned in section 7, to the Assistant Chief Electoral Officer.
- (4) When delegating responsibilities or powers to the Assistant Chief Electoral Officer, the Chief Electoral Officer may impose any limitations or conditions on the performance of responsibilities or the exercise of powers that the Chief Electoral Officer considers appropriate.
- (5) The Assistant Chief Electoral Officer shall perform his or her responsibilities and exercise his or her powers subject to the direction of the Chief Electoral Officer.
- (6) If the Chief Electoral Officer is absent or unable to perform his or her responsibilities for any reason or if the office of the Chief Electoral Officer is vacant, the Assistant Chief Electoral Officer shall perform the responsibilities and may exercise the powers of the Chief Electoral Officer pursuant to this Act.
- (7) If the Assistant Chief Electoral Officer performs the responsibilities or exercises the powers of the Chief Electoral Officer pursuant to this Act, the performance or the exercise is deemed to be a performance or exercise by the Chief Electoral Officer.

**Returning officers**

- 9(1) The Lieutenant Governor in Council may appoint a voter residing in Saskatchewan as the returning officer for the constituency in which the voter resides.
- (2) If an Act is passed as contemplated by section 23 of *The Constituency Boundaries Act, 1993* establishing one or more new constituencies, the Lieutenant Governor in Council may, whether or not the Act is in force, appoint a voter residing in each new constituency as the returning officer for the new constituency.
- (3) As soon as possible after each appointment, the Chief Electoral Officer shall publish in the Gazette the name of each new returning officer being appointed.
- (4) The Chief Electoral Officer shall immediately notify in writing an individual who has been appointed a returning officer of his or her appointment.
- (5) As soon as possible after being notified of his or her appointment, a returning officer shall take an oath or make a declaration in the prescribed form and forward the oath or declaration to the Chief Electoral Officer.
- (6) If a returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities, the Lieutenant Governor in Council may cancel that returning officer's appointment and appoint another voter residing in the constituency as the returning officer.
- (7) A returning officer may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election.
- (8) If a returning officer wishes to resign or is unable to perform his or her responsibilities, the returning officer shall forward a written notice to the Chief Electoral Officer.

**Deputy returning officer**

**10(1)** A returning officer shall appoint a deputy returning officer for each polling place in the constituency.

(2) A returning officer shall only appoint as a deputy returning officer a voter who is:

- (a) in the opinion of the returning officer, competent and reliable;
- (b) resident in the constituency;
- (c) willing to act as a deputy returning officer; and
- (d) not ineligible pursuant to section 3.

(3) A returning officer shall appoint deputy returning officers before polling day and, unless the appointment is made before a writ is issued, as soon as possible after the writ is issued.

(4) An appointment as a deputy returning officer is to be made in the prescribed form.

(5) An appointment as a deputy returning officer terminates on the completion of the deputy returning officer's responsibilities for the election for which the deputy returning officer is appointed.

(6) On his or her appointment, every deputy returning officer shall take an oath or make a declaration in the prescribed form.

(7) If a deputy returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer shall appoint another voter as a deputy returning officer.

(8) A deputy returning officer may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election, other than oaths or declarations that a returning officer is required to administer.

#### **Returning officer to maintain peace**

**11(1)** Every returning officer and deputy returning officer may do anything that he or she considers necessary to preserve the peace and maintain order at a polling place during an election.

(2) For the purpose of preserving peace and maintaining order during an election, a returning officer and deputy returning officer may request the assistance of any police officer.

#### **Election clerks**

**12(1)** A returning officer shall appoint an election clerk for the constituency.

(2) A returning officer shall only appoint as an election clerk a voter who is:

- (a) in the opinion of the returning officer, competent and reliable;
- (b) resident in the constituency;
- (c) willing to act as an election clerk; and
- (d) not ineligible pursuant to section 3.

(3) A returning officer shall appoint an election clerk before polling day and, unless the appointment is made before a writ is issued, as soon as possible after the writ is issued.

- (4) An appointment as an election clerk is to be made in the prescribed form.
- (5) An appointment as an election clerk terminates on the completion of the election clerk's responsibilities for the election for which the election clerk is appointed.
- (6) On his or her appointment, every election clerk shall take an oath or make a declaration in the prescribed form.
- (7) If an election clerk dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer shall appoint another voter as an election clerk.
- (8) An election clerk shall assist the returning officer in performing the returning officer's responsibilities.
- (9) If the returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities or if the office of returning officer is vacant and the Lieutenant Governor in Council has not appointed another returning officer, the election clerk shall perform the responsibilities and may exercise the powers of the returning officer.
- (10) If the election clerk performs the responsibilities and exercises the powers of the returning officer pursuant to subsection (9), the performance or exercise is deemed to be the performance or exercise by the returning officer.
- (11) In the circumstances mentioned in subsection (9), the election clerk is not required to take the required oath or make the required declaration as a returning officer before performing the responsibilities or exercising the powers of the returning officer.
- (12) An election clerk may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election.

**Poll clerk**

- 13(1)** A deputy returning officer shall appoint a poll clerk for the polling place for which the deputy returning officer was appointed.

- (2) Subject to the prior written approval of the Chief Electoral Officer, a deputy returning officer may appoint an additional poll clerk for the polling place.
- (3) A deputy returning officer shall only appoint as a poll clerk a voter who is:
  - (a) in the opinion of the deputy returning officer, competent and reliable;
  - (b) resident in the constituency;
  - (c) willing to act as a poll clerk; and
  - (d) not ineligible pursuant to section 3.
- (4) A deputy returning officer shall appoint a poll clerk before polling day and, unless the appointment is made before a writ is issued, as soon as possible after the writ is issued.
- (5) An appointment as a poll clerk is to be made in the prescribed form.
- (6) An appointment as a poll clerk terminates on the completion of the poll clerk's responsibilities for the election for which the poll clerk is appointed.
- (7) On his or her appointment, every poll clerk shall take an oath or make a declaration in the prescribed form.
- (8) If a poll clerk dies, is absent or is unable or unwilling to perform his or her responsibilities, the deputy returning officer shall appoint another voter as a poll clerk.
- (9) A poll clerk shall assist the deputy returning officer in performing the deputy returning officer's responsibilities.
- (10) If the deputy returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities or if the office of deputy returning officer is vacant and the returning officer has not appointed another deputy returning officer, the poll clerk shall perform the responsibilities and may exercise the powers of the deputy returning officer, including the power to appoint a poll clerk.
- (11) If the poll clerk performs the responsibilities and exercises the powers of the deputy returning officer pursuant to subsection (10), the performance or exercise is deemed to be the performance or exercise by the deputy returning officer.
- (12) In the circumstances mentioned in subsection (10), the poll clerk is not required to take the required oath or make the required declaration as deputy returning officer before performing the responsibilities or exercising the powers of the deputy returning officer.
- (13) A poll clerk may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election, other than oaths or declarations that a returning officer is required to administer.

**Oath or declaration of secrecy**

**14** The following individuals shall take the oath of secrecy in the prescribed form or make the declaration of secrecy in the prescribed form before performing their responsibilities or entering any polling place:

- (a) every supervisory deputy returning officer;
- (b) every deputy returning officer;
- (c) every poll clerk;
- (d) every candidate's representative;
- (e) every individual, other than one described in clauses (a) to (d), who is authorized to be at a polling place or at the counting of the votes.

**Compensation of election officers**

**15(1)** Every election officer is entitled to remuneration for his or her services and reimbursement for his or her expenses at the prescribed rates.

(2) All payments pursuant to this section are a charge on and payable out of the general revenue fund.

(3) The Chief Electoral Officer may establish rules with respect to how accounts for payments pursuant to this section are to be submitted, verified and processed.

PART III  
**Voters and Enumeration**

ENTITLEMENT TO VOTE

**Who is entitled**

**16(1)** An individual is entitled to vote during an election if he or she:

- (a) on polling day is a Canadian citizen;
- (b) on polling day is at least 18 years old; and
- (c) on the day on which the writ for that election was issued:
  - (i) has ordinarily resided in Saskatchewan for at least six months immediately preceding that day; and
  - (ii) is ordinarily resident in the constituency in which he or she seeks to vote.

(2) An individual who is a British subject is entitled to vote during an election if he or she:

- (a) was qualified as a voter on June 23, 1971; and

- (b) on the day on which the writ for that election was issued:
- (i) has ordinarily resided in Saskatchewan for at least six months immediately preceding that day; and
  - (ii) is ordinarily resident in the constituency in which he or she seeks to vote.
- (3) An individual who is entitled to vote in an election is also entitled to be registered on a voters' list as a voter.
- (4) An individual is entitled to be registered only on the voters' list for the polling division in which he or she ordinarily resided on the day on which the writ for that election was issued.
- (5) Notwithstanding subsections (3) and (4) and subject to Division E [Special Voting Procedures], a candidate, and any spouse or dependant of that candidate who lives with the candidate and who is entitled to vote, are entitled:
- (a) to choose to have their names registered on the voters' list for any one of the following polling divisions:
    - (i) the polling division in which the candidate ordinarily resides;
    - (ii) any polling division in the constituency in which the candidate is a candidate; and
  - (b) to vote only in the polling division that they choose pursuant to clause (a) or at an advance poll in that constituency.

**Who is not entitled**

17 Notwithstanding section 16, the following individuals are not entitled to vote during an election:

- (a) a person who is ineligible to vote pursuant to this Act or any previous *Election Act* because of a conviction within the previous five years for engaging in corrupt practices;
- (b) a person who, on polling day, is in a correctional facility, jail or prison because of being convicted of an offence against an Act or an Act of the Parliament of Canada;
- (c) a person who, on polling day, is subject to a disposition of a review board established pursuant to section 672.38 of the *Criminal Code*;
- (d) the Chief Electoral Officer, the Assistant Chief Electoral Officer and, subject to section 148 and to subsection 164(4), every returning officer.

**Rules respecting ordinary residence**

18(1) The following rules are to be used to determine ordinary residence for the purposes of this Act.

- (2) The place where an individual is or was ordinarily resident at any material time is to be determined by reference to all the facts of the case.
- (3) An individual's ordinary residence is the place in which the individual has his or her established habitation and to which he or she intends to return.
- (4) An individual does not lose his or her ordinary residence by reason of temporary absence from his or her established habitation.
- (5) No individual, while he or she remains in Saskatchewan, is deemed to have lost his or her ordinary residence until he or she acquires another.
- (6) If an individual moves to a place outside Saskatchewan with the intention of remaining outside Saskatchewan for at least five years, the individual loses his or her ordinary residence in Saskatchewan, notwithstanding that he or she entertains the intention of returning at some future time.
- (7) Subject to subsections (11) and (12), an individual is not deemed to have acquired an ordinary residence in Saskatchewan or in a constituency if the individual comes to Saskatchewan or the constituency for temporary purposes only, without intending to make Saskatchewan or some place in the constituency his or her established habitation.
- (8) Subject to subsections (10) to (12), the ordinary residence of a single individual who is not dependent on both or either of his or her parents and who has not established his or her own established habitation is either:
- (a) the place where he or she occupies a room as a regular lodger and is not his or her parents' home, notwithstanding that he or she frequently visits his or her parents' home; or
  - (b) his or her parents' home if he or she does not have any other regular lodging place and his or her parents' home is the place where he or she occupies a room as a regular lodger.
- (9) Subject to subsections (10) to (12), the ordinary residence of a single individual who is partly or wholly dependent on either or both of his or her parents and who has not established his or her own established habitation is his or her parents' home or the home of the parent on whom he or she is dependent.
- (10) If an individual has left his or her place of residence in Saskatchewan to study at an educational institution outside Saskatchewan, the individual is deemed to be ordinarily resident in the polling division in which he or she was resident immediately before leaving Saskatchewan and is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies.
- (11) If an individual has left his or her place of residence in Saskatchewan to study at an educational institution in Saskatchewan, the individual is deemed to be ordinarily resident in the two following places:
- (a) in the polling division in which he or she was residing immediately before leaving to pursue his or her studies, and the individual is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies;
  - (b) in the polling division to which he or she has moved for the purpose of pursuing his or her studies and in which he or she was residing on the day on which the writ was issued.
- (12) If an individual has left his or her residence in another province to study at an educational institution in Saskatchewan, the individual is deemed to have acquired an ordinary residence in Saskatchewan for the duration of his or her studies.
- (13) A member of the Senate or the House of Commons of Canada who at the time of becoming a member was

ordinarily resident in Saskatchewan, the member's spouse if living with the member and the member's unmarried dependent children are deemed to be ordinarily resident in the polling division in which the member resided at the time of becoming a member, notwithstanding that the member may have established a residence outside Saskatchewan.

## ENUMERATION

### **Polling divisions to be established**

**19(1)** When directed to do so by the Chief Electoral Officer, a returning officer shall subdivide the constituency for which he or she was appointed into as many polling divisions as he or she considers necessary for the convenience of the voters.

(2) The returning officer shall include every part of the constituency within the boundaries of one or other of the polling divisions.

(3) If a returning officer considers it necessary because of local conditions, the returning officer may establish a separate polling division in each personal care facility within the constituency.

(4) Prior to the issue of the writ, a returning officer shall review the polling divisions from time to time and, if the returning officer considers it necessary for the greater convenience of the voters in the constituency, may alter the polling divisions.

(5) Unless it is not feasible or consistent with the convenience of voters, a returning officer shall try to have an equal number of voters in each polling division and to limit the number of voters in each polling division to 300.

(6) For the purposes of this section, a returning officer shall:

(a) consider the most recently revised list of voters for the constituency and any other relevant information with respect to population distribution; and

(b) be guided by any directions from the Chief Electoral Officer.

### **Enumerators appointed**

**20(1)** A returning officer shall appoint an enumerator for each polling division in the constituency.

- (2) A returning officer shall only appoint as an enumerator a voter who is:
  - (a) in the opinion of the returning officer, competent and reliable;
  - (b) resident in the constituency;
  - (c) willing to act as an enumerator; and
  - (d) not disqualified pursuant to section 3.
- (3) A returning officer shall appoint enumerators before polling day and, unless the appointment is made before a writ is issued, as soon as possible after the writ is issued.
- (4) An appointment as an enumerator is to be made in the prescribed form.
- (5) An appointment as an enumerator terminates on the completion of the enumerator's responsibilities for the election for which the enumerator is appointed.
- (6) On his or her appointment, every enumerator shall take an oath or make a declaration in the prescribed form.
- (7) If an enumerator dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer shall appoint another voter as an enumerator.
- (8) An enumerator may administer any oaths that are required by this Act or the regulations to be administered with respect to the making and revising of preliminary and secondary voters' lists.
- (9) The returning officer shall give to each enumerator a complete description of the boundaries of the polling division or divisions for which the enumerator is appointed and any amendments to the description that may be made from time to time.
- (10) The returning officer shall notify each enumerator of the date of the issue of the writ and of the polling day:
  - (a) immediately on receipt of the writ or on notice of the issue of the writ; or
  - (b) where an enumerator is not appointed until after the issue of the writ, immediately on making the appointment.

**Supplies for enumerators**

**21** The returning officer shall give to each enumerator sufficient materials and supplies furnished by the Chief Electoral Officer to enable the enumerator to perform his or her responsibilities.

**Enumeration**

**22(1)** Immediately after being notified of the date of the issue of the writ, the returning officer shall instruct the enumerators for each polling division to conduct an enumeration.

- (2) In conducting an enumeration, the enumerators shall:
  - (a) collect voter data for each voter; and
  - (b) record that voter data on the prescribed enumeration forms.
- (3) The Chief Electoral Officer may set guidelines for an enumeration and may set different guidelines for different constituencies.
- (4) If the Chief Electoral Officer has set guidelines for an enumeration, no enumerator shall fail to comply with those guidelines.
- (5) Subject to the guidelines set by the Chief Electoral Officer, in conducting an enumeration an enumerator shall:
  - (a) in a city, town or village, go to each residential premise, make the appropriate inquiries of the residents at each residential premise, and record the collected voter data on the prescribed enumeration forms;
  - (b) in a location outside a city, town or village, collect voter data using either or both of the following methods:
    - (i) making the appropriate inquiries by means of any combination of telephone inquiry and examination of municipal records;
    - (ii) going in person to residential premises and making the appropriate inquiries of the residents at the residential premises.

**Enumerators' right of access to residential premises**

- 23**(1) In carrying out an enumeration, an enumerator is entitled to access between 8:00 a.m. and 10:00 p.m. at any residential premise.
- (2) No person shall deny or prohibit or interfere in any way with the enumerator's rights pursuant to this section.
  - (3) Notwithstanding subsections (1) and (2), any person for whom a particular residential premise is a private dwelling may deny an enumerator access to that residential premise.

**Preliminary and secondary voters' lists**

- 24**(1) Within 10 days of the date of the issue of the writ, an enumerator shall:
- (a) prepare a preliminary voters' list by recording voter data for each voter on the prescribed enumeration forms;
  - (b) complete the statements and endorse any certificates that are on the prescribed form; and
  - (c) deliver the preliminary voters' list to the returning officer.

- (2) Subject to subsection (3), an enumerator shall arrange the names on each preliminary voters' list alphabetically according to surnames and shall set out on the voters' list the surname, first name, initial, if any, occupation, mailing address and residential premise of each voter.
- (3) In the case of a polling division in a city, town or village that requires the use and display of street address numbers, the enumerator shall arrange the names on each preliminary voters' list in geographical order by reference to streets and address numbers, sorted firstly by streets and secondly by address numbers.
- (4) Each name on each preliminary voters' list is to be numbered consecutively, commencing with the number one.
- (5) All voters' names on a preliminary voters' list are to be typewritten, printed or hand-printed in block letters.
- (6) The returning officer shall immediately review all preliminary voters' lists delivered to the returning officer pursuant to this section and correct any errors or omissions that the returning officer is aware of or that are brought to the returning officer's attention.
- (7) If the Chief Electoral Officer decides that a secondary voters' list is to be prepared by:
- (a) the returning officer, the returning officer shall promptly prepare the secondary voters' list from the preliminary voters' list prepared by the enumerators and reproduce his or her secondary voters' list in quantities required for use by this Act and for revision; or
  - (b) the Chief Electoral Officer, the returning officer shall promptly forward the prescribed enumeration forms and preliminary voters' list to the Chief Electoral Officer.
- (8) If the Chief Electoral Officer decides that he or she is to prepare the secondary voters' list, the Chief Electoral Officer shall promptly:
- (a) reproduce the secondary voters' list in quantities required for use by this Act and for revision; and
  - (b) forward to each returning officer the number of copies of the secondary voters' list the returning officer requires, and the returning officer shall, in turn, provide sufficient copies to the enumerator for revision.
- (9) In reproducing a secondary voters' list for a polling division, the returning officer or Chief Electoral Officer, as the case may be, shall place on the secondary voters' list for the polling division:
- (a) beginning on the line immediately following the last name on the voters' list, the prescribed form of certificate;
  - (b) the date and, in the place provided for the signature of the enumerator, the name and phone number of the enumerator; and

(c) the date when and the place where the enumerator will sit for revision of the voters' list.

(10) All secondary voters' lists required by this section are to be reproduced and be available for distribution within 14 days of the date of the issue of the writ.

(11) A secondary voters' list prepared pursuant to this section is the voters' list to be used pursuant to this Act in an election.

**Distributing and posting of voters' lists**

25(1) A returning officer shall:

(a) immediately after receiving the reproduced copies of the voters' list, deliver:

(i) 10 copies of the voters' list to each candidate in the constituency;

(ii) four copies of the voters' list to the enumerator who compiled the voters' list; and

(iii) if the voters' list was prepared by the returning officer, five copies of the voters' list to the Chief Electoral Officer; and

(b) promptly post one copy of the voters' list for each polling division in his or her office and in the head office of each municipality in the constituency.

(2) The returning officer shall provide the following to each person who requests them:

(a) the name and phone number of the enumerator;

(b) the times during which and the place at which the enumerator will hear applications for revision of the voters' list.

(3) The Chief Electoral Officer or, on the direction of the Chief Electoral Officer, the returning officer shall place an advertisement in a local newspaper or, if there is no local newspaper in the constituency, in a newspaper having the widest circulation in the constituency that sets out:

(a) the right of voters to review the voters' list and to apply for revisions of the voters' list;

(b) the times during which and the place at which voters may review the voters' list; and

(c) the times during which and the place at which the enumerator will hear applications for revision of the voters' list.

**Revision day**

**26(1)** On revision day, the enumerator shall attend at the place indicated on the voters' list and in the advertisement placed pursuant to subsection 25(3) between the hours of 2:00 p.m. and 10:00 p.m. to hear applications for revision of the voters' list.

(2) The enumerator shall hear applications on the fourth day before polling day or, if that day is a Sunday or a holiday, on the first following day that is not a Sunday or a holiday.

(3) The enumerator may receive applications at any time after the posting of the voters' list pursuant to section 25 and before 10:00 p.m. on revision day.

**Revisions**

**27(1)** At any time before the hour of 10:00 p.m. on revision day, the enumerator shall do the following:

(a) if the enumerator is satisfied that the name of an individual who is entitled to vote has been omitted from the voters' list for the polling division in which that voter resides, the enumerator shall:

- (i) add the name to the copy of the voters' list in his or her possession; and
- (ii) initial the addition;

(b) if the enumerator is satisfied that the name of an individual who is not entitled to vote in the polling division is on the voters' list, the enumerator shall:

- (i) delete the name by drawing erasing lines through that name; and
- (ii) initial the deletion.

(2) An enumerator shall act only on the evidence of a credible person.

(3) If an enumerator finds the occupation, postal address or residence of a voter is inaccurately stated in the voters' list or where the enumerator finds a mistake in the spelling of a name, the enumerator shall make the necessary correction and initial the correction.

**Notice of revisions to voters' list - official voters' list**

**28(1)** After revising the voters' list pursuant to section 27, the enumerator shall make a certificate in the prescribed form at the foot of his or her copy of the voters' list and close to the last name on it.

(2) Immediately after certifying the voters' list pursuant to subsection (1), the enumerator shall deliver a copy of the certified revised voters' list to the returning officer.

(3) The enumerator shall deliver the certified revised voters' list to the deputy returning officer for the polling division to which it relates not later than the second day before polling day or, if that day is a Sunday or a holiday, on the first following day that is not a Sunday or a holiday.

(4) The certified revised voters' list delivered pursuant to subsection (3) is the official voters' list for that polling division.

(5) A candidate or candidate's representative is entitled, on request, to receive from the deputy returning officer a written copy of all corrections, additions and revisions made to the voters' list by the enumerator pursuant to section 27.

**Offence by enumerator**

**29** No enumerator shall:

- (a) omit from the voters' list the name of an individual that should be included; or
- (b) include in the voters' list the name of an individual that should not be included.

**ALTERNATIVES TO ENUMERATION DURING ELECTION****Lieutenant Governor in Council may establish alternatives**

**30(1)** Notwithstanding sections 22 to 29, after consultation with the leader of each registered political party, the Lieutenant Governor in Council may direct that an official voters' list be prepared by an enumeration conducted other than during an election.

(2) If the Lieutenant Governor in Council directs that an official voters' list be prepared in accordance with subsection (1), the Lieutenant Governor in Council shall make regulations, after consultation with the leader of each registered political party:

- (a) respecting the preparation and verification of a voters' list, including authorizing the Chief Electoral Officer to use the databases, lists and information prescribed in the regulations;
- (b) respecting the publication of the voters' lists and supplying copies of the voters' lists to candidates, registered political parties and election officers;
- (c) respecting updating, revising, verifying and publication of voters' lists prepared pursuant to this section.

(3) Notwithstanding any other provision of this Act, a voters' list prepared pursuant to this section is the voters' list to be used pursuant to this Act.

**PART IV****Voting****DIVISION A****Commencing an Election****Lieutenant Governor in Council to commence elections**

**31(1)** The Lieutenant Governor in Council may commence an election by passing an order that directs the Chief Electoral Officer to issue a writ of election in the prescribed form addressed to the returning officer for the constituency in which the election is to take place.

(2) In the order mentioned in subsection (1), the minimum period that may be fixed between the issue of the writ and polling day is 28 days, and, for the purpose of calculating that minimum period, the date fixed for issuing the writ is to be excluded and the date fixed for polling day is to be included.

(3) The order mentioned in subsection (1) must:

- (a) fix the day that the Chief Electoral Officer shall issue the writ, which may be the same day that the order is passed or a subsequent day;
- (b) fix the nomination day for candidates, which must be a maximum of 17 clear days and a minimum of 11 clear days after the date on which the writ is issued and must not be on a Sunday or a holiday;

- (c) fix polling day, which must be 16 days after nomination day or, if that day is a Saturday, Sunday or holiday, must be the first following day that is not a Saturday, Sunday or holiday;
  - (d) fix any five days before polling day on which the advance poll is to be held, and those days:
    - (i) must not include a holiday; and
    - (ii) must be neither more than seven clear days nor less than one clear day before polling day;
  - (e) fix the day on which the returning officer shall hold the final count, and that day must be:
    - (i) 12 days after polling day; or
    - (ii) if that day is a Sunday or holiday, the first following day that is not a Sunday or holiday;
  - (f) fix the day on which the returning officer shall make a return to the writ, and that day must be:
    - (i) 23 days after polling day; or
    - (ii) if that day is a Sunday or holiday, the first following day that is not a Sunday or holiday.
- (4) For the purposes of fixing the nomination day pursuant to clause (3)(b), the date fixed for issuing the writ and the date fixed for nomination day are to be excluded.
- (5) For the purposes of fixing polling day pursuant to clause (3)(c), the date fixed for nomination day is to be excluded and the day fixed for polling day is to be included.
- (6) In the case of a general election, the order mentioned in subsection (1) must:
- (a) direct that the writ issue for every constituency on the same day; and
  - (b) fix for every constituency:
    - (i) the same day for nominating candidates;
    - (ii) the same days for holding an advance poll;
    - (iii) the same polling day;
    - (iv) the same day for holding the final count; and
    - (v) the same day for making the return to the writ.

**Issuing writ**

**32(1)** On receiving the order mentioned in section 31, the Chief Electoral Officer shall issue a writ on the day fixed for issuing the writ.

(2) The writ must:

- (a) be in the prescribed form;
- (b) be dated the day fixed by the order for issuing the writ;

- (c) be addressed to the returning officer for the constituency in which the election is to be held;
  - (d) state the day fixed by the order as nomination day;
  - (e) state the days fixed by the order for the advance poll;
  - (f) state the polling day fixed by the order;
  - (g) state the day fixed by the order for holding the final count; and
  - (h) state the day fixed by the order for making the return to the writ.
- (3) The Chief Electoral Officer shall deliver the writ to the returning officer.
- (4) In the case of a general election:
- (a) the Chief Electoral Officer shall issue a writ to each constituency; and
  - (b) each writ must:
    - (i) have the same date of issue; and
    - (ii) state the same nomination day, the same days for the holding of an advance poll, the same polling day, the same day for holding the final count and the same day for making the return to the writ.

- (5) If a writ has been issued to a returning officer and, prior to the time the returning officer makes a return to that writ, another person is appointed to replace that returning officer, the new returning officer may act pursuant to the writ as if it had been addressed to the new returning officer.
- (6) The validity of any action or proceeding:
- (a) by the returning officer to whom the writ was addressed is not affected by the new appointment; or
  - (b) by any new returning officer acting pursuant to the authority of the writ is not affected by the fact that the writ is not addressed to him or her.
- (7) A new returning officer may appoint a new election clerk and new deputy returning officers if the new returning officer considers it appropriate to replace any persons appointed to those offices by the person previously appointed as returning officer.

**Endorsing writ**

- 33(1)** Immediately on receiving the writ, the returning officer shall endorse on the writ the date of its receipt.
- (2) The returning officer shall keep the writ in his or her possession until the day fixed for making the return to the writ.

**Election proclamation**

- 34(1)** On receiving the writ, the returning officer shall issue an election proclamation in the prescribed form.
- (2) An election proclamation must set out:
- (a) the day, time and place fixed for the nomination of candidates;
  - (b) the numbers, names and fully described boundaries of the polling divisions of the constituency and the polling places at which the voting will be held;
  - (c) where there is a hospital, personal care facility or remand centre in the constituency, the hours during which any polling place in the hospital, personal care facility or remand centre will be open;
  - (d) the place or places at which any advance poll will be held and the days and the hours when the advance poll at that place or those places will be open;
  - (e) the polling day; and
  - (f) the day and time when, and the place where, the returning officer will make a final count of votes cast for the candidates.
- (3) At least seven days before nomination day, the returning officer shall cause copies of the election proclamation to be posted:
- (a) in the returning officer's office; and
  - (b) with the approval of the Postmaster General of Canada or other proper officer, at every post office in the constituency.
- (4) As soon as the election proclamation is printed, the returning officer shall deliver:

- (a) 10 copies of the election proclamation to the official campaign headquarters, known to the returning officer, of each candidate or potential candidate;
  - (b) 10 copies of the election proclamation to the Chief Electoral Officer; and
  - (c) one copy of the election proclamation to the council of each city, town, village or rural municipality wholly or partly situated within the constituency, and the council shall post a copy of the election proclamation in a conspicuous place in the city, town, village or rural municipality.
- (5) Notwithstanding the issue and publication of an election proclamation, the returning officer, with the approval and in accordance with any directions of the Chief Electoral Officer, may vary the location of any polling place.
- (6) If the returning officer varies the location of any polling place, the returning officer shall make every reasonable effort to notify each candidate or potential candidate of the change.

**Ballot papers**

**35(1)** Every ballot paper, other than the ballot paper to be used for the purposes of Division E [Special Voting Procedures], shall:

- (a) be printed in the prescribed form;
  - (b) be printed on paper supplied by the Chief Electoral Officer;
  - (c) be of the same description, as nearly as possible, as other ballot papers intended for use in the same election;
  - (d) be numbered consecutively on the back of the stub and on the back of the counterfoil, with the same number being printed on the back of the stub as is printed on the back of the counterfoil;
  - (e) bear on the back of the ballot paper an impression of the printing aid furnished by the Chief Electoral Officer that is placed in such a way that when the ballot paper used by the voter is folded by the voter the impression can be seen without the ballot paper being opened;
  - (f) bear on the back of the ballot paper, in six-point type, the name and address of the printer who completed the printing of the ballot paper; and
  - (g) have the instructions to voters printed on the counterfoil.
- (2) The Chief Electoral Officer shall send to each returning officer a quantity of sheets sufficient to provide at least one ballot paper for each voter in the constituency.
- (3) Every returning officer shall cause a printer to print on each ballot paper:
- (a) the names and occupations of the candidates as set out in the nomination papers, arranged alphabetically according to the respective surnames and with the surname last;
  - (b) with respect to any candidate to whom subsection 45(3) applies, the political affiliation of the candidate in brackets beneath the candidate's name, as being that of the registered political party that endorses the candidate; and
  - (c) with respect to any candidate to whom subsection 45(6) applies, the word "Independent" in brackets beneath the candidate's name.

- (4) Every printer and every returning officer shall ensure that, of the ballot papers they are responsible for, none indicates that a candidate has at any time been a member.
- (5) Unless authorized by the Chief Electoral Officer to do otherwise, a returning officer shall direct a printer to print the ballot paper in accordance with the following requirements:
- (a) the ballot must be in the prescribed form;
  - (b) the face and counterfoil of the ballot paper must be printed in black ink;
  - (c) the names, political affiliations, occupations, instructions to vote and a small circular space to the right of the name of each candidate must appear in the natural colour of the paper.
- (6) The printer who prints the ballot papers on the instructions of the returning officer shall:
- (a) print on the back of each ballot paper:
    - (i) an impression of the printing aid given to the printer by the returning officer; and
    - (ii) the printer's name and address in six-point type; and
  - (b) deliver to the returning officer:
    - (i) an affidavit in the prescribed form;
    - (ii) the printed ballot papers;
    - (iii) the printing aids; and
    - (iv) any spoiled or unused sheets of paper provided by the returning officer.

**Polling places**

- 36(1)** Subject to subsections (2) to (9), on receiving the writ, a returning officer shall provide within each polling division a polling place for the polling division in the most central or most convenient place for the voters.
- (2) If a polling division is adjacent to a city, town or village and the returning officer considers that it would be more convenient to voters in the polling division, the returning officer, instead of providing a polling place in the polling division, may provide the polling place in the adjacent city, town or village.
- (3) If a returning officer considers it advisable, the returning officer may establish a central polling place where the polling places of all or any of the polling divisions of any constituency may be centralized.
- (4) Unless the Chief Electoral Officer approves otherwise, the maximum number of polling divisions that may be combined in a central polling place is six.
- (5) If, in the opinion of the returning officer, local conditions require a division of the territory included within an established polling division, the returning officer may divide the territory into two or more polling subdivisions.
- (6) If polling subdivisions are created pursuant to subsection (5), the returning officer shall:
- (a) divide the voters' list for the established polling division according to the new subdivisions;
  - (b) subject to section 38, certify the new voters' lists; and

- (c) at least 48 hours before polling day, give to each candidate notice of the new voters' lists.
- (7) The returning officer shall use the new voters' lists certified pursuant to subsection (6) at the election.
- (8) The returning officer may take and use as a polling place any school that is the property of a school division or a duly organized school district if the school is convenient for the purpose.
- (9) No returning officer shall establish a polling place in a building with respect to which a permit has been issued pursuant to *The Alcohol and Gaming Regulation Act*.

**Supervisory deputy returning officer**

37(1) If a returning officer establishes a central polling place in which five or six polling divisions are centralized, the returning officer may appoint a supervisory deputy returning officer.

- (2) Subject to the direction of the returning officer, the supervisory deputy returning officer shall supervise the central polling place on behalf of the returning officer and shall inform the returning officer with respect to all matters that take place at the central polling place.
- (3) For the purpose of performing his or her responsibilities, a supervisory deputy returning officer may do all those things he or she considers necessary to preserve peace and maintain order at the central polling place, including requesting the assistance of a police officer.
- (4) A returning officer shall only appoint as a supervisory deputy returning officer a voter who is:
- (a) in the opinion of the returning officer, competent and reliable;
  - (b) resident in the constituency;
  - (c) willing to act as a supervisory deputy returning officer; and
  - (d) not ineligible pursuant to section 3.
- (5) An appointment as a supervisory deputy returning officer is to be made in the prescribed form.
- (6) An appointment as a supervisory deputy returning officer terminates on the completion of the supervisory deputy returning officer's responsibilities for the election for which the supervisory deputy returning officer is appointed.
- (7) On his or her appointment, every supervisory deputy returning officer shall take an oath or make a declaration in the prescribed form.
- (8) If a supervisory deputy returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer shall appoint another voter as a supervisory deputy returning officer.
- (9) A supervisory deputy returning officer may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election, other than oaths or declarations that a returning officer is required to administer.

**Polling subdivisions**

38(1) If, in the opinion of the returning officer, the voters' list for a polling division contains a number of names that is substantially more than 350, the returning officer shall:

- (a) provide one or more additional polling places for the polling division in the same building, or in a separate

and adjacent building or buildings as near to one another as possible;

(b) divide the number of voters on each voters' list into polling subdivisions so that they are as nearly equal as possible; and

(c) provide for each polling subdivision a voters' list, so that the name of every voter on the voters' list for the polling division appears on only one of the polling subdivision voters' lists.

(2) Subject to subsection (4), when arranging the number of voters pursuant to clause (1)(b), the returning officer shall divide the voters' list by using the first letter of the voters' surnames.

(3) The polling subdivisions created in accordance with subsection (2) are to be identified using:

(a) the number of the polling division; and

(b) the first letter of the surnames of the voters who are to vote at the polling place.

(4) If a polling division is situated in a city or town and the names on the voters' list for that division are arranged in geographical order by reference to address and house or apartment numbers, the returning officer shall divide the voters' list by using the consecutive number given to each voter on the voters' list.

(5) The polling subdivisions created in accordance with subsection (4) are to be identified using:

(a) the number of the polling division; and

(b) a unique letter of the alphabet, with the first being lettered A, the second B and the next lettered accordingly.

(6) Every voter whose name appears on a polling subdivision voters' list pursuant to this section shall vote in the polling place provided for that polling subdivision.

(7) The returning officer shall deliver to each deputy returning officer a polling subdivision voters' list certified by the returning officer for each polling subdivision that the deputy returning officer is responsible for.

### **Free access and privacy**

**39**(1) Every voter is entitled to free access to the polling place where the voter is to vote.

(2) Every polling place must be furnished with voting stations in which the voters may mark their ballot papers screened from observation.

(3) The returning officer and the deputy returning officer shall ensure that a sufficient number of voting stations are provided for each polling place.

## **DIVISION B Candidates and Nominations**

### **Nomination day**

**40** The nomination of candidates is to be at the day, time and place fixed in accordance with clause 31(3)(b) by the returning officer in the election proclamation.

### **Delay in nomination**

**41(1)** With the approval of the Chief Electoral Officer, the returning officer may issue a proclamation fixing another nomination day if:

- (a) it is impossible to leave the required delay between posting the election proclamation and the nomination day; or
- (b) if the returning officer is unable to hold nominations on the nomination day.

(2) If the returning officer issues a proclamation pursuant to this section setting another nomination day, that nomination day must be the next Monday practicable after allowing the required delay between posting the election proclamation and the nomination day.

(3) A proclamation issued pursuant to this section must be in the same form and be posted in the same manner as the election proclamation.

(4) Notwithstanding any other provision of this Act, the polling day must be 16 days after the nomination day set pursuant to this section.

(5) The returning officer shall:

- (a) report, in writing, the cause of the postponement of the election to the Chief Electoral Officer; and
- (b) forward the written report along with the return to the writ.

#### **Qualifications of candidates**

**42(1)** An individual is qualified to be a candidate if that individual:

- (a) is at least 18 years old;
- (b) is a Canadian citizen;
- (c) has ordinarily resided in Saskatchewan for at least six months preceding the day the writ was issued; and
- (d) is not disqualified by *The Legislative Assembly and Executive Council Act* or by any other Act from being a candidate.

(2) Notwithstanding subsection (1), the following persons are not qualified to be candidates:

- (a) a federal or provincial court judge;
- (b) a person who is ineligible to vote pursuant to this Act or any previous *Election Act* because of a conviction for engaging in corrupt practices;
- (c) a person who, on polling day, is in a correctional facility, jail or prison because of being convicted of an offence against an Act or an Act of the Parliament of Canada;
- (d) a person who, on polling day, is subject to a disposition of a review board established pursuant to section 672.38 of the *Criminal Code*;
- (e) the Chief Electoral Officer, the Assistant Chief Electoral Officer and every election officer.

#### **Business manager required**

**43(1)** Before filing his or her nomination papers, every potential candidate shall appoint a business manager.

(2) A potential candidate shall appoint as business manager an individual who:

(a) is a voter; and

(b) is willing to serve as business manager and provides the potential candidate with his or her written consent to serve.

(3) A business manager may act as business manager on behalf of more than one candidate.

(4) A potential candidate or candidate shall give written notice of the name and address of the individual appointed to:

(a) in the case of a potential candidate or candidate endorsed by a registered political party, the registered political party, and the registered political party shall give that written notice to the Chief Electoral Officer;

(b) in the case of a potential candidate or candidate not endorsed by a registered political party, the Chief Electoral Officer.

(5) If a business manager dies or is unable to serve as business manager for any reason, the potential candidate or candidate shall immediately appoint another business manager and give written notice, in the manner set out in subsection (4), of the name and address of the individual appointed.

#### **Filing and form of nomination paper**

**44(1)** A nomination paper must be filed with the returning officer at any time after the issue of the writ and before 2:00 p.m. on nomination day.

(2) Any four or more voters resident within the constituency in which the election is to take place may nominate a candidate by signing and filing with the returning officer a nomination paper.

(3) A nomination paper must be in the prescribed form.

(4) Every person who signs a nomination paper as a nominator shall sign in the presence of another voter resident within the constituency in which the election is to take place.

(5) The voter in whose presence the nominator signed the nomination paper shall sign his or her name as witness and take the affidavit of attestation forming part of the nomination paper.

(6) The nomination paper must state:

(a) the name, address and occupation of the candidate;

(b) a specific place, being either a residence or a place of business in Saskatchewan, at which notices and other documents issued or to be served either pursuant to this Act or pursuant to *The Controverted Elections Act* may be served on the candidate;

(c) the name and address of the candidate's auditor; and

(d) the name and address of the candidate's business manager and the business manager's written consent to serve.

(7) Notwithstanding any other Act or law, leaving a copy of any notice or other document at the place mentioned in clause (6)(b) is deemed for the purposes of this Act and *The Controverted Elections Act* to be personal service of that document on the candidate.

### **Description and affiliation of candidate**

**45(1)** If a candidate has been endorsed by a registered political party and wishes to have the name of the party or its abbreviation appear on the ballot paper and any election documents relating to him or her, the candidate shall file with the nomination paper a written document that:

(a) is signed by the leader of the registered political party; and

(b) sets out the manner in which the name of the registered political party or its abbreviation or both are to appear on the ballot paper and all other election documents.

(2) The name of the registered political party and its abbreviation are to be those as registered with the Chief Electoral Officer in Part VII.

(3) If a candidate files a written document signed by the leader of a registered political party in accordance with subsection (1), the political affiliation of the candidate must be stated on the ballot and the election documents relating to the candidate as being the registered political party that endorses that candidate.

(4) If a candidate does not file a written document from a leader of a registered political party in accordance with subsection (1) and the candidate does not wish to be described on the ballot or any election documents relating to him or her by the word "Independent", the candidate shall file with the nomination paper a written document signed by the candidate directing that the word "Independent" not be used.

(5) If a candidate files a written document in accordance with subsection (4), the candidate shall not be described on the ballot or any election documents relating to the candidate as having any political affiliation or by the use of the word "Independent".

(6) If a candidate does not file a written document in accordance with subsection (1) or (4), the candidate must be described on the ballot and any election documents relating to the candidate by the word "Independent".

### **Deposit required**

**46(1)** A nomination paper is valid only if it is accompanied by a deposit of \$100.

(2) The deposit mentioned in subsection (1) must be in Canadian currency and may be either in cash or in the form of a certified cheque drawn on a valid account in a chartered bank, trust company or credit union.

### **Handling and forfeiture of deposits**

**47(1)** Subject to subsection (5), the returning officer shall return a candidate's deposit to the candidate immediately after:

(a) the final count by the returning officer, if the candidate is elected;

(b) the final count by the returning officer, if the candidate obtains at least 50% of the number of valid votes cast in favour of the candidate elected;

(c) the election is found void and set aside; or

(d) the returning officer refuses to issue a certificate of validity with respect to the nomination paper of the

candidate.

(2) If a candidate dies after being nominated and before the close of the taking of the votes of the voters, the returning officer shall return the deposit to the candidate's personal representative.

(3) Unless the election is found void and set aside, an unsuccessful candidate is deemed to have forfeited his or her deposit if he or she does not obtain at least 50% of the number of valid votes cast in favour of the candidate elected.

(4) If a candidate has forfeited his or her deposit, the returning officer shall send the deposit to the Chief Electoral Officer, and the Chief Electoral Officer shall forward the deposit to the Minister of Finance for deposit in the general revenue fund.

(5) The returning officer shall not return a deposit to a candidate unless the candidate and the candidate's business manager have complied with section 261 [candidate's election expenses return].

#### **Nomination certificate**

**48(1)** The returning officer shall immediately examine all nomination papers filed pursuant to section 44.

(2) If the returning officer is satisfied that the nomination paper is valid and that sections 44 to 46 have been complied with, the returning officer shall:

(a) certify the validity of the nomination by issuing a certificate in the prescribed form; and

(b) deliver a copy of the certificate to the candidate or the candidate's business manager.

(3) Any certificate issued pursuant to this section is admissible in evidence as conclusive proof that the nomination is valid, and the validity of the nomination is not open to question in any action or proceeding on any ground whatsoever.

(4) In any action or proceeding taken pursuant to this Act, the nomination of any candidate is not to be considered as invalid for informality if the candidate has substantially complied with the requirements of this Act.

#### **Procedures on nomination day**

**49(1)** On nomination day, the returning officer shall:

(a) attend at the place fixed for the nomination at the hour of 9:00 a.m.;

(b) read or cause to be read publicly the writ of election;

(c) immediately announce in an audible voice the nominations that have been received;

(d) from time to time until 2:00 p.m., announce any further nominations that are received.

(2) At 2:00 p.m., the returning officer shall:

(a) declare the nominations closed; and

(b) in an audible voice, announce:

(i) the names, political affiliations, if any, addresses and occupations of the candidates nominated; and

(ii) the names and addresses of the business managers of the candidates.

**If only one candidate nominated - candidate deemed elected**

**50** If, at the close of the nominations, only one candidate remains in nomination, the returning officer shall immediately:

- (a) declare that candidate duly elected;
- (b) give to that candidate, or, if the candidate is absent, to the candidate's business manager or to any person authorized in writing by the candidate, a certificate that the candidate has been duly elected; and
- (c) forward to the Chief Electoral Officer:
  - (i) the writ of election;
  - (ii) a certificate in writing declaring the candidate duly elected; and
  - (iii) all ballot boxes, poll books and other books, forms, seals, materials, supplies and things that have been sent to the returning officer to be used in the election and that have not been used.

**If more than one candidate nominated**

**51(1)** If, at the close of the nominations, more than one candidate remains in nomination, the returning officer shall announce:

- (a) the polling day; and
  - (b) deliver to every candidate or to any candidate's representative:
    - (i) a list of the candidates nominated; and
    - (ii) a list of all enumerators in the constituency.
- (2) On or immediately after nomination day, the returning officer shall publish the following information:
- (a) the names, political affiliations, if any, addresses and occupations of the candidates nominated;
  - (b) the names and addresses of the business managers of the candidates; and
  - (c) the polling day and the hours during which voting will take place.
- (3) The returning officer shall publish the notice required by subsection (2) in:
- (a) a newspaper published within the constituency;
  - (b) if there is more than one newspaper published in the constituency, in the newspaper that the returning officer considers as having the largest circulation in the constituency; or
  - (c) if no newspaper is published in the constituency, in a newspaper published nearest to the constituency or in a newspaper, wherever published, that the returning officer considers as having the largest circulation in the constituency.

**Withdrawal of candidate**

**52(1)** A candidate who is nominated may withdraw at any time after his or her nomination and before the close of polling day by filing with the returning officer a written declaration in the prescribed form.

- (2) Votes that are cast for a candidate who withdraws are void.
- (3) If the withdrawal of a candidate leaves only one candidate for the vacancy, the returning officer shall immediately declare the remaining candidate duly elected and shall proceed to do the things mentioned in clauses 50(b) and (c).
- (4) A candidate who withdraws after his or her nomination is deemed to forfeit his or her deposit.
- (5) The returning officer shall send any forfeited deposit to the Chief Electoral Officer to be dealt with in the manner directed by subsection 47(4).

**Death of candidate - new nomination**

**53** If a candidate dies after being nominated and before the close of polling day, the returning officer shall:

- (a) fix a new nomination day, which must be the earliest practicable day following the required delay between the posting of the new election proclamation and the nomination day;

- (b) fix a polling day, which must be 16 days after nomination day or, if that day is a holiday, Saturday or Sunday, on the first following day that is not a holiday, Saturday or Sunday;
- (c) advise the Chief Electoral Officer of the new nomination day and the new polling day; and
- (d) make a written report to the Chief Electoral Officer of the cause of postponing the election and forward that report together with the return to the writ.

**Candidate's representative**

**54(1)** A candidate may appoint in writing one or more voters residing in the constituency for which the candidate was nominated to do all or any of the following:

- (a) to be present and to represent him or her, in addition to or in place of himself or herself, at a polling place;
  - (b) to perform at the polling place any functions that this Act authorizes a candidate's representative to perform;
  - (c) prior to the final count of votes, to be present at a place other than a polling place and to perform at the place any functions that this Act authorizes a candidate's representative to perform at the place.
- (2) A candidate may have, at any time, a maximum of two candidate's representatives for each polling division at a polling place or other place.
- (3) No individual who is ineligible to vote or who, within the period of five years preceding the day fixed for nomination, has been found guilty of a corrupt practice by a competent tribunal shall act as a candidate's representative.
- (4) On entering a polling place, a candidate's representative shall immediately deliver his or her written appointment to the deputy returning officer.

**Candidate may perform functions of representative**

**55** A candidate may:

- (a) undertake the duties that any candidate's representative, except his or her business manager, may undertake;
- (b) assist his or her candidate's representatives in the performance of their responsibilities; and
- (c) be present at any place at which his or her candidate's representatives may attend, except at a place where a ballot paper is being marked.

**Interpretation of provisions in Act dealing with representatives**

56(1) For the purposes of this Act, if a provision requires or authorizes an act or thing to be done in the presence of a candidate's representative, the act or thing is to be done in the presence of those candidate's representatives that are authorized by the candidate to attend and that have in fact attended.

(2) If an act or thing is required or authorized to be done in the presence of a candidate's representative, the non-attendance of any candidate's representative does not invalidate the act or thing done.

## DIVISION C

**Procedures prior to Voting****Opening of polling place**

57(1) The deputy returning officer shall be at the polling place at least 30 minutes before the time fixed to open the polling place for voting.

(2) Prior to opening the polling place for voting, the deputy returning officer shall:

(a) initial each ballot paper;

(b) on request and in the presence of the candidates' representatives and voters entitled to be present in the polling place during the hours when voters may vote, count the ballot papers intended to be used at the polling place;

(c) permit the candidates' representatives and voters entitled to be present in the polling place during the hours when voters may vote to inspect the ballot papers and all other papers, forms and documents relating to voting at that polling place; and

(d) provide all the facilities necessary to take the votes of voters.

(3) The deputy returning officer shall provide a black lead pencil in each voting station of the polling place.

**Posting of notices**

58(1) Prior to opening the polling place for voting on polling day, a deputy returning officer shall post:

(a) in a place outside the polling place, one copy of the notice as to secrecy of voting in the prescribed form;

(b) in a place within the polling place, one copy of the notice as to secrecy of voting in the prescribed form;

(c) in a place outside the polling place, one copy of the directions for the guidance of voters in the prescribed form;

(d) in each voting station in the polling place, one copy of the directions for the guidance of voters in the prescribed form; and

(e) in a place outside the polling place, one copy of the election proclamation.

(2) The deputy returning officer shall post each of the notices mentioned in subsection (1) in a location and at a height where it may easily be seen and read by a person who goes to the polling place.

**Examination and sealing of ballot boxes**

59(1) Immediately before the voting begins, the deputy returning officer shall:

- (a) show the ballot box to the persons who are present in the polling place so that they may see that it is empty;
  - (b) lock and seal the ballot box with one of the seals prescribed by the Chief Electoral Officer; and
  - (c) place the ballot box on a desk, counter or table or in any other manner so that it is raised above the floor in full view of all present.
- (2) The deputy returning officer shall keep the ballot box where it has been placed pursuant to subsection (1) in a locked and sealed condition during the hours that voting takes place.

**DIVISION D**  
**Voting**

**Employees entitled to vote**

- 60(1)** Every employee who is a voter is entitled, while the polling places are open for voting on polling day, to three consecutive hours for the purpose of casting his or her vote.
- (2) If the hours of employment do not allow for three consecutive hours, the employee's employer shall allow the employee the additional time to vote that may be necessary to provide those three consecutive hours.
- (3) The hours for voting mentioned in this section must be granted at the convenience of the employer.
- (4) No employer shall deduct any amounts from the pay of any employee mentioned in subsection (1) or impose on or exact from the employee any penalty by reason of absence from work during the time required to be provided to the employee pursuant to subsection (1) for voting.
- (5) No employer shall, directly or indirectly, refuse or intimidate, unduly influence or in any other way interfere with the granting to any of his or her employees of the three consecutive hours for voting or any additional time for voting that is provided by this section.

**Where voters are to vote**

- 61(1)** Subject to subsection (2) and to Division E [Special Voting Provisions], each voter shall vote only at the polling place of the polling division or subdivision that is mentioned on the voters' list on which the voter's name appears.
- (2) If a voter is deemed to be ordinarily resident in two polling divisions, the voter shall vote in only one of those polling divisions by:
- (a) personally going, on an advance polling day or on polling day, to the polling place for one of the polling divisions; and
  - (b) requesting a ballot paper.

**Hours of voting**

- 62(1)** Subject to subsection (2) and except where special hours are prescribed pursuant to Division E [Special Voting Provisions], every polling place is to be open for voting between the hours of 9:00 a.m. and 8:00 p.m.
- (2) Notwithstanding subsection (1), a polling place must be kept open after the time set for closing the polling place if, at the time set for closing, there are individuals who:

- (a) are in or are awaiting admission to the polling place;
- (b) are entitled to vote; and
- (c) have not been able to vote since their arrival at the polling place.

(3) If a voter is not actually in or awaiting admission to a polling place at the time for closing the polling place, the polling place is to be closed to that voter and that voter is not to be permitted to vote.

**Who is entitled to be in polling place and at counting of votes**

63(1) Only the following persons are entitled to be present in the polling place during the time that the polling place remains open for voting and at the counting of the votes pursuant to section 141:

- (a) the Chief Electoral Officer and the Assistant Chief Electoral Officer;
- (b) the returning officer, the supervisory deputy returning officer, if any, and the deputy returning officer;
- (c) the election clerk and the poll clerk or clerks;
- (d) any interpreter;
- (e) the candidates and not more than two candidate's representatives for each candidate;
- (f) any other persons authorized by the returning officer, supervisory deputy returning officer or deputy returning officer to assist in preserving the peace at the polling place.

(2) Notwithstanding subsection (1), if a polling place is established at a remand centre:

(a) any number of staff of the remand centre at which a polling place is established that the executive director, as defined in *The Correctional Services Act*, considers necessary may be present at the polling place during the time that the polling place remains open for voting by the remand prisoners of that remand centre; and

(b) only one candidate's representative for each candidate may be present at the polling place.

#### **Voting to be by ballot**

**64** Votes must be given by ballot.

#### **Information that voters must provide**

**65(1)** On entering the polling place and if required to do so by the deputy returning officer or any candidate's representative, a voter shall state his or her name, occupation, post office address, location of residence and eligibility to vote.

(2) If a voter's name does not appear on the voters' list, the voter shall answer any questions from the deputy returning officer, and provide to the deputy returning officer any information satisfactory to the deputy returning officer, relating to establishing the voter's ordinary residence on the day on which the writ was issued and his or her eligibility to vote.

#### **Poll book**

**66(1)** The poll clerk shall record the name of each voter in the poll book and fill in all the appropriate blank spaces opposite the voter's name before the voter is handed a ballot paper.

(2) As soon as the ballot has been deposited in the ballot box, the poll clerk shall enter the word "voted" in the appropriate column of the poll book opposite the voter's name.

#### **Voter's declaration - name on voters' list**

**67(1)** Every voter whose name is on the voters' list is entitled to vote without making a voter's declaration unless the voter is required to do so pursuant to subsection (2) or pursuant to subsection 69(1).

(2) A candidate or candidate's representative may request the deputy returning officer to require a voter whose name is on the voters' list to make a voter's declaration.

(3) Where requested pursuant to subsection (2), no deputy returning officer shall fail to require a voter to make a voter's declaration before handing that voter a ballot paper.

#### **Voter's declaration - name not on voters' list**

**68** If an individual's name does not appear on the voters' list and the individual claims he or she is entitled to vote at the polling place, that individual shall make a voter's declaration before receiving a ballot paper and voting.

#### **When voter's declaration can be demanded**

**69** No deputy returning officer shall fail to require an individual who appears at the polling place to make a voter's declaration if the deputy returning officer has reasonable grounds to believe that the individual:

(a) is not entitled to vote;

(b) is tendering his or her vote under a false name or designation;

- (c) is impersonating or falsely representing himself or herself as being on the voters' list;
- (d) has already voted; or
- (e) has participated in or committed any corrupt practice.

**Voter's name struck off voters' list**

**70** A voter shall make a voter's declaration before receiving a ballot paper and voting if the voter's name has been struck off the voters' list pursuant to any provision of this Act.

**Taking voter's declaration**

**71(1)** If a voter is required to make a voter's declaration, the poll clerk shall:

- (a) complete the prescribed voter's declaration form with information supplied by the voter; and
  - (b) record the name of the voter in the poll book and fill in the appropriate spaces opposite the voter's name.
- (2) A voter's declaration must be in the prescribed form.
- (3) A voter's declaration must be made before the deputy returning officer or the poll clerk.
- (4) A voter shall sign his or her name in the presence of the deputy returning officer or the poll clerk and the deputy returning officer or poll clerk shall sign the voter's declaration as a witness to the signature.
- (5) If the deputy returning officer is required to make a voter's declaration before voting, the poll clerk or, in the poll clerk's absence, a candidate's representative:
- (a) may take the declaration; and
  - (b) if any of them take the declaration, shall sign the voter's declaration as a witness.
- (6) If the voter who is required to make a voter's declaration does make the declaration:
- (a) the deputy returning officer shall give the voter a ballot paper; and
  - (b) the voter shall proceed to mark the ballot paper in the manner required by this Act.

**If voter refuses to take declaration**

**72(1)** No individual who refuses to make the voter's declaration when required to do so is entitled to a ballot paper or to vote.

- (2) No deputy returning officer shall give a ballot paper to an individual described in subsection (1).
- (3) If a voter who is required to make a voter's declaration refuses to make the declaration, the poll clerk shall note the refusal in the poll book.

**Giving ballot paper**

**73(1)** The deputy returning officer shall give a ballot paper to every individual whose name:

- (a) is on the voters' list and who is not required to make a voter's declaration;

- (b) is on the voters' list and who, if required to make a voter's declaration, has made the voter's declaration;
  - (c) has been struck off the voters' list and who has made a voter's declaration;
  - (d) is not on the voters' list and who has made the voter's declaration.
- (2) The ballot paper must have on its back the deputy returning officer's initials placed so that when the part used by the voter is folded the initials can be seen without opening the ballot paper.

**Marking ballot**

- 74(1) On receiving a ballot paper, the voter shall immediately proceed to a voting station provided for the purpose of voting.
- (2) The voter shall mark the ballot paper by placing a cross or other mark that clearly indicates the voter's choice in the circle to the right of the name of the candidate for whom the voter intends to vote.
- (3) After marking the ballot paper, the voter shall:
- (a) fold the ballot paper so that the names of the candidates and the mark on the face of the paper are concealed, but the initials of the deputy returning officer are exposed; and
  - (b) leave the voting station.
- (4) After leaving the voting station, the voter shall:
- (a) immediately deliver the folded ballot paper to the deputy returning officer, without showing the front to anyone or displaying the ballot paper so as to make the name of the candidate for whom he or she has voted known to any person;
  - (b) observe the deputy returning officer deposit the ballot in the ballot box; and
  - (c) leave the polling place immediately after the ballot has been deposited in the ballot box.

**Examination and deposit of ballot**

- 75 On receiving a ballot paper from a voter, the deputy returning officer shall, in the full view of the voter and all others present:
- (a) without unfolding the ballot paper or in any way disclosing the names of the candidates or the mark made by the voter, examine the initials appearing on the ballot paper to ensure that it is the same ballot paper that the deputy returning officer delivered to the voter; and
  - (b) if it is the same ballot paper:
    - (i) remove and destroy the counterfoil; and
    - (ii) deposit the ballot in the ballot box.

**Voters may request instructions**

- 76(1) At the request of a voter, a deputy returning officer shall instruct the voter how to mark and fold the ballot paper.

(2) Subject to section 77, a deputy returning officer shall provide the instructions without inquiring or seeing for whom the voter intends to vote.

**Voter may request assistance in marking ballot**

77(1) A deputy returning officer may assist a voter in marking the voter's ballot if the voter:

- (a) is unable to read or is physically unable to mark his or her ballot in the manner prescribed in this Act; and
- (b) applies for assistance.

(2) Before assisting a voter, the deputy returning officer shall require the voter to take an oath or make a declaration in the prescribed form.

(3) After the voter completes the oath or declaration mentioned in subsection (2), the deputy returning officer shall:

- (a) assist the voter, either inside or outside the voting station, by marking the ballot paper in the manner directed by the voter in the presence of the poll clerk and of the candidates' representatives in the polling place;
- (b) remove and destroy the counterfoil; and
- (c) deposit the ballot in the ballot box.

(4) In the case of a blind voter, a deputy returning officer shall:

- (a) assist the voter in the manner provided in subsections (1) to (3);
- (b) subject to subsection (5) and at the request of the voter who is accompanied by a friend, permit the friend to accompany the blind voter into the voting station and to mark the ballot paper for the voter; or
- (c) at the request of the voter, provide the voter with a template in the prescribed form to enable the voter to mark the voter's ballot in secret.

(5) Before allowing a friend to accompany a voter into the voting station pursuant to clause (4)(b):

- (a) the voter must take an oath or make a declaration in the prescribed form; and
- (b) the friend must take an oath or make a declaration in the prescribed form to the effect that the friend will keep secret the name of the candidate being marked by the friend for the voter on the ballot paper.

(6) No individual shall act as the friend of more than one voter for the purpose of this section in any election.

(7) The poll clerk shall enter in the column for remarks in the poll book opposite the voter's name:

- (a) the reason why the ballot paper was marked for the voter;
- (b) whether the ballot paper was marked by the deputy returning officer or by a friend;
- (c) if the ballot was marked by a friend, the name of the friend; and
- (d) the word "sworn" after the name of the voter and the friend, if any, to record that the required oaths or declarations were made.

**Interpreters**

**78(1)** If a voter does not understand English, a deputy returning officer may use an interpreter to translate any oath or declaration and to ask any questions that the deputy returning officer is required by this Act to put to the voter and to translate the voter's answers.

(2) Every interpreter mentioned in subsection (1) shall take an oath or make a declaration in the prescribed form.

(3) Subject to subsection (4) and at the request of a voter who does not understand English and who is accompanied by a friend, a deputy returning officer may permit the friend to accompany the voter into the voting station and to assist the voter in marking the voter's ballot paper.

(4) Before allowing a friend to accompany a voter into the voting station pursuant to subsection (3):

(a) the voter must take an oath or make a declaration in the prescribed form; and

(b) the friend must take an oath or make a declaration in the prescribed form to the effect that the friend will keep secret the name of the candidate being marked by the voter on the ballot paper.

(5) An individual may act as the friend of more than one voter for the purpose of this section in any election.

(6) If a voter is accompanied by a friend into a voting station pursuant to this section, the poll clerk shall enter in the column for remarks in the poll book opposite the voter's name:

(a) the fact that the voter was accompanied by a friend into a voting station;

(b) if a voter was accompanied by a friend, the name of the friend; and

(c) the word "sworn" after the name of the voter and the friend, if any, to record that the required oaths or declarations were made.

(7) If an interpreter is necessary but cannot be found at the polling place, the voter is not entitled to vote and the deputy returning officer shall not give the voter a ballot paper.

**Privacy when voting**

**79** Subject to sections 77 and 78, while a voter is in a voting station for the purpose of voting, no other person shall enter the voting station or be in a position from which that other person can see for whom the voter marks his or her ballot paper.

**Ballots to be kept in polling place (declined ballots)**

**80(1)** No individual who has received a ballot paper shall take it out of the polling place.

(2) If an individual receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer or returns the ballot paper, declining to vote:

(a) the individual forfeits his or her right to vote; and

(b) the deputy returning officer shall enter in the poll book in the column for remarks a note that the individual received a ballot paper but took it out of the polling place or returned it, declining to vote.

(3) If a voter has returned the ballot paper, declining to vote, the deputy returning officer shall immediately write the word "declined" on the ballot paper and shall preserve it to be returned to the returning officer.

**Voting outside polling place**

**81(1)** Notwithstanding any other provision of this Act, a voter who is immediately outside a polling place may request permission to vote outside the polling place.

(2) The deputy returning officer may grant a request made pursuant to subsection (1) if the voter satisfies the deputy returning officer that the voter:

- (a) is physically unable to enter the polling place; and
- (b) would be able to mark a ballot if a ballot paper were taken to the voter.

(3) If the deputy returning officer grants the request, the deputy returning officer may take the poll book, the voters' list, a declaration in the prescribed form, a ballot paper, a pencil and note-paper outside the polling place, leaving the unused ballot papers and the ballot box inside the polling place in the custody of the poll clerk.

(4) Any candidate's representatives may accompany the deputy returning officer outside the polling place.

(5) The deputy returning officer shall:

- (a) deal with the voter and the ballot paper in the manner prescribed by this Act as if the voter had presented himself or herself to vote inside the polling place;
- (b) allow the voter to mark the ballot outside the polling place; and
- (c) if the voter marks the ballot paper pursuant to clause (b):
  - (i) deposit the ballot in the ballot box inside the polling place; and
  - (ii) record the manner in which the vote was taken in the poll book.

(6) Subject to the provisions of this section, the deputy returning officer may make any modifications to the provisions of this Act that are necessary to deal with a ballot marked in accordance this section.

**If impersonation alleged**

**82(1)** If an individual claiming to be a voter applies for a ballot paper after another individual has voted under that voter's name, that individual is entitled to receive a ballot paper and to vote, but only after:

- (a) making a voter's declaration; and
- (b) satisfying the deputy returning officer of his or her identity.

(2) The poll clerk shall enter on the poll book:

- (a) the voter's name; and
- (b) a note indicating:
  - (i) that a second ballot paper was given in the name of that voter;
  - (ii) that a voter's declaration was made; and

(iii) if the circumstances arise, that a candidate or candidate's representative objected to giving the ballot paper, the name of the candidate and the nature of the objections.

**If ballot paper accidentally destroyed**

**83**(1) A voter who accidentally destroys his or her ballot paper so that it cannot be used to vote shall return it to the deputy returning officer.

(2) On returning the ballot paper, the voter is entitled to receive another ballot paper.

(3) On receiving a ballot paper returned pursuant to this section, the deputy returning officer shall immediately write the word "spoiled" on the returned ballot paper and preserve it to be returned to the returning officer.

**When voting is deemed to be done**

**84**(1) An individual who applies for a ballot paper is deemed to have presented his or her vote or to have offered to vote.

(2) An individual who has deposited or caused to be deposited his or her ballot in the ballot box or has delivered it to the deputy returning officer or poll clerk for the purpose of having it deposited in the ballot box is deemed to have voted.

**Statement of all voter's declarations required**

**85**(1) The deputy returning officer shall complete a statement in the prescribed form containing:

- (a) the name, address and occupation of every voter who made a voter's declaration on polling day; and
- (b) the reason, opposite each name, for requiring a voter's declaration.

(2) The statement mentioned in subsection (1) must be signed by the deputy returning officer and the poll clerk and may be signed by any candidate or candidate's representative who wishes to sign.

(3) Immediately at the close of the polls on polling day, the deputy returning officer shall deliver one copy of the statement to each candidate in the constituency.

DIVISION E  
**Special Voting Provisions**

ABSENTEE VOTERS

**Absentee voters - definition, eligibility**

**86**(1) In this section and in sections 87 to 89, "**absentee voter**" means a voter who meets the criteria set out in subsection (2).

(2) A voter who presents evidence satisfactory to the returning officer of the constituency in which the voter is eligible to vote that the voter will be unable to vote at an advance poll or on polling day in the constituency because of falling into any of the following categories is an absentee voter:

- (a) a member of the Canadian Forces or a spouse or dependent child of that member;
- (b) an operator or employee of a long-distance transportation business;
- (c) an individual who is unable to vote because of business commitments or because of his or her employer's

directions;

- (d) an individual who is incapable of going to a polling place because of his or her health;
- (e) a student at an educational institution outside Saskatchewan;
- (f) an individual who is participating in a job training or retraining program;
- (g) an individual who has a reasonable and substantial concern for his or her safety;
- (h) an individual who has a commitment made prior to the date of the writ's issue that will prevent the individual from going to the polling place.

#### **Application to be considered an absentee voter**

**87(1)** A voter who wishes to be considered an absentee voter shall apply to the returning officer in the prescribed form.

(2) In addition to any evidence the returning officer may require, a voter who applies pursuant to this section shall submit a statement from another voter confirming the claims of the applicant voter.

(3) An application pursuant to this section must be received by the returning officer at least 12 days before polling day.

(4) An application pursuant to this section may be made by facsimile or other means of electronic transmission.

#### **Voting procedures**

**88(1)** If the returning officer is satisfied that the applicant is an absentee voter, the returning officer shall deliver to the absentee voter the following:

- (a) a ballot paper in the prescribed form that is initialled by the returning officer or the election clerk and with a counterfoil that is detached;
- (b) a ballot envelope that has voting instructions printed on it;
- (c) a certificate envelope with certificates of identification and instructions, both in the prescribed form, printed on it;
- (d) an outer envelope with the address of the returning officer printed on it in the prescribed form;
- (e) instructions with respect to how to vote in accordance with this section.

(2) The materials mentioned in subsection (1) must be delivered:

- (a) not less than seven days prior to polling day in the case of personal delivery;
- (b) not less than eight days prior to polling day in the case of delivery by registered mail.

(3) Immediately on delivering the materials mentioned in subsection (1) to all absentee voters, the returning officer shall inform, in writing, the deputy returning officer for the polling division where each absentee voter is eligible to vote that the voter is an absentee voter.

(4) On receiving written notice pursuant to subsection (3), the deputy returning officer shall strike the absentee

voter's name from the voters' list.

(5) When delivering written notice to the deputy returning officer, the returning officer shall inform each candidate of the name and address of the absentee voter and of the fact that the absentee voter's name is to be struck off the voters' list.

(6) A absentee voter shall mark the ballot paper by placing a cross or other mark that clearly indicates the voter's choice in the circle to the right of the name of the candidate for whom the voter intends to vote.

(7) After marking the ballot paper, the absentee voter shall do all of the following, in order:

- (a) fold the ballot paper so that the names of the candidates and the mark on the face of the paper are concealed, but the initials of the deputy returning officer are exposed;
- (b) put the marked ballot in the ballot envelope;
- (c) seal the ballot envelope;
- (d) insert the ballot envelope in the certificate envelope and seal the certificate envelope;
- (e) complete and sign the first certificate;
- (f) get another voter to complete and sign the second certificate;
- (g) put the certificate envelope in the outer envelope and seal the outer envelope;
- (h) mail by registered mail or deliver the outer envelope to the returning officer.

#### **Post voting procedures**

**89(1)** The returning officer shall keep a separate poll book in which the returning officer or election clerk shall record, with respect to each absentee voter:

- (a) his or her name;
- (b) the polling division in which he or she ordinarily resides; and
- (c) the date on which the outer envelope was received, if it is received, by the returning officer pursuant to section 88.

(2) When the returning officer receives an outer envelope, the returning officer shall:

- (a) remove the certificate envelope from the outer envelope;
- (b) examine the absentee voter's application and the certificate completed by the absentee voter;
- (c) if the returning officer is satisfied that the certificate envelope was completed by the absentee voter, deposit the unopened certificate envelope in a ballot box maintained by the returning officer for the purpose; and
- (d) if the returning officer is not satisfied that the certificate envelope was completed by the absentee voter, retain the certificate envelope.

(3) A certificate envelope that is retained pursuant to clause (2)(d) is a rejected ballot.

- (4) The returning officer shall ensure that the ballot box mentioned in clause (2)(c) is kept in a secure manner and that no one, other than the returning officer or the election clerk, has access to it.
- (5) The returning officer shall place in the ballot box mentioned in clause (2)(c) all certificate envelopes that:
- (a) in the opinion of the returning officer have been completed by absentee voters;
  - (b) are received:
    - (i) if personally delivered, before the close of voting on polling day;
    - (ii) if delivered by registered mail, by 12:00 noon on the 10th day following polling day; and
  - (c) if delivered by registered mail, were received in an outer envelope having a post office stamp showing that the envelope was mailed before the close of voting on polling day.
- (6) At 12:00 noon on the 10th day after polling day, the returning officer shall seal the ballot box so that the box cannot be opened without breaking the seal and preserve the ballot box until making his or her final count.
- (7) When making a final count, the returning officer shall:
- (a) open the ballot box in the presence of any candidate's representatives who are present;
  - (b) remove all the certificate envelopes from the ballot box;

- (c) remove the folded ballots and place the folded ballots in another ballot box, which may be the same ballot box used for other ballots marked pursuant to this division; and
  - (d) count the ballots in accordance with section 146.
- (8) After completing the final count, the returning officer shall:
- (a) record the results of the count in the prescribed form; and
  - (b) mail to each candidate a statement in the prescribed form of the ballots received from absentee voters and the distribution of the votes amongst the candidates.
- (9) The returning officer shall:
- (a) place in a special envelope all envelopes received by him or her that the returning officer has not opened; and
  - (b) forward the special envelope to the Chief Electoral Officer at the same time other materials are returned pursuant to section 172.

#### MOBILE POLLS

##### **When mobile polls may be established**

- 90(1) A returning officer may establish one or more mobile polls if:
- (a) there are, in the opinion of the returning officer, special or unusual circumstances requiring mobile polls; and
  - (b) the Chief Electoral Officer has approved the establishment of the mobile polls.
- (2) The returning officer shall give notice of mobile polls by:
- (a) posting a notice of the mobile polls in the office of the returning officer;
  - (b) if the Chief Electoral Officer approves the establishment of mobile polls before the issue of the writ, including a notice in the election proclamation; and
  - (c) providing each candidate with a written notice of the mobile polls.

##### **When mobile polls are to be held**

- 91(1) Mobile polls are to be open at any hours that the returning officer considers necessary from the day of the first advance poll to 8:00 p.m. on polling day and that the Chief Electoral Officer has approved.
- (2) A mobile poll may be held at any location.

**Voting at mobile polls**

- 92(1)** Voting at mobile polls is to be conducted in the same manner as voting at polls on polling day or at advance polls.
- (2) The provisions of this Act and the regulations with respect to voting:
- (a) at advance polls apply, with any necessary modification, to mobile polls open on advance polling days;
  - (b) at polls on polling day apply, with any necessary modification, to mobile polls open on polling day.
- (3) The returning officer shall appoint a deputy returning officer and poll clerk for each mobile poll.
- (4) The returning officer shall supply means to transport the poll officials and any candidate's representatives who wish to accompany the poll officials.
- (5) Not more than one candidate's representative for each candidate may accompany the poll officials.
- (6) The deputy returning officer shall take any measures that are required to ensure that voters may vote in secrecy.
- (7) The deputy returning officer shall bring with him or her to the locations where a mobile poll is to be held the election proclamation, the ballot box, the ballot papers, the notices and any other necessary forms and election documents.
- (8) The deputy returning officer is not required to post the election proclamation or any other notices at the location where a mobile poll is being held.
- (9) A voter may vote at a mobile poll only if the voter signs a declaration in the prescribed form stating, in addition to the statements contained in the voter's declaration, that he or she has not and will not have a reasonable opportunity to vote at an advance poll or at a polling place on polling day.
- (10) A voter who votes at a mobile poll is not entitled to vote at an advance poll or at a polling place on polling day or to cast an absentee ballot.

**Duties of deputy returning officer at mobile poll**

- 93(1)** The deputy returning officer shall note on the prescribed form the following for each voter who votes at a mobile poll:
- (a) name;
  - (b) occupation;
  - (c) post office address;
  - (d) location of residence;
  - (e) poll number of the polling division where the voter is otherwise eligible to vote.
- (2) At the close of any mobile poll held on any advance polling day, the deputy returning officer shall immediately return the prescribed form to the returning officer.
- (3) Before the opening of polling places on polling day:
- (a) the returning officer shall send to each deputy returning officer responsible for the polling place a copy of

each form mentioned in subsection (1) that contains the names of voters who have been noted as being eligible to vote at the polling place for the polling division; and

(b) the deputy returning officer shall strike from the voters' list the names of voters whose names are on forms sent pursuant to clause (a).

(4) The ballots received from voting at mobile polls are to be counted in accordance with sections 141 to 143.

#### TEMPORARILY DISPLACED VOTERS (GENERAL ELECTIONS)

##### **Temporarily displaced voters - defined**

**94** In this section and in sections 95 to 102:

(a) **"poll"** means a poll established pursuant to section 95;

(b) **"temporarily displaced voter"** means a voter in a general election who:

(i) is absent on polling day from the constituency where he or she is ordinarily resident;

(ii) has not voted before polling day; and

(iii) cannot conveniently return on polling day to the constituency to vote.

##### **Establishment of poll for temporarily displaced voters**

**95(1)** A returning officer may establish a poll for temporarily displaced voters if the returning officer considers it necessary and has received the approval of the Chief Electoral Officer.

(2) If the returning officer considers that special or unusual circumstances exist and if the returning officer has received the approval of the Chief Electoral Officer, the returning officer may establish one or more mobile polls for temporarily displaced voters, and, if mobile polls are established, the provisions of this Act with respect to voting at mobile polls apply, with any necessary modification.

(3) The returning officer may establish a polling place for temporarily displaced voters at the returning officer's office.

(4) Not more than one candidate's representative for each candidate may be at any poll established pursuant to this section.

(5) No poll may be established pursuant to this section in the case of a by-election or postponed election.

##### **Ballot paper for temporarily displaced voters**

**96(1)** The ballot paper to be used for voting at a poll must be in the prescribed form and be similar to the ballot paper required by section 35 except that there is to be only one space, at least five centimetres in depth, for the insertion by the voter of the name or political affiliation of the candidate for whom the voter intends to vote.

(2) If a constituency has a poll, the Chief Electoral Officer shall send to the returning officer:

(a) a quantity of sheets sufficient to provide one ballot paper for each voter in the poll; and

(b) a sufficient supply of ballot envelopes containing a voter's declaration.

(3) The returning officer shall direct the printer to print the ballot papers in accordance with the following

requirements:

- (a) the ballot papers must be in the prescribed form;
  - (b) the face and counterfoil of the ballot paper must be printed in black ink; and
  - (c) any printing and empty spaces on the face of the ballot paper must appear in the natural colour of the paper.
- (4) The printer who prints the ballot papers on the instructions of the returning officer shall:
- (a) print on the back of each ballot paper:
    - (i) an impression of the printing aid given to the printer by the returning officer; and
    - (ii) the printer's name and address in six-point type; and
  - (b) deliver to the returning officer:
    - (i) an affidavit in the prescribed form;
    - (ii) the printed ballot papers;
    - (iii) the printing aids; and
    - (iv) any spoiled or unused sheets of paper provided by the returning officer.

#### **Location of polling places**

**97(1)** The returning officer shall establish, on polling day, a polling place in every location that the returning officer considers necessary to allow temporarily displaced voters to vote.

(2) The returning officer may do any things that he or she considers necessary with respect to the establishment of the polling places.

#### **Alternative hours of voting**

**98(1)** If the returning officer is satisfied that voters entitled to vote in a polling place established pursuant to section 97 can conveniently vote within a period of four hours, the returning officer may provide that the polling place is to be open for voting for one period of four consecutive hours.

(2) The period of four consecutive hours mentioned in subsection (1) is to be between the hours of 9:00 a.m. and 8:00 p.m.

(3) Notwithstanding subsections (1) and (2), if the deputy returning officer is satisfied that every temporarily displaced voter eligible to vote at the polling place has voted, the deputy returning officer may close the polling place.

#### **Voting procedures**

**99(1)** Notwithstanding section 61, a temporarily displaced voter may vote at a polling place established pursuant to section 97 for a candidate nominated for the constituency in which the voter is ordinarily resident.

(2) Voting at a polling place established pursuant to section 97 is to be conducted during the same hours and in the same manner as voting at any other polling place subject to the modifications made by sections 94 to 98 and this

section.

(3) On entering the polling place, a temporarily displaced voter shall state his or her name, occupation, post office address, location of residence and the constituency in which he or she was ordinarily resident on the day on which the writ was issued.

(4) The poll clerk shall:

(a) complete the voter's declaration on the ballot envelope from the information supplied by the voter and from the material furnished by the Chief Electoral Officer with respect to constituencies in Saskatchewan; and

(b) record the name of the temporarily displaced voter in the poll book and fill in the appropriate spaces opposite the voter's name.

(5) The deputy returning officer shall:

(a) request the temporarily displaced voter to make a voter's declaration; and

(b) after the temporarily displaced voter has completed the declaration, give the voter a ballot paper initialled in a manner so that when the part used by the voter is folded the initials can be seen without opening the ballot paper.

(6) On receiving a ballot paper, a temporarily displaced voter shall enter the voting station provided to mark the ballot paper.

- (7) The temporarily displaced voter shall mark the ballot paper by inserting the name or political affiliation of the candidate for whom the voter intends to vote.
- (8) If the temporarily displaced voter requires:
- (a) assistance in voting, the assistance is to be provided in accordance with section 77; or
  - (b) an interpreter, the interpreter is to be provided in accordance with section 78.
- (9) After marking the ballot paper, the temporarily displaced voter shall:
- (a) fold the ballot paper so that the name or political affiliation of the candidate for whom the voter voted is concealed, but the initials of the deputy returning officer are exposed; and
  - (b) leave the voting station.
- (10) On receiving a ballot paper from a temporarily displaced voter, the deputy returning officer shall, in the full view of the voter and all others present:
- (a) without unfolding the ballot paper or in any way disclosing the name or political affiliation of the candidate for whom the voter voted, examine the initials appearing on the ballot paper to ensure that it is the same ballot paper that the deputy returning officer delivered to the voter; and
  - (b) if it is the same ballot paper:
    - (i) remove and destroy the counterfoil;
    - (ii) place the ballot in the ballot envelope containing the voter's declaration of the temporarily displaced voter and seal the envelope; and
    - (iii) deposit the ballot envelope in the ballot box.
- (11) No temporarily displaced voter who refuses to make the voter's declaration when requested to do so pursuant to subsection (5) is entitled to a ballot paper or to vote.
- (12) If a temporarily displaced voter refuses to make a voter's declaration, the poll clerk shall note the refusal in the poll book.
- (13) The manner in which a temporarily displaced voter designates the candidate for whom he or she intends to vote is immaterial if the intention of the voter is clearly indicated.

**Procedures after closing polling place**

- 100(1)** Immediately after the close of a polling place established pursuant to section 97, the deputy returning officer shall do the things prescribed in this section in the order prescribed in this section.
- (2) The deputy returning officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.
- (3) The deputy returning officer shall:
- (a) count the number of temporarily displaced voters whose names appear in the poll book as having voted;
  - (b) make an entry of the number of those names on the line immediately below the last name recorded in the

following manner:

“The number of temporarily displaced voters who voted at the election at this polling place is \_\_\_\_\_”; and

- (c) sign his or her name after that entry.
- (4) The deputy returning officer shall:
- (a) count the unused ballot papers undetached from the books of ballot papers;
  - (b) place the unused ballot papers together with the stubs of used ballot papers in the special envelope supplied for the purpose;
  - (c) indicate on the special envelope the number of unused ballot papers enclosed;
  - (d) seal the special envelope; and
  - (e) record the number of unused ballot papers on the ballot paper account and poll statement.
- (5) The deputy returning officer shall:
- (a) count the number of spoiled and declined ballots;
  - (b) place the spoiled and declined ballots in the special envelope supplied for the purpose;
  - (c) record on the special envelope the number of spoiled and declined ballots;
  - (d) seal the special envelope; and
  - (e) record the number of spoiled and declined ballots on the ballot paper account and the poll statement.
- (6) When the deputy returning officer is satisfied with the accuracy of the ballot paper account and poll statement, he or she shall sign each copy of them and direct the poll clerk to sign them.
- (7) The deputy returning officer shall place the ballot paper account and poll statement in the special envelope supplied for that purpose.
- (8) The deputy returning officer shall administer the oath or declaration in the prescribed form to the poll clerk who shall make the oath or declaration.

- (9) The deputy returning officer shall place in the large envelope supplied for that purpose the following material:
- (a) the envelope containing the unused ballot papers;
  - (b) the envelope containing the spoiled and declined ballots; and
  - (c) the written appointments delivered by candidates' representatives.
- (10) The deputy returning officer shall seal and sign the large envelope mentioned in subsection (9).
- (11) The deputy returning officer shall place in the ballot box supplied for that purpose:
- (a) the poll book;
  - (b) the ballot paper account and poll statement; and
  - (c) the large envelope mentioned in subsection (9).
- (12) The deputy returning officer shall lock and seal the ballot box mentioned in subsection 99(10) and the ballot box mentioned in this section with one of the seals prescribed by the Chief Electoral Officer.
- (13) The deputy returning officer shall place his or her own seal on each of the ballot boxes.
- (14) The deputy returning officer shall satisfy himself or herself that the seals mentioned in subsections (12) and (13) are placed in a manner that the ballot boxes cannot be opened and nothing can be deposited in them without breaking the seals.
- (15) The deputy returning officer shall immediately deliver to the Chief Electoral Officer the locked and sealed ballot box mentioned in subsection 99(10) containing the unopened ballot envelopes.
- (16) The deputy returning officer shall protect all election material in his or her possession.
- (17) Within two days after polling day, the deputy returning officer shall deliver to the returning officer in accordance with section 143:
- (a) the ballot box that contains the poll book, the special envelope containing the ballot paper account and poll statement, and the large envelope mentioned in subsection (9); and
  - (b) the oath or declaration of the deputy returning officer in the prescribed form.
- (18) The deputy returning officer shall allow any candidate's representatives who are present to observe the deputy returning officer's actions and to initial the ballot paper account, the poll statement, any envelope, the ballot box and any seal mentioned in this section.

**Handling of ballot boxes with ballot envelopes**

- 101**(1) The Chief Electoral Officer shall deal with the ballot boxes received pursuant to section 100 in the manner and in the order prescribed in this section.
- (2) The Chief Electoral Officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.
- (3) Subject to subsection (4), the Chief Electoral Officer shall do the things prescribed in this section five days after polling day, at 10:00 a.m.
- (4) If the day mentioned in subsection (3) is a Sunday or a holiday, the Chief Electoral Officer shall do the things on the next following day that is not a Sunday or holiday.
- (5) The Chief Electoral Officer shall open the ballot box mentioned in subsection 99(10) and remove all the ballot envelopes.
- (6) Without opening any ballot envelope, the Chief Electoral Officer shall sort the ballot envelopes into groups according to the constituencies in which the temporarily displaced voters declared they were eligible to vote.
- (7) The Chief Electoral Officer shall make a list for each constituency affected, showing:
- (a) the name, address and occupation of each temporarily displaced voter from the constituency who made a voter's declaration; and
  - (b) the number of the polling division or the location of the voter's residence set out in the voter's declaration on the ballot envelope.
- (8) The Chief Electoral Officer shall enclose the list mentioned in subsection (7) in a special envelope supplied for that purpose, seal the envelope and address it to the returning officer for the constituency to which it relates.
- (9) The Chief Electoral Officer shall place each group of ballot envelopes in a ballot box supplied for that purpose, seal the ballot box with his or her seal and allow any candidate's representative present to examine the seal.
- (10) The Chief Electoral Officer shall address the ballot box to the returning officer for the constituency to which the ballots enclosed in it relate.
- (11) The Chief Electoral Officer shall deliver to the returning officers to whom they are addressed the special envelopes containing the voters' list and the ballot box containing the ballot envelopes of temporarily displaced voters.
- (12) The Chief Electoral Officer shall forward to each returning officer a written report that sets out:
- (a) the number of ballot envelopes received by the Chief Electoral Officer from each deputy returning officer who conducted voting pursuant to section 99;
  - (b) the names and addresses of the returning officers in other constituencies to whom the Chief Electoral Officer has forwarded ballot envelopes; and
  - (c) the number of ballot envelopes forwarded to each returning officer.

**Preserving ballots until final count**

- 102**(1) If a returning officer receives a ballot box in accordance with section 101, the returning officer shall:

- (a) keep the ballot box safe and prevent any person, other than the returning officer and the election clerk, from having access to it;
  - (b) seal the ballot box with his or her own seal in a manner so that it cannot be opened without the seal being broken; and
  - (c) preserve the ballot box until the time for making the final count.
- (2) If a returning officer receives the lists of temporarily displaced voters who made a voter's declaration in accordance with section 99, the returning officer shall:
- (a) preserve the lists until the time for making the final count; and
  - (b) permit any candidate in the constituency or candidate's representative to examine the lists at all reasonable times.

#### HOSPITALS (GENERAL ELECTIONS)

##### **Establishment of poll in hospitals**

- 103**(1) In this section and in sections 104 to 110, "**hospital poll**" means a poll established pursuant to this section.
- (2) A returning officer shall establish a poll in each hospital in the constituency for which the returning officer is appointed.
- (3) No poll may be established pursuant to this section in the case of a by-election or postponed election.

##### **Ballot paper for hospital voters**

- 104**(1) The ballot paper to be used for voting at a hospital poll must be in the prescribed form and be similar to the ballot paper prescribed in section 35 except that there is to be only one space, at least five centimetres in depth, for the insertion by the voter of the name or political affiliation of the candidate for whom the voter intends to vote.
- (2) If a constituency has a hospital poll, the Chief Electoral Officer shall send to the returning officer:
- (a) a quantity of sheets sufficient to provide at least one ballot paper for each voter in the poll; and
  - (b) a sufficient supply of ballot envelopes containing a voter's declaration.

(3) The returning officer shall direct the printer to print the ballot papers in accordance with the following requirements:

- (a) the ballot papers must be in the prescribed form;
- (b) the face and counterfoil of the ballot paper must be printed in black ink; and
- (c) any printing and empty spaces on the face of the ballot paper must appear in the natural colour of the paper.

(4) The printer who prints the ballot papers on the instructions of the returning officer shall:

- (a) print on the back of each ballot paper:
  - (i) an impression of the printing aid given to the printer by the returning officer; and
  - (ii) the printer's name and address in six-point type; and
- (b) deliver to the returning officer:
  - (i) an affidavit in the prescribed form;
  - (ii) the printed ballot papers;
  - (iii) the printing aids; and
  - (iv) any spoiled or unused sheets of paper provided by the returning officer.

#### **Location of polling places**

**105**(1) The returning officer shall establish a polling place in a location in the hospital that the returning officer considers necessary to allow voters in a hospital to vote.

(2) The returning officer may do any things that he or she considers necessary with respect to the establishment of the polling place.

(3) If a voter in a hospital is unable to go to a polling place established pursuant to subsection (1) and requests that he or she be permitted to vote at any other place in the hospital, the deputy returning officer or the poll clerk shall take the ballot box and all other election material to the place designated by the voter and shall ensure that the voter may vote in secrecy.

#### **Alternative hours of voting**

**106**(1) If the returning officer is satisfied that voters entitled to vote in a polling place established pursuant to section 105 can conveniently vote within a period of four hours, the returning officer may provide that the polling place is to be open for voting for one period of four consecutive hours.

(2) The period of four consecutive hours mentioned in subsection (1) is to be between the hours of 9:00 a.m. and 8:00 p.m.

(3) Notwithstanding subsections (1) and (2), if the deputy returning officer is satisfied that every voter eligible to vote at the polling place has voted, the deputy returning officer may close the polling place.

### **Voting procedures**

**107(1)** Notwithstanding section 61, a voter in a hospital poll may vote at a polling place established pursuant to section 105 for a candidate nominated for the constituency in which the voter is ordinarily resident.

(2) Voting at a polling place established pursuant to section 105 is to be conducted in the same manner as voting at any other polling place subject to the modifications made by sections 103 to 106 and this section.

(3) On entering the polling place, a voter shall state his or her name, occupation, post office address, location of residence and the constituency in which he or she was ordinarily resident on the day on which the writ was issued.

(4) The poll clerk shall:

(a) complete the voter's declaration on the ballot envelope from the information supplied by the voter and from the material furnished by the Chief Electoral Officer with respect to constituencies in Saskatchewan; and

(b) record the name of the voter in the poll book and fill in the appropriate spaces opposite the voter's name.

(5) The deputy returning officer shall:

(a) request the voter to make a voter's declaration; and

(b) after the voter has completed the declaration, give the voter a ballot paper initialled in a manner so that when the part used by the voter is folded the initials can be seen without opening the ballot paper.

(6) On receiving a ballot paper, a voter shall enter the voting station provided to mark the ballot paper.

(7) The voter shall mark the ballot paper by inserting the name or political affiliation of the candidate for whom the voter intends to vote.

(8) If the voter requires:

(a) assistance in voting, the assistance is to be provided in accordance with section 77; or

(b) an interpreter, the interpreter is to be provided in accordance with section 78.

(9) After marking the ballot paper, the voter shall:

- (a) fold the ballot paper so that the name or political affiliation of the candidate for whom the voter voted is concealed, but the initials of the deputy returning officer are exposed; and
- (b) leave the voting station.

(10) On receiving a ballot paper from a voter, the deputy returning officer shall, in the full view of the voter and all others present:

- (a) without unfolding the ballot paper or in any way disclosing the name or political affiliation of the candidate for whom the voter voted, examine the initials appearing on the ballot paper to ensure that it is the same ballot paper that the deputy returning officer delivered to the voter; and
- (b) if it is the same ballot paper:
  - (i) remove and destroy the counterfoil;
  - (ii) place the ballot in the ballot envelope containing the voter's declaration of the voter and seal the envelope; and
  - (iii) deposit the ballot envelope in the ballot box.

(11) No voter who refuses to make the voter's declaration when requested to do so pursuant to subsection (5) is entitled to a ballot paper or to vote.

(12) If a voter refuses to make a voter's declaration, the poll clerk shall note the refusal in the poll book.

(13) The manner in which a voter designates the candidate for whom he or she intends to vote is immaterial if the intention of the voter is clearly indicated.

#### **Procedures after closing polling place**

**108**(1) Immediately after the close of a polling place established pursuant to section 105, the deputy returning officer shall do the things prescribed in this section in the order prescribed in this section.

(2) The deputy returning officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.

(3) The deputy returning officer shall:

- (a) count the number of voters whose names appear in the poll book as having voted;
- (b) make an entry of the number of those names on the line immediately below the last name recorded in the following manner:

“The number of voters who voted at the election at this polling place is \_\_\_\_\_”; and

- (c) sign his or her name after that entry.

(4) The deputy returning officer shall:

- (a) count the unused ballot papers undetached from the books of ballot papers;

- (b) place the unused ballot papers together with the stubs of used ballot papers in the special envelope supplied for the purpose;
  - (c) indicate on the special envelope the number of unused ballot papers enclosed;
  - (d) seal the special envelope; and
  - (e) record the number of unused ballot papers on the ballot paper account and poll statement.
- (5) The deputy returning officer shall:
- (a) count the number of spoiled and declined ballots;
  - (b) place the spoiled and declined ballots in the special envelope supplied for the purpose;
  - (c) record on the special envelope the number of spoiled and declined ballots;
  - (d) seal the special envelope; and
  - (e) record the number of spoiled and declined ballots on the ballot paper account and the poll statement.
- (6) When the deputy returning officer is satisfied with the accuracy of the ballot paper account and poll statement, he or she shall sign each copy of them and direct the poll clerk to sign them.
- (7) The deputy returning officer shall place the ballot paper account and poll statement in the special envelope supplied for that purpose.
- (8) The deputy returning officer shall administer the oath or declaration in the prescribed form to the poll clerk who shall take the oath or make the declaration.
- (9) The deputy returning officer shall place in the large envelope supplied for that purpose the following material:
- (a) the envelope containing the unused ballot papers;
  - (b) the envelope containing the spoiled and declined ballots;
  - (c) the written appointments delivered by candidates' representatives.
- (10) The deputy returning officer shall seal and sign the large envelope mentioned in subsection (9).
- (11) The deputy returning officer shall place in the ballot box supplied for that purpose:
- (a) the poll book;
  - (b) the ballot paper account and poll statement; and
  - (c) the large envelope mentioned in subsection (9).
- (12) The deputy returning officer shall lock and seal the ballot box mentioned in subsection 107(10) and the ballot box mentioned in this section with one of the seals prescribed by the Chief Electoral Officer.
- (13) The deputy returning officer shall place his or her own seal on each of the ballot boxes.
- (14) The deputy returning officer shall satisfy himself or herself that the seals mentioned in subsections (12) and (13)

are placed in a manner that the ballot boxes cannot be opened and nothing can be deposited in them without breaking the seals.

(15) The deputy returning officer shall immediately deliver to the Chief Electoral Officer the locked and sealed ballot box mentioned in subsection 107(10) containing the unopened ballot envelopes.

(16) The deputy returning officer shall protect all election material in his or her possession.

(17) Within two days after polling day, the deputy returning officer shall deliver to the returning officer in accordance with section 143:

(a) the ballot box containing the poll book, the special envelope containing the ballot paper account and poll statement and the large envelope mentioned in subsection (9); and

(b) the oath or declaration of the deputy returning officer in the prescribed form.

(18) The deputy returning officer shall allow any candidate's representatives who are present to observe the deputy returning officer's actions and to initial the ballot paper account, the poll statement, any envelope, the ballot box and any seal mentioned in this section.

#### **Handling of ballot boxes with ballot envelopes**

**109**(1) The Chief Electoral Officer shall deal with the ballot boxes received pursuant to section 108 in the manner and in the order prescribed in this section.

(2) The Chief Electoral Officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.

(3) Subject to subsection (4), the Chief Electoral Officer shall do the things prescribed in this section five days after polling day, at 10:00 a.m.

(4) If the day mentioned in subsection (3) is a Sunday or a holiday, the Chief Electoral Officer shall do the things on the next following day that is not a Sunday or holiday.

(5) The Chief Electoral Officer shall open the ballot box mentioned in subsection 107(10) and remove all the ballot envelopes.

(6) Without opening any ballot envelope, the Chief Electoral Officer shall sort the ballot envelopes into groups according to the constituencies in which the voters declared they were eligible to vote.

(7) The Chief Electoral Officer shall make a list for each constituency affected, showing:

(a) the name, address and occupation of each voter from the constituency who made a voter's declaration; and

(b) the number of the polling division or the location of the voter's residence set out in the voter's declaration on the ballot envelope.

(8) The Chief Electoral Officer shall enclose the list mentioned in subsection (7) in a special envelope supplied for that purpose, seal the envelope and address it to the returning officer for the constituency to which it relates.

(9) The Chief Electoral Officer shall place each group of ballot envelopes in a ballot box supplied for that purpose, seal the ballot box with his or her seal and permit any candidate's representative present to examine the seal.

(10) The Chief Electoral Officer shall address each ballot box to the returning officer for the constituency to which

the ballots enclosed in it relate.

(11) The Chief Electoral Officer shall deliver to the returning officers to whom they are addressed the special envelopes containing the voters' list and the ballot box containing the ballot envelopes of voters.

(12) The Chief Electoral Officer shall forward to each returning officer a written report that sets out:

- (a) the number of ballot envelopes received by the Chief Electoral Officer from each deputy returning officer who conducted voting pursuant to section 107;
- (b) the names and addresses of the returning officers in other constituencies to whom the Chief Electoral Officer has forwarded ballot envelopes; and
- (c) the number of ballot envelopes forwarded to each returning officer.

### **Preserving ballots until final count**

**110(1)** If a returning officer receives a ballot box in accordance with section 109, the returning officer shall:

- (a) keep the ballot box safe and prevent any person, other than the returning officer and the election clerk, from having access to it;
- (b) seal the ballot box with his or her own seal in a manner so that it cannot be opened without the seal being broken; and
- (c) preserve the ballot box until the time for making the final count.

(2) If a returning officer receives the lists of voters who made a voter's declaration in accordance with section 109, the returning officer shall:

- (a) preserve the lists until the time for making the final count; and
- (b) permit any candidate in the constituency or candidate's representative to examine the lists at all reasonable times.

### REMAND CENTRES (GENERAL ELECTIONS)

#### **Establishment of poll in remand centres**

**111(1)** In this section and in sections 112 to 118:

- (a) **"correctional facility"** means a correctional facility as defined in *The Correctional Services Act*;
- (b) **"remand centre"** means a place in a correctional facility where, customarily, at least five remand prisoners are in custody;
- (c) **"remand poll"** means a poll established pursuant to this section;
- (d) **"voter"** means an individual who:
  - (i) is in a remand centre; and
  - (ii) is otherwise entitled to vote.

(2) A returning officer shall establish a remand poll in each remand centre in the constituency for which the returning officer is appointed.

(3) No remand poll may be established pursuant to this section in the case of a by-election or postponed election.

**Ballot paper for remand centre voters**

**112(1)** The ballot paper to be used for voting at a remand poll must be in the prescribed form and be similar to the ballot paper required by section 35 except that there is to be only one space, at least five centimetres in depth, for the insertion by the voter of the name or political affiliation of the candidate for whom the voter intends to vote.

(2) If a constituency has a remand poll, the Chief Electoral Officer shall send to the returning officer:

(a) a quantity of sheets sufficient to provide at least one ballot paper for each voter in the poll; and

(b) a sufficient supply of ballot envelopes containing a voter's declaration.

(3) The returning officer shall direct the printer to print the ballot papers in accordance with the following requirements:

- (a) the ballot papers must be in the prescribed form;
- (b) the face and counterfoil of the ballot paper must be printed in black ink; and
- (c) any printing and empty spaces on the face of the ballot paper must appear in the natural colour of the paper.

(4) The printer who prints the ballot papers on the instructions of the returning officer shall:

- (a) print on the back of each ballot paper:
  - (i) an impression of the printing aid given to the printer by the returning officer; and
  - (ii) the printer's name and address in six-point type; and
- (b) deliver to the returning officer:
  - (i) an affidavit in the prescribed form;
  - (ii) the printed ballot papers;
  - (iii) the printing aids; and
  - (iv) any spoiled or unused sheets of paper provided by the returning officer.

#### **Location of polling places**

**113**(1) The returning officer shall establish a polling place in a location in the remand centre that the returning officer considers necessary to allow voters in the remand centre to vote.

(2) The returning officer may do any things that he or she considers necessary with respect to the establishment of the polling place.

#### **Alternative hours of voting**

**114**(1) If the returning officer is satisfied that voters entitled to vote in a polling place established pursuant to section 113 can conveniently vote within a period of four hours, the returning officer may provide that the polling place is to be open for voting for one period of four consecutive hours.

(2) The period of four consecutive hours mentioned in subsection (1) is to be between the hours of 9:00 a.m. and 8:00 p.m.

(3) Notwithstanding subsections (1) and (2), if the deputy returning officer is satisfied that every voter eligible to vote at the polling place has voted, the deputy returning officer may close the polling place.

#### **Voting procedures**

**115**(1) Notwithstanding section 61, a voter in a remand centre may vote at a polling place established pursuant to section 113 for a candidate nominated for the constituency in which the voter is ordinarily resident.

(2) Voting at a polling place established pursuant to section 113 is to be conducted during the same hours and in the

same manner as voting at any other polling place subject to the modifications made by sections 111 to 114 and this section.

- (3) On entering the polling place, a voter shall state his or her name, occupation, post office address, location of residence and the constituency in which he or she was ordinarily resident on the day on which the writ was issued.
- (4) The poll clerk shall:
  - (a) complete the voter's declaration on the ballot envelope from the information supplied by the voter and from the material furnished by the Chief Electoral Officer with respect to constituencies in Saskatchewan; and
  - (b) record the name of the voter in the poll book and fill in the appropriate spaces opposite the voter's name.
- (5) The deputy returning officer shall:
  - (a) request the voter to make a voter's declaration; and
  - (b) after the voter has completed the declaration, give the voter a ballot paper initialled in a manner so that when the part used by the voter is folded the initials can be seen without opening the ballot paper.
- (6) On receiving a ballot paper, a voter shall enter the voting station provided to mark the ballot paper.
- (7) The voter shall mark the ballot paper by inserting the name or political affiliation of the candidate for whom the voter intends to vote.
- (8) If the voter requires:
  - (a) assistance in voting, the assistance is to be provided in accordance with section 77; or
  - (b) an interpreter, the interpreter is to be provided in accordance with section 78.
- (9) After marking the ballot paper, the voter shall:
  - (a) fold the ballot paper so that the name or political affiliation of the candidate for whom the voter voted is concealed, but the initials of the deputy returning officer are exposed; and
  - (b) leave the voting station.
- (10) On receiving a ballot paper from a voter, the deputy returning officer shall, in the full view of the voter and all others present:
  - (a) without unfolding the ballot paper or in any way disclosing the name or political affiliation of the candidate for whom the voter voted, examine the initials appearing on the ballot paper to ensure that it is in the same ballot paper that the deputy returning officer delivered to the voter; and
  - (b) if it is the same ballot paper:
    - (i) remove and destroy the counterfoil;
    - (ii) place the ballot in the ballot envelope containing the voter's declaration of the voter and seal the envelope; and
    - (iii) deposit the ballot envelope in the ballot box.
- (11) No voter who refuses to make the voter's declaration when requested to do so pursuant to subsection (5) is

entitled to a ballot paper or to vote.

(12) If a voter refuses to make a voter's declaration, the poll clerk shall note the refusal in the poll book.

(13) The manner in which a voter designates the candidate for whom he or she intends to vote is immaterial if the intention of the voter is clearly indicated.

**Procedures after closing polling place**

**116**(1) Immediately after the close of a polling place established pursuant to section 113, the deputy returning officer shall do the things prescribed in this section in the order prescribed in this section.

(2) The deputy returning officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.

(3) The deputy returning officer shall:

(a) count the number of voters whose names appear in the poll book as having voted;

(b) make an entry of the number of those names on the line immediately below the last name recorded in the following manner:

“The number of voters who voted at the election at this polling place is \_\_\_\_\_”; and

(c) sign his or her name after that entry.

(4) The deputy returning officer shall:

(a) count the unused ballot papers undetached from the books of ballot papers;

- (b) place the unused ballot papers together with the stubs of used ballot papers in the special envelope supplied for the purpose;
  - (c) indicate on the special envelope the number of unused ballot papers enclosed;
  - (d) seal the special envelope; and
  - (e) record the number of unused ballot papers on the ballot paper account and poll statement.
- (5) The deputy returning officer shall:
- (a) count the number of spoiled and declined ballots;
  - (b) place the spoiled and declined ballots in the special envelope supplied for the purpose;
  - (c) record on the special envelope the number of spoiled and declined ballots;
  - (d) seal the special envelope; and
  - (e) record the number of spoiled and declined ballots on the ballot paper account and the poll statement.
- (6) When the deputy returning officer is satisfied with the accuracy of the ballot paper account and poll statement, he or she shall sign each copy of them and direct the poll clerk to sign them.
- (7) The deputy returning officer shall place the ballot paper account and poll statement in the special envelope supplied for that purpose.
- (8) The deputy returning officer shall administer the oath or declaration in the prescribed form to the poll clerk who shall take the oath.
- (9) The deputy returning officer shall place in the large envelope supplied for that purpose the following material:
- (a) the envelope containing the unused ballot papers;
  - (b) the envelope containing the spoiled and declined ballots;
  - (c) the written appointments delivered by candidates' representatives.
- (10) The deputy returning officer shall seal and sign the large envelope mentioned in subsection (9).
- (11) The deputy returning officer shall place in the ballot box supplied for that purpose:
- (a) the poll book;
  - (b) the ballot paper account and poll statement; and
  - (c) the large envelope mentioned in subsection (9).
- (12) The deputy returning officer shall lock and seal the ballot box mentioned in subsection 115(10) and the ballot box mentioned in this section with one of the seals prescribed by the Chief Electoral Officer.
- (13) The deputy returning officer shall place his or her own seal on each of the ballot boxes.
- (14) The deputy returning officer shall satisfy himself or herself that the seals mentioned in subsections (12) and (13)

are placed in a manner that the boxes cannot be opened and nothing can be deposited in them without breaking the seals.

(15) The deputy returning officer shall immediately deliver to the Chief Electoral Officer the locked and sealed ballot box mentioned in subsection 115(10) containing the unopened ballot envelopes.

(16) The deputy returning officer shall protect all election material in his or her possession.

(17) Within two days after polling day, the deputy returning officer shall deliver to the returning officer in accordance with section 143:

(a) the ballot box containing the poll book, the special envelope containing the ballot paper account and poll statement and the large envelope mentioned in subsection (9); and

(b) the oath or declaration of the deputy returning officer in the prescribed form.

(18) The deputy returning officer shall allow any candidate's representatives who are present to observe the deputy returning officer's actions and to initial the ballot paper account, the poll statement, any envelope, the ballot box and any seal mentioned in this section.

#### **Handling of ballot boxes with ballot envelopes**

**117(1)** The Chief Electoral Officer shall deal with the ballot boxes received pursuant to section 116 in the manner and in the order prescribed in this section.

(2) The Chief Electoral Officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.

(3) Subject to subsection (4), the Chief Electoral Officer shall do the things prescribed in this section five days after polling day, at 10:00 a.m.

(4) If the day mentioned in subsection (3) is a Sunday or a holiday, the Chief Electoral Officer shall do the things on the next following day that is not a Sunday or holiday.

(5) The Chief Electoral Officer shall open the ballot box mentioned in subsection 115(10) and remove all the ballot envelopes.

(6) Without opening any ballot envelope, the Chief Electoral Officer shall sort the ballot envelopes into groups according to the constituencies in which the voters declared they were eligible to vote.

(7) The Chief Electoral Officer shall make a list for each constituency affected, showing:

(a) the name, address and occupation of each voter from the constituency who made a voter's declaration; and

(b) the number of the polling division or the location of the voter's residence set out in the voter's declaration on the ballot envelope.

(8) The Chief Electoral Officer shall enclose the list mentioned in subsection (7) in a special envelope supplied for that purpose, seal the envelope and address it to the returning officer for the constituency to which it relates.

(9) The Chief Electoral Officer shall place each group of ballot envelopes in a ballot box supplied for that purpose, seal the ballot box with his or her seal and permit any candidate's representative present to examine the seal.

(10) The Chief Electoral Officer shall address each ballot box to the returning officer for the constituency to which

the ballots enclosed in it relate.

(11) The Chief Electoral Officer shall deliver to the returning officers to whom they are addressed the special envelopes containing the voters' list and the ballot box containing the ballot envelopes of voters.

(12) The Chief Electoral Officer shall forward to each returning officer a written report that sets out:

- (a) the number of ballot envelopes received by the Chief Electoral Officer from each deputy returning officer who conducted voting pursuant to section 115;
- (b) the names and addresses of the returning officers in other constituencies to whom the Chief Electoral Officer has forwarded ballot envelopes; and
- (c) the number of ballot envelopes forwarded to each returning officer.

### **Preserving ballots until final count**

**118(1)** If a returning officer receives a ballot box in accordance with section 117, the returning officer shall:

- (a) keep the ballot box safe and prevent any person, other than the returning officer and the election clerk, from having access to it;
- (b) seal the ballot box with his or her own seal in a manner so that it cannot be opened without the seal being broken; and
- (c) preserve the ballot box until the time for making the final count.

(2) If a returning officer receives the lists of voters who made a voter's declaration in accordance with section 117, the returning officer shall:

- (a) preserve the lists until the time for making the final count; and
- (b) permit any candidate in the constituency or candidate's representative to examine the lists at all reasonable times.

### **HOSPITALS AND REMAND CENTRES (BY-ELECTIONS)**

#### **Application of sections 120 to 126**

**119** Sections 120 to 126 apply only to by-elections.

#### **Ballot paper**

**120** The ballot paper to be used for voting at a poll must be in the prescribed form and be similar to the ballot paper prescribed in section 35.

#### **Polls and polling places**

**121(1)** A returning officer shall establish a poll in each hospital and remand centre in the constituency for which the returning officer is appointed.

(2) The returning officer shall establish a polling place in a location in a hospital or remand centre that the returning officer considers necessary to allow voters to vote.

(3) If a voter in a hospital is unable to go to a polling place established pursuant to subsection (2) and requests that he or she be permitted to vote at any other place in the hospital, the deputy returning officer or the poll clerk shall take the ballot box and all other election material to the place designated by the voter and shall ensure that the voter may vote in secrecy.

#### **Alternate hours of voting**

**122**(1) If the returning officer is satisfied that voters entitled to vote in a polling place established pursuant to section 121 can conveniently vote within a period of four hours, the returning officer may provide that the polling place is to be open for voting for one period of four consecutive hours.

(2) The period of four consecutive hours mentioned in subsection (1) is to be between the hours of 9:00 a.m. and 8:00 p.m.

(3) Notwithstanding subsections (1) and (2), if the deputy returning officer is satisfied that every voter eligible to vote at the polling place has voted, the deputy returning officer may close the polling place.

#### **Voting procedures**

**123**(1) Notwithstanding section 61, a voter in a hospital poll or remand poll may vote at a polling place established pursuant to section 121 for a candidate nominated in the constituency for which the by-election is being held, if the voter is ordinarily resident in that constituency.

(2) Voting at a polling place established pursuant to section 121 is to be conducted in the same manner as voting at any other polling place subject to the modifications made by sections 119 to 122 and this section.

(3) On entering the polling place, a voter shall state his or her name, occupation, post office address, location of residence and the constituency in which he or she was ordinarily resident on the day on which the writ was issued.

(4) The poll clerk shall:

- (a) complete the voter's declaration on the ballot envelope from the information supplied by the voter; and
- (b) record the name of the voter in the poll book and fill in the appropriate spaces opposite the voter's name.

(5) The deputy returning officer shall:

- (a) request the voter to make a voter's declaration; and
- (b) after the voter has completed the declaration, give the voter a ballot paper initialled in a manner so that when the part used by the voter is folded the initials can be seen without opening the ballot paper.

(6) On receiving a ballot paper, a voter shall enter the voting station provided to mark the ballot paper.

(7) The voter shall mark the ballot paper by placing a cross or other mark that clearly identifies the voter's choice in the circle to the right of the name of the candidate for whom the voter intends to vote.

(8) If the voter requires:

- (a) assistance in voting, the assistance is to be provided in accordance with section 77; or
- (b) an interpreter, the interpreter is to be provided in accordance with section 78.

(9) After marking the ballot paper, the voter shall:

(a) fold the ballot paper so that the names of the candidates and the mark on the face of the paper are concealed, but the initials of the deputy returning officer are exposed; and

(b) leave the voting station.

(10) On receiving a ballot paper from a voter, the deputy returning officer shall, in the full view of the voter and all others present:

(a) without unfolding the ballot paper or in any way disclosing the names of the candidates or the mark made by the voter, examine the initials appearing on the ballot paper to ensure that it is the same ballot paper that the deputy returning officer delivered to the voter; and

(b) if it is the same ballot paper:

(i) remove and destroy the counterfoil;

(ii) place the ballot in the ballot envelope containing the voter's declaration of the voter and seal the envelope; and

(iii) deposit the ballot envelope in the ballot box.

(11) No voter who refuses to make the voter's declaration when requested to do so pursuant to subsection (5) is entitled to a ballot paper or to vote.

(12) If a voter refuses to make a voter's declaration, the poll clerk shall note the refusal in the poll book.

(13) The manner in which a voter designates the candidate for whom he or she intends to vote is immaterial if the intention of the voter is clearly indicated.

#### **Procedures after close of polling place**

**124**(1) Immediately after the close of a polling place established pursuant to section 121, the deputy returning officer shall do the things prescribed in this section in the order prescribed in this section.

(2) The deputy returning officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.

(3) The deputy returning officer shall:

(a) count the number of voters whose names appear in the poll book as having voted;

(b) make an entry of the number of those names on the line immediately below the last name recorded in the following manner:

“The number of voters who voted at the by-election at this polling place is \_\_\_\_\_”; and

(c) sign his or her name after that entry.

(4) The deputy returning officer shall:

(a) count the unused ballot papers undetached from the books of ballot papers;

(b) place the unused ballot papers together with the stubs of used ballot papers in the special envelope supplied for the purpose;

(c) indicate on the special envelope the number of unused ballot papers enclosed;

(d) seal the special envelope; and

- (e) record the number of unused ballot papers on the ballot paper account and poll statement.
- (5) The deputy returning officer shall:
- (a) count the number of spoiled and declined ballots;
  - (b) place the spoiled and declined ballots in the special envelope supplied for the purpose;
  - (c) record on the special envelope the number of spoiled and declined ballots;
  - (d) seal the special envelope; and
  - (e) record the number of spoiled and declined ballots on the ballot paper account and the poll statement.
- (6) When the deputy returning officer is satisfied with the accuracy of the ballot paper account and poll statement, he or she shall sign each copy of them and direct the poll clerk to sign them.
- (7) The deputy returning officer shall place the ballot paper account and poll statement in the special envelope supplied for that purpose.
- (8) The deputy returning officer shall administer the oath in the prescribed form to the poll clerk who shall take the oath.
- (9) The deputy returning officer shall place in the large envelope supplied for that purpose the following material:
- (a) the envelope containing the unused ballot papers;
  - (b) the envelope containing the spoiled and declined ballots; and
  - (c) the written appointments delivered by candidates' representatives.
- (10) The deputy returning officer shall seal and sign the large envelope mentioned in subsection (9).
- (11) The deputy returning officer shall place in the ballot box supplied for that purpose:
- (a) the poll book;
  - (b) the ballot paper account and poll statement; and
  - (c) the large envelope mentioned in subsection (9).
- (12) The deputy returning officer shall lock and seal the ballot box mentioned in subsection 123(10) and the ballot box mentioned in this section with one of the seals prescribed by the Chief Electoral Officer.
- (13) The deputy returning officer shall place his or her own seal on each of the ballot boxes.
- (14) The deputy returning officer shall satisfy himself or herself that the seals mentioned in subsections (12) and (13) are placed in a manner so that the boxes cannot be opened and nothing can be deposited in them without breaking the seals.
- (15) The deputy returning officer shall immediately advise the returning officer by telephone or by facsimile of the number of voters who voted at the polling place.
- (16) The deputy returning officer shall allow any candidate's representatives who are present to observe the deputy

returning officer's actions and to initial the ballot paper account, the poll statement, any envelope, the ballot box and any seal mentioned in this section.

**Statement of voters making a voter's declaration**

**125(1)** Immediately after the close of a polling place established pursuant to section 121, the deputy returning officer shall complete a statement in the prescribed form that sets out the name, address and occupation of every voter who made a voter's declaration on polling day.

(2) The deputy returning officer and the poll clerk shall sign the statement mentioned in subsection (1) and any of the candidates or candidate's representatives who are present may sign it.

(3) The deputy returning officer shall immediately deliver one copy of the statement to:

- (a) each candidate in the constituency or a candidate's representative for that candidate; and
- (b) the returning officer.

**Dealing with ballot boxes**

**126(1)** The deputy returning officer shall safely preserve all election material that he or she possesses.

(2) Within two days after polling day, the deputy returning officer shall personally deliver the ballot box mentioned in subsection 123(10) and the ballot box mentioned in subsection 124(11) to the returning officer or to a person appointed by the returning officer to receive the ballot boxes.

(3) If so directed by the returning officer, the deputy returning officer shall forward the ballot boxes to the returning officer by registered mail instead of personally delivering the ballot boxes.

(4) Before handing over the ballot boxes, the deputy returning officer shall obtain a receipt in the prescribed form from the person to whom the deputy returning officer has handed over the ballot boxes.

(5) Immediately after handing over the ballot boxes, the deputy returning officer shall:

- (a) take an oath or make a declaration in the prescribed form; and
- (b) deliver the oath or declaration to the returning officer.

(6) A person appointed by the returning officer to receive the ballot box from any deputy returning officer and who has taken delivery of the ballot boxes shall:

- (a) immediately deliver the ballot boxes to the returning officer; and
- (b) take an oath or make a declaration in the prescribed form before the returning officer.

**PERSONAL CARE FACILITIES****Voting procedures in personal care facilities**

**127** If a voter in a personal care facility is unable to go to a polling place established in the personal care facility and requests that he or she be permitted to vote at any other place in the personal care facility, the deputy returning officer or the poll clerk shall take the ballot box and all other election material to the place designated by the voter and shall ensure that the voter may vote in secrecy.

**Assistance to voters in personal care facilities**

**128** If a voter in a personal care facility requires:

- (a) assistance in voting, the assistance is to be provided in accordance with section 77; or
- (b) an interpreter, the interpreter is to be provided in accordance with section 78.

ADVANCE POLLS

**Establishment of advance polling places**

**129** The returning officer shall establish an advance polling place or advance polling places at those places in the constituency the returning officer considers most convenient for the voters.

**Who may vote at an advance poll**

**130** The following voters who ordinarily reside in the constituency may vote at an advance poll:

- (a) a voter who believes that he or she will be absent from his or her ordinary residence on polling day;
- (b) a voter who:
  - (i) is an election officer or is a candidate's representative; and
  - (ii) has reason to believe that, because of his or her responsibilities, he or she will be at a polling division other than the polling division in which he or she is entitled to vote;
- (c) a voter who has a physical disability.

**Voting at advance polls**

**131** Voting at an advance poll is to be conducted in the same manner as voting at polling places during a general election.

**Hours of advance polls**

**132** An advance poll is to be open:

- (a) if held on a day other than a Saturday or Sunday, from 3:00 p.m. to 10:00 p.m.;
- (b) if held on a Saturday or Sunday, from noon until 7:00 p.m.

**Voters required to make a voter's declaration**

**133** A voter who wishes to vote at an advance poll shall make a voter's declaration before he or she may receive a ballot paper and vote.

**Sealing ballot box after close of advance poll**

**134** On every day that an advance poll is held, immediately after closing the advance poll, the deputy returning officer shall:

- (a) place his or her seal on the ballot box in such a manner that the box cannot be opened and nothing

deposited in the ballot box without breaking the seal; and

(b) sign his or her name on the first line below the name of the last voter entered in the poll book on that day.

**Procedures on close of advance poll**

**135**(1) On the last day that an advance poll is held, immediately after closing the advance poll, the deputy returning officer for the advance poll shall do the things prescribed in this section in the order prescribed in this section.

(2) The deputy returning officer for the advance poll shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.

(3) The deputy returning officer for the advance poll shall furnish to one candidate's representative for each candidate a copy, signed by the deputy returning officer, of the entries made in the poll book.

(4) The deputy returning officer for the advance poll shall:

(a) count the number of voters whose names appear in the poll book as having voted;

(b) make an entry of the number of those names on the line immediately below the last name recorded in the following manner:

“The number of voters who voted at the election at this polling place is \_\_\_\_\_”; and

(c) sign his or her name after that entry.

(5) The deputy returning officer for the advance poll shall:

(a) count the unused ballot papers undetached from the books of ballot papers;

(b) place the unused ballot papers together with the stubs of used ballot papers in the special envelope supplied for the purpose;

(c) indicate on the special envelope the number of unused ballot papers enclosed;

(d) seal the special envelope; and

(e) record the number of unused ballot papers on the ballot paper account and poll statement.

(6) The deputy returning officer for the advance poll shall:

(a) count the number of spoiled and declined ballots;

(b) place the spoiled and declined ballots in the special envelope supplied for the purpose;

(c) record on the special envelope the number of spoiled and declined ballots;

(d) seal the special envelope; and

(e) record the number of spoiled and declined ballots on the ballot paper account and the poll statement.

(7) The deputy returning officer for the advance poll shall place in an empty ballot box:

(a) the poll book;

- (b) the special envelope supplied for the voter's declarations;
  - (c) the envelope containing the unused ballot papers;
  - (d) the envelope containing the spoiled and declined ballots;
  - (e) the written appointments delivered by the candidates' representatives.
- (8) The deputy returning officer for the advance poll shall lock and seal the ballot box in which ballots are placed and the ballot box mentioned in this section with one of the seals prescribed by the Chief Electoral Officer.
- (9) The deputy returning officer for the advance poll shall place his or her own seal on each of the ballot boxes.
- (10) The deputy returning officer for the advance poll shall satisfy himself or herself that the seals mentioned in subsections (8) and (9) are placed in a manner that the boxes cannot be opened and nothing can be deposited in them without breaking the seals.
- (11) The deputy returning officer for the advance poll shall place the ballot boxes and the other election material in a safe place and prevent any other person from having access to them until the close of voting on polling day.
- (12) The deputy returning officer for the advance poll shall:
- (a) complete a statement in the prescribed form that sets out the name, address and occupation of every voter who made a voter's declaration on polling day and the poll number of the poll where the voter is otherwise eligible to vote; and
  - (b) send a copy of the statement to the returning officer.
- (13) Before the opening of polling places on polling day:
- (a) the returning officer shall send to each deputy returning officer responsible for each polling place a copy of the form mentioned in subsection (12); and
  - (b) the deputy returning officer shall strike from the voters' list the names of voters whose names are on forms sent pursuant to clause (a).
- (14) At the close of voting on polling day, the deputy returning officer for the advance poll shall proceed to count the votes in the same manner prescribed by section 141 for counting votes at any poll.
- (15) For the purposes of this Act, the deputy returning officer for the advance poll is deemed to be deputy returning officer who supervised a poll on polling day.
- (16) The deputy returning officer for the advance poll shall do the things mentioned in subsections (14) and (15):
- (a) at the location where the advance poll was held; or
  - (b) if the deputy returning officer has given written notice of another location to each candidate, at the other location.
- (17) The deputy returning officer shall allow any candidate's representatives who are present to observe the deputy returning officer's actions and to initial the ballot paper account, the poll statement, any envelope, the ballot box and any seal mentioned in this section.

DIVISION F  
**Northern Constituencies**

**Interpretation and application of division**

**136(1)** In this division, "**northern constituency**" means the constituency of Athabasca or the constituency of Cumberland.

(2) This division applies to voting in northern constituencies.

(3) The other provisions of this Act apply to northern constituencies, unless modified by this Division.

**Returning officer's responsibilities on receiving writ**

**137(1)** On receipt of the writ for an election in a northern constituency, the returning officer shall immediately:

- (a) determine the number and location of polling places within the northern constituency;
- (b) establish a polling place at those locations; and
- (c) publish an election proclamation setting out the location of each polling place.

(2) In establishing polling places, the returning officer shall choose those locations that are, in the opinion of the returning officer, sufficiently close to the residences of the voters who will vote at the polling place to allow voters to conveniently go to the polling place on polling day.

**Form and posting of election proclamation**

**138(1)** The returning officer shall issue an election proclamation in the prescribed form, with any modification necessary to allow for conditions in the northern constituency.

(2) The returning officer shall post the election proclamation:

- (a) with the approval of the Postmaster General of Canada or other proper officer, at every post office in the northern constituency to which this Division relates;
- (b) if the Chief Electoral Officer has designated departments of the Government of Saskatchewan for the purposes of this section, at offices of those departments; and
- (c) in two other conspicuous places near each polling place.

**Enumeration**

**139(1)** After establishing polling divisions, the returning officer shall immediately appoint enumerators to prepare the voters' lists for each territory adjacent to the polling places.

(2) An enumerator shall complete the voters' list for the polling place for the territory assigned to the enumerator from information obtained:

- (a) by house to house visitation where practicable; and
- (b) from any other information available to the enumerator.

(3) An enumerator shall use every available means to satisfy himself or herself that:

(a) the individuals whose names the enumerator has placed on the voters' list are ordinarily resident in the territory adjacent to the polling place and are entitled to vote; and

(b) the enumerator has, so far as he or she is aware from all sources of information available to him or her, placed on the voters' list the names of all individuals ordinarily resident in the territory adjacent to the polling place who are entitled to vote in the constituency.

(4) An enumerator shall:

- (a) give to each candidate one copy of the voters' list that the enumerator has prepared; and
- (b) retain one copy of the voters' list for revision.

(5) Within seven days after nomination day, an enumerator shall post one copy of the voters' list prepared by the enumerator at each place mentioned in subsection 138(2) that is located in the part of the constituency included in the territory adjacent to the polling place.

(6) At least five days before polling day, an enumerator shall deliver one copy of the voters' list prepared by the enumerator to each candidate or to a candidate's representative for each candidate.

#### **Notice re registration and revision**

**140** At each location where the returning officer has posted a copy of the election proclamation, the returning officer shall post a notice in the prescribed form setting out:

- (a) the right of individuals to apply for registration as voters on a voters' list; and
- (b) the times at which and the places at which enumerators will be present to revise the voters' list.

### PART V **Proceedings after Voting**

#### COUNTING

#### **Preliminary count after close of polls on polling day**

**141(1)** Immediately after the close of a polling place, the deputy returning officer shall do the things prescribed in this section in the order prescribed in this section.

(2) The deputy returning officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.

(3) The deputy returning officer shall:

- (a) count the number of voters whose names appear in the poll book as having voted;
- (b) make an entry in the poll book of the number of those names on the line immediately below the last name recorded in the following manner:

“The number of voters who voted at the election at this polling place is \_\_\_\_\_”; and

- (c) sign his or her name after that entry.

(4) The deputy returning officer shall give to one candidate's representative of each candidate a copy of the ballot paper account and poll statement in the prescribed form so that each candidate may have a statement corresponding with the ballot paper account and poll statement.

- (5) The deputy returning officer shall make the ballot paper account and poll statement in duplicate.
- (6) The deputy returning officer shall:
- (a) count the unused ballot papers undetached from the books of ballot papers;
  - (b) place the unused ballot papers together with the stubs of used ballot papers in the special envelope supplied for the purpose;
  - (c) indicate on the special envelope the number of unused ballot papers enclosed;
  - (d) seal the special envelope; and
  - (e) record the number of unused ballot papers on the ballot paper account and poll statement.
- (7) The deputy returning officer shall:
- (a) count the number of spoiled and declined ballots;
  - (b) make an entry in the poll book of those ballots on the line immediately below the last name recorded in the following manner:

“The number of spoiled and declined ballots at this polling place is \_\_\_\_\_”; and
  - (c) sign his or her name after that entry.
- (8) The deputy returning officer shall announce in an audible voice the number of voters, as recorded in the poll book record, in the following categories:
- (a) voters registered on the voters' list and not required to make a voter's declaration;
  - (b) voters registered on the voters' list and required to make a voter's declaration;
  - (c) voters not registered on the voters' list and required to make a voter's declaration;
  - (d) voters struck off the voters' list and required to make a voters' declaration.
- (9) The deputy returning officer shall check the total number of voters in the categories mentioned in subsection (8) and ensure that the number is the same as the total number of persons appearing in the poll book as having voted.
- (10) The deputy returning officer shall open the ballot box.
- (11) The deputy returning officer shall:
- (a) count the number of votes in favour of each candidate; and
  - (b) give full opportunity to those present to examine each ballot.
- (12) The deputy returning officer shall:
- (a) make a note in the poll book of every objection taken to a ballot by a candidate, candidate's representative or voter present;
  - (b) number each objection;

- (c) place a corresponding number on the back of the ballot;
  - (d) initial the ballot; and
  - (e) decide the objection.
- (13) A deputy returning officer's decision pursuant to clause (12)(e) may be reviewed on a recount.
- (14) The deputy returning officer shall:
- (a) place all rejected ballots in a special envelope supplied for that purpose;
  - (b) indicate the number of rejected ballots contained in the special envelope on the outside of the envelope and on the ballot paper account and poll statement; and
  - (c) seal the envelope.
- (15) The deputy returning officer shall:
- (a) place all the ballots cast for each candidate in separate envelopes supplied for that purpose;
  - (b) indicate the number of ballots cast for each candidate on the envelope containing those ballots and on the ballot paper account and poll statement; and
  - (c) seal the envelope.
- (16) When the deputy returning officer is satisfied with the accuracy of the ballot paper account and poll statement, he or she shall sign each copy of them, direct the poll clerk to sign them and permit any candidate or candidate's representative to sign them if the candidate or candidate's representative so desires.
- (17) The deputy returning officer shall:
- (a) place the original ballot paper account and poll statement in the special envelope supplied for that purpose; and

- (b) keep the second copy of the original ballot paper account and poll statement as the deputy returning officer's own record.
- (18) The deputy returning officer shall permit each candidate or candidate's representative who wishes to do so to sign his or her name or initials across the flap of any special envelope mentioned in this section.
- (19) The deputy returning officer shall administer the oath or declaration in the prescribed form to the poll clerk, who shall take the oath or make the declaration.
- (20) The deputy returning officer shall place in the large envelope supplied for that purpose the following material:
- (a) the envelopes containing the ballots counted for each of the candidates;
  - (b) the envelope containing the rejected ballots;
  - (c) the envelope containing the unused ballot papers;
  - (d) the envelope containing the spoiled and declined ballot papers;
  - (e) the written appointments delivered by candidates' representatives.
- (21) The deputy returning officer shall sign and seal the large envelope mentioned in subsection (20).
- (22) The deputy returning officer shall permit any candidate or candidate's representative who wishes to do so to sign or initial the large envelope mentioned in subsection (20).
- (23) The deputy returning officer shall place in the ballot box, but outside the large envelope mentioned in subsection (2):
- (a) the poll book;
  - (b) the voters' list;
  - (c) the special envelope supplied for voter's declarations; and
  - (d) the special envelope containing the original ballot paper account and poll statement.
- (24) The deputy returning officer shall place his or her own seal on the ballot box.
- (25) The deputy returning officer shall satisfy himself or herself that the seal mentioned in subsection (24) is placed in a manner so that the boxes cannot be opened and nothing can be deposited in them without breaking the seals.
- (26) The deputy returning officer shall immediately advise the returning officer by telephone or by facsimile of the number of voters who voted at the polling place and the results of the voting.

**What are rejected ballots**

**142(1)** In counting the votes, the deputy returning officer shall reject the following ballots:

- (a) ballots that have not been supplied by the deputy returning officer;
- (b) ballots on which voters have voted for more than one candidate;
- (c) ballots on which a voter has written or marked anything by means of which the voter can be identified;

(d) ballots on which the voter's intention is not clear or on which no vote has been given for a candidate.

(2) Notwithstanding subsection (1), in counting the votes, the deputy returning officer shall not reject the following ballots:

(a) ballots marked pursuant to section 74 or subsection 123(7);

(b) ballots marked with some mark other than a cross mark if:

(i) the voter's intention is clearly indicated;

(ii) there is no apparent identification of the voter; and

(iii) there is no cross mark elsewhere on the ballot;

(c) ballots to which the counterfoil is attached;

(d) ballots on the back of which the deputy returning officer has omitted to place his or her initials if the deputy returning officer is satisfied:

(i) that the ballot is one that he or she has supplied;

(ii) that the omission has been made inadvertently; and

(iii) that every ballot paper supplied to him or her by the returning officer has been accounted for as required by section 141.

(3) If the counterfoil is still attached to a ballot, the deputy returning officer shall:

(a) remove the counterfoil in a manner that carefully conceals the number on the ballot from all persons present and without examining the ballot; and

(b) destroy the counterfoil.

(4) If a ballot does not have the deputy returning officer's initials and the deputy returning officer is satisfied that the conditions mentioned in clause (2)(d) are met, the deputy returning officer shall, in the presence of the poll clerk and the candidate's representatives:

(a) place his or her initials to the ballot; and

(b) count the ballot as if it had been initialled in the first place.

(5) Notwithstanding that a deputy returning officer has detached a counterfoil or initialled a ballot pursuant to this section, the deputy returning officer is still liable to prosecution for failing to detach the counterfoil or initial the ballots as required by Part IV.

#### **Returning officer to receive and deal with ballot boxes**

**143(1)** Within two days after polling day, the deputy returning officer shall personally deliver the ballot box to the returning officer or to a person appointed by the returning officer to receive the ballot box.

(2) If directed by the returning officer, the deputy returning officer shall forward the ballot box by registered mail or courier instead of personally delivering the ballot box.

- (3) Before handing over the ballot box, the deputy returning officer shall obtain a receipt in the prescribed form from the person to whom the deputy returning officer has handed over the ballot box.
- (4) Immediately after handing over the ballot box, the deputy returning officer shall:
  - (a) make an oath or declaration in the prescribed form; and
  - (b) deliver the oath or declaration to the returning officer.
- (5) A person appointed by the returning officer to receive the ballot box from any deputy returning officer and who has taken delivery of the ballot box shall:
  - (a) immediately deliver the ballot box to the returning officer; and
  - (b) take an oath or make a declaration in the prescribed form before the returning officer.
- (6) On receipt of a ballot box, the returning officer shall:
  - (a) keep the ballot box safe and prevent any person, other than the returning officer and the election clerk, from having access to it;
  - (b) examine the seal placed on the box by the deputy returning officer and, if the seal is not in good condition, shall place the returning officer's own seal as prescribed by the Chief Electoral Officer; and
  - (c) record, in the column for remarks in the returning officer's statement, the condition of the seal placed on the ballot box by the deputy returning officer.

**Candidate's representatives at final count**

- 144**(1) Each candidate may appoint voters as his or her candidate's representatives at the final count.
- (2) An appointment made pursuant to this section must be in writing.
  - (3) A candidate may have not more than two candidate's representatives present at any one time.
  - (4) The returning officer may refuse to allow any candidate's representative to be present at the final count until the candidate's representative produces his or her written appointment.

**Final count by returning officer**

- 145**(1) At the time and place set in the election proclamation for making the final count and after receiving all ballot boxes, the returning officer shall do the things prescribed in this section in the order prescribed in this section.
- (2) The returning officer shall do the things prescribed in this section in the presence and in full view of the candidates or candidate's representatives who are present.
  - (3) The returning officer shall:
    - (a) remove from each ballot box and open the special envelope containing the original ballot paper account and poll statement; and
    - (b) enter the results appearing in the ballot paper account and poll statement in the appropriate columns of the returning officer's statement.

- (4) The returning officer's statement mentioned in clause (3)(b) must be in the prescribed form.
- (5) In an audible voice, the returning officer shall read each ballot paper account and poll statement so that those present may compare the particulars with their records.
- (6) The returning officer shall place each ballot paper account and poll statement in a file.
- (7) The returning officer shall give each candidate or each candidate's representative an opportunity to inspect each poll book and voters' list used in voting.
- (8) The returning officer shall proceed, as directed by section 146, to make the count of ballots contained in:
  - (a) ballot boxes received pursuant to section 101 [temporarily displaced voters], 109 [hospitals], 117 [remand centres] or 126 [by-elections]; or
  - (b) ballot envelopes received pursuant to section 88 [absentee voters].
- (9) The returning officer shall add the votes given for each candidate as shown on the returning officer's statement, including any votes entered on that statement pursuant to section 146.
- (10) After completing the addition pursuant to subsection (9), the returning officer shall declare as elected the candidate having the largest number of votes.
- (11) The returning officer shall:
  - (a) seal all open ballot boxes with one of the seals prescribed by the Chief Electoral Officer;
  - (b) place his or her own seal on the ballot boxes; and
  - (c) permit each candidate or candidate's representative who wishes to do so to take note of the number of the seal.
- (12) The returning officer shall:
  - (a) retain all ballot boxes and all documents and other election material used in the election for 10 days after the returning officer has declared a candidate elected; and
  - (b) take every precaution for the safe keeping of the ballot boxes, documents and material.

**Counting votes cast using special voting procedures**

- 146(1)** The returning officer shall do the things prescribed in this section in the order prescribed in this section if:
- (a) the returning officer has received from the Chief Electoral Officer ballot boxes and lists of voters who made a voter's declaration pursuant to section 101 [temporarily displaced voters], 109 [hospitals], 117 [remand centres] or 126 [by-elections]; or
  - (b) the returning officer has received ballot envelopes pursuant to section 88 [absentee voters].
- (2) The returning officer shall do the things prescribed in this section in the presence and in full view of the candidates or candidate's representatives who are present.
  - (3) The returning officer shall permit any candidate or candidate's representative to examine the list of voters who made a voter's declaration.

(4) The returning officer shall:

(a) open the ballot boxes containing the voter's ballot envelopes received from the Chief Electoral Officer or containing ballot envelopes received pursuant to section 88; and

(b) remove from the ballot box the ballot envelopes.

(5) Without opening any ballot envelope, the returning officer shall:

(a) examine the voter's declaration on each ballot envelope; and

(b) permit any candidate or candidate's representative to examine the voter's declaration.

(6) The returning officer shall open each ballot envelope examined pursuant to subsection (5) if the returning officer is satisfied that the voter was entitled to vote for a candidate in the constituency.

(7) The returning officer shall remove the folded ballot from each open envelope and, without unfolding the ballot, deposit the ballot in the ballot box provided for the purpose.

(8) The returning officer shall write, in ink, "Unopened, subject to review on recount" on each unopened ballot envelope.

(9) The returning officer shall:

- (a) place all unopened ballot envelopes in a special envelope supplied for the purpose;
- (b) note on the special envelope the number of unopened ballot envelopes contained in it;
- (c) sign his or her name on the special envelope; and
- (d) seal the special envelope.

(10) The returning officer shall:

- (a) open the ballot box mentioned in subsection (7);
- (b) count the ballots cast for each candidate in the manner provided for the counting of ballots by a deputy returning officer at the close of a polling place; and
- (c) enter the results in the appropriate columns of the returning officer's statement.

(11) The manner in which a voter designates the candidate for whom he or she intends to vote is immaterial if the intention of the voter is clearly indicated.

(12) The returning officer shall:

- (a) make a note on the back of each ballot of every objection taken to a ballot by a candidate or candidate's representative;
- (b) initial the ballot; and
- (c) decide the objection.

(13) A returning officer's decision pursuant to clause (12)(c) may be reviewed on a recount.

(14) The returning officer shall:

- (a) place all rejected ballots in a special envelope supplied for the purpose;
- (b) indicate on the special envelope the number of rejected ballots contained in it; and
- (c) seal the special envelope.

(15) The returning officer shall:

- (a) place all counted ballots in a special envelope supplied for the purpose;
- (b) indicate on the special envelope the number of ballots contained in it; and
- (c) seal the special envelope.

(16) The returning officer shall:

- (a) place in a special envelope supplied for the purpose all ballot envelopes that have been opened and from which ballots have been removed;
  - (b) indicate on the special envelope the number of opened ballot envelopes contained in it; and
  - (c) seal the special envelope.
- (17) The returning officer shall:
- (a) place all improperly addressed or misdirected ballot envelopes in a special envelope supplied for that purpose; and
  - (b) not open the ballot envelopes mentioned in clause (a).
- (18) The returning officer shall place all the special envelopes mentioned in this section in the ballot box.
- (19) The returning officer shall complete the final count using the counted ballots.

**Final count to proceed continuously**

- 147**(1) As far as is practicable, the returning officer shall proceed continuously with the final count.
- (2) The returning officer may allow time for any necessary breaks.
- (3) The returning officer shall not proceed with the final count:
- (a) on a Sunday;
  - (b) unless the Chief Electoral Officer directs otherwise:
    - (i) on a statutory holiday; or
    - (ii) during the period between 10:00 p.m. on one day and 9:00 a.m. on the following day; or
  - (c) on any day or part of a day that the Chief Electoral Officer has directed the final count not to proceed.
- (4) During the breaks and the times during which the final count is not to proceed, the returning officer shall take all measures that the returning officer considers necessary to secure the ballots and documents relating to the election.

**Tie result - returning officer to cast vote**

**148** If, on the final count, the returning officer finds that two or more candidates have the same number of votes and that casting a vote would entitle one of the candidates to be declared elected, the returning officer shall cast that vote.

**Adjournment of final count**

**149**(1) The returning officer may adjourn making the final count if, at the time and place set in the election proclamation for making the final count:

- (a) all the ballot boxes have not been returned to the returning officer;
- (b) the ballot paper account and poll statement are not found enclosed in the ballot box for a polling place; or
- (c) the returning officer for any reason cannot ascertain the number of votes given for each candidate.

(2) The returning officer may adjourn the final count pursuant to this section to a date not more than one week after the date set in the election proclamation for making the final count.

**If ballot boxes disappear**

**150**(1) If the final count has been adjourned pursuant to section 149 because a ballot box has not been returned to the returning officer, the returning officer shall:

- (a) determine the cause for the ballot box not being returned; and
- (b) obtain from the deputy returning officer whose ballot box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate or copies of those statements and certificates.

(2) The statements and certificates mentioned in clause (1)(b) are to be verified by an oath or declaration.

(3) If the returning officer cannot obtain the statements and certificates mentioned in clause (1)(b), the returning officer shall proceed in accordance with section 152.

**Proceedings on resumption of final count**

**151**(1) At the day, time and place to which the final count has been adjourned pursuant to section 149, the returning officer:

- (a) if that day is less than one week following the day and hour originally set in the election proclamation, may adjourn the proceedings to a later date and hour if the returning officer considers it necessary;
- (b) if that day is one week following the day and hour originally set in the election proclamation, shall proceed to add up the votes whether or not the returning officer has:
  - (i) all the ballot boxes; or
  - (ii) the ballot paper account and poll statement for each polling place.

(2) The returning officer may adjourn the final count pursuant to clause (1)(a) to a date not more than one week after the date set in the election proclamation for making the final count.

**Adjournment if statements missing**

**152(1)** If the returning officer cannot obtain a statement or certificate mentioned in section 150, the returning officer shall determine the total number of votes given for each candidate at the polling places.

(2) The returning officer shall determine the votes using any evidence that the returning officer is able to obtain.

(3) For the purposes of this section, the returning officer may summon any deputy returning officer, poll clerk or other election officer to appear before the returning officer and to bring with him or her all election papers and documents.

(4) If the returning officer summons election officers, the returning officer shall set a time and place for hearing the evidence and shall give each candidate written notice of the time and place.

(5) The returning officer may examine on oath or declaration any election officer with respect to any aspect of the election and the ballots cast at a polling place.

**Adjournment if ballot paper account and poll statement missing**

**153** If a returning officer adjourns the final count pursuant to section 149 because a deputy returning officer did not place the ballot paper account and poll statement in the ballot box, the returning officer shall:

(a) use all reasonable efforts to determine the number of votes given for each candidate at the polling place of the deputy returning officer; and

(b) for the purposes of clause (a), proceed in accordance with section 152.

**Contents of return to writ**

**154(1)** In the return to the writ made pursuant to section 171, the returning officer shall return the candidate having the largest number of votes.

(2) If a ballot box or any statement has disappeared, the returning officer shall make a written report to the Chief Electoral Officer with respect to:

(a) the circumstances accompanying the disappearance of any ballot box or the absence of any statement mentioned in section 152; and

(b) the means by which the returning officer determined the number of votes given for each candidate.

(3) The returning officer shall deliver the written report mentioned in subsection (2) to the Chief Electoral Officer at the time the returning officer makes the return to the writ.

RECOUNTS AND ADDITIONS

**Request when automatically entitled**

**155(1)** If, after the final count, the margin of victory of the candidate declared to be elected is less than the total number of all unopened ballot envelopes, rejected ballots and ballots objected to, any candidate or the business manager of any candidate is entitled to request a recount or an addition.

- (2) A request of a recount or an addition must be:
- (a) in the prescribed form;
  - (b) signed by the candidate or business manager; and
  - (c) served on the returning officer within four days of the date the returning officer declared the results of the election.
- (3) Within four days after receiving a request of a recount or an addition, the returning officer shall:
- (a) issue a certificate in the prescribed form setting out that the candidate or the candidate's business manager, named in the certificate, has requested a recount or an addition pursuant to this section;
  - (b) present the certificate to a judge of the court and deliver a copy of the certificate to the candidate or business manager who requested the recount or addition; and
  - (c) apply to the judge to fix the time and place for a recount or an addition.
- (4) The judge shall, by order, fix a time and place at which the judge or another judge will recount or add the votes if the certificate of the returning officer shows that the margin of victory of the candidate declared to be elected is less than the total number of all unopened ballot envelopes, rejected ballots and ballots objected to.
- (5) The time mentioned in subsection (4) must be not less than 10 days after the date the request was served pursuant to clause (2)(c).
- (6) Within four days after the judge has fixed the time and place for a recount or an addition, the returning officer shall serve a true copy of the judge's order on the Chief Electoral Officer, on the election clerk and on each candidate or business manager.
- (7) If a judge has fixed the time and place for a recount or an addition, the returning officer shall delay making the return to the writ pursuant to section 171 until the returning officer receives from the judge a certificate of the result of the recount or addition.
- (8) The returning officer shall declare the election and make the return to the writ only when he or she receives the certificate of the judge.

**Application when not automatically entitled**

**156(1)** A candidate or business manager may apply to a judge of the court for a recount or an addition if:

- (a) the candidate or business manager is not entitled to request a recount or an addition pursuant to section 155; or
  - (b) the candidate or business manager has made a request for a recount or an addition and the returning officer fails to comply with section 155.
- (2) An application to a judge must be made within 10 days after the day on which the returning officer has declared a candidate to be elected, and must be accompanied by a deposit of \$300.
- (3) The deposit must be in Canadian currency and may be either in cash or in the form of a certified cheque drawn on a valid account in a chartered bank, trust company or credit union.
- (4) A judge may, by order, approve the application and fix a time and place at which the judge or another judge will recount or add the vote, if it appears to the judge that:
- (a) any ballot envelopes of qualified voters were unopened by the returning officer;
  - (b) in counting the votes, any deputy returning officer or the returning officer has improperly counted any ballot, improperly rejected any ballot, or made an incorrect statement of the number of ballots cast for a candidate; or
  - (c) the returning officer has added up the votes improperly.
- (5) The judge shall fix a time pursuant to subsection (4) for a recount or an addition that is not less than 10 days after the date of the application for the recount or addition.
- (6) Within four days after the day that the judge fixes a time and place for a recount or an addition, the applicant shall serve a true copy of the judge's order on the Chief Electoral Officer, the returning officer, the election clerk and each candidate or business manager.
- (7) If a judge has fixed the time and place for a recount or an addition, the returning officer shall delay making the return to the writ pursuant to section 171 until the returning officer receives from the judge:
- (a) a certificate of the result of the recount or addition; or
  - (b) a certificate that the applicant is not entitled to a recount or an addition and that none will be held.
- (8) The returning officer shall declare the election and make the return to the writ only when he or she receives the certificate of the judge.

**Where request or application to be made**

**157** A request pursuant to section 155 or an application pursuant to section 156 must be made to a judge of the court at the prescribed judicial centre for the constituency in which the election was held.

**Assigning judge to recount or addition**

**158(1)** The local registrar of the court shall immediately notify the Chief Justice of the court in writing of any request made pursuant to section 155 or application made pursuant to section 156, and the Chief Justice shall immediately designate a judge of the court to make the recount or addition.

(2) The judge of the court designated pursuant to subsection (1) shall:

- (a) hear the application and fix the time and place for a recount or an addition;
- (b) attend at the time and place fixed by the judge for the recount or addition; and
- (c) make the recount or addition.

**Election officers and others to attend**

**159(1)** The returning officer and the election clerk shall attend at the time and place fixed for the recount or addition.

(2) The returning officer shall bring the returning officer's statement and the envelopes containing the ballots, the original ballot paper accounts, the poll statements and the poll books.

(3) The returning officer shall retain custody of the election materials mentioned in subsection (2).

(4) The judge designated pursuant to section 158 may give the returning officer directions with respect to the election materials.

(5) The returning officer and the election clerk shall be present at the recount or addition.

(6) The Chief Electoral Officer, the Assistant Chief Electoral Officer, the candidates and not more than two candidate's representatives for each candidate may be present at the recount or addition.

**Procedure during recount or addition**

**160(1)** At the time and place fixed for the recount or addition, the judge shall:

- (a) in the case of an addition, make the addition from the ballot paper accounts and poll statements and the returning officer's statement;
- (b) in the case of a recount, recount all the votes and ballots and open all the sealed envelopes containing:
  - (i) the ballots that have been counted;
  - (ii) the rejected ballots;
  - (iii) the spoiled ballot papers;
  - (iv) the declined ballot papers;
  - (v) the unused ballot papers; and
  - (vi) the unopened ballot envelopes.

(2) In the case of a recount, the judge shall consider and make a finding with respect to every ballot envelope that has not been opened.

(3) For the purposes of subsection (2), the judge may receive oral or affidavit evidence with respect to the eligibility to be a voter of the individual whose ballot envelope has not been opened.

(4) The judge shall deal with the ballot envelope and the ballot contained in it in the same manner as the returning officer is directed to deal with ballot envelopes pursuant to section 146, and that section applies, with any necessary modification, to this subsection.

(5) In the case of a recount, the judge shall:

(a) proceed in the manner prescribed in section 141 for the preliminary counting of ballots at the close of the polling place by a deputy returning officer and in the manner prescribed in sections 145 and 146 for the final count by a returning officer, and those sections apply, with any necessary modification, to this subsection; and

(b) verify and correct the ballot paper accounts and poll statements and the returning officer's statement.

#### **Judge to proceed continuously**

**161**(1) As far as is practicable, the judge shall proceed continuously with the recount or addition.

(2) The judge may allow time for any necessary breaks.

(3) The judge shall not proceed with the recount or addition:

(a) on a Sunday;

(b) unless the judge directs otherwise:

(i) on a statutory holiday; or

(ii) during the period between 10:00 p.m. on one day and 9:00 a.m. on the following day; or

(c) on any day or part of a day that the judge has directed the recount or addition not to proceed.

(4) During the breaks and the times during which the recount or addition is not to proceed, the judge shall take all measures that the judge considers necessary to secure the ballots and documents relating to the election.

#### **Sealing of ballots after recount or addition**

**162**(1) On completing a recount, the judge shall supervise the sealing of all the ballots in their separate envelopes.

(2) On completing an addition, the judge shall supervise the sealing of the original statements in their respective envelopes.

(3) At the request of any party who is entitled to be and who is present at the recount or addition, the judge shall number the disputed ballots on the back and enclose them in a separate envelope.

#### **Review of decision if ballot box or statements missing**

**163**(1) If the judge considers it necessary or if the judge is requested to do so by any party who is entitled to be and who is present at the recount or addition, the judge shall review the decision of the returning officer with respect to

the number of votes cast for a candidate at any polling place where:

- (a) the ballot box used was not available when the returning officer made the decision; or
  - (b) the proper statements or papers were not found in the ballot box.
- (2) For the purpose of the review:
- (a) the judge may use any evidence that the judge is able to obtain;
  - (b) the judge may summon any deputy returning officer, poll clerk or other election officer to appear before the judge and to bring with him or her all election papers and documents;
  - (c) if the judge summons election officers, the judge shall set a time and place for hearing the evidence and shall give each candidate written notice of the time and place; and
  - (d) the judge may examine on oath any election officer with respect to any aspect of the election and the ballots cast at a polling place.

**Judge's certificate**

**164**(1) The judge shall delay sending a certificate to the returning officer for five days after completing the recount or addition in order to allow for an appeal to the Court of Appeal.

(2) If no notice of appeal is given to the judge within five days after completing the recount or addition, the judge shall immediately certify the result to the returning officer.

- (3) On receiving the judge's certificate, the returning officer shall immediately declare to be elected the candidate having the largest number of votes.
- (4) If, on recount or addition pursuant to this section, the judge finds that two or more candidates, each having the largest number of votes, have the same number of votes and that casting a vote would entitle one of the candidates to be declared elected, the returning officer shall cast that vote.

**Costs of recount or addition**

**165(1)** If a recount or an addition is ordered:

- (a) pursuant to section 155, the returning officer shall pay the costs of the candidate or business manager who requested the recount or addition and of the candidates appearing at the recount or addition;
- (b) pursuant to section 156 and the judge on the recount or addition finds that the applicant was entitled to and requested a recount or addition pursuant to section 155 but the returning officer failed to comply with section 155, the returning officer shall pay the costs of the applicant and of the candidates appearing at the application and at the recount or addition.
- (2) In any other case, the judge may direct:
- (a) that each party pay his or her own costs; or
- (b) that costs be paid by all or any of the following:
- (i) the applicant;
- (ii) one or more of the candidates;
- (iii) the returning officer.
- (3) The judge shall tax the costs using the procedures and the tariff set out in the Queen's Bench Rules.
- (4) The maximum total amount that can be taxed against any party, other than the returning officer, is \$500, exclusive of disbursements.
- (5) If the returning officer is ordered to pay any costs pursuant to this section, the returning officer shall include those costs in his or her election expense account.
- (6) If costs are directed to be paid by the applicant, the costs are to be paid to the party entitled to them from the money deposited by the applicant pursuant to section 156 as security for costs.
- (7) If more than one party is entitled to costs:
- (a) the money deposited pursuant to section 156 is to be paid out in the proportions that the judge determines; and
- (b) if the money deposit is insufficient to pay all costs, the judge may, by order, determine which party is to pay the balance of the costs.
- (8) If a judge directs that costs be paid by a party other than the applicant or the returning officer, the judge's order is to be considered an order of the court and may be enforced in the same manner as any judgment or order of the court.

APPEAL OF RECOUNT OR ADDITION

**Appeal respecting failure to conduct a recount or addition**

**166(1)** If a judge fails to proceed with a recount or an addition in accordance with this Act, any aggrieved party may file a statement, accompanied by an oath or declaration, with the registrar of the Court of Appeal setting out the facts relating to the failure.

(2) A statement must be filed pursuant to subsection (1) within five days of the date the judge was required to proceed with the recount or addition.

(3) The Chief Justice of Saskatchewan shall appoint a judge of the Court of Appeal to deal with the matter.

(4) If the judge of the Court of Appeal considers that there has been a failure to proceed with a recount or an addition in accordance with this Act, that judge shall make an order:

(a) fixing the time and place to hear the matter, which shall be within eight days after the statement is filed with him or her;

(b) directing all interested parties to attend at the time and place; and

(c) directing service of a copy of the order and of the statement on the judge of the court who is alleged to have failed to proceed with the recount or addition and on any other party the judge of the Court of Appeal considers interested.

(5) The time fixed for hearing a matter pursuant to this section must be within eight days after the statement mentioned in subsection (1) is filed.

(6) The judge of the court who is alleged to have failed to proceed with the recount or addition and any party served pursuant to clause (4)(c) may file in the office of the registrar of the Court of Queen's Bench affidavits in reply to the statement.

(7) Any party served pursuant to clause (4)(c) and the party that filed a statement mentioned in subsection (1) are entitled to a copy of all affidavits filed pursuant to subsection (6).

(8) After hearing the parties present at the appeal, the judge of the Court of Appeal may:

(a) dismiss the appeal; or

(b) direct the judge of the court who failed to proceed with the recount or addition to undertake the recount or addition.

(9) On an appeal pursuant to this section, the judge of the Court of Appeal may make any order as to costs that the judge considers appropriate.

**If judge required to undertake recount or appeal**

**167(1)** A judge who is directed pursuant to section 166 to undertake a recount or an addition shall immediately do so.

(2) The judge who undertakes a recount or an addition pursuant to this section has the same power with respect to costs as set out in section 165.

(3) If the returning officer has made a return to the writ pursuant to section 171 before an order directing a recount or an addition is made pursuant to section 166, the Chief Electoral Officer, on being given a certified copy of the order, shall return to the returning officer all election papers and documents required for use at the recount or addition.

(4) After the recount or addition ordered pursuant section 166 and on receiving a judge's certificate of the result of the recount or addition, the returning officer shall issue a new declaration of the election to replace any previous declaration.

(5) If, after a recount or an addition ordered pursuant to section 166:

(a) the result of the recount or addition is that a candidate other than the candidate named in the original return is certified to be returned, the returning officer shall make a substitute return to the writ; or

(b) the result of the recount or addition confirms the original return, the returning officer shall immediately send back to the Chief Electoral Officer the election papers and documents and not make any substitute return to the writ.

(6) A substitute return to the writ made pursuant to subsection (5) has the effect of cancelling the original return to the writ.

**Appeal of decision on recount or addition**

**168(1)** Any party to a recount or an addition may file a written appeal with the Court of Appeal.

(2) A written appeal of a decision must be filed within five days after the completion of the recount or addition.

(3) A written notice of appeal must be served on:

(a) the judge who undertook the recount or addition;

(b) the returning officer;

(c) the Chief Electoral Officer; and

(d) the candidate or candidates who appeared at the recount or addition.

- (4) The party filing an appeal may limit the appeal to specified ballots or to specific findings made by the judge appealed from.
- (5) Unless limited pursuant to subsection (4), the appeal is deemed to be a request by the party for a recount or addition of all the ballots.
- (6) The judge appealed from shall immediately forward to the registrar of the Court of Appeal:
- (a) the notice of appeal served on the judge; and
  - (b) a certificate showing:
    - (i) the judge's findings;
    - (ii) the date of completion of the recount or addition; and
    - (iii) the names and addresses of the parties or their lawyers, if any, who appeared at the recount or addition.
- (7) If an appeal is limited, any candidate may file a cross appeal.
- (8) A cross appeal must be filed within five days of being served with a notice of appeal.
- (9) If a cross appeal is filed pursuant to subsection (8), the party filing the cross appeal shall serve, within the five-day period mentioned in that subsection, a copy of the notice of the cross appeal on:
- (a) the Chief Electoral Officer;
  - (b) the returning officer;
  - (c) the party appealing or any lawyer representing that party; and
  - (d) the parties or their lawyers, if any, who appeared at the recount or addition.
- (10) If a notice of cross appeal has been served in accordance with subsection (9), the appeal is, for all purposes, deemed not to be limited.
- (11) The Chief Justice of Saskatchewan shall make an order pursuant to subsection (12):
- (a) on the filing of a notice of cross appeal or on the expiration of 10 days after the date of completion of the recount or addition, if no notice of cross appeal has been filed; and
  - (b) on receipt of the notice of appeal and certificate mentioned in subsection (6).
- (12) The Chief Justice of Saskatchewan shall make an order:
- (a) designating a judge of the Court of Appeal to hear the appeal;
  - (b) fixing a time for the hearing of the appeal; and
  - (c) directing the judge appealed from and the returning officer to deliver the ballots and other election papers and documents to the registrar of the Court of Appeal for the purposes of the appeal.
- (13) The time fixed for hearing the appeal must not be more than 10 days from the date of the order.

(14) The registrar of the Court of Appeal shall immediately serve a copy of the order mentioned in subsection (12) on:

- (a) the judge appealed from;
- (b) the Chief Electoral Officer;
- (c) the returning officer;
- (d) the election clerk; and
- (e) the parties or their lawyers, if any, who appeared at the recount or addition.

**Procedures on recount or addition**

**169(1)** At the time fixed pursuant to section 168 to hear the appeal, the judge of the Court of Appeal shall:

- (a) in the case of:
  - (i) a recount, recount those ballots that are the subject of appeal or cross appeal; or
  - (ii) an addition, review the addition by the judge who made the addition; and
- (b) hear and determine all matters that may be necessary to properly complete the recount or addition.

(2) Sections 160 and 161 apply, with any necessary modification, to a recount or an addition made by a judge of the Court of Appeal.

(3) The judge of the Court of Appeal hearing the appeal has the same rights and powers with respect to the matters under appeal as are given by this Act to a judge making a recount or an addition.

(4) The party appealing is not entitled to abandon or discontinue the appeal unless that party is given leave to do so by a judge of the Court of Appeal.

(5) The judge of the Court of Appeal may direct by and to whom:

- (a) the costs of proceedings preliminary to the recount or addition and the costs of the recount or addition are to be paid; and
- (b) the costs of appeal are to be paid.

(6) For the purposes of subsection (5), section 165 applies, with any necessary modification, to determining who is to pay costs.

(7) Immediately after hearing the appeal, the judge of the Court of Appeal shall certify the decision to the judge appealed from.

(8) The judge appealed from shall comply with the decision and shall certify the result without delay to the returning officer.

**Informalities not to invalidate proceedings**

**170** With respect to a recount or an addition and any proceeding or appeal relating to a recount or an addition:

- (a) no proceeding taken pursuant to this Act is invalid for informality, if there has been substantial compliance with the requirements of this Act; and
- (b) the judge hearing any application or making the recount or addition, or the judge of the Court of Appeal hearing any application or hearing an appeal, may waive compliance with any requirement of this Act if that judge is satisfied that the waiver is not prejudicial to any party to the proceedings.

#### RETURNS TO THE WRIT

##### **Return to writ of election**

**171(1)** The returning officer shall make a return to the writ in the prescribed form:

- (a) 10 days after the final count; or
  - (b) if there has been a recount or an addition, immediately after the receipt of the certificate of the judge.
- (2) The return to the writ must:
- (a) be in the prescribed form; and
  - (b) set out the name of the candidate elected as a member.
- (3) The returning officer shall send, by registered mail, to the Chief Electoral Officer:
- (a) the return to the writ;
  - (b) the writ of election;
  - (c) the nomination papers;
  - (d) the affidavit of the printer;
  - (e) any candidate's deposit that has been forfeited; and

(f) a written report setting out any comments with respect to the state of the ballot boxes or ballot papers that the returning officer considers appropriate.

(4) The returning officer shall deliver to each of the candidates a copy of the return to the writ.

**Election materials to be sent to Chief Electoral Officer**

172(1) The returning officer shall deliver to the Chief Electoral Officer:

(a) all special envelopes containing ballots, ballot envelopes unopened and ballot envelopes opened;

(b) all voter's declarations;

(c) all other election materials used by the returning officer at the final count;

(d) the printers' aids;

(e) all ballot boxes with their contents; and

(f) all unused books, forms, seals, material supplies or things that have been sent to the returning officer.

(2) The returning officer shall deliver the items mentioned in subsection (1):

(a) 10 days after the final count; or

(b) if there has been a recount or an addition by a judge, immediately after the receipt of the certificate of the judge.

(3) The returning officer shall deliver the items in the manner directed by the Chief Electoral Officer.

(4) The returning officer shall place the items in a box or other covering material and endorse or place a label on the box or covering material setting out:

(a) a description of its contents;

(b) the date of the election to which they relate; and

(c) the name of the constituency for which the election was held.

(5) Immediately after sending the items mentioned in subsection (1), the returning officer shall make an affidavit in the prescribed form and shall immediately send the affidavit to the Chief Electoral Officer by registered mail.

**If returning officer fails to make a return to the writ**

**173(1)** An individual aggrieved by the failure of the returning officer to do any of the following, or any voter who voted at an election, may apply to a judge of the court for an order directing the returning officer to do all or any of the following:

- (a) make a final count;
- (b) declare elected the candidate having the largest number of votes;
- (c) make the return to the writ.

(2) A notice of the application must be served on the returning officer, the Chief Electoral Officer and on any individual who was a candidate at the election.

(3) Nothing in this section affects or impairs any other right or remedy of the person aggrieved or of the voter.

**Publication of return**

**174** On receiving the return to the writ, the Chief Electoral Officer shall publish in the next issue of the Gazette a notice that sets out:

- (a) the receipt of the return to the writ;
- (b) the date of its receipt; and
- (c) the name of the candidate elected as a member.

**Certain irregularities not to invalidate elections**

**175** No election is to be declared invalid by reason of any of the following irregularities if, in the opinion of the court, the irregularity did not affect the result of the election:

- (a) any irregularity on the part of the returning officer or in any of the proceedings preliminary to the voting;
- (b) a failure to conduct voting at any polling place established for the purpose;
- (c) non-compliance with the provisions of this Act as to the taking of or the counting of the votes or as to limitations of time;
- (d) any mistake in the use of the forms prescribed by this Act;
- (e) the failure to serve the Chief Electoral Officer with any document; or
- (f) the failure to include the poll number on any voter's declaration.

**Destruction of election papers and documents**

**176(1)** The Chief Electoral Officer shall retain in his or her possession the election papers and documents sent to the Chief Electoral Officer by a returning officer pursuant to section 172 for at least one year after the date the papers and documents were received.

(2) If the election is contested, the Chief Electoral Officer shall retain the election papers and documents mentioned in subsection (1) for one year after the proceedings with respect to the contested election are terminated.

(3) At the end of the one-year period mentioned in subsection (1) or (2), the Chief Electoral Officer shall destroy the

papers and documents.

(4) If a petition with respect to a contested election is received by the Chief Electoral Officer or if an order is made by a judge of the court directing that documents relating to an election are not to be destroyed, the Chief Electoral Officer shall place a label on the outside of the box or covering containing those documents.

(5) The label mentioned in subsection (4) must have, in large and distinct letters, the words "Not to be destroyed".

(6) Notwithstanding subsection (4), the Chief Electoral Officer shall destroy the documents:

(a) one year after the completion of any hearing resulting from the petition with respect to the contested election; or

(b) one year from the date of any order arising out of the contested election proceedings.

#### **Public inspection of election documents and voter data**

**177(1)** The Chief Electoral Officer shall permit the public to inspect all documents, other than voters' lists and ballots, sent by a returning officer pursuant to this Act to the Chief Electoral Officer during normal office hours of the Chief Electoral Officer.

(2) The Chief Electoral Officer shall supply copies of or extracts from the documents mentioned in subsection (1) to any person requesting them.

(3) Before obtaining copies or extracts, the person requesting the copies or extracts shall pay to the Chief Electoral Officer a reasonable fee set by the Chief Electoral Officer in an amount that allows the Chief Electoral Officer to recover the costs of making the copies or extracts.

(4) Notwithstanding subsection (1) or *The Freedom of Information and Protection of Privacy Act*, the Chief Electoral Officer may enter into agreements with respect to sharing or using a voters' list or any voter data collected pursuant to this Act with:

(a) any officer who is appointed or body that is appointed or established pursuant to an Act or an Act of the Parliament of Canada and who or that is responsible for conducting an election; or

(b) any political party that is registered pursuant to an Act or an Act of the Parliament of Canada or any candidate for election to the Parliament of Canada or the Legislative Assembly.

(5) If any political party mentioned in clause (4)(b) enters into an agreement with the Chief Electoral Officer, that political party may use the voters' list or voter data for any purpose related to this Act or any other Act or Act of the Parliament of Canada governing elections.

#### **No inspection of ballots**

**178(1)** No person may inspect a ballot in the custody of the Chief Electoral Officer except pursuant to an order of a judge of the court.

(2) A judge of the court may make an order to inspect a ballot only if the judge is satisfied, by affidavit or other evidence on oath, that the inspection of the ballot is required:

(a) to institute or maintain a prosecution for an offence in relation to ballot papers or ballots; or

(b) for the purpose of a petition questioning an election or return.

(3) A judge of the court may impose any conditions or limitations in an order that the judge considers appropriate.

(4) Unless the order of the judge of the court states otherwise:

- (a) an inspection must take place under the immediate supervision of the registrar of the court at the registrar's office in the court-house at Regina;
- (b) the registrar must be present during the inspection; and
- (c) while the ballots are in the custody of the registrar and not under inspection, the registrar shall keep them in a secure, locked place.

**Evidence that documents relate to an election**

**179**(1) If a judge of the court orders the Chief Electoral Officer to produce a document in the Chief Electoral Officer's possession relating to an election, its production by the Chief Electoral Officer or an agent of the Chief Electoral Officer in the manner directed by the order is evidence that the document relates to the election.

(2) An endorsement by an election officer appearing on an envelope containing ballots so produced is evidence that the contents are what they are stated to be by the endorsement.

PART VI  
**Election Offences and Corrupt Practices**

ELECTION OFFENCES

**Interpretation of Part**

**180** In this Part:

- (a) **"election court"** means a court to which a petition pursuant to *The Controverted Elections Act* may be made;
- (b) **"petition"** means a petition pursuant to *The Controverted Elections Act*.

**Disturbing the peace**

**181** No person shall disturb the peace and good order at a polling place or at a nomination.

**Failure to maintain secrecy**

**182** No person in attendance at a polling place or at the counting of votes shall fail to maintain or fail to aid in maintaining the secrecy of the voting.

**Interference with voters**

**183(1)** No person shall:

- (a) interfere or attempt to interfere with a voter when the voter is marking a ballot paper; or
- (b) attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

(2) No person shall communicate information obtained at a polling place as to the candidate for whom a voter at the polling place is about to vote or has voted.

**Persuading voter to show marked ballot paper**

**184** No person shall directly or indirectly persuade or attempt to persuade a voter to show the voter's marked ballot paper so as to make known the name of the candidate for whom the voter has voted.

**Voter not to show marked ballot**

**185** Subject to sections 77, 78, 107, 115, 123 and 128, no voter shall show his or her marked ballot paper to any person so as to make known the name of the candidate for whom the voter has voted.

**Election officers to report violation of secrecy**

**186** Every election officer who has reasonable grounds to believe that there is a contravention of sections 182 to 185 shall immediately report the alleged contravention to the Attorney General and the Chief Electoral Officer.

**Voters not compelled to disclose vote**

**187** In any action or proceeding with respect to the election or the return to the writ, a voter is not competent or compellable to state for whom the voter voted.

**Lawful literature may be distributed**

**188** The following are not corrupt practices or contraventions of this Act:

- (a) the distribution by a candidate, business manager or any candidate's representative of political pamphlets or other political literature;

(b) the sending or causing to be sent to voters by a candidate, business manager or any candidate's representative of newspapers containing political articles, reports of political meetings or other matters of public interest.

**Destruction of notices**

**189**(1) No person shall unlawfully take down, cover up, mutilate, deface or alter an election proclamation, notice or other document required to be posted pursuant to this Act.

(2) The returning officer shall cause a copy of subsection (1) to be:

(a) printed in large type on every election proclamation, notice, voters' list or other document; or

(b) printed as a separate notice and posted close to the election proclamation, notice or other document where it can be easily read.

(3) No person shall unlawfully take down, cover up, mutilate, deface or alter a poster or sign set up or displayed by or on behalf of a candidate.

**Prohibited displays, devices and actions on polling day**

**190**(1) No person shall use or cause to be used a public address system or other loud-speaker device on polling day for the purpose of promoting or securing the election of any candidate.

(2) On polling day, no person shall post or display any campaign literature, emblem, ensign, badge, label, ribbon, flag, banner, card, bill, poster or device that could be taken as an indication of support of or for a candidate or political party or group:

(a) on his or her person within any polling place;

(b) in or within 50 feet of a polling place; or

(c) in or on a hall, window or door of a polling place or of the building in which a polling place is situated.

(3) Notwithstanding subsection (2), if a person is a candidate's representative, that person may display a badge on his or her person within a polling place.

(4) A badge displayed by a candidate's representative pursuant to subsection (3) must:

(a) be in the form approved by the Chief Electoral Officer;

(b) identify the function of the candidate's representative; and

(c) identify the name of the party endorsing his or her candidate or, if his or her candidate is not endorsed by a party, the independent status of his or her candidate.

(5) On polling day, prior to the close of the polling places for voting, no person shall participate in any parade or demonstration or in view of the public arrange, organize, promote or prepare for a parade or demonstration.

(6) No person shall bring into, or possess or use in, any polling place any cellular phone or other communications device.

(7) The deputy returning officer may exclude from the polling place any person who contravenes any provision of this section and may remove any material or device brought into, possessed or used in contravention of any provision

of this section.

**Offences respecting ballot papers**

**191(1)** No person shall:

- (a) fraudulently alter, deface or destroy a ballot paper or the initials of the deputy returning officer on the ballot paper;
- (b) fraudulently supply a ballot paper to any person;
- (c) fraudulently place in a ballot box a paper other than the ballot paper that he or she is authorized by law to place in the ballot box;
- (d) fraudulently deliver to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him or her by the deputy returning officer;
- (e) fraudulently take a ballot paper out of the polling place;
- (f) fraudulently destroy, take, open or otherwise interfere with a ballot box or ballot book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election;
- (g) fraudulently use the printers' aids authorized by the Chief Electoral Officer for any purpose other than the printing of ballot papers;
- (h) fraudulently have in his or her possession any printers' aids authorized by the Chief Electoral Officer or a counterfeit or imitation of those printers' aids;
- (i) fraudulently print a ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- (j) print ballot papers that he or she is not authorized to print;
- (k) attempt to commit any of the acts mentioned in this section.

(2) No deputy returning officer shall fraudulently put his or her initials on the back of a paper purporting to be or capable of being used as a ballot paper at an election.

(3) If a person is convicted of an offence against this section, that person is disqualified from voting for the next five years.

(4) In addition to the penalty mentioned in subsection (3), if a person is convicted of an offence against this section, that person is liable to:

- (a) in the case of an election officer, imprisonment for not more than two years;
- (b) in the case of a person who is not an election officer, imprisonment for not more than one year.

**CORRUPT PRACTICES****Bribery**

**192(1)** No person shall, directly or indirectly and either by himself or herself or by another person, do any of the following:

(a) give, lend or agree to give or lend or offer or promise any money or other valuable consideration or promise to obtain or to endeavour to obtain any money or other valuable consideration to or for a voter or to or for a person on behalf of a voter or to or for a person:

- (i) for the purpose of persuading a voter to vote or refrain from voting at an election;
- (ii) for the purpose of rewarding a voter for having voted or refrained from voting at an election;
- (iii) for the purpose of electing a candidate as a member; or
- (iv) for the purpose of persuading a voter to vote for a candidate;

(b) give or obtain or agree to give or obtain or offer or promise any office, place or employment or promise to obtain or endeavour to obtain any office, place or employment to or for a voter or to or for any other person:

- (i) for the purpose of persuading a voter to vote or refrain from voting at an election;
- (ii) for the purpose of rewarding a voter for having voted or refrained from voting at an election;
- (iii) for the purpose of electing a candidate as a member; or
- (iv) for the purpose of persuading a voter to vote for a candidate;

(c) as a result of any gift, loan, offer, promise, agreement or other action mentioned in clauses (a) and (b) obtain, or engage or promise or endeavour to obtain:

- (i) the election of any candidate as a member; or
- (ii) the vote of a voter at an election;

(d) advance or pay or cause to be advanced or paid money to or for the use of any other person with the intention that all or any part of the money will be paid:

- (i) to support a corrupt practice; or

- (ii) to discharge or repay money that was, in whole or in part, spent to support a corrupt practice;
- (e) apply to a candidate for any money, valuable consideration, office, place or employment as a reward for doing, or enter into an agreement to do, any of the following:
  - (i) unlawfully voting or unlawfully restraining a voter from voting at an election;
  - (ii) unlawfully assisting in electing a candidate as a member;
  - (iii) unlawfully persuading a voter to vote, or refrain from voting, for a candidate;
- (f) during an election, receive or agree to receive any money, gift, loan or other valuable consideration, office, place or employment for himself or herself or for any other person for:
  - (i) voting or agreeing to refrain from voting at an election; or
  - (ii) persuading any other person to vote, or refrain from voting, for a candidate;
- (g) after an election, receive or agree to receive any money, gift, loan or other valuable consideration for:
  - (i) voting or agreeing to refrain from voting at an election; or
  - (ii) persuading any other person to vote, or refrain from voting, for a candidate;
- (h) give, lend or agree to give or lend or offer or promise any money or other valuable consideration or promise to obtain or to endeavour to obtain any money or other valuable consideration or any office, place or employment or promise to obtain or endeavour to obtain any office, place or employment to or for any person to persuade that person:
  - (i) to be a candidate;
  - (ii) to refrain from being a candidate; or
  - (iii) to withdraw from being a candidate.

(2) A contravention of any provision of this section is a corrupt practice.

**No supplying beverage alcohol at meetings**

**193(1)** No candidate, no business manager and no other person acting on behalf of a candidate shall give any beverage alcohol at a meeting of voters assembled for the purpose of promoting the election of the candidate.

(2) A contravention of this section is a corrupt practice.

**Certain contributions not to be requested of candidates**

**194(1)** In this section, “candidate” includes any individual who, before nomination day, has been nominated or selected as a candidate for election:

- (a) by any registered political party; or
- (b) by any group of individuals.

(2) No person shall request charitable contributions from any candidate during an election.

(3) A contravention of this section is a corrupt practice.

**No beverage alcohol**

**195(1)** During an election, no candidate, no business manager of a candidate and no other person on behalf of a candidate shall, directly or indirectly, give or cause to be given any beverage alcohol to or for any person, for the purpose of persuading that person to vote for the candidate or for the purpose of influencing that person or any other person to vote or refrain from voting at an election.

(2) No candidate, no business manager of a candidate and no other person on behalf of a candidate shall be an accessory to a contravention of subsection (1).

(3) A contravention of this section is a corrupt practice.

**No gambling or betting**

**196(1)** No candidate shall make a bet or wager or take a share or interest in or in any manner be a party to a bet or wager on:

- (a) the result of the election in all or any part of the constituency; or
- (b) any event or contingency relating to the election.

(2) No candidate and no other person shall provide money or any valuable consideration to be used by another person in betting or wagering on:

- (a) the result of the election in all or any part of the constituency; or
- (b) any event or contingency relating to the election.

(3) No person shall make a bet or wager, for the purpose of influencing an election, on:

- (a) the result of the election in all or any part of the constituency; or
- (b) any event or contingency relating to the election.

(4) A contravention of this section is a corrupt practice.

**No transporting voters**

**197(1)** No candidate and no other person, directly or indirectly and either by himself or herself or by another person, shall:

(a) hire or pay or promise to pay for any means of transportation to carry a voter to, near or from, or on the way to or from, a polling place; or

(b) pay the travelling or other expenses of a voter in going to or returning from a polling place.

(2) No person shall provide any means of transportation for a purpose mentioned in subsection (1).

(3) No person shall provide transportation on any means of public transportation free of charge or at a diminished rate to take a voter to, near or from, or on the way to or from, a polling place.

(4) Subsections (1) to (3) do not apply to transporting voters to a polling place by or on behalf of a candidate where no remuneration or other consideration is paid or given to the owner of the means of transportation or to any person in connection with the transportation, other than the meals to drivers and the actual cost of fuel used.

(5) A contravention of this section is a corrupt practice.

**No beverage alcohol on polling day**

**198(1)** No person shall, before 8:00 p.m. on polling day, directly or indirectly give:

(a) beverage alcohol to any voter; or

(b) any money or other thing to enable the voter to obtain any beverage alcohol.

(2) A contravention of this section is a corrupt practice.

**Compelling voter to vote**

**199(1)** No person shall, directly or indirectly and either by himself or herself or by another person:

(a) intimidate a voter or use or threaten to use force, violence or restraint or inflict or threaten to inflict injury, damage, harm or loss on or against a voter:

(i) to persuade or compel the voter to vote or refrain from voting; or

(ii) because the voter voted or refrained from voting;

(b) impede, prevent or otherwise interfere in any way with the free exercise of the voter's right to vote; or

(c) in any way, compel, induce or prevail on a voter to vote or refrain from voting.

(2) No person shall represent to a voter, directly or indirectly, that the ballot to be used or the mode of voting at an election is not secret.

(3) A contravention of this section is a corrupt practice.

#### **Impersonation**

**200**(1) No person shall:

(a) apply at an election for a ballot paper in the name of another person, whether living or dead, or of a fictitious person;

(b) having voted, apply at the same election for a ballot paper in the voter's own name; or

(c) vote more than once at the same election.

(2) A contravention of this section is a corrupt practice.

#### **Fraudulent appointment as an election officer**

**201**(1) No person shall:

(a) obtain an appointment as a supervisory deputy returning officer, deputy returning officer, election clerk or poll clerk by false pretence, deceit or other improper means; or

(b) act as supervisory deputy returning officer or deputy returning officer without lawful authority.

(2) No person shall knowingly appoint as an election clerk, supervisory deputy returning officer, deputy returning officer or poll clerk a person who has been found guilty of a corrupt practice by a court of competent jurisdiction within five years of the appointment.

(3) A contravention of this section is a corrupt practice.

#### **No voting by ineligible individuals**

**202**(1) No individual shall:

(a) vote knowing that he or she has no right to vote; or

(b) induce or persuade any other individual to vote knowing that the other individual has no right to vote.

(2) A contravention of this section is a corrupt practice.

#### **False oath or declaration**

**203**(1) No person shall make a false or misleading oath or declaration that is required pursuant to this Act.

(2) A contravention of this section is a corrupt practice.

#### **False statements before or during an election**

**204**(1) Before or during an election, no person shall knowingly make or publish a false statement of the withdrawal of a candidate at the election for the purpose of promoting or securing the election of another candidate.

(2) Before or during an election, no person shall knowingly make or publish any false statement in relation to the

personal character or conduct of a candidate for the purpose of affecting the return of the candidate at the election.

(3) A contravention of this section is a corrupt practice.

**False returns**

**205**(1) No returning officer, supervisory deputy returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified voters' list, polling list or poll book shall wilfully make an alteration or insertion in or omission from or in any way wilfully falsify the poll book, voters' list or polling list.

(2) A contravention of this section is a corrupt practice.

**Unlawfully destroying documents**

**206**(1) No person shall wilfully and maliciously destroy, injure or obliterate, or cause to be destroyed, injured or obliterated, a writ of election or a return to a writ or a poll book, voters' list, polling list, certificate or affidavit required for the purposes of this Act.

(2) No person shall aid, abet, counsel or procure the commission of an offence mentioned in subsection (1).

(3) A contravention of this section is a corrupt practice.

**No deputy returning officer to neglect duties**

**207**(1) No deputy returning officer shall knowingly:

(a) omit to put his or her initials on the back of a ballot paper in use for the purposes of an election; or

(b) put on a ballot paper any word, letter, figure or mark not required by this Act.

(2) No deputy returning officer and no poll clerk shall wilfully miscount the ballots or otherwise make up a false ballot paper account and poll statement.

(3) A contravention of subsection (2) is a corrupt practice.

**Election void because of candidate's corrupt practice**

**208**(1) If an election court reports that a corrupt practice has been committed by an elected candidate, the candidate's business manager or any of his or her candidate's representatives, the election of the candidate is void.

(2) An election is void pursuant to subsection (1) regardless of whether the corrupt practice was committed with or without actual knowledge and consent of the candidate.

(3) Notwithstanding subsection (1), an election of a candidate is not void if an election court reports that:

- (a) no corrupt practice was committed during the election by the candidate personally and that the corrupt practice of the candidate's business manager or candidate's representative was committed contrary to the order and without the sanction or connivance of the candidate;
- (b) the candidate took all reasonable means for preventing the commission of corrupt practices at the election;
- (c) the corrupt practice was of a trivial, unimportant and limited character; and
- (d) the evidence discloses that the election was otherwise free from any corrupt practice on the part of the candidate and of the candidate's business manager or candidate's representative.

**Disqualification if guilty of corrupt practice**

**209**(1) Subject to subsection (2), if an election court reports that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate:

- (a) the candidate's election, if he or she has been elected, is void; and
- (b) for the five years following the date of the conviction, the candidate is disqualified from:
  - (i) being elected or sitting as a member;
  - (ii) being entered on any voters' list; or
  - (iii) voting at an election.

(2) The penalties mentioned in subsection (1) do not apply if the election court finds that:

- (a) the candidate did not commit the corrupt practice with any corrupt intent or committed the corrupt practice in ignorance; and
- (b) the candidate honestly desired and in good faith tried as far as the candidate was able to have the election conducted according to law.

(3) Every person other than a candidate who is found guilty of a corrupt practice is disqualified, for the five years following the date of the conviction, from:

- (a) being elected or sitting as a member;
- (b) being entered on any voters' list; or
- (c) voting at an election.

(4) The penalties mentioned in subsection (3) do not apply if the court finds that the corrupt practice was not intentional.

#### **Effect of previous corrupt practices on new election**

**210(1)** If an election is voided due to one or more corrupt practices and a second election is held, the second election is to be considered a new election and is not to be voided by reason of corrupt practices committed at the former election except for those corrupt practices that were:

- (a) the personal acts of the candidate; or
- (b) the personal acts of the candidate's business manager or candidate's representative done with the candidate's actual knowledge and consent.

(2) The new election is not to be voided for corrupt practices by the candidate at the former election unless:

- (a) the corrupt practices were proved at the trial of the petition and reported by the election court; and
- (b) as a result, the penalties mentioned in section 209 apply to the candidate.

#### **Election void if candidate uses disqualified persons**

**211** The election of a candidate is void if it is proved at the trial of the petition and reported by the election court that a candidate personally engaged a canvasser, campaign worker, candidate's representative or business manager knowing that the canvasser, campaign worker, candidate's representative or business manager had, within five years previous to the engagement, been:

- (a) found guilty by a court of competent jurisdiction of a corrupt practice; or
- (b) reported by an election court for a corrupt practice.

#### **Removal of disqualification**

**212(1)** An individual who is disqualified pursuant to section 209 may apply to the Court of Appeal to remove the disqualification if any of the witnesses on whose testimony the individual was disqualified is convicted of perjury with respect to that testimony.

(2) If the Court of Appeal is satisfied that the disqualification was imposed by reason of the perjured testimony, the Court of Appeal may order that the disqualification cease.

#### **Contracts based on election void**

**213** Every executory contract, promise or undertaking the performance of which is dependent on a candidate's election is void, even if the contract, promise or undertaking related to the payment of lawful expenses or the doing of a lawful act.

**No penalties recoverable for a corrupt practice**

**214(1)** No penalty is recoverable for a corrupt practice if, in the opinion of a court of competent jurisdiction:

- (a) the person charged with the corrupt practice and another person or other persons were together guilty of the corrupt practice; and
- (b) the person charged has previously prosecuted, or caused to be prosecuted, in good faith, the other person or persons for the corrupt practice.

(2) Subsection (1) does not apply if, in the opinion of the court hearing the matter, the person charged with the corrupt practice:

- (a) took the first step towards the commission of the corrupt practice; and
- (b) was the principal offender.

GENERAL PROVISIONS RESPECTING OFFENCES

**Offences respecting printing**

**215(1)** In this section:

(a) **"advertisement"** means any of the following that refers to any election or promotes the candidacy of a particular person:

- (i) a visual publication, display or representation consisting of images or text;
- (ii) any audio publication or representation;
- (iii) any advertisement, hand bill, placard, poster, circular, circular letter pamphlet;
- (iv) any electronic or digital display;
- (v) any radio or television broadcast that refers to any election or promotes the candidacy of a particular person;

(b) **"distribute"** means to do any of the following:

- (i) print, or produce by any other process;
- (ii) publish;
- (iii) distribute by mail or otherwise;
- (iv) post;
- (v) disseminate or broadcast.

(2) No person shall distribute or cause to be distributed any advertisement unless there is included in, or unless there appears on the face of, the advertisement:

- (a) the name and address of the person who printed it, or produced it by any other process; and

(b) the name and address of the person who authorized it to be produced, published or distributed.

**General offence**

**216(1)** Any person who contravenes any provision of this Act is guilty of an offence and is liable on summary conviction to the penalties set out in this Act with respect to that offence.

(2) If no penalty is prescribed with respect to that offence, the person, if convicted, is liable to a fine of not more than \$5,000 or to imprisonment for a term not exceeding two years or to both.

**Writ need not be produced at trial**

**217** In any prosecution with respect to an alleged contravention of this Act, it is not necessary to produce the writ of election or the return to the writ or to verify the authority of the returning officer based on the writ.

**Certificate respecting candidate**

**218** A certificate of a returning officer stating that an individual was a candidate at an election is admissible in evidence as proof of that person's candidacy without proof of the signature or office of the person purporting to sign the certificate.

**Limitation on prosecutions**

**219** Every prosecution pursuant to this Act must be commenced within two years after the alleged offence was committed.

PART VII

**Registration and Election Financing**

INTERPRETATION

**Interpretation of Part**

**220** In this Part:

(a) **“adjusted amount”** means an amount that is to be adjusted in accordance with section 221;

- (b) **"candidate campaign expenses"** means the reasonable travelling expenses of a candidate and the reasonable meal and accommodation expenses of the candidate incurred by or on behalf of the candidate during an election for the purposes of the election;
- (c) **"commercial value"** means, with respect to any goods or services donated or provided at other than their true value:
- (i) if the person who donates or provides the goods or services is in the business of supplying those goods or services, the lowest amount charged by that person for an equivalent amount of the same goods or services at or about the time they are donated or provided;
  - (ii) if the person who donates or provides the goods or services is not in the business of supplying those goods or services, the lowest amount charged for an equivalent amount of the same goods or services at or about the time they are donated or provided by any other person providing those goods or services on a commercial basis in the market area in which they are donated or provided;
- (d) **"contribution"** includes a gift, loan, advance, deposit or other form of assistance;
- (e) **"cost"**, with respect to goods or services, means the sum of the following:
- (i) the amounts paid for the goods or services;
  - (ii) the liabilities incurred for the goods or services;
  - (iii) the commercial value of the goods or services donated or provided, other than the value of any volunteer labour; and
  - (iv) if the goods and services are provided at less than their commercial value, the amounts that represent the difference between:
    - (A) amounts paid and liabilities incurred for goods and services, other than volunteer labour; and
    - (B) the commercial value of those goods and services;
- (f) **"election expenses"** means the cost of goods and services used during an election for the purpose of promoting or opposing, directly or indirectly, a registered political party or the election of a candidate, regardless of whether those costs are incurred before, during or after the election, and includes the following:
- (i) the cost of acquiring the right to use time on the facilities of any broadcasting undertaking or of acquiring the right to publish an advertisement in any newspaper;
  - (ii) the cost of acquiring the services of any person, including remuneration and expenses paid to him or her or on his or her behalf, as a chief official agent or business manager or otherwise;

- (iii) the cost of acquiring meeting space and acquiring, distributing and mailing objects, material or devices of a promotional nature;
- (iv) the cost of the salary, candidate campaign expenses or other remuneration paid or agreed to be paid to a candidate, on account of his or her being a candidate, by his or her business manager or by a registered political party;
- (v) the cost incurred for literature, posters, signs or audio or visual materials, including films, recordings, records or video tapes or other materials or devices of an advertising nature used during an election;
- (vi) in the case of the leader of a registered political party, the reasonable costs incurred during the election for the purposes of campaigning for the registered political party;
- (vii) interest accrued during the election on loans or lines of credit taken to acquire goods and services used during the election;

but does not include any exempt election expense;

(g) **“election expenses return”** means a return with respect to election expenses required to be filed with the Chief Electoral Officer pursuant to this Part;

(h) **“exempt election expense”** means:

- (i) expenses incurred by a candidate in seeking a nomination;
- (ii) the candidate's election deposit required by this Act;
- (iii) expenses for goods and services incurred at any time and used after 8:00 p.m. on polling day for:
  - (A) social functions, meetings or gatherings; or
  - (B) communicating with voters and campaign workers;
- (iv) in the case of the donor, contributor or transferor, contributions, donations or other transfers of money, goods or services between a registered political party, its constituency associations and the candidates that the registered political party endorses;
- (v) expenses incurred in the administration of a registered political party or constituency association, including reasonable expenses incurred to operate a permanent office for a registered political party;
- (vi) expenses related to recounts or additions;
- (vii) the costs of campaigns or conventions related to the leadership of a registered political party;
- (viii) the costs of opinion polling during an election;
- (ix) personal expenses of a candidate incurred by the candidate on account of or in connection with or incidental to an election;
- (x) the cost of time on the facilities of a broadcasting undertaking where the time is provided:
  - (A) to all registered political parties endorsing candidates during an election; and

(B) without charge pursuant to an agreement between the registered political parties and the broadcasting undertaking;

(xi) the costs of fund-raising functions;

(i) **"network"** includes an operation involving two or more broadcasting undertakings in which control over all or any part of the programs or program schedules of any broadcasting undertaking involved in the operation is delegated to a network operator, and a temporary operation with respect to a particular program or series of programs extending over a period commencing at any time prior to the issue of the writ of election and ending 24 hours before polling day;

(j) **"personal expenses"** means any expenses incurred by a candidate other than candidate campaign expenses;

(k) **"register"** means the register maintained by the Chief Electoral Officer pursuant to section 231;

(l) **"registered"** means registered pursuant to this Part.

#### Calculation of adjusted amounts

221(1) In this section, **"consumer price index"** means the "all-items" Consumer Price Index for Saskatchewan as published monthly by Statistics Canada.

(2) For the purposes of this Part, an amount that is required to be adjusted is to be adjusted in accordance with the following formula:

$$AM = A \times \frac{CPICY}{CPIPY}$$

where:

AM is the amount as adjusted;

A is the amount to be adjusted;

CPICY is the consumer price index for the year in which the adjustment is being made; and

CPIPY is the consumer price index for the year prior to the year in which the adjustment is being made.

(3) For the purposes of this section, the consumer price index for a year is the average of the consumer price indices for the 12 months of the previous year.

(4) After adjustment pursuant to this section, the resulting amount is to be rounded to the nearest dollar.

(5) Subsection (4) does not apply to the adjusted amount mentioned in paragraph 243(1)(b)(ii)(B) or in subclause 252(1)(a)(ii) or (b)(ii).

(6) If a writ is issued in one year and the polling day is in the next year, the adjusted amount for any item related to the election is the adjusted amount for the year in which the writ was issued.

(7) As soon as is practicable after the beginning of each year, the Chief Electoral Officer shall:

(a) calculate the adjusted amounts for that year;

(b) publish in the Gazette a notice of the adjusted amounts; and

- (c) deliver to each registered political party a written notice of the adjusted amounts.
- (8) The adjusted amounts for the year in which section 1 comes into force are the amounts set out in this Act.

**Qualifications of and principles to be applied by auditor**

222(1) For the purposes of this Part, a person or firm is eligible to be appointed an auditor only if the person is, or, in the case of the firm, if the firm has at least one partner who is, a member in good standing of:

- (a) The Institute of Chartered Accountants of Saskatchewan continued pursuant to *The Chartered Accountants Act, 1986*;
  - (b) the Certified General Accountants Association of Saskatchewan established pursuant to *The Certified General Accountants Act*; or
  - (c) the Society of Management Accountants of Saskatchewan continued pursuant to *The Management Accountants Act*.
- (2) Every auditor shall apply generally accepted accounting principles in conducting an examination or in making a report pursuant to this Act.

REGISTRATION OF PARTIES

**Registration required**

223 No unregistered political party and no person acting on behalf of an unregistered political party shall, directly or indirectly:

- (a) solicit or receive any contribution for the purpose of promoting, opposing or endorsing that party, any other political party or the candidacy of any individual; or
- (b) incur or pay any expense or expend any effort for the purpose of promoting, opposing or endorsing that party, any other political party or the candidacy of any individual.

**Application for registration**

224(1) Every political party that wishes to be registered shall submit to the Chief Electoral Officer an application, signed by the leader of the party, setting out the following:

- (a) the full name of the political party;
- (b) any abbreviation of the political party's name that is to be shown in any election documents;
- (c) the name and address of the leader of the political party;
- (d) the address of the office of the political party where its records are maintained and where notices, documents and other communications pursuant to this Act may be delivered;
- (e) the names and addresses of the officers of the political party;
- (f) the names and addresses of the auditor and chief official agent of the political party and the written consent of the auditor to act as auditor;

(g) an audited financial statement, including a statement of assets and liabilities, of the political party as at a date not more than 60 days prior to the date of the application;

(h) a written statement that its primary purpose is to field candidates for election as members.

(2) An application for registration pursuant to subsection (1) must be accompanied by a complete and accurate petition for registration in the prescribed form signed by not fewer than 2,500 voters, 1,000 of whom must reside in at least 10 different constituencies, with a minimum of 100 voters in each of those constituencies.

(3) A political party may apply to be registered at any time during the period commencing on the day fixed for the return to a writ for a general election and ending on the day that is five days after the issue of the writ commencing the next general election.

(4) Every registered political party shall maintain an office in Saskatchewan where its records are maintained and to which notices, documents and other communications pursuant to this Act may be delivered.

### Registration

**225(1)** On receipt of an application pursuant to section 224, the Chief Electoral Officer shall:

(a) examine the application and determine whether or not the political party is eligible to be registered; and

(b) if the political party's application:

(i) does not fully comply with section 224, inform the leader of the political party of that fact in writing, setting out where the application does not comply;

(ii) fully complies with section 224, register the political party and inform the leader of the political party.

(2) The Chief Electoral Officer shall not register a political party or an alteration of the name or abbreviation of the name of a registered political party if:

(a) the Chief Electoral Officer is of the opinion that the name or abbreviation so closely resembles the name or an abbreviation of the name of another registered political party that it is likely to be confused with the other registered political party;

(b) the Chief Electoral Officer is of the opinion that the name or abbreviation is or was the name or an abbreviation of the name of a political party that merged or amalgamated with another political party; or

(c) the name of the political party includes the word "independent" or an abbreviation of that word.

### Alterations in registration

**226(1)** If at any time any information required to be set out in an application mentioned in section 224 is altered, the registered political party shall deliver a written notice to the Chief Electoral Officer of the alteration within 30 days of that alteration.

(2) On receipt of a written notice pursuant to subsection (1) and subject to the other provisions of this Act, the Chief Electoral Officer shall amend the register.

(3) Not later than 10 days after a writ of election is issued, every registered political party shall file with the Chief Electoral Officer a statement in writing, signed by the leader of the registered political party:

- (a) confirming or bringing up to date the information contained in the register of political parties; and
- (b) where the leader so wishes, designating representatives to endorse candidates at the election.

(4) Subject to the other provisions of this Act, on receipt of a written statement pursuant to subsection (3), the Chief Electoral Officer shall amend the register.

#### **Deleting from register**

**227(1)** The Chief Electoral Officer shall delete any registered political party from the register if:

- (a) the leader of the registered political party sends the Chief Electoral Officer a written notice stating that the party does not wish to remain registered;
- (b) at the close of nominations at a general election, the party endorses fewer than 10 candidates nominated throughout the province at the election; or
- (c) the registered political party fails to comply with subsection 224(4) [office in Saskatchewan], subsection 226(3) [updating information at election time], section 234 [chief official agent], subsection 237(4) [audits by auditor], section 242 [contributions by non-Canadians], section 250 [annual returns], section 251 [election expenses return], subsection 275(4) [tax receipts] or section 283 [obstruction].

(2) At least 30 days before deleting a registered political party from the register pursuant to clause (1)(b) or (c), the Chief Electoral Officer shall deliver a written notice to the registered political party and shall give the registered political party an opportunity to be heard.

(3) After giving the registered political party an opportunity to be heard, the Chief Electoral Officer may decide not to delete the registered political party if the Chief Electoral Officer is satisfied that:

- (a) the registered political party has rectified the contravention; or
- (b) the registered political party will rectify the contravention within 30 days of the hearing and the registered political party does rectify the contravention.

(4) As soon as is practicable, the Chief Electoral Officer shall publish a notice in the Gazette of the deletion of a political party from the register.

(5) For the purposes of issuing tax receipts:

- (a) the effective date of deleting the registered political party is the date the deletion is published in the Gazette; and
- (b) the political party may issue tax receipts for any donations given before the effective date of the deletion.

(6) If a political party is deleted from the register, the chief official agent of the political party shall immediately liquidate the assets of the political party, provide the Chief Electoral Officer with an audited report with respect to the liquidation and pay any remaining surplus to the Chief Electoral Officer.

(7) The Chief Electoral Officer shall hold any moneys paid to him or her in trust for the political party for two years from the date the moneys were received.

(8) If the political party is not registered again within the two-year period mentioned in subsection (7), the moneys paid pursuant to that subsection are forfeited to the Crown in right of Saskatchewan and the Chief Electoral Officer shall pay those moneys to the Minister of Finance for deposit in the general revenue fund.



**Registration of party previously deleted from register**

**228** The Chief Electoral Officer shall not register a political party that was a registered political party but that was deleted pursuant to section 227 unless the Chief Electoral Officer is satisfied that:

- (a) the political party has rectified the contravention that caused it to be deleted; and
- (b) the political party meets the qualifications for registration.

**Fiscal year of registered political party**

**229(1)** The fiscal year of a registered political party is the calendar year.

(2) Subject to subsection (3), if, on registration, the fiscal year of a registered political party is not the calendar year, the registered party shall vary the period of the fiscal year, by either shortening or lengthening the fiscal year during which the party was registered, so that the fiscal year terminates on a December 31.

(3) The fiscal year during which the political party is registered may be restricted to not less than six months and may be extended to not more than 18 months.

**Registered political parties to file information**

**230(1)** As soon as possible after the following information becomes known to a registered political party, it shall file the following information with the Chief Electoral Officer:

- (a) the name and address of each candidate selected by the party's constituency associations, the name of the constituency association choosing the candidate and the date of the selection;
- (b) the name and address of each business manager appointed for each candidate, the date of the appointment and the written consent of the person to act as business manager.

(2) Every registered political party shall file any changes to the information mentioned in subsection (1) as soon as possible after the change occurs.

(3) The leader of the registered political party shall sign all information before it is filed with the Chief Electoral Officer.

(4) If the Chief Electoral Officer requires a registered political party to verify any information filed pursuant to this section, the registered political party shall verify the information in the manner and within the time that the Chief Electoral Officer directs.

**Register**

**231** The Chief Electoral Officer shall maintain a register of the following information:

- (a) the information with respect to a registered political party that is set out in subsection 224(1);

- (b) the name and address of each candidate endorsed by a registered political party and the constituency association that selected the candidate;
- (c) the name and address of every candidate other than one mentioned in clause (b);
- (d) the names and addresses of each candidate's business manager and auditor;
- (e) records submitted pursuant to this Part by each registered political party and candidate with respect to tax receipts issued by the party or candidate;
- (f) any other information with respect to political parties and candidates that the Chief Electoral Officer may direct or that is prescribed.

**Public right to inspect documents**

232(1) The Chief Electoral Officer shall supply to any person who requests copies of or extracts from:

- (a) the register; or
  - (b) any report, return or document with respect to a registered political party or candidate that the registered political party or candidate is required to file with or send to the Chief Electoral Officer pursuant to this Act.
- (2) Before obtaining copies or extracts, the person requesting the copies or extracts shall pay to the Chief Electoral Officer a fee set by the Chief Electoral Officer.
- (3) The Chief Electoral Officer may only set a fee in an amount the Chief Electoral Officer requires to recover the costs of making the copies or extracts.
- (4) The Chief Electoral Officer shall keep the register and the reports, returns or documents available for public inspection during normal office hours of the Chief Electoral Officer.

**Publication of information**

233 As soon as is practicable, the Chief Electoral Officer shall publish in the Gazette a notice of the following:

- (a) the name, and any abbreviation of the name, of any registered political party registered pursuant to subsection 225(1) and the date of its registration;
- (b) any amendments to the name, or to any abbreviation of the name, of a registered party.

AGENTS, BUSINESS MANAGERS AND AUDITORS

**Who is not entitled to be chief official agent**

234 No election officer or candidate shall act as chief official agent for any registered political party.

**Duties of chief official agent**

235 The chief official agent of a registered political party shall do the following with respect to the registered political party:

- (a) ensure that all the party's accounts are kept at a chartered bank, a trust or a loan corporation or a credit union;

- (b) keep legible records of all contributions and other income received by the party, including the name of all contributors and the amounts contributed;
- (c) keep legible records of all bills, invoices, vouchers and receipts;
- (d) ensure that all statements, reports, returns and documents required by this Act are completed, audited, if required, and filed with the Chief Electoral Officer;
- (e) perform any other acts that a chief official agent is required by this Act to perform.

**Business manager**

**236(1)** If the candidate has not already done so, a candidate shall file, within 10 days of the appointment of a business manager, the following:

- (a) the name and address of the business manager;
  - (b) the written consent of the person to act as business manager.
- (2) The information mentioned in subsection (1) is to be filed:
- (a) in the case of a candidate endorsed by a registered political party, with the registered political party, and the party shall file the information with the Chief Electoral Officer;
  - (b) in the case of a candidate not endorsed by a registered political party, with the Chief Electoral Officer.
- (3) If there is any change to the information filed pursuant to subsection (1), the candidate or the registered political party shall file the change in information within 10 days of the change.
- (4) A candidate's business manager shall do the following with respect the candidate:
- (a) ensure that all the candidate's accounts are kept at a chartered bank, a trust or a loan corporation or a credit union;
  - (b) keep legible records of all contributions and other income received by the candidate, including the name and address of all contributors and the amounts contributed;
  - (c) keep legible records of all bills, invoices, vouchers and receipts for the election in which the candidate is nominated;
  - (d) ensure that all statements, reports, returns and documents required by this Act are completed, audited, if required, and filed with the Chief Electoral Officer;
  - (e) perform any other acts that a business manager is required by this Act to perform.
- (5) The duties of a business manager pursuant to this section continue during an election and for any period after the election that is necessary to complete and file all statements, reports, returns and documents required by this Act to be filed with the Chief Electoral Officer.

**Party's auditor**

**237(1)** If a registered political party's auditor ceases for any reason to be auditor or ceases to be qualified or becomes ineligible to act as an auditor, the registered political party shall, within 30 days:

- (a) appoint another auditor; and
  - (b) inform the Chief Electoral Officer of the name and address of the auditor.
- (2) No election officer, candidate, business manager of a candidate or chief official agent of a registered political party, or a partner, employee or student of any of them, shall act as auditor for a registered political party.
- (3) The auditor appointed by a registered political party shall make a written report to the chief official agent of the party on:
- (a) each return of receipts and expenses for the party for a fiscal year; and
  - (b) each election expenses return of the party prepared during the auditor's term of office.
- (4) For the purposes of subsection (3), the auditor may make any examinations that the auditor considers necessary to enable the auditor to state in the written report whether or not, in his or her opinion, the return presents fairly the information contained in the accounting records on which the return is based.
- (5) In the auditor's written report, the auditor shall make any statements that the auditor considers necessary if:
- (a) the return to which the report relates does not present fairly the information contained in the accounting records on which it is based;
  - (b) the auditor has not received from the chief official agent of the registered political party all the information and explanations that the auditor has requested; or
  - (c) it appears from the auditor's examination that proper accounting records have not been kept by the registered political party.

(6) A registered political party shall:

- (a) give its auditor access at all reasonable times to all records, documents, books, accounts and vouchers of the registered political party; and
- (b) provide to its auditor any information and explanation from its chief official agent that, in the auditor's opinion, may be necessary to enable the auditor to make a report as required by this section.

**Candidate's auditor**

**238**(1) Before filing his or her nomination papers, every potential candidate shall appoint an auditor.

(2) A potential candidate shall give written notice of the name and address of the auditor appointed and the written consent of the person to act as auditor to:

- (a) in the case of a candidate endorsed by a registered political party, the registered political party, and the registered political party shall give that written notice to the Chief Electoral Officer;
- (b) in the case of a candidate not endorsed by a registered political party, the Chief Electoral Officer.

(3) If the auditor dies or is unable to serve as auditor for any reason, the candidate shall immediately appoint another auditor and give written notice in the manner prescribed by subsection (2) of the name and address of the person appointed.

(4) No election officer, candidate, business manager of a candidate or chief official agent of a registered political party or a partner, employee or student of any of them shall:

- (a) act as auditor for a candidate; or
- (b) subject to subsection (8), participate in the examination or the preparation of an auditor's report pursuant to this section, if that person is the partner of the auditor for a candidate, or an employee of an auditor or of a firm with which the auditor is associated.

(5) The auditor for a candidate shall make a report to the candidate's business manager on the election expenses return prepared by or on behalf of the candidate.

(6) For the purposes of subsection (5), the auditor may make any examinations that the auditor considers necessary to enable the auditor to state in the written report whether or not, in his or her opinion, the return presents fairly the information contained in the accounting records on which the return is based.

(7) In the auditor's written report, the auditor shall make any statements that the auditor considers necessary if:

- (a) the return to which the report relates does not present fairly the information contained in the accounting records on which it is based;
- (b) the auditor has not received from the candidate's business manager all the information and explanations that the auditor has requested; or
- (c) it appears from the auditor's examination that proper accounting records have not been kept by the candidate.

(8) A candidate and the candidate's business manager shall:

- (a) give the auditor access at all reasonable times to all records, documents, books, accounts and vouchers of

the candidate; and

(b) provide to the auditor any information and explanation that, in the auditor's opinion, may be necessary to enable the auditor to make a report as required by this section.

## CONTRIBUTIONS

### Form of contributions

**239**(1) No person shall make a contribution to a registered political party unless the contribution is paid out of moneys to which that person is beneficially entitled.

(2) No person shall make a payment by or on behalf of a registered political party unless it is by or through the chief official agent of the party.

(3) No person shall make a contribution to a candidate unless the contribution is paid out of moneys to which that person is beneficially entitled.

(4) No person shall make a payment by or on behalf of a candidate unless it is by or through the candidate's business manager.

(5) Subsections (2) to (4) do not apply to any payments made by any person if:

- (a) the payment is out of moneys to which that person is beneficially entitled;
- (b) the aggregate of the payments made by that person is \$25 or less;
- (c) the liability for the payment was lawfully incurred by that person; and
- (d) no part of the payment is repayable to that person.

### Use of agents to make contributions

**240**(1) In this section, "**registered party**" means a registered party within the meaning of the *Canada Elections Act*.

(2) A person may use an agent to make a contribution to a candidate or registered political party.

(3) If a person receives moneys from another person for the purpose of making a contribution to a candidate or a registered political party, that person is deemed to be an agent for the other person.

(4) If a person uses an agent:

(a) the agent shall disclose the identity of his or her principal to:

- (i) in the case of a contribution to a candidate, the candidate's business manager; or
- (ii) in the case of a contribution to a registered political party, the chief official agent for the registered political party; and

(b) no business manager or chief official agent shall accept any contribution from an agent unless the identity of the agent's principal is made known at the same time that the contribution is made.

(5) If a statement, report, return or document prescribed in this Act requires the disclosure of the name of the person making a contribution, the name of the person who used or is deemed to have used an agent pursuant to this section, and not that of the agent, must be disclosed.

(6) If a constituency association, corporation or trust fund makes a contribution to a registered political party or a candidate, the constituency association, corporation or trust fund shall provide the chief official agent of the registered political party or the candidate's business manager with a statement setting out:

(a) the name of the person who authorized the contribution on behalf of the constituency association, corporation or trust fund; and

(b) the name of, and the amount contributed by, each person who made a contribution in excess of \$250 in a year and whose contribution was used to make up the funds contributed by the constituency association, corporation or trust fund.

(7) If a registered party makes a contribution to a registered political party or a candidate, the registered party shall provide the chief official agent of the registered political party or the candidate's business manager with a statement setting out the name of, and the amount contributed by, each person who made a contribution in excess of \$250 in a year and whose contribution was used to make up the funds contributed by the registered party.

(8) The statements mentioned in subsections (6) and (7) must be provided at the time the contribution is made.

(9) If the constituency association, corporation or trust fund does not provide the statement mentioned in subsection (6) to the chief official agent or business manager, the chief official agent or business manager shall not accept the contribution from the constituency association, corporation or trust fund.

(10) If the registered party does not provide the statement mentioned in subsection (7) to the chief official agent or business manager, the chief official agent or business manager shall not accept the contribution from the registered party.

(11) If the chief official agent or business manager learns that the registered political party or candidate has accepted a contribution from a constituency association, corporation or trust fund contrary to subsection (9) or from a registered party contrary to subsection (10), the chief official agent or business manager shall return the contribution to the constituency association, corporation, trust fund or registered party.

(12) The Chief Electoral Officer may request a constituency association, corporation or trust fund that makes a contribution to a registered political party or candidate to submit a statement setting out:

(a) the name of the person who authorized the contribution on behalf of the constituency association, corporation or trust fund; and

(b) the name of, and the amount contributed by, each person who made a contribution in excess of \$250 in a year and whose contribution was used to make up the funds contributed by the constituency association, corporation or trust fund.

(13) No constituency association, corporation, trust fund, registered party, chief official agent, business manager, officer of a constituency association, officer or director of a corporation or trustee of a trust fund shall fail to comply with subsections (6) to (11) or with a request made pursuant to subsection (12).

#### **Anonymous contributions**

**241**(1) No business manager and no chief official agent of a registered political party shall accept, and no person shall make, an anonymous contribution that exceeds \$250.

(2) If an agent fails to identify the agent's principal in accordance with section 240, the amount of the contribution is deemed to be received from an anonymous donor.

(3) Any contribution in excess of \$250 from an anonymous donor is forfeited to the Crown in right of Saskatchewan.

(4) A business manager or chief official agent who receives an anonymous contribution in excess of \$250 shall immediately:

(a) report the contribution and the circumstances of the contribution in writing to the Chief Electoral Officer; and

(b) forward the amount of the contribution with the written report to the Chief Electoral Officer.

(5) The Chief Electoral Officer shall forward to the Minister of Finance any amounts received by the Chief Electoral Officer pursuant to subsection (4), and the Minister of Finance shall deposit those amounts in the general revenue fund.

#### **No contributions from non-Canadians**

**242** No business manager and no chief official agent of a registered political party shall accept a contribution from a contributor who resides outside Canada, unless that contributor is a Canadian citizen.

### ANNUAL AND ELECTION EXPENSES RETURNS - PARTIES

#### **Limits on election and advertising expenses**

**243**(1) No registered political party and no chief official agent and no other person acting within the scope of that person's authority on behalf of a registered political party shall incur election expenses that exceed in the aggregate:

(a) in the case of a general election, the adjusted amount of \$651,355;

(b) in the case of an election other than a general election:

(i) in a constituency lying north of the dividing line described in the schedule to *The Constituency Boundaries Act, 1993*, the adjusted amount of \$39,082 with respect to a candidate endorsed by the registered political party at the election;

(ii) in a constituency lying south of the dividing line described in the schedule to *The Constituency Boundaries Act, 1993*, the greater of the following amounts with respect to a candidate endorsed by the registered political party at the election:

(A) the adjusted amount of \$32,567;

(B) the amount obtained when the adjusted amount of \$2.60 is multiplied by the number of names on the voters' list for the candidate's constituency.

(2) For the purposes of paragraph (1)(b)(ii)(B), the number of names on the voters' list of a constituency is the number determined by the returning officer of the constituency.

(3) The returning officer shall determine the number of names, as soon as is practicable, after all the official voters' lists for a constituency have been certified pursuant to section 28.

(4) In addition to the election expenses limits imposed by subsection (1), the adjusted amount of \$195,407 is the maximum total advertising expenses that may be incurred during a fiscal year by a registered political party, including advertising expenses incurred by the following persons or groups using funds provided directly or indirectly by the registered political party:

(a) a constituency organization of the registered political party;

(b) a candidate endorsed by the registered political party;

(c) a member of the Legislative Assembly who is a member of the registered political party.

(5) In this section, "**advertising expenses**" means expenses for advertising in any newspaper or magazine published in Saskatchewan or for acquiring the right to use time on the facilities of any broadcasting undertaking.

### **Supplier documents and proofs of payment required**

**244** Every registered political party and every chief official agent of the registered political party shall ensure that every payment of more than \$25 made by or through the chief official agent for any expenses of the registered political party is vouched for by:

- (a) a supplier document that states the particulars of the expense; and
- (b) a receipt or cancelled cheque that provides proof of payment.

### **Time limits to enforce claims against party**

**245(1)** Every person who issues a bill to, or makes any charge on or claim against, a registered political party with respect to a good or service used during an election shall deliver the bill, charge or claim to the party or to the chief official agent of the party within three months after the day on which the bill, charge or claim was issued or made.

(2) Notwithstanding any other Act or law, if a person does not deliver a bill, charge or claim within the three-month period mentioned in subsection (1), that person's right to recover any amount owing pursuant to the bill, charge or claim is barred.

(3) If a person having a bill, charge or claim against a registered political party dies within the three-month period mentioned in subsection (1), that person's legal representative shall send the bill, charge or claim within two months of the date that the legal representative becomes entitled to act as legal representative.

(4) Notwithstanding subsection (2), if a legal representative delivers a bill, charge or claim within the two-month period mentioned in subsection (3), the estate is entitled to recover the amount owing pursuant to the bill, charge or claim.

(5) Notwithstanding any other Act or law, if a legal representative does not deliver a bill, charge or claim within the two-month period mentioned in subsection (3), the estate's right to recover any amount owing pursuant to the bill, charge or claim is barred.

### **Time limits for party to pay bills**

**246** Every registered political party and every chief official agent of every registered political party shall ensure that every bill, charge or claim with respect to a good or service used during an election and delivered to the registered political party within the time limits prescribed by section 245 is paid within four months of being received by the registered political party.

### **Handling of disputed claims**

**247(1)** If the chief official agent of a registered political party disputes a bill, charge or claim delivered in accordance with section 245 or refuses or neglects to pay it within the four-month period mentioned in section 246, the bill, charge or claim is deemed to be a disputed claim.

(2) The person who is owed moneys pursuant to the disputed claim may bring an action to recover any amounts owing pursuant to the disputed claim in any court of competent jurisdiction.

(3) Any sum paid by a chief official agent pursuant to a judgment or order of a court made pursuant to an action mentioned in subsection (2) is deemed to be paid within the time limit prescribed in this Act.

### **Incurring petty expenses - party**

**248(1)** If authorized in writing by the chief official agent of a registered political party, a person may pay any necessary expenses for stationery, postage and other petty expenses to a maximum amount stated in the written

authorization.

(2) Every person authorized in writing to make payments pursuant to subsection (1) shall promptly send to the chief official agent of the registered political party:

- (a) a bill, charge or claim with respect to each expense;
- (b) a supplier document that states the particulars of the expense; and
- (c) a receipt or cancelled cheque that provides proof of payment.

**Statements to be sent to chief official agent**

**249** Every chief official agent of every registered political party and every person authorized pursuant to section 248 to make a payment shall:

- (a) immediately send to the chief official agent of the party a supplier document that states the particulars of any payment they have made; and
- (b) except where the payment is \$25 or less, forward a receipt or cancelled cheque that provides proof of payment.

**Annual returns**

**250(1)** The chief official agent of a registered political party shall file with the Chief Electoral Officer:

- (a) a return in the prescribed form with respect to the registered political party's receipts and expenses for the fiscal year, other than election expenses incurred in the fiscal year; and
- (b) the auditor's report required pursuant to this Act.

(2) A return required pursuant to subsection (1) must set out:

(a) the amount of money and the commercial value of goods and services provided as a contribution in the fiscal year for the use of the registered political party by the following:

- (i) individuals;
- (ii) corporations;
- (iii) trade unions;
- (iv) unincorporated organizations or associations;
- (v) any other persons or groups of persons;

(b) the name of, and the amount contributed by, each person in each class mentioned in clause (a) who made a contribution in excess of \$250 in the fiscal year to the registered political party;

(c) the total net proceeds from:

- (i) the sales of tickets to or moneys paid to attend each dinner, rally, public meeting and other fund-raising function during the fiscal year;

- (ii) collections made at events mentioned in subclause (i) or at any other events; and
  - (iii) sales of pins, buttons, flags, emblems, hats, banners, literature and other materials during the fiscal year;
- (d) the operating expenses of the registered political party during the fiscal year;
- (e) the registered political party's total expenses during the fiscal year and the particulars of those expenses; and
- (f) the total of all other expenditures, other than election expenses, made by or on behalf of the party.
- (3) A return required by subsection (1) must be accompanied by a copy, certified by the chief official agent to be a true copy, of every statement received by the registered political party pursuant to subsections 240(6) and (7) in the fiscal year.
- (4) A registered political party shall file the return and auditor's report required by this section within four months of the end of the fiscal year to which the return relates.
- (5) For the purposes of clauses (2)(a) and (b), amounts received for membership fees or dues are deemed to be contributions.

**Party's election expenses return**

**251(1)** Within six months after polling day for the election to which the election expenses return relate, the chief official agent of a registered political party shall file with the Chief Electoral Officer:

- (a) an election expenses return with respect to the party's election expenses in the prescribed form;
  - (b) an auditor's report with respect to the election expenses return; and
  - (c) a solemn oath or declaration, in the prescribed form, made by the party's chief official agent with respect to the accuracy of the information in the election expenses return.
- (2) An election expenses return must:
- (a) set out:
    - (i) the amount of money expended by or on behalf of the registered political party on election expenses; and
    - (ii) the commercial value of goods and services used for election purposes that were donated or provided at less than their commercial value; and
  - (b) subject to subsection (3), be accompanied by all supplier documents and proofs of payment relating to those expenses, as well as verification by an independent commercial source of the commercial value of goods and services used by the registered political party during the election that were donated or that were provided at less than their commercial value.
- (3) If an election expenses return contains any error or omission, the chief official agent or leader of the registered political party may apply to the Chief Electoral Officer for an order to rectify the error or omission.
- (4) If the Chief Electoral Officer is satisfied that an error or omission was made through inadvertence, the Chief Electoral Officer may grant the order requested.

- (5) If a registered political party is not satisfied with the decision of the Chief Electoral Officer, the registered political party may apply to a judge of the court for an order to rectify the error or omission.
- (6) If a registered political party applies to a judge pursuant to subsection (5), the registered political party shall provide a written copy of its application to the Chief Electoral Officer.
- (7) On an application pursuant to this section, the judge may make any order the judge considers appropriate.

ELECTION EXPENSES - CANDIDATE

**Limit on candidate's election expenses**

**252(1)** No candidate and no business manager or other person acting on behalf of a candidate within the scope of that person's authority shall incur election expenses that exceed in the aggregate:

(a) in a constituency lying north of the dividing line described in the schedule to *The Constituency Boundaries Act, 1993*, the greater of the following amounts:

- (i) the adjusted amount of \$52,108;
- (ii) the amount obtained when the adjusted amount of \$5.21 is multiplied by the number of names on the voters' list for the candidate's constituency;

(b) in a constituency lying south of the dividing line described in the schedule to *The Constituency Boundaries Act, 1993*, the greater of the following amounts:

(i) the adjusted amount of \$39,082;

(ii) the amount obtained when the adjusted amount of \$2.60 is multiplied by the number of names on the voters' list for the candidate's constituency.

(2) For the purposes of subsection (1), the number of names on the voters' list of a constituency is the number determined by the returning officer of the constituency.

(3) The returning officer shall determine the number of names, as soon as is practicable, after all the official voters' lists for the constituency have been certified pursuant to section 28.

(4) For the purposes of this section, a candidate may include in the candidate's election expenses all or any part of the candidate's campaign expenses.

(5) A candidate may exclude from the candidate's election expenses all or any part of the candidate's campaign expenses if including the campaign expenses or part of the campaign expenses would result in the candidate exceeding the limits prescribed in subsection (1).

#### **Who may make payments on behalf of candidate**

**253(1)** Subject to subsection (2) and to section 259, no person shall make any payment, or incur any election expenses, during an election by or on behalf of a candidate other than by or through the candidate's business manager.

(2) Subsection (1) does not apply to:

(a) a payment by a candidate for the candidate's personal expenses;

(b) a payment by a individual if the individual uses the individual's own money and the individual is not repaid for the payment; or

(c) a payment by a candidate for the candidate's campaign expenses if the payment is supported by a supplier document and a receipt or cancelled cheque as proof of payment.

#### **Requirements to enforce contracts against candidate**

**254(1)** Notwithstanding any other Act or law, no contract pursuant to which any election expenses are incurred is enforceable against a candidate unless it is made by:

(a) the candidate;

(b) the candidate's business manager; or

(c) any agent of the business manager who is authorized in writing to enter into the contract.

(2) Notwithstanding that a contract may not be enforceable against a candidate, the candidate, the candidate's business manager and the agent of the business manager remain liable for any contravention of this Act for entering into that contract.

#### **Proof of payment required**

**255** Every business manager shall ensure that every payment of more than \$25 for election expenses is vouched for by:

- (a) a supplier document that states the particulars of the expenses; and
- (b) a receipt or cancelled cheque that provides proof of payment.

#### **Time limit to enforce claims against candidate**

**256(1)** Every person who issues a bill to, or makes any charge on or claim against, a candidate with respect to a good or service used during an election shall deliver the bill, charge or claim to the candidate or to the candidate's business manager within 60 days of the day fixed for the return to the writ.

(2) Notwithstanding any other Act or law, if a person does not deliver a bill, charge or claim within the 60-day period mentioned in subsection (1), that person's right to recover any amount owing pursuant to the bill, charge or claim is barred.

(3) If a person having a bill, charge or claim against a candidate dies within the 60-day period mentioned in subsection (1), that person's legal representative shall send the bill, charge or claim within two months of the date that the legal representative becomes entitled to act as legal representative.

(4) Notwithstanding subsection (2), if a legal representative delivers a bill, charge or claim within the two-month period mentioned in subsection (3), the estate is entitled to recover the amount owing pursuant to the bill, charge or claim.

(5) Notwithstanding any other Act or law, if a legal representative does not deliver a bill, charge or claim within the two-month period mentioned in subsection (3), the estate's right to recover any amount owing pursuant to the bill, charge or claim is barred.

#### **Time limit to pay bills**

**257** Every candidate and the business manager of the candidate shall ensure that every bill, charge or claim with respect to a good or service used during an election and delivered to the candidate within the period mentioned in section 256 is paid within 90 days of being received by the candidate or business manager.

#### **Handling of disputed claims**

**258(1)** If a business manager or candidate disputes a bill, charge or claim delivered in accordance with section 256 or refuses or neglects to pay it within the 90-day period mentioned in section 257, the bill, charge or claim is deemed to be a disputed claim.

(2) The person who is owed moneys pursuant to the disputed claim or the candidate or candidate's business manager may apply to the Chief Electoral Officer for a direction allowing the business manager to make the payment.

(3) On an application pursuant to subsection (2) and after giving each party an opportunity to be heard and to present evidence, the Chief Electoral Officer may authorize that the candidate or the business manager pay the disputed claim whether or not the claim is submitted after the 90-day period mentioned in section 257 or the payment is made after that 90-day period.

(4) The Chief Electoral Officer may make a direction pursuant to subsection (3) only if the Chief Electoral Officer is satisfied that the claim is made in good faith.

(5) Any party that is dissatisfied with the decision of the Chief Electoral Officer may appeal to a judge of the court, and the judge may allow or disallow the appeal.

(6) Any sum paid by a candidate or business manager pursuant to the authority of the Chief Electoral Officer or of a judge is deemed to be paid within the time limit prescribed in this Act.

#### **Incurring petty expenses - candidate**

**259**(1) If authorized in writing by a business manager, a person may pay on behalf of a candidate any necessary expenses for stationery, postage and other petty expenses to a maximum amount stated in the written authorization.

(2) Every candidate and person authorized in writing to make payments pursuant to subsection (1) shall promptly send to the business manager:

- (a) a bill, charge or claim with respect to each candidate's campaign expense and election expense;
- (b) a supplier document that states the particulars of the expense; and
- (c) a receipt or cancelled cheque that provides proof of payment.

#### **Candidate's joint expenses**

**260**(1) A candidate may enter into a written agreement with another candidate or other candidates or with a registered political party for the purpose of jointly incurring candidate election expenses and for paying those expenses.

(2) A written agreement mentioned in subsection (1) must set out the proportions of election expenses that each party to the agreement may incur and pay.

(3) Notwithstanding sections 253 to 259, if election expenses are incurred jointly by candidates pursuant to a written agreement mentioned in subsection (1), those expenses may be paid by:

- (a) the business manager of any of the candidates with respect to whom the expenses are incurred; or
- (b) if the candidates are all endorsed by the same registered political party, the chief official agent of the registered political party as agent of the candidates.

(4) A business manager or chief official agent who makes a payment pursuant to subsection (3) shall deliver to the other party or parties to the agreement:

- (a) a written statement setting out the amount of the expenses incurred by each of the candidates;
- (b) supplier documents that state the particulars of each expense; and

(c) receipts or cancelled cheques that provide proof of payment with respect to the expenses.

(5) If a person makes or promises to make a contribution of money, securities or the equivalent of money to the business manager or the chief official agent of a party to an agreement mentioned in subsection (1), on account of or with respect to the election of any one or more of the candidates who are parties to the agreement, the business manager or chief official agent shall deliver a written notice to each of the other parties setting out:

(a) the amount contributed or promised, the name of the candidates for whom the contribution or promise was made and the amount contributed or promised to each of the candidates; and

(b) if the amount contributed or promised is in excess of \$250, the name of the contributor or promisor.

#### **Candidate's election expenses return**

**261(1)** Within three months after the candidate returned has been declared elected, the business manager of each candidate shall file with the returning officer:

(a) an election expenses return for the election in the prescribed form;

(b) an auditor's report with respect to the election expenses return; and

(c) a solemn oath or declaration, in the prescribed form, made by the candidate's business manager with respect to the accuracy of the information in the election expense return.

(2) An election expenses return must contain, with respect to a candidate, a detailed statement of:

(a) all election expenses incurred, supported by verification by independent commercial sources of the commercial value of goods and services used for election purposes;

(b) the amount of any personal expenses and candidate campaign expenses paid by the candidate;

(c) any disputed claims of which the business manager is aware;

(d) any unpaid claims, with respect to which an application has been, or is about to be, made pursuant to section 258, of which the business manager is aware;

(e) the amount of money and the commercial value of goods and services provided as a contribution during the election for the use of the candidate from the following:

(i) individuals;

(ii) corporations;

(iii) trade unions;

(iv) unincorporated organizations or associations;

(v) any other persons or group of persons;

(f) the number of contributors in each class mentioned in clause (e);

(g) the name of, and the amount contributed by, each contributor in each class of persons mentioned in clause

(e) who made a contribution in excess of \$250 for the use of the candidate;

- (h) the total of the net proceeds from the following:
  - (i) the sales of tickets to or moneys paid for each dinner, rally, public meeting and other fund-raising function;
  - (ii) collections made at any events mentioned in subclause (i) or any other events; and
  - (iii) sales of pins, buttons, flags, emblems, hats, banners, literature and other materials; and
- (i) copies of:
  - (i) supplier documents that state the particulars of each expense; and
  - (ii) receipts or cancelled cheques that provide proof of payment with respect to the expenses.
- (3) An election expenses return required by subsection (1) must be accompanied by a copy, certified by the candidate or the candidate's business manager to be a true copy, of every statement received by the candidate pursuant to subsections 240(6) and (7) respecting contributions made during the election.
- (4) An election expenses return required by subsection (1) that relates to a candidate who is a party to an agreement mentioned in section 260 must be accompanied by:
  - (a) a copy of the agreement made by the candidate;
  - (b) a copy of the statement mentioned in subsection 260(4) and:
    - (i) supplier documents that state the particulars of each expense; and
    - (ii) cancelled cheques or receipts that provide proof of payment with respect to the expenses; and
  - (c) copies of the notice mentioned in subsection 260(5).
- (5) Within three months after the candidate returned has been declared elected, each candidate shall file with the returning officer a solemn oath or declaration, in the prescribed form, with respect to the election expenses incurred by the candidate.
- (6) A business manager shall file a supplementary election expenses return for a bill, charge or claim if:
  - (a) by reason of the death of a creditor, the bill, charge or claim was not sent within the three-month period mentioned in subsection (1); or
  - (b) the Chief Electoral Officer or a judge has directed payment pursuant to section 258 with respect to the bill, claim or charge.
- (7) A supplementary election expenses return must be filed within one month after the bill, charge or claim that is the subject of the supplementary return has been sent to the business manager.
- (8) Within 30 days of the filing of any election expenses return or any supplementary election expenses return, a returning officer shall publish a summary of the return, in the prescribed form, in one newspaper published or circulated in the constituency in which the election was held.
- (9) No business manager shall fail to comply with this section and no candidate shall fail to ensure that the candidate's business manager complies with this section.

**Handling of election expenses returns**

**262**(1) Immediately on the filing of an election expenses return or supplementary election expenses return pursuant to section 261, a returning officer shall:

- (a) make a copy of the return and of any documents accompanying the return; and
- (b) send the original return and the originals of the documents to the Chief Electoral Officer.

(2) A returning officer shall:

- (a) preserve copies of all returns and documents made pursuant to this section; and
- (b) make the copies available for public inspection for at least six months during normal office hours of the returning officer.

(3) The Chief Electoral Officer shall retain all returns and documents received by the Chief Electoral Officer pursuant to this section for at least two years.

- (4) If the returns or documents are required by the returning officer who sent them or the business manager who filed them, the Chief Electoral Officer shall send them to the returning officer or business manager, who shall use them as required and then return them to the Chief Electoral Officer.
- (5) As soon as is practicable after receiving an election expenses return or supplementary election expenses return, the Chief Electoral Officer shall publish in the Gazette a summary of the candidate's receipts and expenses.
- (6) If a return or other document filed with the returning officer pursuant to section 261 contains an error or omission, the candidate or the candidate's business manager may apply to the Chief Electoral Officer for a direction to correct the error or omission.
- (7) On an application pursuant to subsection (6) and if satisfied that the error or omission was due to inadvertence, the Chief Electoral Officer may authorize the candidate or the business manager to correct the error.
- (8) If a candidate or business manager is dissatisfied with the decision of the Chief Electoral Officer pursuant to subsection (7), the candidate or business manager may appeal to a judge of the court, and the judge may allow or disallow the appeal.

#### **Orders to extend time**

**263**(1) If a candidate or business manager dies, becomes ill or becomes unable for any reason to prepare and file any election expenses return required pursuant to section 261, the candidate or business manager may apply to the Chief Electoral Officer for an order:

- (a) enabling the applicant to obtain any information or documents that are necessary to prepare and file the return;
- (b) extending the time to prepare and file the return; or
- (c) doing both of the things mentioned in clauses (a) and (b).

(2) An application pursuant to subsection (1) must be made before the time prescribed in this Act to file the election expenses return has expired.

(3) On an application pursuant to subsection (1), the Chief Electoral Officer may:

- (a) grant the order applied for;
- (b) refuse to grant the order; or
- (c) make any other order the Chief Electoral Officer considers appropriate.

#### **REIMBURSEMENT FOR ELECTION EXPENSES**

##### **Eligibility for reimbursement - party**

**264**(1) A registered political party is eligible to be reimbursed for election expenses if:

- (a) the candidates that it has endorsed have received at least 15% of all valid votes cast in the election; and
- (b) the registered political party has submitted the election expenses return and other documents required by section 251 within the time prescribed by that section.

(2) Immediately after receiving an election expenses return from a registered political party that is eligible for a reimbursement, the Chief Electoral Officer shall:

- (a) undertake a preliminary review of the elections expenses return; and
  - (b) if the registered political party is eligible for a reimbursement, prepare and deliver to the Minister of Finance a certificate that sets out:
    - (i) the fact that the registered political party is eligible for a reimbursement and has complied with subsection 251(1);
    - (ii) the total of the registered political party's election expenses as set out in the party's election expenses return.
- (3) Immediately on receipt of a certificate pursuant to subsection (2), the Minister of Finance shall pay an amount equal to 75% of the amount mentioned in clause (2)(b) to the party's chief official agent.
- (4) Within 90 days of receiving an election expenses return from a registered political party that is eligible for a reimbursement, the Chief Electoral Officer shall:
- (a) complete his or her review of the election expenses return; and
  - (b) provide the Minister of Finance with a certificate that sets out the total amount of the reimbursement for which the registered political party is eligible.
- (5) Immediately on receipt of a certificate pursuant to subsection (4), the Minister of Finance shall pay to the party's chief official agent:
- (a) an amount equal to the amount mentioned in clause (4)(b) less the amount paid pursuant to subsection (3); and
  - (b) a further amount as interest equal to the amount mentioned in clause (a) times the prime rate of interest of the bank holding Saskatchewan's general revenue fund for each day following 90 days from the date the Chief Electoral Officer has received the election expenses return that the amount mentioned in clause (4)(b) remains unpaid.
- (6) The maximum amount of reimbursement for which a registered political party is eligible pursuant to this section is the lesser of:
- (a) the adjusted amount of \$195,407; and
  - (b) an amount equal to one-third of the election expenses lawfully incurred by the registered political party, other than the amount of disputed claims or the amount of bills, charges or claims the payment of which is refused by the registered political party.

**Eligibility for reimbursement - candidate**

**265(1)** Subject to sections 269 and 270, a candidate is eligible to be reimbursed for election expenses if:

- (a) the candidate has received at least 15% of all valid votes cast in the constituency; and
- (b) the candidate or the candidate's business manager has submitted the election expenses return and other documents required by section 261 within the time prescribed by that section.

(2) Immediately after receiving an election expenses return from a candidate who is eligible for a reimbursement, the Chief Electoral Officer shall:

- (a) undertake a preliminary review of the election expenses return; and
- (b) if the candidate is eligible for reimbursement, prepare and deliver to the Minister of Finance a certificate that sets out:
  - (i) the fact that the candidate is eligible for a reimbursement and has complied with subsection 261(1); and
  - (ii) the total of the candidate's election expenses as set out in the candidate's election expenses return.

(3) Subject to sections 269 and 270, immediately on receipt of a certificate pursuant to subsection (2), the Minister of Finance shall pay an amount equal to 75% of the amount mentioned in clause (2)(b) to the candidate's business manager.

(4) Within 90 days of receiving an election expenses return from a candidate who is eligible for a reimbursement, the Chief Electoral Officer shall:

- (a) complete his or her review of the election expenses return; and
- (b) provide the Minister of Finance with a certificate that sets out the total amount of the reimbursement for which the candidate is eligible.

(5) Subject to sections 269 and 270, immediately on receipt of a certificate pursuant to subsection (4), the Minister of Finance shall pay to the candidate's business manager:

- (a) an amount equal to the amount mentioned in clause (4)(b) less the amount paid pursuant to subsection (3); and
- (b) a further amount as interest equal to the amount mentioned in clause (a) times the prime rate of interest of the bank holding Saskatchewan's general revenue fund for each day following 90 days from the date the Chief Electoral Officer has received the election expenses return that the amount mentioned in clause (4)(b) remains unpaid.

(6) The amount of reimbursement for which a candidate is eligible pursuant to this section is an amount equal to one-half of the election expenses lawfully incurred by the candidate, other than the amount of disputed claims or the amount of bills, charges or claims the payment of which is refused by the candidate.

**Expenses that are not reimbursable**

**266(1)** The following election expenses are not reimbursable pursuant to section 264, 265 or 268:

- (a) any commercial value claims for items totalling \$25 or less;

- (b) any contributions, donations or other transfers of money or goods and services made between a registered political party, its constituency associations or a candidate endorsed by a registered political party, if the contributions, donations or transfers are being claimed by the donor, contributor or transferor;
- (c) any amounts paid to use a privately-owned motor vehicle, unless:
  - (i) the amounts are for oil, gas and additional insurance and are vouched for by supplier documents stating the particulars of the expenses and by receipts or cancelled cheques that provide proof of payment; or
  - (ii) the amounts are for distances travelled and supported by signed invoices or vouchers containing details of the number of kilometres travelled, the locations travelled to and from and the dates of travel;
- (d) any amounts spent for beverage alcohol;
- (e) any amounts claimed that are for goods previously used in an election or goods that are unused, if the cost of those goods was claimed in a previous election expenses return pursuant to this Act or a prior *Election Act*;
- (f) any amounts incurred or paid as expenses for fund-raising functions;
- (g) any amounts claimed as election expenses that are not supported by:
  - (i) a supplier document that states the particulars of the expense; and
  - (ii) a receipt or cancelled cheque that provides proof of payment.

(2) In a Chief Electoral Officer's certificate pursuant to section 264 or 265, the Chief Electoral Officer shall set out the total amount of any expenses that are not reimburseable.

#### **Reimbursement of auditing expenses**

**267(1)** A registered political party is eligible to be reimbursed for auditing expenses if the party's chief official agent files with the Chief Electoral Officer, within three months after the election:

- (a) a statement setting out the amount charged by the registered political party's auditor to undertake the audit and prepare the report with respect to the registered political party's election expenses return; and
- (b) proof that the auditor's charges have been paid.

- (2) Immediately after the Chief Electoral Officer receives a statement and proof of payment pursuant to subsection (1), the Chief Electoral Officer shall prepare and deliver to the Minister of Finance a certificate that sets out the amount for which the registered political party is eligible to be reimbursed.
- (3) The amount of auditing expenses that a registered political party is eligible to be reimbursed for is the lesser of:
- (a) the adjusted amount of \$2,000; and
  - (b) the amount actually charged by the auditor.
- (4) A candidate is eligible to be reimbursed for auditing expenses if the candidate or the candidate's business manager files with the Chief Electoral Officer, within three months after the candidate returned has been declared elected:
- (a) a statement setting out the amount charged by the candidate's auditor to undertake the audit and prepare the report with respect to the candidate's election expenses return; and
  - (b) proof that the auditor's charges have been paid.
- (5) Immediately after the Chief Electoral Officer receives a statement and proof of payment pursuant to subsection (4), the Chief Electoral Officer shall prepare and deliver to the Minister of Finance a certificate that sets out the amount for which the candidate is eligible to be reimbursed.
- (6) The amount of auditing expenses that a candidate is eligible to be reimbursed for is the lesser of:
- (a) the adjusted amount of \$650; and
  - (b) the amount actually charged by the auditor.
- (7) Auditors fees are not an election expense for the purposes of this Act.

**Reimbursements are a charge on the general revenue fund**

**268** Any reimbursements pursuant to this Part are a charge on and are payable out of the general revenue fund.

**If contributions exceed election expenses**

**269(1)** In this section and in sections 270, 271 and 275:

- (a) **"contributions"** includes donations in kind;
  - (b) **"donations in kind"** means any goods or services provided to a candidate, any constituency association of a registered political party or registered political party without compensation or payment from the candidate, constituency association or registered political party, but does not include money.
- (2) If the value of all contributions to a candidate exceeds the candidate's election expenses, the candidate's business manager shall pay the excess amount:
- (a) if the candidate was endorsed by a registered political party, to the party's chief official agent or the candidate's constituency association, as directed by the candidate;
  - (b) if the candidate was not endorsed by a registered political party, to the Minister of Finance.
- (3) The Minister of Finance shall deposit any moneys received by the Minister of Finance pursuant to clause (2)(b) or section 271 in the general revenue fund.

- (4) If the value of all contributions to a candidate exceeds the candidate's election expenses, the Minister of Finance:
- (a) if the candidate was endorsed by a registered political party, shall pay any reimbursement for the candidate's election expenses to the party's chief official agent or to the candidate's constituency association, as directed by the candidate;
  - (b) if the candidate was not endorsed by a registered political party, shall not pay any reimbursement.

**If contributions and reimbursement exceed election expenses**

**270** If the value of all contributions received by or on behalf of a candidate does not exceed the actual election expenses incurred by or on behalf of the candidate, but the total of the value of those contributions and the reimbursement calculated pursuant to section 264, 265 or 267 exceeds the actual expenses incurred by or on behalf of the candidate, the Minister of Finance shall pay:

- (a) in the case of a candidate endorsed by a registered political party:
  - (i) to the chief official agent of the registered political party or to the candidate's constituency association, as directed by the candidate, the total of the value of those contributions and the reimbursement less the actual election expenses incurred by or on behalf of the candidate; and
  - (ii) to the business manager of the candidate an amount equal to the actual election expenses incurred by or on behalf of the candidate less the value of contributions received by or on behalf of the candidate; and
- (b) in the case of a candidate not endorsed by a registered political party, to the business manager of the candidate only an amount equal to the actual election expenses incurred by or on behalf of the candidate less the value of contributions received by or on behalf of the candidate.

**If candidate dies or withdraws**

**271(1)** If a candidate dies or withdraws from an election and, prior to the death or withdrawal, the value of all contributions to the candidate exceed the candidate's election expenses, the candidate's business manager shall pay the excess amount:

(a) if the candidate was endorsed by a registered political party, to the party's chief official agent;

(b) if the candidate was not endorsed by a registered political party, to the Minister of Finance.

(2) If a candidate dies or withdraws before appointing a business manager, the candidate or the candidate's estate shall pay the excess amount in accordance with subsection (1).

(3) The Minister of Finance shall deposit any moneys received by the Minister of Finance pursuant to clause (1)(b) in the general revenue fund.

TAX RECEIPTS - PARTY

**Interpretation, tax receipts**

**272** In this section and in sections 273 to 276, "**tax receipt**" means a receipt issued for income tax purposes.

**Only registered political parties may issue tax receipts**

**273** Subject to subsection 227(5) [deleting from register], no political party other than a registered political party shall issue tax receipts.

TAX RECEIPTS - CANDIDATE

**Tax receipts for candidates**

**274** Tax receipts may be issued on behalf of candidates.

**Rules respecting the issuance of tax receipts - candidate**

**275(1)** Subject to subsections (2) to (5), a tax receipt on behalf of a candidate shall be issued for each contribution of \$10 or more that is received during the period commencing on the date the candidate is nominated and ending on polling day.

(2) No tax receipt is to be issued for a contribution that is a donation in kind.

(3) Tax receipts may only be issued to voters and the maximum total amount of tax receipts that may be issued to any voter for any one election is \$1,150.

(4) Tax receipts on behalf of the candidate may only be issued by:

(a) in the case of a candidate not endorsed by a registered political party, the business manager of the candidate; or

- (b) in the case of a candidate endorsed by a registered political party, the candidate's business manager or the registered political party.
- (5) Tax receipts must be in the prescribed form, be serially numbered and be provided by the Chief Electoral Officer through the returning officer.
- (6) The business manager of a candidate shall:
- (a) keep a copy of all tax receipts issued;
  - (b) if the candidate is endorsed by a registered political party, forward a copy of every tax receipt issued by the candidate to the head office of the party; and
  - (c) make those copies available for inspection by any tax officers.
- (7) The business manager of a candidate or, in the case of a candidate endorsed by a registered political party, the registered political party shall retain all unused and spoiled tax receipts.
- (8) Within 30 days after polling day, the candidate shall ensure that his or her business manager does the following, and the business manager shall do the following:
- (a) file a report in the prescribed form with the Chief Electoral Officer with respect to the number of issued, unused and spoiled tax receipts issued during the election;
  - (b) return all unused and spoiled tax receipts to the Chief Electoral Officer.
- (9) If a registered political party has issued tax receipts on behalf of a candidate endorsed by the registered political party, the registered political party, within 30 days after polling day, shall:
- (a) file a report in the prescribed form with the Chief Electoral Officer with respect to the number of issued, unused and spoiled tax receipts issued during the election on behalf of the candidate;
  - (b) return all unused and spoiled tax receipts to the Chief Electoral Officer.

#### **Withdrawal or death of candidate**

**276(1)** If a candidate dies or withdraws from an election, the candidate's entitlement to issue tax receipts, for contributions received after the death or withdrawal is cancelled.

- (2) If a candidate dies or withdraws from an election, the candidate or the business manager of the candidate shall:
- (a) immediately deliver a written notice to the Chief Electoral Officer of death or the withdrawal; and
  - (b) within five days, file a report in the prescribed form with the Chief Electoral Officer with respect to the number of tax receipts issued by the candidate and the number of unused tax receipts and spoiled tax receipts.

#### **PART VIII General**

#### **Limit on government advertising during an election**

**277(1)** In this section, "**Government department**" means any department, board, commission, Crown corporation or agency of the Government of Saskatchewan.

- (2) During a general election, no Government department shall publish in any manner any information with respect to

the activities of the department.

(3) During a by-election, no Government department shall publish in any manner in the constituency any information with respect to the activities of the department.

(4) During a by-election in a constituency that includes, in whole or in part, an urban municipality having a population exceeding 20,000 inhabitants, no Government department shall publish in any manner in the urban municipality any information with respect to the activities of the department.

(5) Subsections (2) to (4) do not apply to:

(a) information that, because of an emergency, is required to be published in the public interest; or

(b) advertising by a Crown corporation that was contracted prior to the issue of a writ and is related to the Crown corporation's competitive business interests.

(6) Every person in Saskatchewan in charge of a broadcasting undertaking in Saskatchewan or an undertaking that publishes a newspaper, magazine or periodical in Saskatchewan shall file with the Chief Electoral Officer a solemn declaration setting out:

(a) whether or not any information mentioned in this section has been published or broadcast by the undertaking of which the person is in charge; and

(b) if any information has been published or broadcast, the name of the Government department that requested the publication and the details of the publication.

(7) The solemn declaration mentioned in subsection (6) must be filed within two months of the polling day for the election.

**Limits on election expenses by persons other than candidates or parties**

**278(1)** No person shall incur any election expenses during an election unless that person is:

(a) a candidate, the business manager of a candidate or any other person acting on behalf of a candidate with the candidate's actual knowledge and consent; or

(b) the chief official agent of a registered political party who is acting within the scope of his or her authority or any other person acting on behalf of a registered political party with the actual knowledge and consent of the leader of the registered political party.

(2) No chief official agent of a registered political party and no other person acting on behalf of a registered political party with the actual knowledge and consent of an officer of the registered party shall incur election expenses during an election that:

(a) are incurred primarily for the purpose of promoting the election of a particular candidate or particular person likely to become a candidate; and

(b) are not incurred primarily for the purpose of promoting or opposing a particular registered party.

(3) Subsection (2) does not apply to expenses that are incurred on behalf of a particular candidate and with the particular candidate's actual knowledge and consent.

(4) Without limiting the generality of subsections (1) to (3), during an election no person shall, for the purpose of promoting or opposing a particular registered political party or the election of a particular candidate:

(a) use time on the facilities of any broadcasting undertaking;

(b) procure or acquiesce in the publication of an advertisement in a periodical publication; or

(c) distribute any advertising material or device.

(5) Subsections (1) to (4) do not apply if the person establishes that the expenses were incurred:

(a) to gain support for views held by the person on an issue of public policy, or to advance the aims of any organization or association, other than a political party or an organization or association of a partisan political character, of which the person is a member and on whose behalf the expenses were incurred; and

(b) in good faith and not to evade any provisions of this Act that limit the amount of election expenses that may be incurred by any other person.

#### **Statements by advertisers**

**279(1)** Within two months of the polling day for an election, every broadcaster and every publisher of a newspaper, magazine or periodical shall file with the Chief Electoral Officer a statement setting out:

(a) the name and address of each registered political party and candidate at whose request or on whose behalf a program, advertisement or announcement in relation to the election has been broadcast during the election by the broadcaster or published during the election by the publisher in Saskatchewan; and

(b) with respect to each registered political party and candidate, the amount the broadcaster or publisher charged for programs, advertisements or announcements during the election.

- (2) A statement filed pursuant to subsection (1) must:
- (a) be in the prescribed form; and
  - (b) be certified by:
    - (i) in the case of a broadcaster, the officer in charge; or
    - (ii) in the case of a newspaper, magazine or periodical, the publisher.
- (3) No broadcaster and no publisher in Saskatchewan shall fail to comply with this section.

### Inspections

**280(1)** For the purposes of administering this Act and the regulations, the Chief Electoral Officer may make any inspection, investigation or inquiry that Chief Electoral Officer considers necessary.

- (2) Every registered political party, every candidate and every business manager of a candidate shall:
- (a) cause the offices of the registered political party or candidate to be open for inspection by Chief Electoral Officer at all reasonable times during its normal business hours; and
  - (b) cause all books, documents, records and equipment pertaining to the registered political party or the candidate to be available for inspection by the Chief Electoral Officer during the times described in clause (a).
- (3) The Chief Electoral Officer shall not enter a private dwelling without a warrant issued pursuant to section 281 unless the occupant of the dwelling consents to the entry.
- (4) If a registered political party, candidate or business manager is the subject of an investigation pursuant to this section and the registered political party, candidate or business manager is convicted of an offence against this Act based on information obtained pursuant to the investigation, the convicting court may order, in addition to any penalty imposed pursuant to this Act, that the registered political party, candidate or business manager pay all or any costs of the investigation.

### Warrant

**281(1)** A justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant authorizing the Chief Electoral Officer to enter and search any place or premises named in the warrant if the justice or judge is satisfied by information given under oath that there are reasonable grounds to believe that:

- (a) an offence against this Act has been committed; and
- (b) there is evidence of the offence to be found at the place or premises proposed to be searched.

- (2) With a warrant issued pursuant to subsection (1), the Chief Electoral Officer may:
- (a) enter and search any place or premises named in the warrant;
  - (b) use any machinery, equipment, appliance or thing located at the place or premises for the purposes of the search;
  - (c) require the production of and examine any books, records, papers or documents that the Chief Electoral Officer believes, on reasonable grounds, may contain information related to an offence against this Act;
  - (d) subject to section 282, remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies, if a receipt is given; and
  - (e) seize and remove from any place or premises searched anything that may be evidence of an offence against this Act.
- (3) No person shall obstruct any person who is authorized to conduct a search pursuant to this section.

#### **Copies of documents**

**282**(1) If any books, records, papers or documents are inspected pursuant to section 280 or seized, examined or produced pursuant to section 281, the Chief Electoral Officer may make copies of those books, records, papers or documents.

- (2) The Chief Electoral Officer shall:
- (a) make those copies as soon as is reasonably possible; and
  - (b) promptly return the books, records, papers or documents from which the copies were made to:
    - (i) the place from which they were removed; or
    - (ii) any other place that may be agreed to by the person authorized to make copies and the person who furnished them or from whom they were seized.
- (3) A document certified by the Chief Electoral Officer to be a copy made pursuant to this section:
- (a) is admissible in evidence without proof of the office or signature of the Chief Electoral Officer; and
  - (b) has the same probative force as the original document.

### **Obstruction**

**283** No person shall:

- (a) resist, obstruct, hinder or interfere with the Chief Electoral Officer, or a person aiding the Chief Electoral Officer, in the performance of the Chief Electoral Officer's duties; or
- (b) refuse to provide any record or information required by this Act to the Chief Electoral Officer when requested to do so.

### **Immunity**

**284** No action or proceeding lies or shall be instituted against the Chief Electoral Officer or any employee working in the office of the Chief Electoral Officer, any election officer or any person aiding the Chief Electoral Officer where the Chief Electoral Officer, employee, election officer or the person aiding the Chief Electoral Officer is acting pursuant to the authority of this Act or the regulations, for any loss or damage suffered by reason of anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

### **Delivery or service**

**285(1)** Any statement, return, report or other document that is required to be delivered or served by this Act may be delivered or served:

- (a) by personal service made:
  - (i) in the case of an individual, on that individual;
  - (ii) in the case of a partnership, on any partner; or
  - (iii) in the case of any other person, any officer or director of that person; or
- (b) by registered mail addressed to the last known address of the person to be served that is known to the Chief Electoral Officer.

(2) A document sent by registered mail is deemed to have been served on the third day following the date of its mailing unless the person to whom the document was mailed establishes that the document was not received until a later date through no fault of his or her own.

### **Preparation and tabling of reports**

**286(1)** As soon as is practicable after an election, the Chief Electoral Officer shall prepare and submit to the minister a report summarizing:

- (a) all returns and reports submitted to the Chief Electoral Officer by registered political parties and candidates with respect to the election;
- (b) the establishment and use of mobile polls during the election;
- (c) all applications made to the Chief Electoral Officer pursuant to Part VII and the disposition of the application by the Chief Electoral Officer; and
- (d) any other information that the minister may direct.

(2) As soon as is practicable after the amounts of reimbursement are known, the Chief Electoral Officer shall prepare and submit to the minister a report with respect to the reimbursements paid pursuant to Part VII to each registered political party and to each candidate.

(3) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly all reports received by the minister pursuant to this section.

### Regulations

**287(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining any word or expression used in this Act but not defined in this Act;
- (b) prescribing any forms for use pursuant to this Act, including prescribing the contents to be included in any form;
- (c) prescribing any other matter or thing that is required by this Act to be prescribed;
- (d) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) The Chief Electoral Officer may make regulations prescribing any forms for use pursuant to this Act, other than the form of the ballot, the election proclamation or the return to the writ.

(3) If the Lieutenant Governor in Council makes regulations pursuant to clause (1)(b) prescribing forms, the regulations made by the Lieutenant Governor in Council prevail over the regulations made by the Chief Electoral Officer pursuant to subsection (2).

## PART IX

### Consequential, Transitional, Repeal and Coming into Force

#### Consequential

**288(1)** The provisions of the Acts set out in the Schedule to this Act are amended by striking out "*The Election Act*" wherever it appears and in each case substituting "*The Election Act, 1996*".

(2) Subclause 2(i)(i) of *The Constituency Boundaries Act, 1993* is amended:

(a) by striking out "pursuant to *The Election Act*" and substituting "pursuant to *The Election Act, 1996*";  
and

(b) by striking out "subsection 38(3) of *The Election Act*" and substituting "clause 45(1)(a) of *The Election Act, 1996*".

(3) *The Controverted Elections Act* is amended:

(a) in subsection 5(1) by striking out "section 143 of *The Election Act*" and substituting "section 171 of *The Election Act, 1996*";

(b) in clause 13(b) by striking out "an act or acts in contravention of section 164, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179 or 180 of *The Election Act*" and substituting "a corrupt practice within the meaning of *The Election Act, 1996*"; and

(c) in subsection 22(1) by striking out "an act in contravention of section 164, 167, 168, 169, 170, 171, 172,

173, 174, 175, 176, 177, 178, 179 or 180 of *The Election Act*” and substituting “a corrupt practice within the meaning of *The Election Act, 1996*”.

**(4) Subclause 2(1)(d)(ii) of *The Legislative Assembly and Executive Council Act* is amended:**

**(a) by striking out** “under *The Election Act*” and substituting “pursuant to *The Election Act, 1996*”; and

**(b) by striking out** “subsection 38(3) of *The Election Act*” and substituting “subsection 215(1) of *The Election Act, 1996*”.

**Transitional**

**289** Every political party that is registered pursuant to *The Election Act*, as that Act existed on the day before the coming into force of this Act, is deemed to be registered pursuant to this Act.

**R.S.S. 1978, c.E-6 repealed**

**290** *The Election Act* is repealed.

**Coming into force**

**291** This Act comes into force on proclamation.

**Schedule**  
[Subsection 288(1)]

<i>The Constituency Boundaries Act, 1993</i>	subsection 15(3)
<i>The Controverted Elections Act</i>	subsection 2(2); section 37
<i>The Crown Corporations Act, 1993</i>	clause 35(5)(b)
<i>The Legislative Assembly and Executive Council Act</i>	subclause 2(1)(d)(i)
<i>The Public Service Act</i>	subclause 50(3)(a)(i)
<i>The Referendum and Plebiscite Act</i>	subsection 2(2); clauses 14(c), (d) and (e)
<i>The Time Act</i>	clause 2(b)