

The Election Act

being

Chapter E-6 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

| | SHORT TITLE | | POLLING PLACES |
|----|---|----|--|
| 1 | Short title | 30 | Polling places in each polling division |
| | INTERPRETATION | 31 | Free access to polling place |
| 2 | Interpretation | 32 | Additional polling places |
| | PART I | | PROCLAMATION OF RETURNING OFFICER |
| | Provisions of General Application | 33 | Returning officer to publish proclamation, etc. |
| | PROCEEDINGS PRELIMINARY TO ELECTIONS | 34 | Unforeseen delays |
| | CHIEF ELECTORAL OFFICER | | QUALIFICATIONS OF CANDIDATE |
| 3 | Appointment of election officials | 35 | Qualifications of candidate |
| | DATES FOR NOMINATION AND VOTING | | BUSINESS MANAGER |
| 4 | Commencement of election | 36 | Business manager to be appointed |
| 5 | Writ of election | | NOMINATION |
| | RETURNING OFFICERS | | PROCEDURE BY RETURNING OFFICER |
| 6 | Appointment of returning officers | 37 | Form of nomination |
| 7 | Refusal or inability to act | 38 | Political affiliation, description, etc., of candidates |
| 8 | Where writ directed to person replaced | 39 | When nomination invalid |
| 9 | Persons not qualified for appointment as election officials | 40 | Certificate of returning officer <i>re</i> nomination paper |
| | ELECTION CLERKS | 41 | Place and time of nomination |
| 10 | Appointment of election clerk | 42 | Closing of nominations |
| 11 | Oath | 43 | Procedure when only one candidate nominated |
| 12 | Appointment and oath on writ | 44 | Procedure when more than one candidate nominated |
| 13 | Duties and liabilities when acting as returning officer | 45 | Withdrawal of nomination |
| | PROCEEDINGS ON RECEIPT OF THE WRIT | | DEATH OF A CANDIDATE |
| 14 | Endorsement on writ | 46 | Procedure |
| | PAPERS, FORMS, ETC., TO BE SENT TO RETURNING OFFICER | | REPRESENTATIVES OF CANDIDATES |
| 15 | Duties of Chief Electoral Officer | 47 | Appointment |
| 16 | Seals for locking ballot boxes | 48 | Persons disqualified from acting as representatives |
| | BALLOT PAPERS | 49 | Delivery of appointment |
| 17 | Form of, etc. | 50 | Candidate may undertake duties of representative |
| | ESTABLISHMENT OF POLLING DIVISIONS AND PREPARATION OF VOTERS' LISTS | 51 | Provisions requiring presence of representatives |
| 18 | Polling divisions | | PROCEEDINGS PRELIMINARY TO VOTING |
| 19 | Enumerators | | DEPUTY RETURNING OFFICERS |
| 20 | Supplies for enumerators | 52 | Appointment |
| 21 | List of voters by enumerator | | POLL CLERKS |
| 22 | Copies of list, delivery and posting thereof | 53 | Appointment |
| 23 | Enumerator to attend on revision | 54 | Poll clerk assists deputy returning officer |
| 24 | Changes on list by enumerator | 55 | Poll clerk to act as deputy returning officer in certain cases |
| 25 | Correction of list | 56 | Deputy returning officer may appoint another poll clerk |
| 26 | Penalty | | CONSTABLES |
| | QUALIFICATIONS FOR REGISTRATION AND VOTING | 57 | Constables at polling place |
| 27 | Persons disqualified | 58 | Duties of returning officer |
| 28 | Persons qualified | | DUTIES OF DEPUTY RETURNING OFFICERS |
| | RULES AS TO RESIDENCE OF VOTERS | | BEFORE OPENING OF POLLING PLACE |
| 29 | Interpretation and rules | 59 | Counting ballot papers, etc., before opening |
| | | 60 | Posting of notices |

- 61 Providing black lead pencils
- 62 Examination and sealing of ballot box

OATH OF SECRECY

- 63 Persons required to take oath
- #### EMPLOYEES ENTITLED TO TIME FOR VOTING

- 64 Duty of employers

PLACES WHERE VOTERS TO VOTE

- 65 In polling division where name on list

VOTING

- 66 Hours of voting
- 67 Polling place to be kept open for certain electors
- 68 Persons entitled to be in polling place
- 69 Information to be given by voters
- 70 Poll book record of voters
- 71 Declaration of voter whose name on list
- 72 Declaration of voter whose name not on list
- 73 Deputy returning officer to require declaration of voter in certain cases
- 74 Declaration of deputy returning officer before voting
- 75 Voters refusing to make declaration
- 76 Certain persons entitled to receive ballot paper
- 77 Mode of marking, folding and depositing ballot paper
- 78 Deputy returning officer to examine and deposit ballot paper
- 79 Voting by voter who makes declaration
- 80 Instructions to voter on request
- 81 Voter unable to mark his ballot paper
- 82 Interpreter for voter who cannot speak English
- 83 Exclusion from voting compartments
- 84 Voter not to take ballot paper from polling place, etc.
- 85 Voter who alleges he has been personated
- 86 Ballot paper accidentally destroyed
- 87 What deemed tender of a vote and voting
- 88 Statement of deputy returning officer of voters who make the declaration

SPECIAL PROVISIONS RELATING TO THE TAKING OF VOTES OF INCAPACITED VOTERS

- 89 Incapacitated voter voting by mail

SPECIAL PROVISIONS RELATING TO THE TAKING OF THE VOTES OF PATIENTS IN SANATORIA AND HOSPITALS AT GENERAL ELECTIONS

- 90 Ballot paper
- 91 Polling places in sanatorium and hospital
- 92 Alternate hours of voting
- 93 Voting procedure
- 94 Proceedings after close of polling place
- 95 Duties of Chief Electoral Officer after receipt of ballot boxes
- 96 Duties of returning officer after receipt of ballot box
- 97 Count by returning officer

SPECIAL PROVISIONS RELATING TO THE TAKING OF THE VOTES OF PATIENTS IN SANATORIA AND HOSPITALS AT BY-ELECTIONS

- 98 Ballot paper
- 99 Polling places
- 100 Alternate hours of voting
- 101 Voting procedure
- 102 Proceedings after close of polling place

SPECIAL PROVISION RELATING TO THE TAKING OF THE VOTES OF PERSONS CONFINED IN GERIATRIC CENTRES

- 103 Elector unable to attend in polling place in geriatric centre

ADVANCE POLL

- 104 Establishment of advance polling places
- 105 Conduct of voting
- 106 Hours of voting
- 107 Declaration by advance voter
- 108 Sealing ballot box and signing of poll book
- 109 Procedure on close of advance poll

PROCEEDINGS SUBSEQUENT TO THE TAKING OF THE VOTE ON POLLING DAY

- 110 Duties of deputy returning officer
- 111 Rejected ballots
- 112 Certain ballots not rejected
- 113 Penalties continue to apply
- 114 Delivery of ballot boxes to returning officer
- 115 Duty of returning officer upon receipt of ballot boxes

REPRESENTATIVES OF CANDIDATES AT FINAL COUNT

- 116 Appointment

COUNT BY RETURNING OFFICER

- 117 Duties of returning officer
- 118 Count proceeded with continuously
- 119 Casting vote by returning officer

PROCEEDINGS IN CASE OF LOSS OR INJURY OF BALLOT BOXES OR ELECTION DOCUMENTS

- 120 Adjournment of proceedings
- 121 Disappearance of ballot boxes
- 122 Procedure on day to which proceedings adjourned
- 123 Where statements, etc., missing
- 124 Where no ballot paper account and poll statement
- 125 Special report by returning officer

PROCEEDINGS PRELIMINARY TO RECOUNT OR ADDITION

- 126 Request for recount or addition
- 127 Application to judge for recount or addition
- 128 Judicial centres at which applications made
- 129 Different judge to make each recount or addition

PROCEEDINGS DURING RECOUNT

- 130 Local clerk may be present
- 131 Certain election officials to attend with materials, etc.
- 132 Presence of certain officials and persons
- 133 Procedure by judge
- 134 Judge to proceed continuously
- 135 Judge governed by certain procedure
- 136 Sealing up of ballots, etc., at conclusion
- 137 Review of decision of returning officer in certain cases
- 138 Certificate of judge
- 139 Costs

PROCEDURE WHERE THE JUDGE FAILS TO COMPLY

- 140 Judge of Court of Queen's Bench hears matter

APPEAL FROM JUDGE'S DECISION AFTER RECOUNT OR ADDITION

- 141 Appeal to judge of Court of Queen's Bench

GENERAL PROVISIONS RELATING TO RECOUNTS AND ADDITIONS

- 142 Informalities, service, etc.

ELECTION RETURN

- 143 Return to writ of election
- 144 Ballot papers, etc., to be sent to Chief Electoral Officer by returning officer

FAILURE TO MAKE RETURN

- 145 Compelling returning officer to make return

PUBLICATION OF RETURN

- 146 Notice in *Gazette*

IRREGULARITIES IN CONDUCT OF ELECTION

- 147 Elections not invalid in certain cases

OATHS, AFFIDAVITS AND DECLARATIONS

- 148 Who to administer oaths
- 149 Declarations

CUSTODY OF ELECTION PAPERS

- 150 How long retained, destruction

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

- 151 Certain documents open to public inspection
- 152 Inspection of ballots prohibited
- 153 Evidence as to documents, etc.

PRESERVATION OF THE PEACE

- 154 Certain officers conservators of the peace
- 155 Assistance of constables, etc., may be required
- 156 Special constables and report with respect thereto
- 157 Arrest, etc., on verbal order of certain officials

SECRECY OF PROCEEDINGS

- 158 Maintaining secrecy
- 159 Interference with voters
- 160 Inducing voter to show marked ballot paper
- 161 Voter not to show marked ballot paper

- 162 Where officials aware of contravention of secrecy
- 163 No one compellable to disclose his vote

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS

OFFENCES AND PENALTIES

- 164 Bribery
- 165 Distribution of political literature deemed lawful
- 166 Use of public address system, etc., prohibited on polling day
- 167 Furnishing meat, etc. prohibited
- 168 Certain contributions prohibited
- 169 Treating
- 170 Wagering or betting
- 171 Conveying voters to polling place
- 172 Providing refreshments on polling day
- 173 Undue influence
- 174 Personation
- 175 Procuring appointments by fraud
- 176 Appointing persons as election officers who have been guilty of corrupt practices
- 177 Voting when not entitled
- 178 False declaration
- 179 False statement of withdrawal of candidate
- 180 False statements respecting candidate's conduct prohibited
- 181 Consequence of corrupt practice by candidate, etc., election void
- 182 When election not void for corrupt practice
- 183 Candidates guilty of corrupt practice incapable for eight years of being elected, etc.
- 184 Disqualification of persons other than candidates
- 185 Where second election held as result of protest
- 186 Election of candidate void for employing agent previously found guilty of corrupt practice
- 187 Removal of disqualification on proof that it was procured by perjury
- 188 Executory contracts arising out of elections void
- 189 No penalty where party charged has prosecuted a party jointly liable
- 190 Returning officers, etc., wilfully falsifying or altering list of voters
- 191 Offences respecting ballot papers
- 192 Unlawfully destroying documents
- 193 Unlawfully dealing with notices
- 194 Officer neglecting duties
- 195 Office neglecting duties
- 196 Printed documents to bear name of printer and person who authorized its production, publication and distribution
- 197 General penalty

PROSECUTIONS

- 198 Proceedings where contravention
- 199 Writ need not be produced at trial

200 Proof of election

201 Fines paid to consolidated fund

202 Limitation of actions

ELECTION EXPENSES

203 Interpretation "election expenses"

204 Payments to be made by or through business manager, etc.

205 Limitation respecting incurring of expenses

206 Report of election expenses

REIMBURSEMENT IN RESPECT OF CANDIDATES'

ELECTION EXPENSES

207 Amount of election expenses incurred to be shown in certificate, etc.

208 Candidates may jointly incur and pay election expenses

209 Exception to manner of paying election expenses

210 Business managers to be notified of payment

211 Candidate deemed to have incurred expenses agreed in agreement

RECOGNIZED POLITICAL PARTIES

212 Political parties not to act unless recorded

213 Register

214 Application to be recorded

215 Recording of political party, exception

216 Notification to leader of action taken

217 Termination of recording

218 Publication in *Gazette* of recording

219 Chief official agents and official agents, recording of appointment of, etc.

220 Liability of agents for contravention of section 212

221 Payments to party to be made through chief official agent

222 Chief official agent to supply return of contributions, etc.

223 Election expenses that may be incurred by a recognized political party

224 Gifts, etc., over \$100 from anonymous donor

225 Agents

226 Person making gift, etc., to be disclosed in return

227 Offences and penalties

228 Chief Electoral Officer to preserve returns, to publish certain summaries of expenses

229 Rectification of errors

230 Publishers, etc., to file statement respecting election announcements

231 Publication of government matters during an election prohibited, exception

FEEES AND EXPENSES

232 Compensation and expenses to be fixed by Lieutenant Governor in Council

233 Payment of accounts

VOTE OF MEMBERS OF CANADIAN ARMED FORCES

234 Provision for taking vote of members of Canadian Armed Forces serving outside Saskatchewan

PART II

Special Provisions Respecting Elections In Northern Constituencies

235 Application of Part I

236 Interpretation of "territory adjacent to" a polling place

ATHABASCA

237 Duties of returning officer on receipt of writ

238 Proclamation

239 Appointment and duties of enumerators

240 Notice respecting registration of voters

CUMBERLAND

241 Procedure

REGULATIONS

241 Power to make

FIRST SCHEDULE

SECOND SCHEDULE

CHAPTER E-6

An Act respecting Elections of Members of the Legislative Assembly.

SHORT TITLE

Short title

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

R.S.S. 1978, c.E-6, s.1.

INTERPRETATION

Interpretation

2(1) In this Act:

“advance poll”

(a) “**advance poll**” means a special polling place established pursuant to section 104;

“advance polling day”

(b) “**advance polling day**” means any polling day fixed under clause (e) of subsection (1) of section 4;

“Assembly” or “Legislative Assembly”

(c) “**Assembly**” or “**Legislative Assembly**” means the Legislative Assembly of Saskatchewan;

“Assistant Chief Electoral Officer”

(d) “**Assistant Chief Electoral Officer**” means the Assistant Chief Electoral Officer appointed under section 3;

“ballot” or “vote”

(e) “**ballot**” or “**vote**” means the portion of a ballot paper that has been detached from the counterfoil, marked by a voter and deposited in the ballot box;

“business manager”

(f) “**business manager**” means the business manager appointed under section 36;

“by-election”

(g) “**by-election**” means an election held in a constituency on a date on which there is no general election;

“candidate” or “candidate at an election”

(h) “**candidate**” or “**candidate at an election**” means any person who:

(i) is nominated in accordance with section 37 as a candidate at an election;

(ii) on or after the day of the issue of the writ for an election, or after the dissolution of the Assembly or the occurrence of a vacancy in the Assembly in consequence of which a writ for an election is eventually issued, is declared by himself or by others with his consent to be a candidate;

(iii) for the purposes of sections 203 to 229, is, prior to the issue of the writ for an election or prior to a dissolution or occurrence mentioned in subclause (ii), declared by himself or by others with his consent to be a candidate;

“Chief Electoral Officer”

(i) **“Chief Electoral Officer”** means the Chief Electoral Officer appointed under section 3;

“chief official agent”

(j) **“chief official agent”** means a chief official agent appointed under subsection (1) of section 219;

“constituency”

(k) **“constituency”** means a place or territorial area in Saskatchewan entitled to return a member to serve in the Assembly;

“corrupt practice”

(l) **“corrupt practice”** includes bribery and any act declared to be a corrupt practice by this or any other Act of the Legislature or recognized as such by the law and custom of Parliament;

“declaration”, etc.

(m) **“declaration”** means a declaration in form 23 and **“make a declaration”** and all words of similar import include the signing of the declaration;

“during an election”, etc.

(n) **“during an election”** or **“at an election”** or **“throughout an election”** includes the period after the issue of the writ for an election, or after the dissolution of the Assembly or the occurrence of a vacancy in the Assembly in consequence of which a writ for an election is eventually issued, until the candidate obtaining the highest number of votes is pursuant to section 143 returned as elected;

“election”

(o) **“election”** means an election of a member to serve in the Assembly;

“election court”

(p) **“election court”** means a court constituted under *The Controverted Elections Act* for the trial of a petition;

“election officer”

(q) **“election officer”** includes the returning officer, the election clerk and any deputy returning officers and poll clerks appointed for an election;

“election petition”

(r) **“election petition”** means a petition presented pursuant to *The Controverted Elections Act*;

“elector” or “voter”

(s) **“elector”** or **“voter”** means a person who is entitled to vote at an election under the provisions of this Act;

“form”

(t) **“form”** means a form in the first schedule to this Act;

“general election”

(u) **“general election”** means an election that is held in respect of each constituency on the same day;

“geriatric centre”

(v) **“geriatric centre”** includes a nursing home, supervisory care home, sheltered care home or other institution used primarily for the purpose of providing supervisory care, personal care and nursing care for persons who by reason of need, age, infirmity or blindness are unable to care for themselves;

“hospital” or “sanatorium”

(w) **“hospital”** or **“sanatorium”** includes any public or private institution for the care of the sick or infirm that has not less than five beds and includes a facility as defined by *The Mental Health Act*;

“member”

(x) **“member”** means a member of the Assembly;

“oath”

(y) **“oath”** includes affirmation;

“official agent”

(z) **“official agent”** means an official agent appointed under subsection (1) of section 219;

“political affiliation”

(aa) **“political affiliation”**, with respect to a candidate, means affiliation with a political party;

“political party”

(bb) **“political party”** means a group of persons comprised in a political organization by which:

- (i) money or effort is expended;
- (ii) money is solicited or received;

for the purpose of promoting, opposing, endorsing or supporting the platform of the group, of any recognized political party or candidate nominated at an election;

“poll book”

(cc) **“poll book”** means the book containing the names of persons who have received ballot papers or who have applied for ballot papers at an election;

“polling day”

(dd) **“polling day”** means the day fixed under clause (d) of subsection (1) of section 4 for taking the votes of the electors;

“polling division”

(ee) **“polling division”** means a portion of a constituency in which the votes of the electors are taken;

“polling place”

(ff) **“polling place”** means a place where electors vote at an election;

“recognized political party”

(gg) **“recognized political party”** means a political party that has been recorded under section 215 and the recording of which is subsisting;

“registration”, “registered”, etc.

(hh) **“registration”, “registered”** and all words of similar import, insofar as they are applicable, include all proceedings had or taken in connection with lists of voters to be made by enumerators under this Act;

“rejected ballot”

(ii) **“rejected ballot”** means a ballot rejected pursuant to section 111;

“representative”, etc.

(jj) **“representative”** or **“candidate’s representative”** or **“the representative of a candidate”** means the representative appointed under section 47 and includes, where the context so requires, the representative appointed under section 116;

“spoiled ballot”

(kk) **“spoiled ballot”** means a ballot that on polling day has not been deposited in the ballot box but has been found by the deputy returning officer to be soiled or improperly printed or that has been:

- (i) handed by the deputy returning officer to an elector to cast his vote;
- (ii) spoiled in marking by the elector; and
- (iii) handed back to the deputy returning officer and exchanged for another ballot paper;

“voters’ list” or “list of voters”

(ll) **“voters’ list”** or **“list of voters”** includes any list made and revised under this Act of persons entitled to vote at an election;

“writ”

(mm) **“writ”** means the document addressed by the Chief Electoral Officer to a returning officer requiring an election to be held.

(2) Notwithstanding *The Interpretation Act* and *The Time Act*, when in this Act a particular time of the day is referred to the reference shall be deemed to be a reference to central standard time.

(3) Subject to the special provisions contained in Part II with respect to the constituencies of Athabasca and Cumberland, Part 1 applies to every election.

1971, c.10, s.2; 1973-74, c.36, s.2; 1974- 75, c.13, s.2; R.S.S. 1978, c.E-6, s.2.

 PART I

Provisions of General Application

PROCEEDINGS PRELIMINARY TO ELECTIONS

CHIEF ELECTORAL OFFICER

Appointment of election officials

3(1) The Lieutenant Governor in Council shall appoint:

- (a) an elector residing within the province to be the Chief Electoral Officer during pleasure; and
- (b) an elector residing within the province to be the Assistant Chief Electoral Officer during pleasure.

(2) The Chief Electoral Officer, the Assistant Chief Electoral Officer and such other persons as are appointed shall be paid such salaries as may be fixed by the Lieutenant Governor in Council.

(3) *The Public Service Superannuation Act* applies to the persons appointed under this section.

(4) When:

- (a) the office of Chief Electoral Officer is vacant; or
- (b) the Chief Electoral Officer is absent because of illness or other cause;

the Assistant Chief Electoral Officer is charged with and has all the powers, rights, privileges and authority granted to or vested in the Chief Electoral Officer under this or any other Act.

(5) The Chief Electoral Officer shall communicate with the Lieutenant Governor in Council through such member of the Executive Council as is designated by the Lieutenant Governor in Council for that purpose.

1971, c.10, s.3; R.S.S. 1978, c.E-6, s.3.

DATES FOR NOMINATION AND VOTING

Commencement of election

4(1) Every election shall be commenced by the passing of an order by the Lieutenant Governor in Council:

- (a) directing that the Chief Electoral Officer issue a writ of election in form 1 addressed to the person appointed as returning officer for the constituency in which an election is to take place;
- (b) fixing the day that the writ of election is to issue which day may be the same day that the order of the Lieutenant Governor in Council is issued or a day subsequent to that day;
- (c) fixing the day for the nomination of candidates at the election which day shall be the Monday that is not more than eighteen or less than twelve days after the date on which the writ is issued; and if that Monday is a holiday then on the first day next following that is not a holiday;
- (d) fixing the day for the taking of votes of the electors, if an election is required, which day shall be the Wednesday that is the sixteenth day after nomination day; and if that Wednesday is a holiday then on the first day next following that is not a holiday;
- (e) fixing the days on which the advance poll shall be held, which days shall be:
 - (i) Wednesday, Thursday, Friday and Saturday in the week preceding the week in which the election is to be held; and
 - (ii) the Monday in the week in which the election is to be held;
- (f) fixing the day on which the returning officer shall add up the number of votes cast for the several candidates, which day shall be:
 - (i) the twelfth day after polling day; or
 - (ii) if that twelfth day is a holiday then on the first day next following that is not a holiday;
- (g) fixing the day on which the returning officer shall make a return to the writ which day shall, subject to subsection (3), be:
 - (i) the twenty-third day after polling day; or

(ii) if that twenty-third day is a holiday then on the first day next following that is not a holiday.

(2) Where a general election is to be held, the order of the Lieutenant Governor in Council shall:

- (a) direct the issue of a writ of election in respect of each constituency; and
- (b) fix in respect of each constituency the same day for:
 - (i) the issue of the writ of election;
 - (ii) the nomination of candidates;
 - (iii) the holding of an advance poll;
 - (iv) the taking of the votes of the electors;
 - (v) the adding up of the votes; and
 - (vi) the return to the writ of election.

(3) Notwithstanding that a return date is fixed by an order of the Lieutenant Governor in Council the return date, where there has been a recount or addition by a judge, is the date fixed by section 143.

1971, c.10, s.4; R.S.S. 1978, c.E-6, s.4.

Writ of election

5(1) Upon receipt of the order mentioned in section 4, the Chief Electoral Officer shall issue a writ, which writ shall:

- (a) be in form 1;
- (b) be dated the day fixed by the order for the issue of the writ;
- (c) be addressed to the person appointed as 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 adding up the votes;
- (h) state the day fixed by the order for the return to the writ; and
- (i) be sent by registered mail or otherwise to the returning officer.

(2) Where a general election is to be held, a writ shall be issued in respect of each constituency and each writ shall:

- (a) bear the same date of issue;
- (b) state the nomination day;
- (c) state the same days for the holding of an advance poll;
- (d) state the same polling day;
- (e) state the same day for adding up the votes; and
- (f) state the same return day.

1971, c.10, s.5; R.S.S. 1978, c.E-6, s.5.

RETURNING OFFICERS

Appointment of returning officers

6(1) The Lieutenant Governor in Council may at any time appoint an elector residing within the province, who is willing to act as a returning officer, to be the returning officer for the constituency in which he resides.

(2) Where an Act has been passed as contemplated by section 22 of *The Constituency Boundaries Commission Act* establishing one or more new constituencies, the Lieutenant Governor in Council may, whether or not the Act is in force, in respect of each new constituency appoint an elector resident in the constituency, who is willing to act as a returning officer, to be the returning officer for the constituency.

(3) The appointment of a returning officer shall be published forthwith in *The Saskatchewan Gazette*.

(4) The Chief Electoral Officer shall immediately notify a person who has been appointed a returning officer of his appointment.

(5) Upon being notified of his appointment by the Chief Electoral Officer, the returning officer shall take the oath in form 4 and forward it to the Chief Electoral Officer.

1971, c.10, s.6; 1973-74, c.36, s.3; 1974-75, c.13, s.3; R.S.S. 1978, c.E-6, s.6.

Refusal or inability to act

7 Where a person who has been appointed a returning officer dies or refuses to act or is absent or incapacitated or unable from any cause to act, the Lieutenant Governor in Council may appoint some other person to be returning officer.

1971, c.10, s.7; R.S.S. 1978, c.E-6, s.7.

Where writ directed to person replaced

8(1) Where a writ has been issued to a returning officer and prior to the time he makes a return to that writ as required by section 143 another person is appointed as returning officer in his place and stead, that person may act under the writ as if it had been addressed to him.

(2) The validity of the proceedings had or taken:

(a) by the returning officer to whom the writ was addressed is not affected by the new appointment;

(b) by any other returning officer acting under authority of the writ is not affected by the fact that the writ is not addressed to him.

(3) A new returning officer may appoint a new election clerk and new deputy returning officers if he thinks fit in place of the persons, if any, appointed to such offices by the person previously named as returning officer.

1971, c.10, s.8; R.S.S. 1978, c.E-6, s.8.

Persons not qualified for appointment as election officials

9(1) None of the following persons shall be appointed or shall act as returning officer, enumerator, deputy returning officer, election clerk or poll clerk:

(a) a member of the Executive Council;

(b) a member of the Parliament of Canada or of the Legislative Assembly;

- (c) a judge of the federal or provincial courts including a judge of the magistrates' courts or a provincial magistrate;
 - (d) the Chief Electoral Officer and the Assistant Chief Electoral Officer;
 - (e) a candidate at the election or his business manager or representative;
 - (f) a person who has at any time been found guilty by a competent tribunal of corrupt practices or who has been convicted by a competent tribunal of any offence or dereliction of duty in contravention of this Act or of any other Act heretofore in force in this province relating to elections;
 - (g) a person convicted of an indictable offence within the period of eight years immediately preceding the date of the issue of the writ;
 - (h) a person disqualified from voting under this Act.
- (2) Any person referred to in subsection (1) who acts as a returning officer, enumerator, deputy returning officer, election clerk or poll clerk is guilty of an offence and liable to a fine of \$200.
- (3) A contravention of this section does not affect the validity of the election.

1971, c.10, s.9; R.S.S. 1978, c.E-6, s.9.

ELECTION CLERKS

Appointment of election clerk

- 10(1)** The returning officer shall, as soon as practicable and prior to each election held in his constituency, whether before or after the issue of the writ, appoint in form 2 an election clerk for that constituency.
- (2) No person shall be appointed an election clerk:
- (a) unless he is:
 - (i) in the opinion of the returning officer, a competent and reliable person;
 - (ii) an elector ordinarily residing within the constituency for which he is appointed to act; and
 - (iii) a person who is willing to act as an election clerk;
 - (b) if he is a person mentioned in subsection (1) of section 9.
- (3) The appointment of an election clerk terminates upon the completion of his duties in the election for which he was appointed to act.
- (4) If the election clerk dies or refuses, neglects or is unable to perform his duties, the returning officer shall appoint another election clerk in his stead.
- (5) The election clerk shall assist the returning officer in the performance of his duties and, if the returning officer dies or refuses or is unable to perform his duties or is disqualified and has not been replaced by another, shall act in his stead as returning officer.

1971, c.10, s.10; R.S.S. 1978, c.E-6, s.10.

Oath

11 Every election clerk shall, before entering upon his duties, take and subscribe the oath in form 3.

1971, c.10, s.11; R.S.S. 1978, c.E-6, s.11.

Appointment and oath on writ

12 The appointment and oath of an election clerk shall be either endorsed on or attached to the writ.

1971, c.10, s.12; R.S.S. 1978, c.E-6, s.12.

Duties and liabilities when acting as returning officer

13 An election clerk whose duty it becomes to act in the stead of a returning officer is subject to the same penalties as a returning officer for his neglect or refusal to perform the duties and to fulfil all the obligations of that office in like manner as if he had been appointed returning officer; and he shall not be required to possess any other qualification or to take the oath in form 4.

1971, c.10, s.13; R.S.S. 1978, c.E-6, s.13.

PROCEEDINGS ON RECEIPT OF THE WRIT

Endorsement on writ

14 The returning officer shall forthwith on receiving the writ endorse thereon the date of its receipt and he shall retain the writ in his possession until the day fixed for its return.

1971, c.10, s.14; R.S.S. 1978, c.E-6, s.14.

PAPERS, FORMS, ETC., TO BE SENT TO RETURNING OFFICER

Duties of Chief Electoral Officer

15(1) Before an election the Chief Electoral Officer shall:

- (a) have all necessary papers and forms printed; and
- (b) send by mail or express to the returning officer of each constituency in which an election is to be held the necessary supplies required for the election.

(2) The following shall be included in the material to be sent to a returning officer by the Chief Electoral Officer:

- (a) copies of the notice as to secrecy of voting (form 5);
- (b) copies of directions for the guidance of voters (form 6);
- (c) poll books (form 7);
- (d) copies of this Act and any amendments thereto;
- (e) copies of voters' list forms (form 8);
- (f) copies of the form for the appointment of enumerators (form 9);
- (g) copies of the oath of the enumerators (form 10);

- (h) copies of expense voucher forms;
 - (i) copies of the nomination paper (form 15);
 - (j) copies of the certificate respecting the nomination paper (form 16);
 - (k) a supply of ballot papers (forms 11 and 12);
 - (l) a supply of ballot boxes;
 - (m) a supply of metal seals prescribed by the Chief Electoral Officer;
 - (n) copies of the instructions for returning officers, enumerators, deputy returning officers and representatives;
 - (o) copies of the statement of the returning officer (form 32);
 - (p) a supply of stereotype or printer's blocks;
 - (q) the form of affidavit of the printer (form 13);
 - (r) the label mentioned in section 144;
 - (s) the affidavit of the returning officer (form 33); and
 - (t) such other forms, special envelopes, stationery and supplies as may be required for the purposes of the election.
- (3) The poll book shall be in form 7, shall be printed containing at least three hundred and fifty ruled lines and shall contain, securely fastened thereto, the following blank forms:
- (a) appointment of the deputy returning officer (form 18);
 - (b) oath of the deputy returning officer (form 19);
 - (c) appointment of the poll clerk (form 20);
 - (d) oath of the poll clerk (form 21);
 - (e) oath of secrecy (form 22);
 - (f) schedule for "Notes of objections" to ballot papers;
 - (g) oath of incapacitated person (form 24);
 - (h) oath of friend of blind voter (form 25);
 - (i) oath of poll clerk after closing of the polling place for voting (form 28); and
 - (j) a ballot paper account and poll statement (form 27).
- (4) A ballot box furnished under this section shall:
- (a) be made of durable material;
 - (b) be constructed in such a manner that a ballot paper can be deposited therein and cannot be withdrawn; and
 - (c) be constructed in such a manner that it may be locked and sealed with a metal seal.

ELECTIONS

c. E-6

(5) The stereotype or printer's blocks mentioned in clause (p) of subsection (2) shall be designed by the Chief Electoral Officer in such a manner that an impression made therefrom on the back of the ballot paper will be readily recognizable and will show the name of the constituency and the date of the election.

1971, c.10, s.15; R.S.S. 1978, c.E-6, s.15.

Seals for locking ballot boxes

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

1971, c.10, s.16; R.S.S. 1978, c.E-6, s.16.

BALLOT PAPERS

Form of, etc.

17(1) All ballot papers shall be provided with a line of perforations between the part of the ballot paper to be used by the voter and the counterfoil and with a line of perforations between the counterfoil and the stub.

(2) The ballot paper, except the ballot paper of a person voting under section 90, shall:

- (a) be printed in form 11;
- (b) be printed on a white or colored duplex wove and the weight of the paper shall be not less than that known to the trade as "substance number 24 (basis 17x22-48M)";
- (c) be of the same description as other ballot papers intended for use in the same election and shall be as nearly alike as possible as those other ballot papers;
- (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 stereotype or printer's block furnished by the Chief Electoral Officer so placed 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; and
- (f) bear on the back of the ballot paper in six-point type the name and address of the printer who completes the printing of the ballot paper.

(3) Upon the request of the Chief Electoral Officer, the Queen's Printer shall:

- (a) print the ballot papers, with the exception of:
 - (i) the names, political affiliation, if any, and occupations of the candidates;
 - (ii) the impression of the stereotype or printer's block referred to in clause (e) of subsection (2); and
 - (iii) the name and address of the printer referred to in clause (f) of subsection (2); and
- (b) deliver the ballot papers bound, but not stitched together, to the Chief Electoral Officer.

(4) The Chief Electoral Officer shall furnish the returning officer with a quantity of ballot papers sufficient to provide one ballot paper to each voter in the constituency, and the 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:

(i) alphabetically according to the respective surnames and with the surname last; or

(ii) in any manner that has been agreed to in writing by the candidates within one hour after the time appointed for the close of nominations;

(b) in respect of any candidate to whom subsection (3) of section 38 applies, the political affiliation of the candidate, in unabbreviated form in brackets beneath his name, as being that of the recognized political party that endorses the candidate; and

(c) in respect of any candidate to whom subsection (5) of section 38 applies, the word "Independent" in brackets beneath his name.

(5) The information on a ballot paper with respect to a candidate shall not in any manner indicate that he has at any time been a member of the Legislative Assembly.

(6) The printer mentioned in subsection (4) who completes 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 stereotype block furnished to him by the returning officer; and

(ii) his name and address in six-point type; and

(b) deliver to the returning officer:

(i) an affidavit in form 13;

(ii) the printed ballot papers;

iii) the stereotype block; and

(iv) any spoiled sheets of paper.

1971, c.10, s.17; 1973-74, c.36, s.4; R.S.S. 1978, c.E-6, s.17.

ESTABLISHMENT OF POLLING DIVISIONS AND PREPARATION OF VOTERS' LISTS

Polling divisions

18(1) Every returning officer shall, immediately upon receipt of notice of his appointment, subdivide the constituency in respect of which he was appointed returning officer into as many polling divisions as he deems necessary for the convenience of the voters, and every part of the constituency shall be included within the boundaries of one or other of the polling divisions.

(2) A returning officer may, where in his opinion it is necessary because of local conditions, establish a separate polling division with respect to each geriatric centre within the constituency.

(3) Every returning officer shall, from time to time, prior to the issue of the writ, review and alter the polling divisions as he deems necessary for the convenience of the voters in the constituency.

1971, c.10, s.18; R.S.S. 1978, c.E-6, s.18.

Enumerators

19(1) The returning officer shall, prior to each election held in his constituency and as soon as is practicable, whether before or after the issue of the writ, appoint in form 9 an enumerator for each polling division in his constituency.

(2) No person shall be appointed an enumerator:

(a) unless he is:

(i) in the opinion of the returning officer, a competent and reliable person;

(ii) an elector ordinarily residing within the constituency in which the polling division for which he is appointed to act is situated; and

(iii) a person who is willing to act as an enumerator;

(b) if he is a person mentioned in subsection (1) of section 9.

(3) The same person may be appointed as enumerator for more than one of the polling divisions of the constituency.

(4) The appointment of an enumerator terminates upon the completion of his duties in the election for which he was appointed to act.

(5) If an enumerator dies or refuses, neglects or is unable to perform his duties, the returning officer shall appoint another enumerator in his stead.

(6) Every enumerator shall, before entering upon his duties, take and subscribe the oath in form 10.

(7) The returning officer shall give to each enumerator a complete description of the boundaries of the polling division or divisions for which he is appointed, together with all amendments to the description as may from time to time be made.

(8) Immediately upon receipt of the writ or notice of the issue thereof, the returning officer shall notify each enumerator of the date of the issue of the writ and of the polling day; and where an enumerator is not appointed until after the issue of the writ, the returning officer shall so notify the enumerator immediately upon making the appointment.

1971, c.10, s.19; R.S.S. 1978, c.E-6, s.19.

Supplies for enumerators

20 The returning officer shall send by registered mail or otherwise deliver to each enumerator a sufficient number of the following forms and material supplied by the Chief Electoral Officer:

(a) one copy of enumerator's instructions;

(b) voters' list forms in form 8;

- (c) two copies of enumerator's expense voucher containing schedule of fees for enumerators; and
- (d) a large envelope addressed to the returning officer for transmission of the voters' list.

1971, c.10, s.20; R.S.S. 1978, c.E-6, s.20.

List of voters by enumerator

21(1) The returning officer shall, immediately after he is notified of the date of the issue of the writ, instruct the enumerators for each polling division to prepare in and for the polling division and pursuant to this Act a list of all persons who are qualified as electors in the polling division.

(2) Subject to subsection (3), the enumerator shall arrange the names on the list alphabetically according to surnames and set forth the occupation, post office address and the location of the residence of each person.

(3) In the case of a polling division in a city or town, the enumerator shall, if directed by the returning officer to do so, arrange the names on the list in geographical order by reference to streets and house or apartment numbers.

(4) Each name on the list shall be numbered consecutively commencing with the number 1.

(5) The names of all persons on a list shall be typewritten or printed in block letters.

(6) Each enumerator shall, beginning on the line immediately following the last name on each list made by him, complete the first certificate set forth in form 8, and shall date and sign the certificate and state the date when and the place where he will sit for revision.

(7) Each enumerator shall complete the list within ten days after the date of the writ of election and shall immediately upon such completion deliver the list or send it by mail to the returning officer.

1971, c.10, s.21; R.S.S. 1978, c.E-6, s.21.

Copies of list, delivery and posting thereof

22(1) The returning officer shall, upon receipt of a voters' list from an enumerator, cause sufficient copies of the list to be made and shall:

- (a) immediately deliver or send by registered mail ten copies of the list to each candidate who has been officially nominated in the constituency;
- (b) immediately deliver or send by registered mail three copies of the list to the enumerator who compiled it;
- (c) immediately deliver or send by mail five copies of the list to the Chief Electoral Officer; and
- (d) within seven days after nomination day, post or cause to be posted one copy of the list in each of the following places:
 - (i) his own office;

(ii) upon securing the approval of the Postmaster General of Canada or other proper official, the post office within the polling division to which the list relates or, where there is no such post office, in the post office nearest to the polling division; but this subclause does not apply to a constituency situated in or mainly in a city; and

(iii) such other locations as the returning officer deems advisable;

and shall attach to each copy a notice setting out the times during which and the place at which the enumerator will sit for hearing applications for revision of the list as required by section 23.

(2) Each enumerator, immediately upon receipt of the copies of the voter's list from the returning officer, shall:

(a) post one copy of the list at or near the polling division to which the list relates at a location and at a height where it may easily be seen and read by any person; and

(b) attach to the list a notice setting out:

(i) the times during which; and

(ii) the place at which;

he will sit for hearing applications for revision of the list as required by section 23.

1971, c.10, s.22; 1973-74, c.36, s.5; R.S.S. 1978, c.E-6, s.22.

Enumerator to attend on revision

23 The enumerator shall attend at the place indicated on the voters' list for his polling division between the hours of two o'clock and ten o'clock in the afternoon on the Saturday immediately preceding the polling day for the purpose of hearing applications for revision of the list.

1971, c.10, s.23; R.S.S. 1978, c.E-6, s.23.

Changes on list by enumerator

24(1) Where an enumerator, at any time after the posting up of the voters' list and before the hour of ten o'clock in the afternoon of the Saturday immediately preceding polling day, is fully satisfied, from representations made to him by a credible person, that the name of a qualified voter has been omitted from the voters' list for the polling division to which that voter belongs, he shall add the name to the copy of the list in his possession and shall attest the addition by his initials.

(2) Where an enumerator in like manner is fully satisfied that there is on the list the name of a person who is not qualified as a voter in such polling division, he may draw erasing lines through that name and write his own initials opposite thereto in the column for remarks.

(3) Where an enumerator finds the occupation, addition or residence of a voter to be inaccurately stated in the list or where he finds a mistake in the spelling of a name therein, he may make the necessary correction and affix his initials thereto.

1971, c.10, s.24; R.S.S. 1978, c.E-6, s.24.

Correction of list

25(1) An enumerator, having revised and corrected the copy of the voters' list as provided in section 24, shall, at the foot of such copy and close to the last name thereon, at the close of the revision period make a certificate in the form of the second certificate contained in form 8.

(2) The enumerator shall, forthwith after certifying the voters' list as required by subsection (1), deliver or send by registered mail a copy of the certified list to the returning officer.

(3) Not later than the Monday immediately preceding polling day the enumerator shall deliver the revised list so certified to the deputy returning officer for the polling division to which it relates, and the list shall constitute the official voters' list for that polling division.

(4) Upon receipt by the deputy returning officer of the revised voters' list, a candidate or his representative is entitled upon request to receive from the deputy returning officer particulars of all corrections, additions and revisions made to the voters' list by the enumerator pursuant to section 24.

1971, c.10, s.25; 1973-74, c.36, s.6; R.S.S. 1978, c.E-6, s.25.

Penalty

26 Every enumerator who knowingly omits from the list the name of a person that should be included therein or includes in the list the name of a person that should be not included therein is guilty of an offence and liable to a fine not exceeding \$50 in respect of each name so omitted or included.

1971, c.10, s.26; R.S.S. 1978, c.E-6, s.26.

QUALIFICATIONS FOR REGISTRATION AND VOTING

Persons disqualified

27 The following persons are hereby disqualified to be registered as voters and shall not vote:

- (a) a judge of the federal or provincial courts including a judge of the magistrates' courts and a provincial magistrate;
- (b) a person disqualified from voting under the provisions of this or any other Act relating to corrupt practices;
- (c) a person who is a prisoner in jail or prison undergoing punishment for a criminal offence:
 - (i) on the day of the issue of the writ;
 - (ii) at any time after the issue of the writ and prior to polling day; or
 - (iii) on polling day;
- (d) a person other than a person who is not found or certified to be mentally disordered but who is in a facility under subsection (1) of section 15 of *The Mental Health Act* and is not being detained in the facility under subsection (3) of section 15 of that Act who on polling day:
 - (i) is in a school for mentally retarded persons or is a patient in a mental hospital within the meaning of *The Mental Health Act*;

- (ii) is a patient in a psychiatric centre or psychiatric ward within the meaning of *The Mental Health Act*;
- (iii) is mentally incompetent within the meaning of *The Mental Health Act*; or
- (iv) is a person whose affairs are being administered by the Administrator of Estates;
- (e) the Chief Electoral Officer, the Assistant Chief Electoral Officer and, except as provided in sections 119 and 135, every returning officer; and
- (f) member of The Local Government Board.

1971, c.10, s.27; 1972, c.39, s.2; R.S.S. 1978, c.E-6, s.27.

Persons qualified

28(1) Except as provided by section 27, the persons entitled to vote shall be those mentioned in subsections (2) and (3).

- (2) Every person is qualified to be registered as a voter and to vote, who:
 - (a) is a Canadian citizen or in the interval between the date of the writ and polling day becomes a Canadian citizen;
 - (b) is of the full age of eighteen years or will attain the full age of eighteen years on or before polling day;
 - (c) has ordinarily resided in Saskatchewan for at least six months immediately preceding the day on which the writ was issued; and
 - (d) on the days on which the writ was issued was ordinarily resident in the constituency in which he seeks to vote.
- (3) Every British subject, other than a Canadian Citizen, who
 - (a) was qualified as a voter on the twenty-third day of June, 1971;
 - (b) has ordinarily resided in Saskatchewan for at least six months immediately preceding the day on which the writ was issued; and
 - (c) is ordinarily resident in the constituency in which he seeks to vote;

is qualified to be registered as a voter and to vote.

(4) Every person is entitled to be registered on the list of voters for the polling division in which he ordinarily resided on the day on which the writ was issued and no other.

(5) Every candidate at a general election who, on the day before the dissolution of the Legislature immediately preceding the election, was a member and any spouse or dependent of such candidate who lives with him and is qualified as an elector is, respectively, entitled:

- (a) to have his name entered on the list of voters for any one of the following polling divisions:
 - (i) the polling division in which the ordinary residence of the former member is situated;
 - (ii) any polling division in the constituency in which the former member is a candidate;

(b) to vote in only one of those polling divisions as he may select or at an advance poll in that constituency.

1971, c.10, s.28; 1973-74, c.36, s.7; 1976-77, c.21, s.2; R.S.S. 1978, c.E-6, s.28.

RULES AS TO RESIDENCE OF VOTERS

Interpretation and rules

29 The following rules apply to the interpretation of the words “ordinarily resident”, “ordinarily resided”, “ordinarily residing” and “ordinary residence” and words of similar import in any section of this Act in which those words or any of them are used with respect to the right of a person to vote:

1. Except as provided in the succeeding rules set forth in this section, the question as to where a person is or was ordinarily resident at any material time shall be determined by reference to all the facts of the case;
2. The ordinary residence of a person shall be the place in which his habitation is fixed and to which when absent therefrom he has the intention of returning;
3. A person shall not lose his ordinary residence by reason of temporary absence from the place in which his habitation is fixed;
4. No person while he remains in Saskatchewan shall be deemed to have lost his ordinary residence until he has acquired another;
5. Where a person moves to a place outside Saskatchewan with the intention of remaining outside Saskatchewan for an indefinite period, he loses his ordinary residence in Saskatchewan, notwithstanding that he entertains the idea of intention of returning at some future time;
6. Subject to rules 10 and 11, a person shall not be considered to have acquired an ordinary residence in Saskatchewan or in a constituency therein if he comes to Saskatchewan or the constituency for temporary purposes only without the intention of making Saskatchewan or some place in the constituency his home;
7. Subject to rules 9, 10 and 11, the ordinary residence of a single person who is not dependent upon his parents or either of them for his livelihood and who has not established a permanent home of his own:
 - (a) is the place where he occupies a room as a regular lodger; and
 - (b) is not the home of his parents notwithstanding that he frequently visits the home of his parents;

unless, not having any other regular lodging place, the home of his parents is the place where he occupies a room as a regular lodger;

8. Subject to rules 9, 10 and 11, the ordinary residence of a single person who is partly or wholly dependent upon his parents or either of them for his livelihood and who has not established a permanent home of his own is the home of his parents or the parent upon whom he is so dependent;

9. Where a person has left his place of residence in Saskatchewan to pursue a course of study at an educational institution outside Saskatchewan, he shall be deemed to be ordinarily resident in the polling division in which he was resident immediately before leaving Saskatchewan, and he shall be deemed to continue to have such ordinary residence until he completes or abandons the course of study;
10. Where a person has left his place of residence in Saskatchewan to pursue a course of study at an educational institution in Saskatchewan, he shall be deemed to be ordinarily resident in two places, namely:
- (a) in the polling division in which he was residing immediately before leaving to pursue a course of study and he shall be deemed to continue to have such ordinary residence until he completes or abandons the course of study; and
 - (b) in the polling division to which he has moved for the purpose of pursuing the course of study and in which he was residing on the day on which the writ was issued;
11. Where a person has left his residence in another province to pursue a course of study at an educational institution in Saskatchewan, he shall, subject to section 28, be deemed to have acquired an ordinary residence in Saskatchewan;
12. The ordinary residence of a married woman is where her husband ordinarily resides unless:
- (a) the husband has taken up and continues his abode at some place other than where his family resides with the intention of remaining at the other place;
 - (b) she is living apart from her husband; or
 - (c) she was resident in Saskatchewan on the day of her marriage and has continued to reside in Saskatchewan since that day but her husband is not a resident of Saskatchewan;

in which case her ordinary residence is where she ordinarily resides;

13. A member of the Senate or the House of Commons of Canada who at the time of becoming such a member was ordinarily resident in Saskatchewan, his spouse unless she is living apart from the member and the member's unmarried dependent children shall be deemed to be ordinarily resident in the polling division in which the member resided at the time of becoming such a member notwithstanding that the member may have established a residence outside Saskatchewan.

1971, c.10, s.29; R.S.S. 1978, c.E-6, s.29.

POLLING PLACES

Polling places in each polling division

- 30(1)** Subject to subsections (2) and (3), the returning officer upon receiving the writ 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) When the greater convenience of the voters would be suited thereby, the polling place for a polling division not included within a city, town or village, but adjacent thereto, may, instead of being provided in the polling division, be provided in the city, town or village to which it is so adjacent.

(3) If 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; and the list of voters for the established polling division shall be divided by the returning officer according to the new subdivisions, and the returning officer shall, subject to section 32, certify the new lists and shall, at least forty-eight hours before polling day, give to each candidate notice of the new lists, and the new lists so certified shall be used by the deputy returning officers at the election.

(4) The returning officer may take and use as a polling place any school house that is the property of a duly organized school district if the school house is convenient for the purpose.

(5) A building in which the votes of the electors is taken shall not be a place any portion of which is a licensed liquor outlet under *The Liquor Licensing Act*.

1971, c.10, s.30; R.S.S. 1978, c.E-6, s.30.

Free access to polling place

31 There shall be free access to the polling place for every voter.

1971, c.10, s.31; R.S.S. 1978, c.E-6, s.31.

Additional polling places

32(1) Where the list of voters for a polling division contains substantially more than three hundred and fifty names, the returning officer shall, within the polling division, provide one or more separate and additional polling places in the same building, or in a separate and adjacent building or buildings as near to one another as possible, for the taking of the votes in that polling division; and the returning officer shall so arrange that the number of names of voters on each of the lists for the polling places shall be as nearly equal as possible and that the name of every voter on the list of voters for the polling division shall appear on only one of the lists of voters allotted to the polling places provided in the polling division.

(2) Subject to subsection (3), the list of voters prepared for any polling division shall be divided into as many parts as are required for the taking of a vote at each polling place provided under subsection (1) by dividing the list between two initial letters of the surnames of the voters as they appear thereon that is to say between K and L or between R and S or as the case may be and the polling places so provided shall be designated by the number of the polling division to which number shall be added the letters A to K or L to R or S to Z, or in whichever way the list is divided.

(3) Where 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 number the voters' list for the polling division shall be divided into as many separate lists as are required for the taking of the votes at each polling place established therein by dividing the list numerically according to the consecutive number given to each voter on the voters' list so that approximately an equal number of voters will be allotted to each polling place so provided in the polling division; and the polling places so provided shall be designated by the number and name of the polling division to which number and name shall be added the letters A, B, C and so on.

(4) Every voter on the list of voters is divided pursuant to subsection (2) or (3) shall vote in the polling place so designated.

- (5) The returning officer shall deliver to each deputy returning officer the list of voters duly certified by the returning officer relating to the polling subdivision in respect of which the deputy returning officer has been so appointed.
- (6) Every polling place shall be furnished with compartments in which the voters may mark their ballot papers screened from observation and it shall be the duty of the returning officer and the deputy returning officer respectively to see that a sufficient number of compartments are provided for each polling place.

1971, c.10. 32; R.S.S. 1978, c.E-6, s.32.

PROCLAMATION OF RETURNING OFFICER

Returning officer to publish proclamation, etc.

33(1) The returning officer shall designate the place for the nomination of candidates which shall be some central place in the constituency convenient for voters and shall publish by proclamation in form 14:

- (a) the time and place fixed for the nomination of candidates;
- (b) the day on which the voting shall take place in case an election is to be held;
- (c) the numbers, names and fully described boundaries of the polling divisions of the constituency and the places at which the voting will be held;
- (d) where there is a sanatorium or hospital in the constituency, the hours, if any, prescribed by the returning officer pursuant to section 92 or 100, as the case may be, as the hours during which the polling place or polling places in the sanatorium or hospital will be open;
- (e) the place or places at which the advance poll, if any, will be held and the days and the hours when the advance poll at such place or places will be open;
- (f) the day and time when and the place where he will add up the number of votes cast for the several candidates, which day shall be the day fixed pursuant to clause (f) of subsection (1) of section 4.

(2) The returning officer shall cause copies of the proclamation to be posted up not less than eight days before nomination day is fixed by clause (c) of subsection (1) of section 4:

- (a) in his office; and
- (b) with the approval of the Postmaster General of Canada or other proper officer, at every post office in the constituency.

(3) As soon as the proclamation is printed the returning officer shall:

- (a) deliver or send by mail ten copies to the official constituency headquarters of each political party of which he has been informed;
- (b) send by mail ten copies to the Chief Electoral Officer; and
- (c) send by mail one copy to the council of each city, town, village or rural municipality wholly or partly situated within the constituency.

1971, c.10, s.33; R.S.S. 1978, c.E-6, s.33.

Unforeseen delays

34(1) Where from any cause it is found impossible to leave the required delay between the posting up of the proclamation and the nomination day, or where the returning officer is unable to hold the nomination on the day fixed for that purpose, he may, with the approval of the Chief Electoral Officer, by proclamation under his hand fix for the nomination another day which shall be the nearest Monday practicable after allowing the required delay between the posting up of the proclamation and the nomination day.

(2) Such proclamation shall be in the like form and shall be posted up in the like manner as provided in section 33.

(3) The day on which the voting shall take place shall be the sixteenth day after the nomination day.

(4) The returning officer shall make a report of the cause that occasioned the postponement of the election and shall forward the report along with his return to the Chief Electoral Officer.

1971, c.10, s.34; R.S.S. 1978, c.E-6, s.34.

QUALIFICATIONS OF CANDIDATE**Qualifications of candidate**

35 Any person who:

- (a) is of the full age of eighteen years;
- (b) is a Canadian citizen or other British subject;
- (c) is ordinarily resident in Saskatchewan;
- (d) is not disqualified by *The Legislative Assembly Act* or by any other Act to be a candidate; and
- (e) is not disqualified from voting by section 27 at the election at which he is a candidate;

is qualified to be a candidate.

1971, c.10, s.35; R.S.S. 1978, c.E-6, s.35.

BUSINESS MANAGER**Business manager to be appointed**

36(1) Every candidate shall, before his nomination, appoint a business manager who shall be an elector residing in the constituency in which the election is to take place.

(2) In the event of the death or incapacity of a business manager the candidate shall forthwith appoint another business manager in his place and give notice to the returning officer of the name and address of the person appointed, which name and address shall be forthwith published by the returning officer.

1971, c.10, s.36; R.S.S. 1978, c.E-6, s.36.

NOMINATION
PROCEDURE BY RETURNING OFFICER

Form of nomination

37(1) A nomination paper shall be filed with the returning officer at any time after the issue of the writ and before two o'clock in the afternoon of the day fixed for the nomination.

(2) Any four or more electors may nominate a candidate by signing and causing to be filed, as provided by subsection (1), with the returning officer a nomination paper in form 15.

(3) Every person who signs a nomination paper as a nominator shall sign in the presence of an elector residing within the constituency in which the election is to take place and such elector shall sign his name as witness and take the affidavit of attestation forming part of the nomination paper.

(4) The nomination paper shall state:

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

(b) a specific place, which shall be either a residence or a place of business in Saskatchewan, at which legal process, notices and other documents issued or to be served either under this Act or under *The Controverted Elections Act* may be served upon the candidate; and the leaving of a copy of such process, notice or other document at such place shall be deemed for all purposes to be personal service thereof upon the candidate; and

(c) the name and address of the candidate's business manager.

1971, c.10, s.37; 1973-74, c.36, s.8; R.S.S. 1978,
c.E-6, s.37.

Political affiliation, description, etc., of candidates

38(1) Where a candidate has the endorsement of a recognized political party and wishes to have the name of the party shown in the election documents relating to him, the candidate shall file with his nomination paper an instrument in writing, signed by the leader of the party or by a representative designated by the leader, stating that the candidate is endorsed by the party.

(2) Where an instrument mentioned in subsection (1) is not filed by a candidate in accordance with that subsection and the candidate does not wish to be described in election documents relating to him by the word "Independent", the candidate shall file with his nomination paper an instrument in writing signed by him directing that the word "Independent" be omitted from any description of him in the election documents relating to him.

(3) Where a candidate files an instrument in accordance with subsection (1), the political affiliation of the candidate shall be stated in the election documents relating to him as being the recognized political party that endorses that candidate.

(4) Where a candidate files an instrument in accordance with subsection (2), the candidate shall not be described in the election documents relating to him as having any political affiliation or by the use of the word "Independent".

(5) Where a candidate does not file an instrument in accordance with subsection (1) or (2), the candidate shall be described in the election documents relating to him by the word "Independent".

1973-74, c.36, s.9; R.S.S. 1978, c.E-6, s.38.

When nomination invalid

39(1) A nomination paper is invalid and shall not be acted upon by the returning officer unless:

- (a) it is accompanied by the consent in writing of the person therein nominated, except when such person is absent from the province and such absence is stated in the nomination paper; and
 - (b) a sum of \$100 is deposited in the hands of the returning officer at the time the nomination paper is filed with him.
- (2) The sum of money mentioned in subsection (1) shall be tendered:
- (a) in Bank of Canada notes;
 - (b) by cheque for such amount drawn upon and accepted by a chartered bank carrying on business in Canada or a credit union or a trust company carrying on business in Saskatchewan; or
 - (c) partly in one and partly in the other;

and the returning officer is not obliged to accept tender if any part of it consists of descriptions of money other than those specified in this subsection.

(3) Subject to subsection (6), the sum deposited by a candidate shall be returned to him immediately after:

- (a) the count by the returning officer, if he is elected;
 - (b) the count by the returning officer, if he obtains at least one-half the number of 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 in respect of the nomination paper of the candidate.
- (4) Where a candidate dies after being nominated and before the close of the taking of the votes of the electors, the deposit made by him shall be returned to his personal representative.
- (5) Unless the election is found void and set aside, an unsuccessful candidate who has not obtained at least the number of votes mentioned in clause (b) of subsection (3) shall forfeit the deposit, in which case it shall immediately after the count is determined be sent by the returning officer to the Chief Electoral Officer and be deposited by him to the credit of the consolidated fund.
- (6) No sum deposited by a candidate pursuant to subsection (1) shall be returned to him until he and his business manager have complied with section 206.

1971, c.10, s.38; 1973-74, c.36, s.10; R.S.S. 1978, c.E-6, s.39.

Certificate of returning officer *re* nomination paper

40(1) Where a nomination paper is filed with the returning officer within the time mentioned in subsection (1) of section 37, the returning officer shall then and there examine the paper and if he is satisfied with the regularity of the paper and that the provisions of subsections (1) and (2) of section 39 have been complied with, he shall so certify in writing in form 16 and shall deliver a copy of the certificate to the candidate or his business manager.

(2) The certificate mentioned in subsection (1) is final and the validity of the nomination is not open to question on any ground whatsoever.

(3) No proceeding taken under this Act with respect to the nomination of any candidate is invalid for informality if there has been substantial compliance with the requirements of this Act.

1971, c.10, s.39; R.S.S. 1978, c.E-6, s.40.

Place and time of nomination

41 The returning officer shall, on the day fixed for the nomination of candidates at the election, attend at the place fixed for the nomination at the hour of twelve o'clock noon, shall read or cause to be read publicly the writ of election, shall forthwith announce in an audible voice the nominations that he has received and shall from time to time until two o'clock in the afternoon of the same day announce any further nominations that he has received.

1971, c.10, s.40; R.S.S. 1978, c.E-6, s.41.

Closing of nominations

42 At the hour of two o'clock in the afternoon the returning officer shall declare the nominations closed and shall, in an audible voice, announce:

- (a) the names, political affiliations, if any, residences and occupations of the candidates nominated; and
- (b) the names and addresses of the business managers of the respective candidates.

1971, c.10, s.41; R.S.S. 1978, c.E-6, s.42.

Procedure when only one candidate nominated

43 Where at the close of the nominations for the vacancy only one candidate remains in nomination, the returning officer shall then and there:

- (a) declare that candidate duly elected;
- (b) give to that candidate, or if he is absent then to his business manager or to any person authorized in writing by the candidate to act for him, a certificate that the candidate has been duly elected; and
- (c) forward to the Chief Electoral Officer the writ of election together with a certificate in writing declaring such candidate duly elected and all ballot boxes, poll books and other books, forms, seals, materials and things that have been sent to him to be used in the election and that have not been used.

1971, c.10, s.42; R.S.S. 1978, c.E-6, s.43.

Procedure when more than one candidate nominated

44(1) Where at the close of the nominations more than one candidate for the vacancy remains in nomination, the returning officer shall announce the day on which a vote will be taken and shall deliver to every candidate or to any person authorized in writing by a candidate or by any of his nominators to act in his behalf a list of the candidates nominated and a list of all enumerators in the constituency.

(2) The returning officer shall, on or immediately after the day of nomination, publish in a newspaper published within the constituency or, if there is more than one such newspaper, in the newspaper that he regards as having the largest circulation in the constituency or, if no newspaper is published in the constituency, in a newspaper published nearest thereto or in a newspaper, wherever published, that he regards as having the largest circulation in the constituency, the following information:

- (a) the names, occupations and political affiliations, if any, of the candidates nominated;
- (b) the names and addresses of the business managers of the respective candidates; and
- (c) the day on which and the hours during which the voting will take place.

1971, c.10, s.43; R.S.S. 1978, c.E-6, s.44.

Withdrawal of nomination

45(1) A candidate who is nominated may withdraw at any time after his nomination and before the close of the taking of the votes of the electors by filing with the returning officer a declaration in writing in form 17 signed by him.

- (2) Votes that are cast for a candidate who has so withdrawn are null and void.
- (3) Where after the withdrawal of a candidate there remains only one candidate for the vacancy, the returning officer shall forthwith declare the candidate remaining duly elected and shall proceed as directed in section 43.
- (4) Where a candidate withdraws after his nomination he shall forfeit the money deposited by him and the returning officer shall send the money to the Chief Electoral Officer as provided in subsection (5) of section 39.

1971, c.10, s.44; R.S.S. 1978, c.E-6, s.45.

DEATH OF A CANDIDATE

Procedure

46 Where a candidate dies after being nominated and before the close of the taking of the votes of the electors, the returning officer shall:

- (a) fix a new day for the nomination of candidates, which day shall be the earliest Monday practicable after allowing the required delay between the posting up of the proclamation and the nomination day;
- (b) fix a new day for the taking of the votes, which day shall be on a Wednesday following the expiry of sixteen days after nomination day exclusive of nomination day;
- (c) advise the Chief Electoral Officer of the new nomination day and the day for the taking of the votes; and
- (d) together with his return make a report to the Chief Electoral Officer of the cause that occasioned the postponement of the election.

1971, c.10, s.45; R.S.S. 1978, c.E-6, s.46.

REPRESENTATIVES OF CANDIDATES

Appointment

47(1) Each candidate may in writing appoint one or more electors residing in the constituency for which he was nominated as candidate:

(a) to be present and to represent him, in addition to or in place of himself, at a polling place and to perform at the polling place such functions as this Act authorizes such representatives to perform;

(b) prior to the adding up of the votes pursuant to section 117, to be present at a place other than a polling place and to perform at the place such functions as this Act authorizes such representative to perform at the place.

(2) Not more than two representatives may represent a candidate at a polling place or other place at any one time.

1971, c.10, s.46; R.S.S. 1978, c.E-6, s.47.

Persons disqualified from acting as representatives

48(1) No person who is disqualified from being registered as a voter by section 27 or who, within the period of eight years immediately preceding the day fixed for nomination, has been found guilty of a corrupt practice by a competent tribunal shall act as a representative of a candidate at an election.

(2) A person who contravenes subsection (1) is guilty of an offence and liable to a fine of not less than \$50 or more than \$200.

1971, c.10, s.47; R.S.S. 1978, c.E-6, s.48.

Delivery of appointment

49 Upon being admitted to the polling place each representative shall forthwith deliver his written appointment to the deputy returning officer.

1971, c.10, s.48; R.S.S. 1978, c.E-6, s.49.

Candidate may undertake duties of representative

50 A candidate may:

(a) undertake the duties that any representative of his, except his business manager, might have undertaken if appointed;

(b) assist his representative in the performance of such duties;

(c) be present at any place at which his representative may, pursuant to this Act, attend except at a place where a ballot paper is marked under section 81.

1971, c.10, s.49; R.S.S. 1978, c.E-6, s.50.

Provisions requiring presence of representatives

51 In this Act expressions requiring or authorizing an act or thing to be done in the presence of representatives of the candidates shall be deemed to refer to the presence of such representatives as are authorized to attend and as have in fact attended at the time and place where such act or thing is being done; and where an act or thing is required or authorized to be done in the presence of representatives of the candidates, the non-attendance of any representative shall not invalidate the act or thing done.

1971, c.10, s.50; R.S.S. 1978, c.E-6, s.51.

PROCEEDINGS PRELIMINARY TO VOTING
DEPUTY RETURNING OFFICERS

Appointment

52(1) The returning officer shall, prior to each election held in his constituency and as soon as is practicable whether before or after the issue of the writ, appoint in form 18 a deputy returning officer for each polling place in the constituency.

(2) No person shall be appointed a deputy returning officer:

(a) unless he is:

(i) in the opinion of the returning officer, a competent and reliable person;

(ii) an elector ordinarily residing within the constituency in which the polling place for which he is appointed is situated; and

(iii) a person who is willing to act as a deputy returning officer;

(b) if he is a person mentioned in subsection (1) of section 9.

(3) The appointment of a deputy returning officer terminates upon the completion of his duties in the election for which he was appointed to act.

(4) Where a deputy returning officer dies or refuses, neglects or is unable to perform his duties, the returning officer shall appoint another deputy returning officer in his stead.

(5) Every deputy returning officer shall, before entering upon his duties, take and subscribe the oath in form 19.

1971, c.10, s.51; R.S.S. 1978, c.E-6, s.52.

POLL CLERKS

Appointment

53(1) The deputy returning officer, prior to each election held in the constituency in which the polling place for which he was appointed is situated and as soon as practicable whether before or after the issue of the writ:

(a) shall appoint in form 20 a poll clerk to assist him in the taking of the votes;

(b) may, with the approval of the Chief Electoral Officer appoint an additional poll clerk to assist him in the taking of the votes.

(2) No person shall be appointed a poll clerk:

(a) unless he is:

(i) in the opinion of the deputy returning officer, a competent and reliable person;

(ii) an elector ordinarily residing within the constituency in which the polling place for which he is appointed to act is situated; and

(iii) a person who is willing to act as a poll clerk;

(b) if he is a person mentioned in subsection (1) of section 9.

ELECTIONS

c. E-6

- (3) The appointment of a poll clerk terminates upon the completion of his duties in the election for which he was appointed to act.
- (4) Every poll clerk shall, before entering upon his duties, take and subscribe the oath in form 21.
- (5) If a poll clerk dies or refuses, neglects or is unable to perform his duties, the deputy returning officer shall appoint another poll clerk in his stead.

1971, c.10, s.52; R.S.S. 1978, c.E-6, s.53.

Poll clerk assists deputy returning officer

54 The poll clerk shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders.

1971, c.10, s.53; R.S.S. 1978, c.E-6, s.54.

Poll clerk to act as deputy returning officer in certain cases

55 Where a deputy returning officer:

- (a) refuses or neglects to perform the duties of his office; or
- (b) from any cause becomes unable to perform the duties of his office;

and no other deputy returning officer appointed by the returning officer appears at the polling place, the poll clerk shall, without taking the oath of deputy returning officer:

- (c) act as deputy returning officer;
- (d) perform all the duties of that office;
- (e) be subject to all the obligations of that office; and
- (f) be subject to the same penalties as imposed in like cases on a deputy returning officer;

as if the poll clerk had been appointed a deputy returning officer.

1971, c.10, s.54; R.S.S. 1978, c.E-6, s.55.

Deputy returning officer may appoint another poll clerk

56 Where a poll clerk acts as deputy returning officer he may appoint in form 20 another person as poll clerk to assist him in the performance of the duties of his office and may administer to him the oath in form 21 and the appointment and the oath of the person so appointed shall be endorsed on or attached to the poll book.

1971, c.10, s.55; R.S.S. 1978, c.E-6, s.56.

CONSTABLES

Constables at polling place

57 The returning officer or the deputy returning officer may appoint one or more persons to preserve order at a polling place and to direct voters to the polling place.

1971, c.10, s.56; R.S.S. 1978, c.E-6, s.57.

MATERIALS TO BE FURNISHED TO DEPUTY RETURNING OFFICERS

Duties of returning officer

58 At least two days before the polling day the returning officer shall deliver or cause to be delivered to each deputy returning officer the following material:

- (a) one copy of instructions for deputy returning officers;
- (b) at least four copies of instructions for representatives of candidates;
- (c) three copies of the notice as to secrecy of voting (form 5);
- (d) four copies of directions for the guidance of voters (form 6);
- (e) one copy of the returning officer's proclamation;
- (f) one blank poll book (form 7);
- (g) one copy, containing an alphabetical index, of this Act and of any Acts amending this Act;
- (h) if he is a deputy returning officer in a sanatorium or hospital in which a polling place has been provided for the taking of the votes at a general election, a supply of:
 - (i) ballot papers (form 12);
 - (ii) ballot envelopes upon which has been printed a form of "Declaration of Voter" (form 23);
 - (iii) two ballot boxes; and
 - (iv) a certificate of the number of ballot papers supplied;
- (i) if he is a deputy returning officer other than one mentioned in clause (h):
 - (i) a sufficient supply of ballot papers (form 11) to supply ballot papers for electors likely to vote at his polling place;
 - (ii) a sufficient supply of the form "Declaration of Voter" (form 23) to provide one for each elector likely to be required to make the declaration at the polling place;
 - (iii) a ballot box; and
 - (iv) a certificate of the number of ballot papers supplied;
- (j) at least five of the metal seals prescribed by the Chief Electoral Officer for the locking and sealing of ballot boxes;
- (k) a sufficient number of expense voucher forms to meet the requirements of the polling division;
- (l) a supply of black lead pencils; and
- (m) such other envelopes and supplies as the returning officer deems necessary.

DUTIES OF DEPUTY RETURNING OFFICERS BEFORE OPENING
OF POLLING PLACE

Counting ballot papers, etc., before opening

59(1) The deputy returning officer shall attend at the polling place at least thirty minutes before the time fixed for the opening of the polling place for voting.

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

- (a) affix his initials to each ballot paper;
- (b) upon request of the representatives of candidates and voters entitled to be present in the polling place during the hours when electors may vote and in their presence count the ballot papers intended to be used at the polling place;
- (c) permit the representatives and voters entitled to be present in the polling place during the hours when electors may vote to inspect the ballot papers and all other papers, forms and documents relating to the taking of the vote at that polling place; and
- (d) provide all the facilities necessary for the taking of the votes of the electors.

1971, c.10, s.58; R.S.S. 1978, c.E-6, s.59.

Posting of notices

60(1) Every deputy returning officer shall, on polling day, before the opening of the polling place for voting, post up or cause to be posted up:

- (a) in a place outside the polling place, one copy of the notice as to secrecy of voting (form 5);
- (b) in a place within the polling place, one copy of the notice as to secrecy of voting (form 5);
- (c) in a place outside the polling place, one copy of the directions for the guidance of voters (form 6);
- (d) in each compartment within the polling place, one copy of the directions for the guidance of voters (form 6); and
- (e) in a place outside the polling place, one copy of the proclamation of the returning officer.

(2) Each of the notices required to be posted by this section shall be posted in a location and at a height where it may easily be seen and read by a person attending at the polling place.

1971, c.10, s.59; R.S.S. 1978, c.E-6, s.60.

Providing black lead pencils

61 The deputy returning officer shall provide a black lead pencil in each compartment of the polling place but no ballot shall be declared invalid for the reason only that it is not marked with a black lead pencil.

1971, c.10, s.60; R.S.S. 1978, c.E-6, s.61.

Examination and sealing of ballot box

62 The deputy returning officer shall immediately before the voting begins:

- (a) show the ballot box to the persons then 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 otherwise so that it is raised above the floor in full view of all present where it shall be kept so locked and sealed during the hours that voting takes place.

1971, c.10, s.61; R.S.S. 1978, c.E-6, s.62.

OATH OF SECRECY**Persons required to take oath**

63 Every deputy returning officer and every clerk, constable, representative and other person authorized to attend at a polling place or at the counting of the votes shall, before entering upon his duties, take the oath of secrecy in form 22.

1971, c.10, s.62; R.S.S. 1978, c.E-6, s.63.

EMPLOYEES ENTITLED TO TIME FOR VOTING**Duty of employers**

64(1) Every employee who is an elector shall, while the polling places are open for voting on polling day, have three consecutive hours for the purpose of casting his vote and, if the hours of his employment do not allow for such three consecutive hours, his employer shall allow him such additional time for voting as may be necessary to provide those three consecutive hours.

(2) The hours for voting referred to in subsection (1) shall be granted at the convenience of the employer.

(3) No employer shall make any deductions from the pay of any employee mentioned in subsection (1) or impose upon or exact from him any penalty by reason of absence from his work during the time required to be provided to him under subsection (1) for voting.

(4) An employer who, directly or indirectly, refuses or by intimidation, undue influence or in any other way interferes with the granting to any elector in his employ of the consecutive hours for voting or such additional time for voting as in this section provided or who contravenes subsection (3), is guilty of an offence and liable to a fine of not less than \$100 or more than \$500.

1971, c.10, s.63; R.S.S. 1978, c.E-6, s.64.

PLACES WHERE VOTERS TO VOTE

In polling division where name on list

65(1) Subject to subsection (2), each voter shall vote at the polling place of the polling division upon the list of voters for which his name is entered as such voter, and at no other.

(2) Where a person is deemed to be ordinarily resident in two polling divisions as mentioned in rule 10 of section 29, he shall vote in one of those polling divisions by presenting himself at a polling place therein on an advance polling day or on polling day and requesting a ballot.

(3) A person who votes in contravention of subsection (1) or (2) is guilty of an offence and liable to a fine not exceeding \$200.

1971, c.10, s.64; R.S.S. 1978, c.E-6, s.65.

VOTING

Hours of voting

66(1) Subject to subsection (2) and except where special voting hours are prescribed under section 92 or 100, every polling place shall be opened for the taking of the votes of the electors at nine o'clock in the forenoon and shall be kept open until eight o'clock in the afternoon of the same day and the votes shall be given by ballot.

(2) Where the returning officer is satisfied that all persons entitled to vote in a polling place in a polling division established under subsection (2) of section 18 can conveniently cast their ballots within a period of four hours, he may provide that the polling place shall be open for the taking of the votes of the electors between the hours of four o'clock and eight o'clock in the afternoon.

1971, c.10, s.65; 1973-74, c.36, s.11; 1974-75, c.13, s.4; R.S.S. 1978, c.E-6, s.66.

Polling place to be kept open for certain electors

67 Notwithstanding section 66, if at the time for closing the polling place for the taking of the votes of the electors there are electors who:

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

the polling place shall be kept open for the taking of the votes for a sufficient time to enable them to vote, but no elector who is not actually in or awaiting admission to the polling place at the time for closing the polling place shall be permitted to vote.

1971, c.10, s.66; R.S.S. 1978, c.E-6, s.67.

Persons entitled to be in polling place

68 The following persons and no other are permitted to be present in the polling place during the time that the polling place remains open for the taking of the votes of the electors and at the counting of the votes:

1. the Chief Electoral Officer and the Assistant Chief Electoral Officer;
2. the returning officer and the deputy returning officer;

c. E-6**ELECTIONS**

3. the election clerk and the poll clerk or clerks;
4. the constable or constables, if any;
5. the interpreter or interpreters, if any; and
6. the candidates and their representatives not exceeding two in number for each candidate.

1971, c.10, s.67; R.S.S. 1978, c.E-6, s.68.

Information to be given by voters

69(1) A voter, upon entering the polling place, shall declare his name, occupation, post office address and the location of his residence if required to do so by the deputy returning officer or any representative present.

(2) Every voter whose name does not appear on the voters' list shall, in addition to the information required by subsection (1), declare the name of the constituency in which he was ordinarily resident on the day on which the writ was issued.

1971, c.10, s.68; R.S.S. 1978, c.E-6, s.69.

Poll book record of voters

70(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.

1971, c.10, s.69; R.S.S. 1978, c.E-6, s.70.

Declaration of voter whose name on list

71(1) Every person whose name is on the voters' list is entitled to vote without making the declaration unless the person is required to do so pursuant to subsection (2) or pursuant to subsection (1) of section 73.

(2) A candidate or his representative may request the deputy returning officer to require a person seeking to vote, whose name is on the voters' list, to make the declaration, and in the case of such a request the deputy returning officer shall require the person to make the declaration.

(3) The deputy returning officer who fails to require such person to make the declaration as required by subsection (2) is guilty of an offence and liable to a fine not exceeding \$200.

1971, c.10, s.70; R.S.S. 1978, c.E-6, s.71.

Declaration of voter whose name not on list

72 Every person whose name does not appear on the voters' list and who claims he is entitled to vote at the polling place in which he presents himself to vote shall before voting make the declaration.

1971, c.10, s.71; R.S.S. 1978, c.E-6, s.72.

Deputy returning officer to require declaration of voter in certain cases

73(1) Where the deputy returning officer has reason to believe that a person offering to vote:

- (a) is not qualified to be on the voters' list;
- (b) tenders his vote under a false name or designation;
- (c) personates or represents himself falsely as being on the voters' list;
- (d) has already voted; or
- (e) has participated in or committed any corrupt practice;

the deputy returning officer shall require the person to make the declaration whether or not the deputy returning officer has been requested to do so.

(2) A deputy returning officer who contravenes subsection (1) is guilty of an offence and liable to a fine not exceeding \$200.

1971, c.10, s.72; R.S.S. 1978, c.E-6, s.73.

Declaration of deputy returning officer before voting

74 Where the deputy returning officer is for any reason required to make the declaration before voting, the poll clerk or in his absence the representative of a candidate authorized to be present may have the declaration made before him and shall sign the same as witness.

1971, c.10, s.73; R.S.S. 1978, c.E-6, s.74.

Voters refusing to make declaration

75(1) A person who refuses to make the declaration when required to do so shall not be given a ballot paper and shall not vote.

(2) A deputy returning officer who furnishes a ballot paper to a person who refuses to make the declaration when required to do so or who receives a ballot paper from the person is guilty of an offence and liable to a fine not exceeding \$200 and to imprisonment for a term not exceeding six months.

1971, c.10, s.74; R.S.S. 1978, c.E-6, s.75.

Certain persons entitled to receive ballot paper

76 Every person whose name:

- (a) is on the voters' list and is not required to make the declaration;
- (b) is on the voters' list and, if required to make the declaration, has made the declaration; or
- (c) does not appear on the voters' list and who has made the declaration;

shall receive from the deputy returning officer a ballot paper in form 11:

(d) on the back of which the deputy returning officer has previously put his initials so placed, as indicated in form 11, that when the part used by the voter is folded they can be seen without opening it; and

(e) on the back of the counterfoil of which the deputy returning officer has placed a number corresponding to that placed opposite the voter's name in the poll book.

1971, c.10, s.75; R.S.S. 1978, c.E-6, s.76.

Mode of marking, folding and depositing ballot paper

77(1) Upon receiving a ballot paper, the voter shall:

- (a) forthwith proceed into the room or compartment provided for the purpose of voting; and
- (b) with:
 - (i) the black lead pencil provided;
 - (ii) a black or blue ink pen; or
 - (iii) a black or blue ball-point pen;

mark the ballot paper by placing in the space containing the name of the candidate for whom he intends to vote a cross, thus X.

(2) After marking the ballot paper the voter shall:

- (a) fold the ballot paper across twice right to left without overlapping the counterfoil by:
 - (i) folding inwards, from right to left, one-third of the ballot paper; and
 - (ii) folding the folded edge, from right to left, to the edge of the counterfoil;

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) leave the compartment;
- (c) deliver the ballot paper so folded to the deputy returning officer without delay and without showing the front to anyone or displaying the ballot paper so as to make known to any person the name of the candidate for whom he has or has not marked his vote;
- (d) observe the deputy returning officer deposit his ballot paper in the ballot box; and
- (e) after his ballot paper has been deposited in the ballot box forthwith leave the polling place.

1971, c.10, s.76; R.S.S. 1978, c.E-6, s.77.

Deputy returning officer to examine and deposit ballot paper

78 Upon receiving a ballot paper from a voter the deputy returning officer shall, in the full view of the voter and all others present, without unfolding the ballot paper or in any way disclosing the names of the candidates or the mark made by the voter ascertain by examination of the initials and numbers appearing on the ballot paper that it is the same ballot paper that he delivered to the voter and if it is the same ballot paper that he delivered to the voter the deputy returning officer shall remove and destroy the counterfoil and deposit the ballot paper in the ballot box.

1971, c.10, s.77; R.S.S. 1978, c.E-6, s.78.

Voting by voter who makes declaration

79 Where a voter is required to make the declaration:

- (a) the poll clerk shall complete the form of declaration from the information supplied by the voter;

ELECTIONS

c. E-6

- (b) the poll clerk shall record the name of the voter in the poll book and fill in the appropriate spaces opposite the voter's name;
- (c) the voter shall make the declaration, but if he refuses to make the declaration, the poll clerk shall make a notation to that effect in the poll book and the voter shall not be given a ballot paper and shall not vote;
- (d) where the voter makes the declaration he shall be given a ballot paper in form 11, initialled and numbered in the manner mentioned in section 76, and he shall proceed in accordance with section 77 and the deputy returning officer upon receiving the ballot paper from the voter shall proceed in accordance with section 78.

1971, c.10, s.78; R.S.S. 1978, c.E-6, s.79.

Instructions to voter on request

80 A deputy returning officer shall upon request of a voter instruct him how to mark and fold his ballot paper but without inquiring or seeing for whom he intends to vote except in the cases provided for by section 81.

1971, c.10, s.79; R.S.S. 1978, c.E-6, s.80.

Voter unable to mark his ballot paper

81(1) A deputy returning officer, on the application of a voter who is unable to read or is incapacitated by any physical cause other than blindness from voting in the manner prescribed by this Act, shall require the voter making the application to take an oath in form 24 and shall, either within or outside the compartment provided for voting, thereafter assist him by marking his ballot paper in the manner directed by him in the presence of the poll clerk and of the representatives of the candidates in the polling place and of no other person, and place the ballot paper in the ballot box.

(2) A deputy returning officer shall either deal with a blind voter in the manner provided in subsection (1) for cases of incapacity other than blindness or, at the request of a blind voter who has taken an oath in form 24 and is accompanied by a friend, shall permit the friend to accompany the blind voter into the room or compartment provided for the purpose and to mark the voter's ballot paper for him.

(3) A friend who is permitted to mark the ballot paper of a blind voter shall first be required to take an oath in form 25 that he will keep secret the name of the candidate for whom the ballot paper of the blind voter is marked by him; and no person shall in any election act as the friend of more than one blind voter for the purpose of this section.

(4) The poll clerk shall enter in the column for remarks in the poll book opposite the voter's name the reason why the ballot paper was marked for the voter and whether it was marked by the deputy returning officer or by a friend and, if by a friend, the name of the friend, and he shall record the taking of the oaths by entering the word "sworn" after the name of the voter and the friend.

1971, c.10, s.80; R.S.S. 1978, c.E-6, s.81.

Interpreter for voter who cannot speak English

82(1) Where a voter does not understand the English language the deputy returning officer may employ an interpreter to translate any oath or declaration as well as any lawful question necessarily put to the voter and his answers.

(2) The interpreter shall take the following oath:

I swear (*or* affirm) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election. So help me God.

(3) Where an interpreter cannot be found or does not present himself at the polling place the voter shall not be allowed to vote.

R.S.S. 1978, c.E-6, s.82.

Exclusion from voting compartments

83 Subject to section 81, while a voter is in a compartment for the purpose of marking his ballot paper no other person shall be allowed to enter the compartment or to be in a position from which he can see for whom the voter marks his ballot paper.

1971, c.10, s.82; R.S.S. 1978, c.E-6, s.83.

Voter not to take ballot paper from polling place, etc.

84(1) A person who has received a ballot paper shall not take it out of the polling place.

(2) A person who receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer, or who returns his ballot paper declining to vote, forfeits his right to vote, and the deputy returning officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took it out of the polling place or returned it declining to vote.

(3) Where a voter has returned his 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.

1971, c.10, s.83; R.S.S. 1978, c.E-6, s.84.

Voter who alleges he has been personated

85(1) Where a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he shall be entitled to receive a ballot paper and to vote after making the declaration and otherwise establishing his identity to the satisfaction of the deputy returning officer.

(2) The name of the voter shall be entered on the poll book and a note shall be made:

- (a) of his having voted on a second ballot paper;
- (b) of the fact of the declaration having been made; and
- (c) of any objections made by or on behalf of any, and of which, of the candidates.

1971, c.10, s.84; R.S.S. 1978, c.E-6, s.85.

Ballot paper accidentally destroyed

86 A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the deputy returning officer, be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word “rejected” upon the first mentioned ballot paper and preserve it to be returned to the returning officer.

1971, c.10, s.85; 1974-75, c.13, s.5; R.S.S. 1978, c.E-6, s.86.

What deemed tender of a vote and voting

87 A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote; and a person who has placed or caused to be placed his ballot paper in the ballot box or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box shall be deemed to have voted.

1971, c.10, s.86; R.S.S. 1978, c.E-6, s.87.

Statement of deputy returning officer of voters who make the declaration

88(1) The deputy returning officer shall complete a statement in form 26 containing the name, address and occupation of every voter who made the declaration on election day, together with the reason, set opposite each name, for requiring the declaration.

(2) The statement shall be signed by the deputy returning officer, the poll clerk and such of the candidates or their representatives as may be present and signify their desire to sign it.

(3) The deputy returning officer shall forthwith after the close of the polling place for the taking of the votes of the electors, send one copy of the statement by mail to each candidate in the constituency.

1971, c.10, s.87; R.S.S. 1978, c.E-6, s.88.

**SPECIAL PROVISIONS RELATING TO THE TAKING OF VOTES
OF INCAPACITED VOTERS**

Incapacitated voter voting by mail

89(1) In this section:

“applicant”

(a) **“applicant”** means a person who applies under this section to vote by mail at an election;

“voter”

(b) **“voter”** means an applicant who has satisfied the returning officer or election clerk that he is entitled to vote by mail pursuant to this section.

(2) A person entitled to vote who is unable because of physical incapacity to go in person to the polling place at which he is entitled to vote at an election or to an advance poll may make an application to vote in the manner prescribed by this section.

(3) An application under subsection (2) shall be in form 40.

(4) The applicant shall complete and sign Part I of form 40 and obtain to Part II of form 40 the signature of another person who does not reside with him but who resides in and is entitled to vote in the polling division in which the applicant is entitled to vote at the election.

(5) Form 40 completed in accordance with subsection (4) shall be mailed or delivered, not less than twelve clear days before polling day, to the returning officer for the constituency in which the applicant is entitled to vote.

(6) Where the returning officer or election clerk in the constituency is satisfied that the applicant is entitled to vote at the election and is unable by reason of his physical incapacity to attend in person at the polling place or at an advance poll, the returning officer or election clerk shall, by ordinary mail or personal delivery, send or deliver or cause to be sent or delivered to the voter:

- (a) a ballot in form 12 initialled by the returning officer or election clerk;
- (b) a ballot envelope with instructions printed thereon in form 41;
- (c) a certificate envelope with certificates of identification and instructions printed thereon in form 42;
- (d) an outer envelope with the address of the returning officer printed thereon in form 43; and
- (e) instructions on voting by mail as described in subsection (7);

and these items shall be mailed or delivered to the residence of the voter not later than seven clear days before polling day and the name of the voter shall be struck from the voters' list for the polling division at which the voter was entitled to vote.

(7) A voter who receives the items listed in subsection (6) shall follow the following instructions:

- (a) the voter shall, with:
 - (i) a black lead pencil;
 - (ii) a black or blue ink pen; or
 - (iii) a black or blue ball-point pen;

mark the ballot paper by writing in the space provided the name or the political affiliation of the candidate for whom he intends to vote;

- (b) the voter shall, after marking the ballot paper, fold the ballot paper across twice right to left without overlapping the counterfoil by:
 - (i) folding inwards, from right to left, one-third of the ballot paper; and
 - (ii) folding the folded edge, from right to left, to the edge of the counterfoil;

so that the name of the candidate or the political affiliation of the candidate for whom he has voted is concealed;

- (c) the voter shall insert the marked ballot in the ballot envelope and seal the ballot envelope;
- (d) the voter shall insert the ballot envelope in the certificate envelope and seal the certificate envelope;

- (e) the voter shall complete and sign the first certificate in form 42 and shall obtain to the second certificate in form 42 the signature of another person who does not reside with him but who resides in and is entitled to vote in the polling division in which the voter is entitled to vote;
 - (f) the certificate envelope shall then be enclosed in an outer envelope and the outer envelope shall be sealed; and
 - (g) the outer envelope containing the ballot and other envelopes shall be mailed or delivered to the returning officer by a person to whom the voter has entrusted the envelope not later than the close of the polls on the day on which polling takes place at the election.
- (8) The returning officer or election clerk for a constituency shall keep a record in a separate poll book of the name of each voter entitled to vote under this section, the polling division in which the voter resides and of the receipt of the outer envelope with the contents described in subsection (7).
- (9) When the returning officer or the election clerk receives the outer envelope containing the certificate envelope, the ballot envelope and the ballot, he shall remove the certificate envelope from the outer envelope and:
- (a) if he is satisfied from an examination of the voter's application in form 40 and the certificates on the certificate envelope as to the identity of the voter whose ballot is enclosed, he shall:
 - (i) open the certificate envelope and remove the ballot envelope and place the ballot envelope unopened in a ballot box maintained by the returning officer for the purpose; and
 - (ii) retain the certificate envelope and send it to the Chief Electoral Officer along with election documents as provided in subsection (1) of section 144; or
 - (b) if he is not satisfied with the identification of the voter after the examination of the documents mentioned in clause (a), he shall retain the certificate envelope unopened and treat the ballot in that envelope as a rejected ballot.
- (10) At the close of voting on polling day the returning officer shall:
- (a) keep in his possession the ballot box in which ballot envelopes have been placed pursuant to clause (a) of subsection (9) and shall take every precaution for the safe-keeping of the ballot box and for preventing any person other than himself and the election clerk from having access to it;
 - (b) subject to subsection (9), place in the ballot box any ballot envelope received by him by mail during the period commencing with the close of voting on polling day and ending at twelve o'clock noon on the fifth day following polling day if the outer envelope in which the ballot envelope was contained has clearly and legibly stamped thereon the postmaster's stamp showing the outer envelope to have been mailed prior to the close of voting on polling day;
 - (c) at twelve o'clock noon on the fifth day following polling day, seal the ballot box with his own seal in such a way that it cannot be opened without his seal being broken; and
 - (d) preserve the ballot box until the time for making his count under section 117.

(11) At the time and the place of the count of the votes under section 117 and in the presence of any candidate in the constituency or his representative as are present, the returning officer shall break the seal of the ballot box containing the ballot envelopes placed in the box pursuant to clause (a) of subsection (9) and:

(a) where a ballot box has been forwarded to the returning officer under section 95, remove the folded ballot from each envelope, without unfolding the ballot, deposit it into the ballot box supplied for the deposit of the unfolded ballots from the ballot envelopes forwarded under section 95 and count the ballots cast by mail under this section in the manner referred to in clause (h) of subsection (1) of section 97;

(b) where a ballot box has not been forwarded to the returning officer under section 95, open the ballot envelopes and count the ballots cast for each candidate in the manner referred to in clause (h) of subsection (1) of section 97.

(12) The returning officer shall place in a special envelope all ballot envelopes received by him under this section that have not been opened by him and shall forward the special envelope to the Chief Electoral Officer with the other election material so forwarded under section 144.

(13) After completing the count of ballots cast by mail under this section the returning officer shall make the appropriate entries in the returning officer's statement (form 32).

(14) The returning officer shall prepare and mail to each candidate a statement in form 44 of the ballots received from voters in the constituency under this section and the distribution of those ballots among the candidates.

1974-75, c.13, s.6; R.S.S. 1978, c.E-6, s.89.

SPECIAL PROVISIONS RELATING TO THE TAKING OF THE VOTES OF PATIENTS IN SANATORIA AND HOSPITALS AT GENERAL ELECTIONS

Ballot paper

90(1) The ballot paper to be used for the purpose of taking a vote in a sanatorium or hospital shall be in form 12 and shall be similar to the ballot paper prescribed by section 17 except that there shall be only one space at least one and one-half inches in depth for the insertion by the voter of the name or political affiliation of the candidate for whom he intends to vote.

(2) Upon the request of the Chief Electoral Officer the Queen's Printer shall:

(a) print the ballot papers (form 12) with the exception of the impression of the stereotype block and the name and address of the printer referred to in subsection (4); and

(b) deliver the ballot papers bound, but not stitched together, to the Chief Electoral Officer.

(3) The Chief Electoral Officer shall send to each returning officer for a constituency within which is situated a sanatorium or hospital:

(a) a sufficient supply of ballot papers (form 12); and

(b) a sufficient supply of ballot envelopes containing thereon a declaration in form 23;

for the purpose of taking the votes in each sanatorium and in each hospital situated in the constituency.

- (4) The returning officer shall direct a printer:
- (a) to print on the back of each ballot paper (form 12):
 - (i) an impression of the stereotype block furnished to him by the returning officer; and
 - (ii) the name and address of the printer in six-point type; and
 - (b) to deliver to the returning officer:
 - (i) an affidavit in form 13;
 - (ii) the ballot papers; and
 - (iii) the stereotype block.

1971, c.10, s.88; R.S.S. 1978, c.E-6, s. 90.

Polling places in sanatorium and hospital

91(1) The returning officer in each constituency in which any sanatorium or hospital is situated shall make all necessary arrangements for the establishment of a polling place or polling places in each sanatorium and hospital situated in the constituency.

(2) Where for any reason a patient in a sanatorium or hospital, who is an elector, is unable to attend at a polling place established under subsection (1) and requests that he be permitted to vote at any other place in the sanatorium or hospital, the deputy returning officer or his poll clerk shall make provision for the taking of the ballot box and all other election material to the place designated by the patient and, subject to section 81, for the voting of the patient by secret ballot and shall give the patient any assistance that may be necessary in accordance with sections 80 and 81.

1971, c.10, s.89; R.S.S. 1978, c.E-6, s.91.

Alternate hours of voting

92 Where the returning officer is satisfied that all of the persons entitled to vote at a polling place established under subsection (1) of section 91 can conveniently cast their votes within a period of four hours, the returning officer may prescribe that the polling place shall be open for voting between the hours of four o'clock and eight o'clock in the afternoon.

1971, c.10, s.90; 1974-75, c.13, s.7; R.S.S. 1978, c.E-6, s.92.

Voting procedure

93(1) Notwithstanding section 65, a person who is a patient in a sanatorium or hospital may, at a polling place established in the sanatorium or hospital pursuant to subsection (1) of section 91, vote for a candidate nominated at an election, other than a by-election or deferred election, for the constituency in which he is entitled to vote.

(2) Except as provided in sections 90, 91 and 92 and in this section, voting in a sanatorium or hospital shall be conducted in the same manner as voting at any other polling place.

(3) Upon a patient entering a polling place established in a sanatorium or hospital:

- (a) the deputy returning officer shall require the patient to declare:
 - (i) his name;
 - (ii) his occupation;
 - (iii) his post office address;
 - (iv) the location of his residence; and
 - (v) the name of the constituency in which he was ordinarily resident on the day on which the writ was issued;
- (b) the poll clerk shall:
 - (i) complete the form of declaration on the ballot envelope (form 23) from the information supplied by the voter and by reference to the material furnished by the Chief Electoral Officer respecting constituencies in the province;
 - (ii) record the name of the patient in the poll book and fill in the appropriate spaces opposite the voter's name; and
- (c) the deputy returning officer shall:
 - (i) request the patient to make the declaration; and
 - (ii) after the patient has completed the declaration, but not otherwise, hand the patient a ballot paper in form 12 initialled and numbered in the manner mentioned in section 76.

(4) A patient upon receiving a ballot paper shall:

- (a) forthwith proceed into the room or compartment provided for the purpose of voting;
- (b) with:
 - (i) the black lead pencil provided;
 - (ii) a black or blue ink pen; or
 - (iii) a black or blue ball-point pen;

mark his ballot paper, with such assistance as may be necessary in accordance with sections 80 and 81, by writing in the space provided the name or the political affiliation of the candidate for whom he intends to vote; and

- (c) proceed in accordance with subsection (2) of section 77.

(5) The deputy returning officer upon receiving a ballot paper from a patient shall proceed in accordance with section 78 except that instead of placing the ballot paper in the ballot box he shall place the ballot paper in the ballot envelope bearing the declaration made by the patient and shall seal the envelope and deposit the sealed envelope containing the ballot paper in the ballot box.

(6) Where a patient refuses to make a declaration the poll clerk shall make a notation to that effect in the poll book and the patient shall not be given a ballot paper and shall not vote.

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

1971, c.10, s.91; R.S.S. 1978, c.E-6, s.93.

Proceedings after close of polling place

94 Immediately after the close of the polling place for the taking of the votes of the electors, in the presence and in full view of the persons entitled under section 68 to be present, the deputy returning officer shall, in the following order:

(a) count the number of patients whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the last name recorded, thus:

“The number of voters who voted at the election at this polling place is _____”;
and sign his name thereto;

(b) count the unused ballot papers (form 12) undetached from the books of ballot papers and place them together with the stubs of used ballot papers in the special envelope supplied for the purpose, indicate thereon the number of such unused ballot papers enclosed, seal the envelope and enter the number of unused ballot papers on the ballot paper account and poll statement;

(c) count the number of spoiled, rejected and declined ballot papers and proceed as directed by clause (b);

(d) when he is satisfied as to the accuracy of the ballot paper account and poll statement, sign each copy thereof, require the poll clerk to sign it and permit any candidate or representative to sign it if the candidate or representative so desires;

(e) place the ballot paper account and poll statement in the special envelope supplied for that purpose;

(f) permit each candidate or representative who desires to do so to sign his name or initials and affix his seal across the flap of any of the special envelopes mentioned in this section;

(g) administer the oath in form 28 to the poll clerk who shall take and subscribe the oath;

(h) place in the large envelope supplied for that purpose the following material:

(i) the envelope containing the unused ballot papers;

(ii) the envelope containing the spoiled, rejected and declined ballot papers; and

(iii) the written appointments delivered by representatives pursuant to section 49;

(i) seal and sign the large envelope mentioned in clause (h);

(j) permit each candidate or representative who desires to do so to sign his name or initials across the flap of the large envelope mentioned in clause (h);

(k) place in the ballot box supplied for that purpose the poll book, the ballot paper account and poll statement and the large envelope mentioned in clause (h);

- (l) lock and seal each of the ballot boxes with one of the metal seals prescribed by the Chief Electoral Officer;
- (m) affix his own seal to each of the ballot boxes;
- (n) permit each candidate or representative who desires to do so to affix his seal to each of the ballot boxes;
- (o) satisfy himself that the seals mentioned in clauses (l), (m) and (n) are affixed in such a manner that the boxes cannot be opened and nothing can be deposited therein without breaking the seals;
- (p) immediately deliver or send by registered mail the locked and sealed ballot box containing the unopened ballot envelopes to the Chief Electoral Officer; and
- (q) take every precaution for the safe keeping of all election material in his possession and within two days after polling day act in accordance with section 114 and deliver to the returning officer his oath in form 30 and the ballot box containing the poll book, the special envelope containing the ballot paper account and poll statement and the large envelope mentioned in clause (h).

1971, c.10, s.92; 1974-75, c.13, s.8; R.S.S. 1978, c.E-6, s.94.

Duties of Chief Electoral Officer after receipt of ballot boxes

95 The Chief Electoral Officer, at ten o'clock in the forenoon of the Monday next following polling day shall, with respect to each locked and sealed ballot box received by him from a deputy returning officer who conducted the taking of the votes of the electors in a sanatorium or hospital and in the presence of any representatives of candidates as are in attendance:

- (a) open the ballot box and remove therefrom all the ballot envelopes;
- (b) without opening any ballot envelope sort the ballot envelopes into groups according to the constituencies in which such voters declared they were qualified to vote;
- (c) make a list for each constituency affected, showing:
 - (i) the name, address and occupation of each voter therefrom who made the declaration; and
 - (ii) the number of the polling division or the location of the voter's residence as set forth in the declaration on his ballot envelope;
- (d) enclose the list mentioned in clause (c) 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;
- (e) place each group of ballot envelopes in a ballot box supplied for that purpose, seal the ballot box with his seal and permit any representative present to examine the seal and to affix his own seal to the ballot box;
- (f) address the ballot box to the returning officer for the constituency to which the voters' ballots enclosed therein relate;
- (g) deliver or send by registered mail to the returning officers to whom they are addressed the special envelopes containing the list of voters and the ballot box containing the ballot envelopes of voters; and

- (h) forward to each returning officer a report in writing setting forth:
 - (i) the number of such voters' ballot envelopes received by him from each deputy returning officer who conducted the taking of the votes of the electors in a sanatorium or hospital in his constituency;
 - (ii) the names and addresses of the returning officers in other constituencies to whom he forwarded such ballot envelopes; and
 - (iii) the number of ballot envelopes forwarded to each returning officer.

1971, c.10, s.93; R.S.S. 1978, c.E-6, s.95.

Duties of returning officer after receipt of ballot box

96(1) Upon receipt by a returning officer of a ballot box forwarded to him in accordance with section 95, the returning officer shall:

- (a) take every precaution for the safe keeping of the ballot box and for preventing any person other than himself and the election clerk from having access to it;
- (b) seal the ballot box with his own seal in such a way that it cannot be opened without his seal being broken; and
- (c) preserve the ballot box until the time for making his count under section 117.

(2) Upon receipt by a returning officer of the lists of voters who made the declaration forwarded to him in accordance with section 95, the returning officer shall:

- (a) preserve the lists until the time for the making of his count under section 117; and
- (b) permit any candidate in the constituency or his representative to examine the lists at all reasonable times.

1971, c.10, s.94; R.S.S. 1978, c.E-6, s.96.

Count by returning officer

97(1) The returning officer, at the time and place appointed by his proclamation for adding up the number of votes cast by voters, shall proceed in accordance with paragraphs 1 to 4 of section 117 and if there has been forwarded to him pursuant to section 95 a ballot box containing voters' ballot envelopes and a list of voters who made the declaration he shall:

- (a) permit any candidate in the constituency or his representative to examine the lists;
- (b) open the ballot box containing the voters' ballot envelopes received from the Chief Electoral Officer and remove therefrom the ballot envelopes;
- (c) without opening the ballot envelope, examine in turn and permit any candidate in the constituency or his representative who is present to examine in turn the declaration made by the voter on the ballot envelope;
- (d) open each ballot envelope examined where:
 - (i) no statutory declaration declared by a candidate or a representative of a candidate, setting forth explicit reasons why the ballot envelope should not be opened, has been presented to him; and

- (ii) the returning officer, after examining the voters' list and other election documents used at the polling place at which the voter alleged in his declaration he was qualified to vote, or without making such examination, is satisfied that the voter was entitled to vote;
 - (e) remove the folded ballot from each ballot envelope opened pursuant to clause (d) and, without unfolding the ballot, deposit it in a ballot box supplied for that purpose;
 - (f) write in ink on the back of each ballot envelope that is not opened pursuant to clause (d) the words "Unopened, subject to review on recount";
 - (g) place all unopened ballot envelopes in a special envelope supplied for that purpose, indicate thereon the number of unopened ballot envelopes contained therein, sign his name thereto and seal the special envelope;
 - (h) open the ballot box and 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 the polling place for the taking of the votes of electors and enter the results in the appropriate columns of the returning officer's statement (form 32);
 - (i) in counting the ballots mentioned in clause (h), have regard to subsection (7) of section 93;
 - (j) make a note on the back of the ballot of every objection taken thereto by a candidate or his representative or by a voter present, initial the note and decide the objection subject to review on recount;
 - (k) place all rejected ballots in a special envelope supplied for that purpose, indicate thereon the number of ballots contained therein and seal the envelope;
 - (l) place all the counted ballots in a special envelope supplied for that purpose, indicate thereon the number of ballots contained therein and seal the envelope;
 - (m) place in a special envelope supplied for that purpose all ballot envelopes that have been opened and from which the ballots have been removed, indicate on the special envelope the number of opened ballot envelopes contained therein and seal the envelope;
 - (n) place all misdirected or improperly addressed voters' ballot envelopes in a special envelope supplied for that purpose, which ballot envelopes shall not under any circumstances be opened;
 - (o) place the special envelopes mentioned in this section in the ballot box; and
 - (p) proceed in accordance with paragraphs 6 to 8 of section 117.
- (2) Where at the time and place appointed by the proclamation of the returning officer for adding up the number of votes cast by voters no candidate or representative of a candidate is present, the returning officer shall not proceed as provided in subsection (1) but shall:
- (a) retain in his possession the ballot box containing the voters' ballot envelopes taking every precaution for its safe keeping; and

(b) proceed in accordance with paragraphs 6 to 9 of section 117.

1971, c.10, s.95; 1972, c.39, s.3; R.S.S. 1978,
c.E-6, s.97.

SPECIAL PROVISIONS RELATING TO THE TAKING OF THE VOTES OF PATIENTS IN SANATORIA AND HOSPITALS AT BY-ELECTIONS

Ballot paper

98 The ballot paper to be used for the purpose of taking a vote in a sanatorium or hospital at a by-election shall be the ballot paper prescribed by and printed in accordance with section 17.

1971, c.10, s.96; R.S.S. 1978, c.E-6, s.98.

Polling places

99(1) The returning officer of a constituency in which a by-election is to be held shall make all necessary arrangements for the establishment of a polling place or polling places in each sanatorium and hospital situated in the constituency.

(2) Where for any reason a patient in a sanatorium or hospital who is an elector is unable to attend at a polling place established under subsection (1) and requests that he be permitted to vote at any other place in the sanatorium or hospital, the deputy returning officer or his poll clerk shall make provision for the taking of the ballot box and all other election material to the place designated by the patient and, subject to section 81, for the voting of the patient by secret ballot and shall give the patient any assistance that may be necessary in accordance with sections 80 and 81.

1971, c.10, s.97; R.S.S. 1978, c.E-6, s.99.

Alternate hours of voting

100 Where the returning officer is satisfied that all of the persons entitled to vote at a polling place established under subsection (1) of section 99 can conveniently cast their ballots within a period of four hours, the returning officer may prescribe that the polling place shall be open for voting between the hours of three o'clock and seven o'clock in the afternoon.

1971, c.10, s.98; R.S.S. 1978, c.E-6, s.100.

Voting procedure

101 Notwithstanding section 65, a patient in a sanatorium or hospital who is an elector of the constituency in which the by-election is being held may vote at the polling place established in the sanatorium or hospital in that constituency for a candidate nominated for that constituency.

(2) Except as provided in sections 99 and 100 and in this section, voting in a sanatorium or hospital shall be conducted in the same manner as voting at any other polling place.

(3) Upon a patient entering a polling place established in a sanatorium or hospital:

- (a) the deputy returning officer shall require the patient declare:
 - (i) his name;
 - (ii) his occupation:

- (iii) his post office address;
 - (iv) the location of his residence; and
 - (v) the name of the constituency in which he was ordinarily resident on the day on which the writ was issued;
- (b) the poll clerk shall:
- (i) complete the form of declaration from the information supplied by the voter; and
 - (ii) record the name of the patient in the poll book and fill in the appropriate spaces opposite the voter's name; and
- (c) the deputy returning officer shall:
- (i) request the patient to make the declaration; and
 - (ii) after the patient has completed the declaration and, if the patient has declared that he was ordinarily resident on the day on which the writ was issued in the constituency in which the by-election is being held, hand the patient a ballot paper in form 11 initialled and numbered in the manner mentioned in section 76.
- (4) A patient upon receiving a ballot paper shall:
- (a) forthwith proceed into the room or compartment provided for the purpose of voting;
 - (b) with:
 - (i) the black lead pencil provided;
 - (ii) a black or blue ink pen; or
 - (iii) a black or blue ball-point pen;
- mark the ballot paper, with such assistance as may be necessary in accordance with section 80 or 81, by placing in the space containing the name of the candidate for whom he intends to vote a cross, thus X; and
- (c) proceed in accordance with subsection (2) of section 77.
- (5) The deputy returning officer upon receiving a ballot paper from a patient shall proceed in accordance with section 78.
- (6) Where a patient refuses to make a declaration the poll clerk shall make a notation to that effect in the poll book and the patient shall not be given a ballot paper and shall not vote.

1971, c.10, s.99; R.S.S. 1978, c.E-6, s.101.

Proceedings after close of polling place

102 Immediately after the close of the polling place for the taking of the votes of the electors in a sanatorium or hospital the deputy returning officer shall proceed in accordance with section 110 except that:

- (a) clauses (f) and (g) of section 110 do not apply but instead the deputy returning officer shall announce in an audible voice the number of electors who, according to the poll book record, voted;
- (b) subclause (ii) of clause (r) of section 110 does not apply.

1971, c.10, s.100; R.S.S. 1978, c.E-6, s.102.

SPECIAL PROVISION RELATING TO THE TAKING OF THE VOTES
OF PERSONS CONFINED IN GERIATRIC CENTRES

Elector unable to attend in polling place in geriatric centre

103 Where for any reason an elector who is confined in a geriatric centre in respect of which a polling division has been established under subsection (2) of section 18 is unable to attend at the polling place and requests that he be permitted to vote at any other place in the geriatric centre, the deputy returning officer or his poll clerk shall make provision for the taking of the ballot box and all other election material to the place designated by the elector and, subject to section 81, for the voting of the elector by secret ballot and shall give the elector any assistance that may be necessary in accordance with sections 80 and 81.

1974-75, c.13, s.9; R.S.S. 1978, c.E-6, s.103.

ADVANCE POLL

Establishment of advance polling places

104(1) The returning officer shall establish an advance polling place at one or more places in a constituency as he deems most convenient for the voters and whenever possible provide easy access for handicapped voters.

(2) A person qualified to vote in a constituency who:

- (a) has reason to believe that he will be necessarily absent from his ordinary place of residence on polling day;
- (b) is a deputy returning officer, poll clerk or other election officer or is a representative of a candidate, and who has reason to believe that his duties as such will require his presence at a polling division other than the polling division in which he is entitled to vote; or
- (c) suffers from a physical disability;

may vote at an advance polling place established for the constituency in which he is entitled to vote.

1971, c.10, s.101; R.S.S. 1978, c.E-6, s.104.

Conduct of voting

105 Except as hereinafter otherwise provided, voting at an advance poll shall be conducted in the same manner as is provided by this Act for voting at a polling place at a general election.

1971, c.10, s.102; R.S.S. 1978, c.E-6, s.105.

Hours of voting

106 Every advance poll shall be held on the Wednesday, Thursday, Friday, Saturday and Monday last preceding polling day and shall be open:

- (a) from seven o'clock until ten o'clock in the afternoon on the Wednesday, Thursday, Friday and Monday; and
- (b) from three o'clock until ten o'clock in the afternoon on the Saturday.

1971, c.10, s.103; R.S.S. 1978, c.E-6, s.106.

Declaration by advance voter

107 Where a person is entitled to vote in a constituency he may apply to vote at an advance poll established for that constituency and, upon completing a declaration in form 23, he shall be given a ballot paper in form 11 and be permitted to vote at that advance poll.

1971, c.10, s.104; R.S.S. 1978, c.E-6, s.107.

Sealing ballot box and signing of poll book

108 At the close of the advance poll on each day that the advance poll is open, the deputy returning officer, and each candidate and representative of a candidate who desires to do so, shall:

- (a) affix his seal to the ballot box in such a manner that the box cannot be opened and that nothing can be deposited therein without breaking the seal; and
- (b) sign his name on the first line below the name of the last voter entered in the poll book on that day.

1971, c.10, s.105; R.S.S. 1978, c.E-6, s.108.

Procedure on close of advance poll

109 Immediately after the close of the advance poll on the last day that it is open, the deputy returning officer, in full view of the persons entitled under section 68 to be present, shall, in the following order:

- (a) furnish to one representative of each candidate, a copy, signed by the deputy returning officer, of the entries made in the poll book;
- (b) proceed in accordance with clauses (a), (c) (d) and (e) of section 110;
- (c) open the ballot box and without removing therefrom any ballot place in the ballot box:
 - (i) the poll book;
 - (ii) the special envelope supplied for the declarations;
 - (iii) the envelope containing the unused ballot papers;
 - (iv) the envelope containing the spoiled, rejected and declined ballot papers;
 - (v) the written appointments delivered by representatives pursuant to section 49;
- (d) proceed in accordance with clause (s) of section 110; and
- (e) place the ballot box and the other election material in a safe place and prevent any other person from having access thereto until the hour for the close of the polling places for the taking of the votes of the electors on polling day, at which time he shall, at the place where the advanced poll was held or at some other place, of which the candidates or their representatives have been given notice, proceed in accordance with section 110 and the other sections of this Act, and act as if he were a deputy returning officer who conducted the taking of the votes of the electors on polling day.

1971, c.10, s.106; 1974-75, c.13, s.10; R.S.S. 1978, c.E-6, s.109.

PROCEEDINGS SUBSEQUENT TO THE TAKING OF THE VOTE
ON POLLING DAY

Duties of deputy returning officer

110 Immediately after the close of the polling place for the taking of the votes of the electors, in the presence and in full view of the persons entitled under section 68 to be present, the deputy returning officer shall, in the following order:

(a) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the last name recorded, thus:

“The number of voters who voted at this election in this polling place is _____”;

and shall sign his name thereto;

(b) provide one representative of each candidate with a form of ballot paper account and poll statement in form 27 in order that each candidate may have from his representative in each polling place a statement corresponding with the ballot paper account and poll statement which the deputy returning officer shall make in duplicate;

(c) count the number of unused ballot papers (form 11) undetached from the books of ballot papers and place them together with the stubs of used ballot papers in the special envelope supplied for that purpose;

(d) indicate on the special envelope the number of unused ballot papers enclosed in the envelope, seal the envelope and enter the number of unused ballot papers on the ballot paper account and poll statement;

(e) count the number of spoiled, rejected and declined ballot papers and proceed as in clauses (c) and (d);

(f) announce in an audible voice the number of persons who, according to the poll book record, voted under each of the following categories:

(i) registered on the voters' list and not required to make the declaration;

(ii) registered on the voters' list and required to make the declaration;
and

(iii) not registered on the voters' list and required to make the declaration;

(g) check the total number of persons who voted in the categories mentioned in clause (f) and ensure that the number is the same as the total number of persons appearing in the poll book as having voted;

(h) open the ballot box;

(i) count the number of votes in favour of each candidate giving full opportunity to those present to examine each ballot;

(j) make a note in the poll book of every objection taken to a ballot by a candidate or his representative or a voter present, number each objection, place a corresponding number on the back of the ballot and initial the same, and decide the objection subject to review on recount;

- (k) place all rejected ballots in a special envelope supplied for that purpose, indicate the number of ballots contained therein on the outside of the envelope and on the ballot paper account and poll statement, and seal the envelope;
- (l) place all the ballots cast for each candidate in separate envelopes supplied for that purpose, 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 seal the envelope;
- (m) when he is satisfied as to the accuracy of the ballot paper account and poll statement, sign each copy thereof, ensure that the poll clerk signs it and permit each candidate or representative to sign it if he so desires;
- (n) place the original ballot paper account and poll statement in the special envelope supplied for that purpose and keep the second copy thereof as his own record;
- (o) permit each candidate or representative who desires to do so to sign his name or initials and affix his seal across the flap of any of the special envelopes mentioned in this section;
- (p) administer the oath in form 28 to the poll clerk who shall take and subscribe the oath;
- (q) place in the large envelope supplied for that purpose the following material:
 - (i) the envelopes containing the ballots counted for each of the candidates;
 - (ii) the envelope containing the rejected ballots;
 - (iii) the envelope containing the unused ballot papers;
 - (iv) the envelope containing the spoiled and declined ballot papers; and
 - (v) the written appointments delivered by representatives pursuant to section 49;
 seal with his seal and sign the envelope, permit each candidate or representative who desires to do so to sign his name or initials and affix his seal across the flap of the envelope and place the envelope in the ballot box;
- (r) place in the ballot box but outside of the large envelope referred to in clause (q):
 - (i) the poll book;
 - (ii) the voters' list;
 - (iii) the special envelope supplied for the declarations; and
 - (iv) the special envelope containing the original ballot paper account and poll statement;
- (s) lock and seal the ballot box with one of the metal seals prescribed by the Chief Electoral Officer and affix his own seal, and permit each candidate or representative who desires to do so to affix his seal, in such manner that the box cannot be opened and nothing can be deposited therein without breaking the seals; and
- (t) advise the returning officer by telephone of the results of the voting.

Rejected ballots

111 In counting the votes the deputy returning officer shall reject all ballots, herein called "rejected ballots":

- (a) that have not been supplied by him;
- (b) by which votes have been given for more than one candidate;
- (c) on which anything is written or marked by the voter by means of which he can be identified;
- (d) that are marked other than by the black lead pencil supplied or black or blue ink pen or black or blue ball-point pen; or
- (e) on which no vote has been given for a candidate.

1971, c.10, s.108; R.S.S. 1978, c.E-6, s.111.

Certain ballots not rejected

112 In counting the votes the deputy returning officer shall not reject a ballot:

- (a) that has been marked in accordance with section 77;
- (b) that is marked with some mark other than a cross mark (X) if:
 - (i) there is clearly indicated an intention to mark in favour of a name of a candidate; and
 - (ii) there is no apparent intention of identification of the voter;

and it shall be deemed a sufficient vote for the candidate in whose favour the ballot is marked unless the cross mark (X) is used elsewhere on the ballot;

- (c) to which the counterfoil is attached, but he shall, carefully concealing the number thereon from all persons present and without examining it himself, remove and destroy the counterfoil; or
- (d) upon the back of which he has omitted to affix his initials in the manner mentioned in section 76 if he is satisfied:
 - (i) that the ballot is one that has been supplied by him;
 - (ii) that the omission has really been made; and
 - (iii) that every ballot paper supplied to him by the returning officer has been accounted for as required by section 110;

and if so satisfied he shall in the presence of the poll clerk and the representatives of candidates, affix his initials to the ballot and count the ballot as if it had been initialled by him in the first place.

1971, c.10, s.109; R.S.S. 1978, c.E-6, s.112.

Penalties continue to apply

113 Nothing in section 112 relieves the deputy returning officer from any penalty to which he may be liable by reason of his failure:

- (a) to remove and destroy the counterfoil at the time of the casting of the vote to which it relates; or
- (b) to affix his initials on the back of the ballot paper before handing it to the voter.

1971, c.10, s.110; R.S.S. 1978, c.E-6, s.113.

Delivery of ballot boxes to returning officer

114(1) The deputy returning officer shall within two days after polling day:

- (a) personally deliver the ballot box to the returning officer or, if so instructed by the returning officer, to a person appointed by the returning officer to receive it; or
 - (b) if so instructed by the returning officer, forward the ballot box to him by registered mail.
- (2) The deputy returning officer shall take a receipt in form 29 from the person to whom he has handed over the ballot box for delivery to the returning officer.
- (3) Forthwith thereafter the deputy returning officer shall take and subscribe the oath in form 30 and shall personally deliver or send the oath by registered mail to the returning officer.
- (4) A person appointed by the returning officer to receive the ballot box from any deputy returning officer and who has made delivery of the ballot box to the returning officer shall take and subscribe the oath in form 31 before the returning officer.

1971, c.10, s.111; R.S.S. 1978, c.E-6, s.114.

Duty of returning officer upon receipt of ballot boxes

115 Upon receipt of a ballot box, the returning officer shall:

- (a) take every precaution for its safe keeping and for preventing any person other than himself and the election clerk from having access to it;
- (b) examine the metal seal affixed to the box by the deputy returning officer and if the seal is not in good condition the returning officer shall affix his own metal seal prescribed by the Chief Electoral Officer; and
- (c) record the condition of the metal seal, required to be affixed by the deputy returning officer, in the column for remarks in the returning officer's statement.

1971, c.10, s.112; R.S.S. 1978, c.E-6, s.115.

REPRESENTATIVES OF CANDIDATES AT FINAL COUNT

Appointment

116(1) Each candidate may in writing appoint electors to be present as his representatives, in addition to or in place of himself, at the proceedings provided for by section 117 but not more than two such electors shall be present at any one time.

(2) The returning officer may refuse to allow any representative of a candidate to be present at the proceedings provided for in section 117 until the representative produces his written appointment.

(3) Wherever a returning officer or deputy returning officer is required by this Act to seal a ballot box, envelope or parcel he shall permit such candidates or such representatives of candidates as are present to affix their seals to the ballot box, envelope or parcel.

1971, c.10, s.113; R.S.S. 1978, c.E-6, s.116.

COUNT BY RETURNING OFFICER

Duties of returning officer

117 Subject to sections 120 to 125, the returning officer at the time and place appointed by his proclamation for adding up the number of votes cast by voters and after having received all the ballot boxes shall, in the presence of the election clerk and of such candidates and their representatives as are present, not exceeding two for each candidate, open the ballot boxes and with respect to each ballot box proceed as follows:

1. Remove therefrom and open the special envelope containing the original ballot paper account and poll statement and enter the results appearing therein in the appropriate columns of the returning officer's statement in form 32;
2. Read the ballot paper account and poll statement so that those present may be able to compare the particulars therein with their records;
3. Place the ballot paper account and poll statement in a file;
4. Afford each candidate or his representatives an opportunity to inspect the poll book and voters' list used at the taking of the voters of the electors;
5. If a ballot box containing ballots was forwarded to him pursuant to section 95, proceed in respect of that ballot box in accordance with section 97;
6. Make an addition of the votes given for each candidate as shown on the returning officer's statement including any votes entered on that statement pursuant to section 97;
7. Forthwith declare elected the candidate having the largest number of votes;
8. Seal all open ballot boxes with one of the metal seals prescribed by the Chief Electoral Officer and affix his own seal and permit each candidate or representative who desires to do so to take note of the number of the metal seal and to affix his seal in such a manner that the box cannot be opened and nothing can be deposited therein without breaking the seal; and
9. Retain all ballot boxes and all documents and other material used in the election in his possession for ten days after he has declared a candidate elected and take every precaution for the safe keeping of the boxes, documents and material.

1971, c.10, s.114; R.S.S. 1978, c.E-6, s.117.

Count proceeded with continuously

118(1) The returning officer shall so far as practicable proceed continuously with his count allowing only time for refreshment except that he shall not proceed:

- (a) on a Sunday;
- (b) unless he otherwise directs:
 - (i) on a statutory holiday;
 - (ii) on any day between the hours of ten o'clock in the afternoon and nine o'clock in the succeeding forenoon;
- (c) on any day or part thereof where he directs that proceedings are not to continue on that day or part thereof.

(2) During such excluded time and time for refreshment the returning officer shall place the ballots and other documents relating to the election under his own seal and the seals of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of those ballots and documents.

1971, c.10, s.115; R.S.S. 1978, c.E-6, s.118.

Casting vote by returning officer

119(1) Where on the addition of votes by the returning officer an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of them to be declared elected, the returning officer shall give the additional or casting vote.

(2) The returning officer shall vote by marking a ballot paper and the ballot paper after being counted shall be placed in an envelope marked "returning officer's vote" and kept separate from all other ballots and in the event of a recount shall not be counted.

1971, c.10, s.116; R.S.S. 1978, c.E-6, s.119.

**PROCEEDINGS IN CASE OF LOSS OR INJURY OF BALLOT BOXES
OR ELECTION DOCUMENTS**

Adjournment of proceedings

120 Where at the day and hour appointed by the proclamation of the returning officer for adding up the votes cast by voters:

- (a) all the ballot boxes have not been returned to the returning officer;
- (b) the ballot paper account and poll statement is 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;

the returning officer may adjourn the proceedings for a period or periods not exceeding one week following the day and hour originally appointed.

1971, c.10, s.117; R.S.S. 1978, c.E-6, s.120.

Disappearance of ballot boxes

121 Where the proceedings have been adjourned pursuant to section 120 because a ballot box has not been returned to the returning officer, the returning officer shall:

- (a) ascertain the cause for the ballot box not being so returned; and
- (b) procure 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 thereof, the whole to be verified by oath, or if they cannot be so procured proceed in accordance with section 123.

1971, c.10, s.118; R.S.S. 1978, c.E-6, s.121.

Procedure on day to which proceedings adjourned

122 At the day and hour to which the adding up of votes has been adjourned, the returning officer:

- (a) if that day and hour is less than one week following the day and hour originally appointed may, subject to section 120, adjourn the proceedings to a later day and hour if he considers it necessary or advisable;
- (b) if that day and hour is one week following the day and hour originally appointed, shall proceed to add up the votes whether or not all ballot boxes have been delivered to him or he has the ballot paper account and poll statement for each polling place.

1971, c.10, s.119; R.S.S. 1978, c.E-6, s.122.

Where statements, etc., missing

123 Where a statement or certificate mentioned in section 121 or a copy thereof cannot be procured, the returning officer shall ascertain, by such evidence as he is able to obtain, the total number of votes given for each candidate at the several polling places and may summon any deputy returning officer, poll clerk or other person to appear before him with all necessary papers and documents at a time and place to be named by him, of which time and place and of the intended proceedings the candidate shall have notice; and the returning officer may examine on oath such deputy returning officer, poll clerk or other person respecting the matter in question.

1971, c.10, s.120; R.S.S. 1978, c.E-6, s.123.

Where no ballot paper account and poll statement

124 In case of an adjournment by reason of a deputy returning officer not having placed in the ballot box the ballot paper account and poll statement, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of the deputy returning officer and shall have the powers conferred by section 123.

1971, c.10, s.121; R.S.S. 1978, c.E-6, s.124.

Special report by returning officer

125 The returning officer shall return the candidate having the largest number of votes, and shall mention specially in a report to be sent with the return the circumstances accompanying the disappearance of any ballot box or the want of any statement referred to in section 123 and the mode by which he ascertained the number of votes given for each candidate.

1971, c.10, s.122; R.S.S. 1978, c.E-6, s.125.

PROCEEDINGS PRELIMINARY TO RECOUNT OR ADDITION

Request for recount or addition

126(1) Where, after the addition by the returning officer of the number of votes given for each candidate, the majority of the votes cast in favour of the candidate declared to be elected is less than the total number of all unopened ballot envelopes, rejected ballots and ballots objected to, a candidate or his business manager may by notice in form 35 signed by him and served upon the returning officer within four days after the day on which the returning officer has declared a candidate elected, request a recount or an addition.

(2) The returning officer shall, within four days after the receipt by him of a request for a recount or an addition:

(a) issue a certificate in form 38 to the effect that the candidate or his business manager, named in the certificate, has requested a recount or an addition under this section;

(b) forthwith, present the certificate to a judge, and deliver a copy thereof to the person who requested the recount or addition; and

(c) apply to a judge for an appointment fixing the time and place for a recount or an addition of the votes cast for the candidates in the constituency.

(3) The judge shall, where the certificate of the returning officer shows that the majority of the votes cast in favour of the candidate declared to be elected is less than the total number of all unopened ballot envelopes, rejected ballots and ballots objected to, appoint a time and place at which he or another judge will recount or add the votes, which time shall be not less than ten days after the date of the application under clause (c) of subsection (2), and the returning officer shall, within four days after the making of the appointment, serve a true copy of the appointment on the Chief Electoral Officer, on the election clerk and on each candidate or his business manager.

(4) After the making of the appointment by the judge, the returning officer shall delay making his return to the Chief Electoral Officer pursuant to section 143 until he receives from the judge a certificate of the result of the recount or addition and upon the receipt of the certificate he shall make his return.

1971, c.10, s.123; R.S.S. 1978, c.E-6, s.126.

Application to judge for recount or addition

127(1) Where a candidate or his business manager is not entitled pursuant to section 126 to request a recount or an addition or where a candidate or his business manager has made a request for a recount or an addition and the returning officer fails to comply with section 126, the candidate or his business manager may, within ten days after the day on which the returning officer has declared a candidate to be elected, apply to a judge for a recount or an addition and if it is made to appear to the judge that:

(a) any ballot envelopes of qualified voters were unopened by the returning officer;

(b) any deputy returning officer or the returning officer in counting the votes has improperly counted any ballot, or improperly rejected any ballot, or made an incorrect statement of the number of ballots cast for a candidate, or

(c) the returning officer has improperly added up the votes;

the judge may, if the applicant deposits with the local clerk of the court with his application the sum of \$300 as security for the costs in connection with the recount or addition, by order appoint a time and place to recount or add up the votes cast at the election.

(2) The time appointed under subsection (1) by the judge for a recount or an addition shall be not less than ten days after the date of the application for a recount or addition.

(3) The sum of money mentioned in subsection (1) shall be tendered:

(a) in Bank of Canada notes;

(b) by a cheque for such amount drawn upon and accepted by a chartered bank carrying on business in Canada or a credit union or trust company carrying on business in Saskatchewan; or

(c) partly in one and partly in the other.

(4) The applicant shall, within four days after the day that the judge appoints a time and place for a recount or an addition of the votes cast at the election, serve or cause to be served a true copy of the appointment on the Chief Electoral Officer, the returning officer, the election clerk and each candidate or his business manager.

(5) Upon receipt of the copy of the appointment mentioned in subsection (4), the returning officer shall delay making his return to the Chief Electoral Officer pursuant to section 143 until he receives:

(a) a certificate from the judge of the result of the recount or addition; or

(b) a certificate from the judge that the applicant is not entitled to a recount or addition and that none will be held;

and thereupon the returning officer shall make his return.

1971, c.10, s.124; R.S.S. 1978, c.E-6, s.127.

Judicial centres at which applications made

128 An application under section 126 or 127 shall be made to a judge of the district court designated pursuant to subsection (4) of section 8 of *The District Court Act* to act at the judicial centre the name of which is set forth opposite the name of the constituency listed in the second schedule in which the election was held.

1971, c.10, s.125; R.S.S. 1978, c.E-6, s.128.

Different judge to make each recount or addition

129(1) Where recounts or additions with respect to two or more constituencies, the names of which are set forth opposite the same judicial centre in the second schedule, are ordered by one or more judges so designated to act at that judicial centre, the local clerk at that judicial centre shall forthwith in writing notify the Chief Justice of the Court of Queen's Bench or, if he is absent from Regina or is unable to act due to illness or other cause, so notify a judge of the Court of Queen's Bench stating the name of each such constituency; and the Chief Justice or a judge of the court, as the case may be, shall forthwith designate such number of judges as are required to make the recounts or additions and so that one judge does not make more than one recount or addition.

(2) Each judge designated pursuant to subsection (1) shall, at the date and place appointed therefor, attend and make the recount or addition in respect of the constituency for which he was so designated.

1971, c.10, s.126; R.S.S. 1978, c.E-6, s.129.

PROCEEDINGS DURING RECOUNT

Local clerk may be present

130 The judge may require the local clerk of the court to be present at the time and place appointed for the recount or addition.

1971, c.10, s.127; R.S.S. 1978, c.E-6, s.130.

Certain election officials to attend with materials, etc.

131(1) The returning officer and his election clerk shall attend at the time and place appointed with the returning officer's statement and the envelopes containing the ballots, the original ballot paper account and poll statements and the poll books.

(2) The ballots and original statements and other documents shall continue in the custody of the returning officer who is responsible for them subject to any directions that the judge may give with respect to them.

1971, c.10, s.128; R.S.S. 1978, c.E-6, s.131.

Presence of certain officials and persons

132 The returning officer and the election clerk shall be present and the Chief Electoral Officer and the Assistant Chief Electoral Officer may be present at the recount or addition of the votes and each candidate is entitled to be represented by not more than two representatives and may himself be present.

1971, c.10, s.129; R.S.S. 1978, c.E-6, s.132.

Procedure by judge

133(1) At the time and place appointed, the judge shall make the addition from the ballot paper account and poll statements and the returning officer's statement or shall recount all the votes and ballots, and shall, in the case of a recount, open all the sealed envelopes containing:

- (a) the ballots that have been counted;
- (b) the rejected ballots;
- (c) the spoiled ballot papers;
- (d) the declined ballot papers;
- (e) the unused ballot papers; and
- (f) the unopened ballot envelopes.

(2) In the case of a recount the judge may receive evidence *viva voce* or by affidavit respecting the qualification as a voter of any person whose ballot envelope has not been opened and shall make a finding with respect thereto and shall deal with the ballot envelope and the ballot contained therein as nearly as may be in accordance with section 97.

1971, c.10, s.130; 1974-75, c.13, s.12; R.S.S. 1978, c.E-6, s.133.

Judge to proceed continuously

134(1) The judge shall so far as practicable proceed continuously with his recount or addition allowing only time for refreshment except that he shall not proceed:

- (a) on a Sunday;
- (b) unless he otherwise directs:
 - (i) on a statutory holiday;
 - (ii) on any day between the hours of six o'clock in the afternoon and nine o'clock in the succeeding forenoon;
- (c) on any day or part thereof where he directs that proceedings are not to continue on that day or part thereof.

(2) During the excluded time and time for refreshment the judge shall place the ballots and other documents relating to the election under his own seal and the seals of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of those papers and documents.

1971, c.10, s.131; R.S.S. 1978, c.E-6, s.134.

Judge governed by certain procedure

135 The judge shall, in the case of a recount, proceed in the manner provided for the counting of ballots at the close of the polling place for the taking of votes by a deputy returning officer and at the count by a returning officer, and shall verify and correct the ballot paper account and poll statements and the returning officer's statement.

1971, c.10, s.132; R.S.S. 1978, c.E-6, s.135.

Sealing up of ballots, etc., at conclusion

136(1) Upon the completion of the recount the judge shall supervise the sealing of all the ballots in their separate envelopes and upon the completion of an addition he shall supervise the sealing of the original statements in their respective envelopes.

(2) The judge shall at the request of either party number the disputed ballots on the back and enclose them in a separate envelope.

1971, c.10, s.133; R.S.S. 1978, c.E-6, s.136.

Review of decision of returning officer in certain cases

137(1) The judge shall, if he deems necessary or if he is requested to do so, review the decision of the returning officer with respect to the number of votes cast for a candidate at any polling place where the ballot box used was not available when he made his decision or where the proper statements or papers were not found in the ballot box.

(2) For the purpose of arriving at the facts the judge has all the powers of the returning officer in respect of the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer.

1971, c.10, s.134; R.S.S. 1978, c.E-6, s.137.

Certificate of judge

138(1) The judge shall delay sending his certificate to the returning officer for five days after the completion of the recount or addition in order to allow for an appeal as hereinafter provided.

(2) Where no notice of appeal is given to the judge within five days after the completion of the recount or addition, the judge shall forthwith certify the result to the returning officer who shall forthwith declare to be elected the candidate having the largest number of votes.

(3) In the case of an equality of votes the returning officer shall cast his vote by marking a ballot paper which shall be counted by the judge and then placed in an envelope marked "recount - returning officer's vote", and shall be kept separate from the other ballots.

1971, c.10, s.135; R.S.S. 1978, c.E-6, s.138.

Costs

139(1) Where a recount or addition is ordered:

(a) pursuant to subsection (3) of section 126, the costs of the candidate or his business manager who requested the recount or addition and of the candidates appearing at the recount or addition shall be paid by the returning officer after taxation thereof pursuant to subsection (3);

(b) pursuant to section 127 and the judge on the recount or addition finds that the applicant was entitled to and did request a recount or addition under section 126 but the returning officer failed to comply with section 126, the costs of the applicant and of the candidates appearing on the application and on the recount or addition shall be paid by the returning officer after taxation thereof pursuant to subsection (3).

(2) In other cases the costs preliminary to the recount or addition and the costs of the recount or addition shall be in the discretion of the judge who may direct that each party bear his own costs or that such costs shall be paid by:

- (a) the applicant;
- (b) one or more of the candidates;
- (c) the returning officer; or
- (d) by any one or more of them as the judge may determine.

(3) The judge shall tax the costs and shall as nearly as may be follow the tariff of costs with respect to proceedings in the district court, but the maximum aggregate amount that can be taxed against any one party other than the returning officer shall not exceed \$500 exclusive of disbursements.

(4) Where the returning officer is ordered to pay any costs pursuant to this section he shall include the costs in his election expense account.

(5) Costs directed to be paid by the applicant shall be paid to the party entitled thereto from the money deposited as security for costs by the applicant and if more than one party is entitled thereto, in such proportions as the judge may determine, and if the deposit is insufficient the judge may direct that a writ of execution issue out of the district court for the balance of the costs.

(6) Where a judge directs that costs shall be paid by a party other than the applicant or the returning officer, the judge may direct that a writ of execution issue out of the district court for the amount of the costs.

1971, c.10, s.136; R.S.S. 1978, c.E-6, s.139.

PROCEDURE WHERE THE JUDGE FAILS TO COMPLY

Judge of Court of Queen's Bench hears matter

140(1) Where a judge fails to proceed with a recount or an addition in accordance with this Act, any party aggrieved thereby may, within five days after such failure, file a statement with a judge of the Court of Queen's Bench under oath, which need not be entitled in any matter or cause, setting forth the facts relating to the failure.

(2) The judge of the Court of Queen's Bench with whom the statement is filed shall, if it appears to him that there has been such failure, make an order:

(a) appointing the time, which shall be within eight days after the statement is filed with him, and a place for a hearing of the matter;

(b) directing the attendance of all parties interested at such time and place; and

(c) directing service of a copy of the order and of the statement on the judge alleged to have made the failure and on any other party the judge deems interested.

(3) The judge alleged to have made the failure or any party served pursuant to clause (c) of subsection (2) may file in the office of the registrar of the Court of Queen's Bench affidavits in reply to the statement and, upon demand, shall furnish the party who filed the statement with a copy of the affidavits.

(4) At the time and place appointed by the judge of the Court of Queen's Bench or at any other time and place to which the hearing may be adjourned, the judge of the Court of Queen's Bench or some other judge of the same court shall, after hearing the parties or such of them as are present, or their counsel, make such order as the facts of the case, in the opinion of the judge of the Court of Queen's Bench, warrant either dismissing the matter or ordering the judge, who made the failure to take such action as is necessary in order for the judge to comply with the requirements of this Act in respect of the recount or addition, and the judge of the Court of Queen's Bench may make such order as to costs as he thinks proper.

(5) A judge who is ordered under subsection (4) to take action shall forthwith carry out the directions of any order so made; and there shall be the same remedies for the recovery of the costs awarded by such order as for costs in ordinary cases in the Court of Queen's Bench.

(6) Where the returning officer has made a return to the Chief Electoral Officer under section 143 prior to the making of an order under subsection (4), the Chief Electoral Officer shall, upon being furnished with a certified copy of the order, return to the returning officer all election papers required for use at the recount or addition and after the recount or addition the returning officer shall, upon receiving a judge's certificate of the result of the recount or addition, give due notice of a new declaration of the election that shall replace any previous declaration, and:

(a) if 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, make a substitute return; or

- (b) if the result of the recount or addition is to confirm the original return, forthwith send back to the Chief Electoral Officer the election papers, but not make any substitute return.
- (7) A substitute return made pursuant to subsection (6) has the effect of cancelling the original return.

1971, c.10, s.137; R.S.S. 1978, c.E-6, s.140.

APPEAL FROM JUDGE'S DECISION AFTER RECOUNT OR ADDITION

Appeal to judge of Court of Queen's Bench

141(1) After a recount or addition, a party desiring to appeal from the decision of the judge may do so by giving, within five days after the completion of the recount or addition, notice in writing to:

- (a) the judge;
- (b) the returning officer;
- (c) the Chief Electoral Officer; and
- (d) the candidate or candidates who appeared at the recount or addition;

of such party's intention to appeal to a judge of the Court of Queen's Bench.

(2) The party appealing may by his notice limit the appeal to specified ballots, or to specific findings made by the judge appealed from, and unless so limited the appeal is deemed to be a request by the party for a recount of all the ballots.

(3) The judge appealed from shall forthwith forward to the registrar of the Court of Queen's Bench the notice of appeal served upon him together with a certificate showing:

- (a) his findings;
- (b) the date of completion of the recount or addition; and
- (c) the names and addresses of the parties or their solicitors, if any, who appeared at the recount or addition.

(4) If an appeal is limited, any candidate desiring to cross appeal shall, within five days after being served with the notice of appeal, file at the office of the registrar a notice of the cross appeal and shall within the same period serve a copy of the notice of the cross appeal on:

- (a) the Chief Electoral Officer;
- (b) the party appealing or any solicitor representing him;
- (c) the parties or their solicitors, if any, who appeared at the recount or addition; and
- (d) the returning officer.

(5) Where a notice of cross appeal has been served in accordance with subsection (4), the appeal for all purposes shall be deemed not to be limited.

- (6) Upon the filing of a notice of cross appeal or upon the expiration of ten days after the date of completion of the recount or addition, if no notice of cross appeal has been filed, and upon receipt of the notice of appeal and certificate mentioned in subsection (3), the registrar shall forthwith apply to a judge of the Court of Queen's Bench for an order:
- (a) appointing a time and place for the hearing of the appeal; and
 - (b) directing the judge appealed from and the returning officer to deliver the ballots and other election papers to the registrar for the purposes of the appeal.
- (7) The time appointed for hearing the appeal shall not be more than ten days from the date of the making of the appointment.
- (8) The registrar shall forthwith serve a copy of the order mentioned in subsection (6) on:
- (a) the judge appealed from;
 - (b) the Chief Electoral Officer;
 - (c) the returning officer;
 - (d) the election clerk; and
 - (e) the parties who appeared at the recount or addition or their solicitors, if any.
- (9) At the time and place appointed, the judge of the Court of Queen's Bench who made the appointment or some other judge of the same court shall recount the ballots or such of them as are the subject of appeal or shall review the addition by the judge who made the addition, as the case may require, and shall hear and determine all such matters as may be necessary to properly complete the recount or addition.
- (10) Sections 134 and 135 apply, *mutatis mutandis*, to a recount or addition made by a judge of the Court of Queen's Bench.
- (11) The judge of the Court of Queen's Bench 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.
- (12) The party appealing is not entitled to abandon or discontinue the appeal unless he is given leave to do so by a judge of the Court of Queen's Bench.
- (13) The judge of the Court of Queen's Bench may, having regard to section 139, direct by and to whom the costs of proceedings preliminary to the recount or addition and the costs of the recount or addition shall be paid, and may direct by and to whom the costs of appeal shall be paid.
- (14) The judge of the Court of Queen's Bench shall, forthwith after hearing the appeal, certify his decision to the judge appealed from who shall comply with the decision and shall certify the result without delay to the returning officer.

GENERAL PROVISIONS RELATING TO RECOUNTS AND ADDITIONS

Informalities, service, etc.

142 With respect to a recount or addition and any proceeding or appeal relating thereto:

- (a) no proceeding taken under this Act is invalid for informality if there has been substantial compliance with the requirements of this Act;
- (b) the judge hearing any application or making the recount or addition or the judge of the Court of Queen's Bench hearing any application or hearing an appeal, may waive compliance with any requirement of this Act if he is satisfied that such waiver is not prejudicial to any party to the proceedings; and
- (c) any notice, order or other document required to be served on a party shall be served by personal service or by registered mail, and where served by registered mail the notice, order or other document shall be deemed to have been served on the day following the date of the receipt from the postmaster for the envelope containing the notice, order or other document.

1971, c.10, s.139; R.S.S. 1978, c.E-6, s.142.

ELECTION RETURN

Return to writ of election

143(1) The returning officer shall, upon the expiration of ten days next after the addition by him of the number of votes given for each candidate or, where there has been a recount or addition by a judge, immediately after the receipt of the certificate of the result, send by registered mail a return in form 32 to the Chief Electoral Officer stating that the candidate having the largest number of votes has been duly elected, together with the writ of election, the nomination papers, the affidavit of the printer and any candidate's deposit that has been forfeited and shall forward to each of the candidates a duplicate or copy of the return.

(2) The returning officer shall accompany his return with a report of the proceedings in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers received by him.

1971, c.10, s.140; R.S.S. 1978, c.E-6, s.143.

Ballot papers, etc., to be sent to Chief Electoral Officer by returning officer

144(1) The returning officer shall:

- (a) upon the expiration of ten days next after the addition by him of the number of votes given for each candidate; or
- (b) where there has been a recount or an addition by a judge, immediately after the receipt of the certificate of the result;

send to the Chief Electoral Officer, by express, enclosed in one or more boxes or other covering and securely sealed;

- (c) all special envelopes containing ballots, ballot envelopes unopened and ballot envelopes opened;
- (d) all declarations;

ELECTIONS

c. E-6

- (e) all other election material used by him at his count;
 - (f) the stereotype or printer's blocks;
 - (g) the constituency stamp;
 - (h) all ballot boxes with their contents; and
 - (i) all unused material or supplies.
- (2) The returning officer shall endorse on or affix a label to the box or other covering 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.
- (3) An affidavit in form 33 shall be made by the returning officer forthwith after sending his return and shall be immediately sent by him to the Chief Electoral Officer by registered mail.

1971, c.10, s.141; R.S.S. 1978, c.E-6, s.144.

FAILURE TO MAKE RETURN

Compelling returning officer to make return**145(1)** Where a returning officer wilfully delays, neglects or refuses:

- (a) to add up the votes;
- (b) to declare elected the candidate having the largest number of votes;
- (c) to give his casting vote where he is by law required to do so; or
- (d) to make the return, as required by this Act, of the candidate having the largest number of votes;

the person aggrieved, or any voter who voted at the election, may apply to a judge of the Court of Queen's Bench for a *mandamus* commanding the returning officer to perform the duty which he is shown to have omitted.

- (2) The notice shall be served on the returning officer, the Chief Electoral Officer and on any person who was a candidate at the election.
- (3) In other respects *The Queen's Bench Act* and the rules made thereunder apply to the application.
- (4) Nothing in this section affects or impairs any other right or remedy of the person aggrieved.

1971, c.10, s.142; R.S.S. 1978, c.E-6, s.145.

PUBLICATION OF RETURN

Notice in *Gazette*

146 The Chief Electoral Officer shall, on receiving from the returning officer a statement showing the return of a member elected to the Assembly, publish in the next ordinary issue of the *Gazette* a notice of the receipt of the return, the date of the receipt and the name of the candidate elected.

1971, c.10, s.143; R.S.S. 1978, c.E-6, s.146.

IRREGULARITIES IN CONDUCT OF ELECTION

Elections not invalid in certain cases

147 No election shall be declared invalid by reason of:

- (a) any irregularity on the part of the returning officer or in any of the proceedings preliminary to the taking of the vote;
- (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 declaration made by a voter;

if it is shown to the satisfaction of the tribunal having cognizance of the matter that the election was conducted in accordance with the principles laid down in this Act and that such irregularity, failure, non-compliance or mistake did not affect the result of the election.

1971, c.10, s.144; R.S.S. 1978, c.E-6, s.147.

OATHS, AFFIDAVITS AND DECLARATIONS

Who to administer oaths

148(1) A returning officer and an election clerk may administer any oath or affidavit required by this Act with respect to any election, and a deputy returning officer and a poll clerk may administer any oath or affidavit required by this Act with respect to any election except an oath or affidavit that is required to be administered to the returning officer, and an enumerator may administer any oath or affidavit required by this Act with respect to the making and revising of lists of voters, and such oaths and affidavits shall be administered gratuitously.

(2) Except where otherwise provided, any oath or affidavit for the purposes of this Act may be sworn before a justice of the peace, a commissioner for oaths or a notary public.

1971, c.10, s.145; R.S.S. 1978, c.E-6, s.148.

Declarations

149 Except as provided in section 74, whenever a voter is required to make the declaration before being given a ballot paper and permitted to vote, the voter shall sign the declaration and his signature shall be witnessed by the deputy returning officer or poll clerk who shall sign his name on the declaration as witness.

1971, c.10, s.146; R.S.S. 1978, c.E-6, s.149.

CUSTODY OF ELECTION PAPERS**How long retained, destruction**

150(1) The Chief Electoral Officer shall, subject to this Act, retain in his possession the documents sent to him by a returning officer under section 144 for at least one year and, if the election is contested, then for one year after the termination of the contestation and shall then destroy them by fire.

(2) If notice of the presentation of a petition is received by him, or if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "Not to be destroyed", but such material may be destroyed by fire upon the expiration of one year after the completion of any hearing resulting from the petition or one year from the date of the order, as the case may be.

1971, c.10, s.147; R.S.S. 1978, c.E-6, s.150.

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.**Certain documents open to public inspection**

151(1) All documents, other than ballots, sent by a returning officer pursuant to this Act to the Chief Electoral Officer shall be open to public inspection at such time and under such regulations as may be prescribed by the Chief Electoral Officer with the approval of the Speaker of the Assembly.

(2) The Chief Electoral Officer shall supply copies of or extracts from the documents that are open to inspection to any person demanding them, on payment at the rate of ten cents for each one hundred words and in computing the number of words a number shall be counted as one word.

1971, c.10, s.148; R.S.S. 1978, c.E-6, s.151.

Inspection of ballots prohibited

152(1) No person shall be allowed to inspect a ballot in the custody of the Chief Electoral Officer except under an order of a judge of the Court of Queen's Bench.

(2) An order may be made on the judge being satisfied, by affidavit or other evidence on oath, that the inspection or production of the ballot is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or ballots or for the purpose of a petition questioning an election or return.

(3) The order may be made subject to such conditions as the judge deems proper.

(4) Subject to the order, the inspection shall take place under the immediate supervision of the registrar of the Court of Queen's Bench at his office in the court house at Regina, and he shall be present during the inspection and while the ballots are in the custody of the registrar and not under inspection they shall be kept in a secure place that is locked.

1971, c.10, s.149; R.S.S. 1978, c.E-6, s.152.

Evidence as to documents, etc.

153 Where an order is made by a judge of the Court of Queen's Bench for the production by the Chief Electoral Officer of a document in his possession relating to an election, the production of it by the Chief Electoral Officer or his agent in the manner directed by the order is evidence that the document relates to the election and an endorsement appearing on an envelope containing ballots so produced is evidence that the contents are what they are stated to be by the endorsement.

1971, c.10, s.150; R.S.S. 1978, c.E-6, s.153.

PRESERVATION OF THE PEACE

Certain officers conservators of the peace

154 A returning officer from the time he takes the oath of office until his appointment is terminated and deputy returning officer from the time he takes the oath of office until the day after the close of the election in respect of which he is appointed, shall be a conservator of the peace and is invested with all the powers appertaining to a justice of the peace in respect of any matter relating to an election.

1971, c.10, s.151; R.S.S. 1978, c.E-6, s.154.

Assistance of constables, etc., may be required

155 A returning officer or a deputy returning officer may require the assistance of justices of the peace, constables and other persons to aid him in maintaining peace and good order at the election, and may also swear in as many special constables as he may deem necessary.

1971, c.10, s.152; R.S.S. 1978, c.E-6, s.155.

Special constables and report with respect thereto

156 On a request in writing made by a candidate or by his representative or by two or more voters, a returning officer or deputy returning officer shall, if satisfied as to the need, swear in as many special constables as he considers necessary or desirable and the returning officer shall, with his election return, make a report to the Chief Electoral Officer with respect to the need for the appointments.

1971, c.10, s.153; R.S.S. 1978, c.E-6, s.156.

Arrest, etc., on verbal order of certain officials

157 A returning officer or deputy returning officer may arrest or by verbal order cause to be arrested and placed in the custody of a constable or other person any person disturbing the peace and good order at:

- (a) a nomination and may cause the person to be imprisoned under an order signed by him until a time not later than the close of the nomination; or

(b) a polling place and may cause the person to be imprisoned under an order signed by him until a time not later than the close of the polling place.

1971, c.10, s.154; R.S.S. 1978, c.E-6, s.157.

SECURITY OF PROCEEDINGS

Maintaining secrecy

158 Every person in attendance at a polling place or at the counting of votes shall maintain and aid in maintaining the secrecy of the voting.

1971, c.10, s.155; R.S.S. 1978, c.E-6, s.158.

Interference with voters

159(1) No person shall interfere or attempt to interfere with a voter when the voter is marking his ballot paper or 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.

1971, c.10, s.156; R.S.S. 1978, c.E-6, s.159.

Inducing voter to show marked ballot paper

160 No person shall directly or indirectly induce or attempt to induce a voter to show his ballot paper after he has marked it so as to make known the name of the candidate for whom he has voted.

1971, c.10, s.157; R.S.S. 1978, c.E-6, s.160.

Voter not to show marked ballot paper

161 Subject to section 81, a voter shall not show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he voted to be known.

R.S.S. 1978, c.E-6, s.161.

Where officials aware of contravention of secrecy

162(1) Where a returning officer, election clerk, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been contravened, he shall communicate the particulars forthwith to the Attorney General.

(2) The Attorney General shall, on receiving such information from the officer or from any other person, forthwith inquire into the case, and if proper, prosecute the offender.

1971, c.10, s.159; R.S.S. 1978, c.E-6, s.162.

No one compellable to disclose his vote

163 A person who has voted shall not, in any legal proceeding questioning the election or return, be compelled to state for whom he voted.

1971, c.10, s.160; R.S.S. 1978, c.E-6, s.163.

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS
OFFENCES AND PENALTIES

Bribery

164 Every person who:

- (a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend or offers or promises any money or other valuable consideration or promises to procure or to endeavour to procure 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 in order to induce a voter to vote or refrain from voting, or corruptly does any such act on account of a voter having voted or refrained from voting at an election;
- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures or agrees to give or procure or offers or promises any office, place or employment or promises to procure or endeavour to procure any office, place or employment to or for a voter or to or for any other person in order to induce a voter to vote or refrain from voting, or corruptly does any such act on account of a voter having voted or refrained from voting at an election;
- (c) directly or indirectly, himself or by any other person on his behalf, makes a gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce the person to procure or endeavour to procure the return of any person to serve in the Assembly or the vote of a voter at an election;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavours to procure the return of any person to serve in the Assembly or the vote of a voter at an election;
- (e) advances or pays or causes to be advanced or paid money to or for the use of any other person with the intention that the money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election;
- (f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for his having voted or for illegally agreeing or having agreed to vote for a candidate at an election or on account of and as payment for his having illegally assisted or agreed to assist a candidate at an election, applies to that candidate or to his representative for the gift or loan of any money or valuable consideration or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment;
- (g) before or during an election directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or other valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to refrain from voting at an election;
- (h) after an election directly or indirectly, himself or by any other person to vote or refrain from voting at an election; or

(i) in order to induce a person to allow himself to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate, gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or endeavours to procure any office, place or employment for that person or for any other person;

is guilty of bribery and liable to a fine of \$200 and to imprisonment for a term of not less than one month or more than six months.

1971, c.10, s.161; R.S.S. 1978, c.E-6, s.164.

Distribution of political literature deemed lawful

165 The distribution by a candidate, his business manager or any representative of the candidate of political pamphlets or other political literature, or the sending or causing to be sent to voters by a candidate, his business manager or any representative of the candidate of newspapers containing political articles, reports of political meetings or other matters of public interest shall not be deemed corrupt or illegal acts or a contravention of this Act.

1971, c.10, s.163; R.S.S. 1978, c.E-6, s.165.

Use of public address system, etc., prohibited on polling day

166(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) No person shall on polling day:

- (a) while in a polling place display on his person; or
- (b) post or display in or within fifty feet of a polling place or in or on a hall, window or door of a polling place or of the building in which a polling place is situated;

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.

(3) No person shall on polling day, prior to the close of the polling places for voting, participate in any parade or demonstration or in view of the public arrange, organize, promote or prepare for a parade or demonstration.

(4) The deputy returning officer may exclude from the polling place any person who contravenes any of the provisions of this section and may cause to be removed any material used in contravention of any of the provisions of this section.

1971, c.10, s.164; R.S.S. 1978, c.E-6, s.166.

Furnishing meat, etc. prohibited

167(1) No candidate or business manager of a candidate shall provide or furnish meat, drink or other refreshment at a meeting of voters assembled for the purpose of promoting the election of a candidate.

(2) Every person who contravenes subsection (1) is guilty of a corrupt practice and liable to a fine not exceeding \$200.

R.S.S. 1978, c.E-6, s.167.

Certain contributions prohibited

168(1) No candidate at an election, and no person who has been nominated or selected as a candidate for election by any political party or group of individuals at a convention, or by petition, request or otherwise, shall, at any time between the day on which the writ is issued and polling day, make or promise to make directly or indirectly a subscription or donation of any kind whatsoever for any religious, charitable or philanthropic purpose or to any society or association except for patriotic purposes, and no person shall solicit any such subscription or donation from any such candidate or person during the period herein mentioned.

(2) A contravention of subsection (1) is a corrupt practice within the meaning of this Act and of *The Controverted Elections Act*.

1971, c.10, s.166; R.S.S. 1978, c.E-6, s.168.

Treating

169(1) Every candidate who corruptly, himself or by or with any person, or by any other way or means on his behalf, at any time, either before or during an election, directly or indirectly gives or provides or causes to be given or provided, or is accessory to the giving or providing, or, pays wholly or in part any expenses incurred for meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected or for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at an election, is guilty of a corrupt practice and liable to a fine not exceeding \$200 in addition to any other penalty to which he may be liable therefor.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally by a candidate or by his business manager or representative, or the taking part therein by any of them or giving the same wholly or partly at the expense of a candidate, his business manager or representative, is *prima facie* evidence of a corrupt practice within the meaning of this section.

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating.

(4) Subsection (1) does not apply to a candidate who supplies reasonable and proper food and refreshment to a person who is providing a service to the candidate.

1971, c.10, s.167; R.S.S. 1978, c.E-6, s.169.

Wagering or betting

170(1) A candidate who before or during the election makes a bet or wager or takes a share or interest in or in any manner becomes a party to a bet or wager upon the result of the election in the constituency or in any part thereof, or on any event or contingency relating to the election, is guilty of a corrupt practice.

(2) A candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the constituency or in any part thereof, or on any event or contingency relating to the election, is guilty of a corrupt practice.

(3) A person who, for the purpose of influencing an election, makes a bet or wager on the result thereof in the constituency or in any part thereof, or on any event or contingency relating thereto, is guilty of a corrupt practice.

1967, c.10, s.168; R.S.S. 1978, c.E-6, s.170.

Conveying voters to polling place

171(1) A candidate who himself, or by any person on his behalf, and every other person who:

- (a) hires or pays or promises to pay for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or
- (b) pays the travelling or other expenses of a voter in going to or returning from a polling place;

and every person who for a valuable consideration provides or furnishes a conveyance, knowing that it is to be used to carry a voter other than the hirer to or near or from or on the way to or from a polling place, is guilty of a corrupt practice and liable to a fine of \$100 and, if a voter, is disqualified from voting at the election.

(2) Every person who provides or furnishes transportation on a railway, bus, aircraft or other public conveyance free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place, whether passes or tickets or the like are or are not supplied, is guilty of a corrupt practice and liable to a fine of \$100 and, if a voter, is disqualified from the voting at the election.

(3) For the purpose of this section “conveyance” includes a horse, team, carriage, cab, vehicle, aircraft, boat or vessel.

(4) Subsections (1) and (2) do not apply to the conveying of electors 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 conveyance or any person in connection with such conveyancing other than the furnishing of meals to the drivers of the conveyance and the actual cost of fuel used in the conveyance.

1971, c.10, s.169; R.S.S. 1978, c.E-6, s.171.

Providing refreshments on polling day

172 A person who, on polling day, gives meat, drink, refreshment or provision or any money, ticket or order to enable him to procure the same for a person who has voted or for a person who is about to vote is guilty of a corrupt practice and liable to a fine of \$25.

1971, c.10, s.170; R.S.S. 1978, c.E-6, s.172.

Undue influence

173(1) A person who, directly or indirectly, himself or by any person on his behalf:

- (a) uses or threatens to use force, violence or restraint or inflicts or threatens to inflict injury, damage, harm or loss or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote or refrain from voting or on account of his having voted or refrained from voting; or
- (b) by abduction, duress or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter or thereby compels, induces or prevails upon a voter to vote or refrain from voting;

is guilty of a corrupt practice and liable to a fine of \$200 or to imprisonment for a term not exceeding one year.

c. E-6**ELECTIONS**

(2) It is a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used or the mode of voting at an election is not secret.

1971, c.10, s.171; R.S.S. 1978, c.E-6, s.173.

Personation

174(1) A person who:

- (a) at an election applies for a ballot paper in the name of another person whether living or dead, or of a fictitious person;
- (b) having voted, applies at the same election for a ballot paper in his own name; or
- (c) votes more than once at the same election;

is guilty of the offence of personation.

(2) A person who commits, or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation, is guilty of a corrupt practice and liable to a fine of \$400 and to imprisonment for one year.

1971, c.10, s.172; R.S.S. 1978, c.E-6, s.174.

Procuring appointments by fraud

175 A person who:

- (a) procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means; or
- (b) acts as deputy returning officer without lawful authority;

is guilty of a corrupt practice and liable to a fine of \$400 and to imprisonment for one year.

1971, c.10, s.173; R.S.S. 1978, c.E-6, s.175.

Appointing persons as election officers who have been guilty of corrupt practices

176 A person who knowingly appoints as election clerk, deputy returning officer or poll clerk a person who has at any time found guilty by a competent tribunal of a corrupt practice is guilty of a corrupt practice and liable to a fine of \$400.

1971, c.10, s.174; R.S.S. 1978, c.E-6, s.176.

Voting when not entitled

177 A person who votes knowing that he has no right to vote, or who induces or procures any other person to vote knowing that such person has no right to vote, is guilty of a corrupt practice and liable to a fine of not less than \$50 or more than \$200.

1971, c.10, s.175; R.S.S. 1978, c.E-6, s.177.

False declaration

178 A person who makes a declaration knowing that any statement therein is false is guilty of a corrupt practice and liable to a fine of not less than \$50 or more than \$500.

1971, c.10, s.176; R.S.S. 1978, c.E-6, s.178.

False statement of withdrawal of candidate

179 A person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at the election for the purpose of promoting or securing the election of another candidate is guilty of a corrupt practice and liable to a fine of not less than \$200 or more than \$1,000, but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by that candidate, his business manager or any representative of the candidate.

1971, c.10, s.177; R.S.S. 1978, c.E-6, s.179.

False statements respecting candidate's conduct prohibited

180 No person shall, either before or during an election, 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.

1971, c.10, s.178; R.S.S. 1978, c.E-6, s.180.

Consequence of corrupt practice by candidate, etc., election void

181 Where an election court determines and reports that a corrupt practice has been committed by a candidate, his business manager or any representative of the candidate, whether with or without the actual knowledge and consent of the candidate, the election of the candidate, except in the case mentioned in section 182, is void.

1971, c.10, s.179; R.S.S. 1978, c.E-6, s.181.

When election not void for corrupt practice

182 Where an election court determines that a business manager or a representative of a candidate was guilty of a corrupt practice that would otherwise render the election void, and further finds that:

- (a) no corrupt practice was committed at the election by the candidate personally and that the corrupt practice of the business manager or 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) in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of the candidate and of his business manager or representative;

the election of the candidate shall not by reason of the corrupt practice be void.

1971, c.10, s.180; R.S.S. 1978, c.E-6, s.182.

Candidates guilty of corrupt practice incapable for eight years of being elected, etc.

183(1) Subject to subsection (2), where an election court determines and reports that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate, his election, if he has been elected, is void and he shall, during the eight years next after the date of his being so found guilty, be incapable of being elected to and sitting in the Assembly or in any municipal council, or of being entered on any voters' list or of being registered as a voter, or of voting at an election, or of holding any office at the nomination of the Crown or any municipal office.

(2) Where the election court finds that a corrupt practice was committed by a candidate or with his actual knowledge and consent, but without any corrupt intent and in ignorance that was involuntary and excusable, and that the candidate honestly desired and in good faith endeavoured as far as he could to have the election conducted according to law, the candidate is not subject to the penalties and disabilities that he would otherwise incur under subsection (1).

1971, c.10, s.181; R.S.S. 1978, c.E-6, s.183.

Disqualification of persons other than candidates

184(1) Every person other than a candidate who is found guilty of a corrupt practice in a proceeding in which after notice of the charge he has had an opportunity of being heard, or who upon his own evidence given at the trial of a petition has been found guilty of a corrupt practice and has been reported therefor, unless the finding and report have been reversed or set aside on appeal under *The Controverted Elections Act* shall during the eight years next after the date of his being found guilty be subject to the penalties and disabilities mentioned in section 183.

(2) No person is subject to the penalties and disabilities referred to in subsection (1) by reason of:

- (a) a mere technical breach of law; or
- (b) an act not being an intentional violation of law.

1971, c.10, s.182; R.S.S. 1978, c.E-6, s.184.

Where second election held as result of protest

185(1) Where an election is set aside and a second election held, the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than personal acts of the candidate or of his business manager or representative done with his actual knowledge and consent.

(2) The new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same that were not set up and proved at the trial of the petition and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 183.

1971, c.10, s.183; R.S.S. 1978, c.E-6, s.185.

Election of candidate void for employing agent previously found guilty of corrupt practice

186 Where it is proved on the trial of an election petition that a candidate personally engaged a canvasser or representative knowing that within eight years previous to the engagement the canvasser or representative had been found guilty by a competent tribunal of or reported by an election court for, a corrupt practice, the election of the candidate is void.

1971, c.10, s.184; R.S.S. 1978, c.E-6, s.186.

Removal of disqualification on proof that it was procured by perjury

187 Where at any time after a person has become disqualified, the witnesses on whose testimony he has become disqualified or any of them are convicted of perjury in respect of that testimony, the Court of Appeal, upon the motion of the person disqualified and upon being satisfied that the disqualification was procured by reason of perjury, may order that the disqualification shall cease.

1971, c.10, s.185; R.S.S. 1978, c.E-6, s.187.

Executory contracts arising out of elections void

188 Every executory contract, promise or undertaking in any way referring to, arising out of or dependent upon an election, even for the payment of lawful expenses or the doing of a lawful act, is void.

1971, c.10, s.186; R.S.S. 1978, c.E-6, s.188.

No penalty where party charged has prosecuted a party jointly liable

189 No pecuniary penalty or forfeiture is recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted the other person or persons or any of them for the corrupt practice; but this section does not apply if the court or judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender.

1971, c.10, s.187; R.S.S. 1978, c.E-6, s.189.

Returning officers, etc., wilfully falsifying or altering list of voters

190 A returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters, polling list or poll book who wilfully makes an alteration or insertion in or omission from or in any way wilfully falsifies the certified list, polling list or poll book, is guilty of a corrupt practice and liable to a fine of \$2,000 and to imprisonment for a period not exceeding one year.

1971, c.10, s.188; R.S.S. 1978, c.E-6, s.190.

Offences respecting ballot papers

191 Every person who:

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon;
- (b) fraudulently and without authority supplies a ballot paper to any person;
- (c) fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein;
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer;
- (e) fraudulently takes a ballot paper out of the polling place;

- (f) fraudulently and without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election;
- (g) fraudulently uses the authorized stereotype or printer's blocks for any purpose other than the printing of ballot papers or fraudulently has in his possession any such stereotype or printer's block or a counterfeit or imitation thereof;
- (h) being a deputy returning officer fraudulently puts his initials on the back of a paper purporting to be or capable of being used as a ballot paper at an election;
- (i) with fraudulent intent prints a ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- (j) prints ballot papers that he is not authorized to print; or
- (k) attempts to commit any of the acts mentioned in this section;

is guilty of an offence and is disqualified from voting at any election for a term of eight years thereafter and is liable, in the case of a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment without the alternative of a fine for a term of not less than six months or more than two years, and in the case of any other person to imprisonment for a term of not less than three months or more than one year.

1971, c.10, s.189; R.S.S. 1978, c.E-6, s.191.

Unlawfully destroying documents

192(1) A person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a writ of election or a return to a writ of election or a poll book, voters' list, polling list, certificate or affidavit prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, is guilty of a corrupt practice and liable to a fine of \$2,000 and to imprisonment for one year.

(2) A person who aids, abets, counsels or procures the commission of a contravention of subsection (1) is guilty of a corrupt practice and liable to a fine of \$2,000 and to imprisonment for one year.

1971, c.10, s.190; R.S.S. 1978, c.E-6, s.192.

Unlawfully dealing with notices

193(1) A person who unlawfully takes down, covers up, mutilates, defaces or alters a proclamation, notice or other document required to be posted under this Act, is guilty of an offence and, subject to subsection (2), liable to a fine of not less than \$25 or more than \$100 and in default of payment to imprisonment for a term of not less than one month or more than six months.

(2) Where the person contravening subsection (1) is a returning officer, election clerk, enumerator, deputy returning officer, poll clerk or other officer engaged under this Act, he is liable to a fine of not less than \$100 or more than \$500 and in default of payment to imprisonment for a term of not less than three months or more than one year.

ELECTIONS

c. E-6

(3) A copy of subsections (1) and (2) shall be printed in large type upon every such proclamation, notice, list of voters or other document, or printed as a separate notice, and posted close to the proclamation, notice or other document where it can be easily read.

1971. c.10, s.191; R.S.S. 1978, c.E-6, s.193.

Officer neglecting duties

194(1) A deputy returning officer who omits to put his initials on the back of a ballot paper in use for the purposes of an election or who puts on a ballot paper any word, letter, figure or mark not required by this Act is guilty of an offence and liable to a fine of \$20 in respect of every such ballot paper.

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by or under this Act is, for each refusal or neglect for which no other penalty is imposed by this Act, guilty of an offence and liable to a fine not exceeding \$200.

1971, c.10, s.192; R.S.S. 1978, c.E-6, s.194.

Office neglecting duties

195 A deputy returning officer or poll clerk who willfully miscounts the ballots or otherwise makes up a false ballot paper account and poll statement is guilty of a corrupt practice and liable to a fine of \$200 and to imprisonment for one month.

1971, c.10., s.193; R.S.S. 1978, c.E-6, s.195.

Printed documents to bear name of printer and person who authorized its production, publication and distribution

196 No person shall:

- (a) print or produce by any other process;
- (b) publish;
- (c) distribute by mail or otherwise;
- (d) post up;
- (e) cause to be printed or produced by any process or published, distributed or posted up;

any advertisement, hand bill, placard, poster, dodger, circular or circular letter that has reference to any election unless there appears on the face thereof:

- (f) the name and address of the person who printed or produced it by any other process;
- (g) the name and address of the person who authorized it to be produced, published or distributed.

1971, c.10, s.194; 1973-74, c.36, s.13; R.S.S. 1978, c.E-6, s.196.

General penalty

197 A person who contravenes any provision of this act for which no other penalty is imposed is liable to a fine of not less than \$25 or more than \$1,000 and in default of payment to imprisonment for a term of not less than seven days or more than one year.

1971,c.10, s.195; R.S.S. 1978, c.E-6, s.197.

PROSECUTIONS

Proceedings where contravention

198(1) Proceedings for the imposition of punishment by fine, penalty or imprisonment for a contravention of any provision of this Act shall be brought summarily before a judge of the district court designated to act at the judicial centre nearest to the place at which the contravention occurred, sitting and acting pursuant to the provisions of the *Criminal Code* relating to summary convictions.

(2) A person who is convicted for a contravention of this Act may appeal to the Court of Appeal:

- (a) against the conviction:
 - (i) on any ground of appeal that involves a question of law alone;
 - (ii) on any ground of appeal that involves a question of fact alone or a question of mixed law and fact, with leave of the Court of Appeal or upon the certificate of the trial judge that the case is a proper one for appeal; or
 - (iii) on any ground of appeal, not mentioned in subclauses (i) and (ii), with leave of the Court of Appeal; or
- (b) against the fine, penalty or imprisonment imposed by the trial judge with leave of the Court of Appeal or a judge thereof, unless the fine, penalty or imprisonment is one fixed by law.

(3) The Attorney General or counsel instructed by him for the purpose may, in respect of a proceeding referred to in subsection (1), appeal to the Court of Appeal:

- (a) against a judgment or verdict of acquittal of the trial judge on any ground of appeal that involves a question of law alone; or
- (b) against the fine, penalty or imprisonment imposed by the trial judge, with leave of the Court of Appeal or a judge thereof, unless the fine, penalty or imprisonment is one fixed by law.

(4) For the purposes of an appeal under this section, the practice and procedure shall be, as nearly as may be, the same as are set out in Part XVIII of the *Criminal Code*, subject to any general rules or orders from time to time made by the Court of Appeal.

1971, c.10, s.196; R.S.S. 1978, c.E-6, s.198.

Writ need not be produced at trial

199 In any proceeding referred to in subsection (1) of section 198 it is not necessary at the hearing to produce the writ of election or the return thereto or the authority of the returning officer founded upon the writ of election, but general evidence is sufficient.

1971, c.10, s.197; R.S.S. 1978, c.E-6, s.199.

Proof of election

200 A certificate of the returning officer to the effect that an election was held and that a person named in the certificate was a candidate at that election is sufficient proof of those facts; and those facts may also be proved by parol evidence.

1971, c.10, s.198; R.S.S. 1978, c.E-6, s.200.

ELECTIONS

c. E-6

Fines paid to consolidated fund

201 A pecuniary penalty, fine or sum of money that a convicted person has been ordered to pay shall belong to the consolidated fund.

1971, c.10, s.199; R.S.S. 1978, c.E-6, s.201.

Limitation of actions

202 No proceedings referred to in subsection (1) of section 198 shall be commenced after the expiration of six months from the date of the commission of the alleged contravention.

1971, c.10, s.20; R.S.S. 1978, c.E-6, s.202.

ELECTION EXPENSES

Interpretation “election expenses”

203(1) Subject to subsection (2), in sections 204 to 228 the expression “**election expenses**” means:

- (a) subject to clause (b), all expenditures or liabilities made or incurred for the purpose of promoting or opposing directly or indirectly a particular recognized political party or the election of a particular candidate or person likely to become a candidate;
- (b) all expenditures or liabilities made or incurred prior to an election for literature, posters, signs, audio or visual materials such as films, recordings, records or video tapes or other materials or devices of an advertising nature used after this clause comes into force;
- (c) the salary or other remuneration paid or agreed to be paid to a candidate, on account of his being a candidate, by his business manager or a recognized political party.

(2) The following shall be deemed not to be election expenses:

- (a) the cost for publishing in a newspaper or other periodical of editorials, news, reports or letters to the editor of the newspaper or periodical where:
 - (i) the publications are published in the same manner and under the same rules as pertain to publications outside the election period without payment or reward or promise of payment or reward;
 - (ii) the newspaper or other periodical is not established for the purpose of the election or with a view to the election; and
 - (iii) the circulation and frequency of the publication thereof do not differ from that which obtains with respect thereto outside the election period;
- (b) the cost for the transmission by a radio or television station of a broadcast of news or comment where the broadcast is made in the same manner and under the same regulations as pertain to broadcasts outside the election period without payment or reward or promise of payment or reward;
- (c) the reasonable costs of campaigns and conventions carried on or held in relation to the leadership of any political party or for the selection of a candidate at the election;

- (d) the reasonable expenses incurred by a candidate, or any other person, out of his own money for lodging and food during a journey for election purposes where the candidate or person has not received, or is not entitled to, reimbursement for the expenses;
- (e) the transportation costs incurred by any person, including the transportation costs of a candidate who incurred the costs on account of or in respect of the election of some other candidate, where the person or candidate has not received, or is not entitled to, reimbursement for the costs;
- (f) the transportation costs of a candidate, not exceeding \$500, incurred on account of or in respect of the election of the candidate where the candidate has not received, or is not entitled to, reimbursement for the costs.
- (g) the sum deposited with the nomination paper;
- (h) the reasonable expenses usually incurred for the current operation of the permanent office of a recognized political party;
- (i) the amount of money paid or agreed to be paid by a candidate or his business manager, or by a constituency organization, to a recognized political party shall not be election expenses of the candidate or his business manager but shall be a contribution by the candidate, his business manager or a constituency organization to the recognized political party.

1973-74, c.36, s.14; 1974-75, c.13, s.13; R.S.S.
1978, c.E-6, s.203.

Payments to be made by or through business manager, etc.

204(1) Subject to this section:

- (a) no payment and no advance or deposit shall be made before, during or after an election by a candidate or by any person on his behalf in respect of election expenses incurred on account of or in respect of the conduct or management of the election otherwise than by or through the business manager of the candidate;
 - (b) all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as a contribution, gift, loan, deposit or otherwise, shall be paid to the business manager and not otherwise.
- (2) A candidate who has not appointed a business manager under section 36 may make payment prior to the appointment of his business manager in respect of any election expense incurred by the candidate.
- (3) A candidate who has made a payment in respect of an election expense as authorized by subsection (2) shall, upon appointing a business manager under section 36, turn over to the business manager the receipts and accounts acquired by the candidate in respect of the expense and payment.
- (4) Clause (a) of subsection (1) shall be deemed not to apply to any payment:
- (a) by a candidate out of his own money for his personal expenses to an aggregate amount not exceeding \$500;
 - (b) by any other person out of his own money for any expense legally incurred by him not exceeding \$50 if no part of the sum so paid is repaid or repayable to him.

- (5) Every person who makes any payment, advance, deposit, loan or gift in contravention of subsection (1), or pays in contravention of that subsection any money provided, is guilty of an offence against this Act.
- (6) A contract whereby any election expenses are incurred on account of or in respect of the conduct or management of an election is not enforceable against a candidate unless made by the candidate himself or by his business manager, but inability to enforce the contract against the candidate does not relieve him from the consequences of any contract or offence having been committed by his business manager.
- (7) Every payment made by or through a business manager in respect of any election expenses incurred on account of or in respect of the conduct or management of an election shall be vouched for by a bill stating the particulars and by a receipt.
- (8) Every person who has a bill, charge or claim against any candidate for or in relation to any election shall, within forty-five days after the day on which the candidate returned has been declared elected, send in the bill, charge or claim to the business manager of the candidate and, if the person does not do so, he shall be barred of the right to recover the bill, charge or claim or any part thereof.
- (9) In the case of death within the period of forty-five days mentioned in subsection (8) of a person having a bill, charge or claim, his legal representative shall send to the business manager of the candidate within forty-five days after probate or administration has been obtained otherwise the right to recover the bill, charge or claim is barred.
- (10) In the case of the death or incapacity to act of the business manager, bills, charges or claims may be sent or delivered to the candidate unless he has appointed another business manager in which case they shall be sent or delivered to the newly appointed business manager.
- (11) A business manager who pays a bill, charge or claim in contravention of this section is guilty of an offence against this Act.
- (12) All election expenses incurred by or on behalf of a candidate on account of or in respect of the conduct or management of an election shall be paid within sixty-five days after the day on which the candidate returned was declared elected, and, except as provided under or pursuant to this Act, a business manager who makes payment in contravention of this subsection is guilty of an offence against this Act.
- (13) Where a business manager, in the case of any bill, charge or claim sent in to him within the time limited by this Act, disputes it or refuses or fails to pay it within the period of sixty-five days after the day on which the candidate returned was declared elected, the bill, charge or claim shall be deemed to be a disputed claim and the claimant may, if he thinks fit, bring an action to recover the amount of the bill, charge or claim in any court of competent jurisdiction.
- (14) Notwithstanding anything in this section, where reasonable cause is shown at any time to the satisfaction of a judge competent to recount the votes given at an election that:
- (a) a person who has a bill, charge or claim against a candidate or his business manager for any election expense:
 - (i) has sent the bill, charge or claim to the candidate or his business manager after the time limited by this Act for sending in bills, charges or claims;
 - (ii) is disputed by the candidate or the business manager;

(b) a candidate or his business manager has not paid all bills, charges and claims for election expenses incurred in respect of the candidate during the election within the time provided in subsection (12);

the judge may:

(c) in the case of a bill, charge or claim mentioned in clause (a) upon the application of the person, candidate or business manager, by order grant leave to the business manager to pay the bill, claim or charge;

(d) in the case of a bill, charge or claim mentioned in clause (b), upon the application of the business manager, by order extend the time for payment of the bill, claim or charge for a period to be fixed by the order.

(15) Any sum paid by a candidate or his business manager pursuant to a judgment or order of the court made in respect of an action authorized under subsection (13) shall be deemed to be paid within the time limited by this Act and to be an exception to the provisions, of this Act that require bills, charges and claims against a candidate to be paid by his business manager.

(16) Every candidate shall send to his business manager, within the time limited by this Act for sending in bills, charges and claims, a written statement of the amount of personal expenses paid by the candidate.

(17) In this section “personal expenses” includes the following expenses:

(a) reasonable and *bona fide* rent or hire of halls or other places used by the candidate personally in which to address public meetings of voters and the expenses incurred in heating, lighting and cleaning the halls or other places;

(b) reasonable, ordinary and necessary travelling and living expenses of the candidate;

(c) reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;

(d) reasonable and ordinary charges for hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the constituency and reasonable and ordinary charges for the services and maintenance of a driver;

(e) reasonable and necessary travelling and living expenses of a speaker for each public meeting to be addressed by the candidate and the speaker or by the speaker alone or along with another speaker or other speakers in promoting the interests of the candidate.

(18) The onus of showing that personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation is upon the candidate.

Limitation respecting incurring of expenses

205(1) Every candidate who incurs election expenses on account of or in respect of the conduct or management of the election that exceeds in the aggregate the amount determined under this section in respect of the constituency in which he is a candidate is guilty of an offence against this Act.

(2) A candidate incurs election expenses within the meaning of subsection (1) where the candidate personally incurs the expenses or where the expenses are incurred by a person, other than the candidate, who is authorized or directed by the candidate or the business manager of the candidate to incur the expenses.

(3) The amount determined under this section is:

(a) in respect of a constituency lying south of the dividing line described in section 14 of *The Constituency Boundaries Commission Act*, the sum of \$10,000 or the sum obtained when \$1 is multiplied by the number of names of voters on the voters' list of the constituency, whichever sum is larger;

(b) in respect of a constituency lying north of the dividing line described in section 14 of *The Constituency Boundaries Commission Act*, the sum of \$15,000 or the sum obtained when \$2 is multiplied by the number of names of voters on the voters' list of the constituency, whichever sum is larger.

(4) The number of names of voters on the voters' lists of a constituency shall be determined by the returning officer of the constituency summing up the number of the names of voters entered on the official voters' lists for the constituency which has been certified under section 25.

(5) When the returning officer of a constituency has summed up the number of names of voters on the official voters' lists under subsection (4) the returning officer shall issue a certificate in form 39 setting out the result of the count and shall forward a copy of the certificate to the Chief Electoral Officer and to each person who was a candidate in the constituency.

1973-74, c.36, s.14; 1974-75, c.13, s.15; R.S.S.
1978, c.E-6, s.205.

Report of election expenses

206(1) Within three months after the candidate returned has been declared elected, the business manager of every candidate shall transmit to the returning officer a true return substantially in form 34 in duplicate containing detailed statements in respect of that candidate of:

(a) all payments made by the business manager together with all bills and receipts respecting election expenses;

(b) the disputed claims so far as the business manager is aware;

(c) the amount of personal expenses, if any, paid by the candidate with full particulars and bills and receipts therefor;

(d) the unpaid claims, if any, in respect of which application has been made or is about to be made pursuant to subsection (14) of section 204 so far as the business manager is aware;

(e) subject to subsections (2) and (3), all money, securities and equivalent of money received by or promised to the business manager by the candidate or any other person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, naming every person from whom such money or pecuniary benefit may have been received or by whom such promise was made, showing, in respect of each sum, whether it was received or merely promised whether in money or otherwise and whether it was received or promised as a loan, contribution, advance, deposit or otherwise; and

(f) the total of the proceeds from:

(i) the sales of tickets to each dinner, rally, public meeting and other fund raising function;

(ii) collections made at such or other events;

(iii) sales of campaign pins, buttons, flags, emblems, hats, banners, literature and other materials.

(2) Sales of individual membership cards of a political party not exceeding \$5 per card restricted to one card to one person, or such membership cards for families not exceeding \$15 per family restricted to one card per family, and contributions by persons not exceeding \$100 per person restricted to one contribution per person may be disclosed by stating:

(a) the total number of cards sold and the total amount received therefor; and

(b) the total number of contributors and the total amount received from all contributors;

without disclosing the names of the members or contributors except in respect of any member or contributor who has purchased a membership card from, or made a contribution to, a recognized political party concerning which purchase or contribution the chief official agent is not required to disclose, pursuant to subsection (10) of section 222, the name of the member or contributor; and the onus of showing that any sale or contribution may be disclosed under this subsection without disclosing the name of the member or contributor is on the business manager.

(3) Where a person makes or promises to make a contribution of money, securities or the equivalent of money to the business manager of a candidate who is party to an agreement or arrangement pursuant to section 208 on account of or in respect of the conduct or management of the election of any one or more of the candidates who are parties to such an agreement or arrangement, the business manager shall include a statement of that fact in the return in respect of the candidate and shall indicate, subject to subsection (2), the name of the contributor or promisor, 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.

(4) Subject to subsection (5), each return transmitted pursuant to subsection (1) shall include all bills and vouchers relative thereto and be accompanied by a declaration in form 36 in duplicate, made by the business manager before a person authorized to administer oaths in Saskatchewan and by a declaration in form 37 in duplicate made by the candidate before a person authorized to administer oaths in Saskatchewan.

- (5) Where the return required by subsection (1) relates to a candidate who is a party to an agreement or arrangement under section 208 and is to include particulars with respect to election expenses deemed under section 211 to have been incurred by the candidate, the business manager of the candidate shall enclose with the return copies of the notice and receipt forwarded to him as required by section 210, and the notice and receipt shall constitute the bills and vouchers required by subsection (4) to be included with the return with respect to those expenses.
- (6) A returning officer, within thirty days after he receives from a business manager any return or supplementary return signed by the business manager of the candidate respecting election expenses, shall publish a summary thereof, in the form prescribed by the Chief Electoral Officer, in one newspaper published or circulated in the constituency in which the election was held.
- (7) A returning officer:
- (a) shall forthwith after the receipt of a return and declaration by him pursuant to this section send a copy thereof to the Chief Electoral Officer;
 - (b) shall preserve all returns and documents made pursuant to this section with the bills and vouchers relating thereto;
 - (c) shall, at all reasonable times during six months next after they have been delivered to him, permit any elector to inspect them and to make extracts therefrom.
- (8) A returning officer may, after the expiration of the six months' period mentioned in clause (c) of subsection (7), destroy the returns, documents and other material delivered to him in respect of a candidate unless in the meantime any of them are required in a prosecution instituted for an offence against this Act or for a proceeding under *The Controverted Elections Act* or, where the candidate or his business manager so requests in writing, return them to the person making the request.
- (9) Where, without an excuse authorized by this Act, a candidate or a business manager fails to comply with this section he is guilty of an offence against this Act.
- (10) A candidate or business manager who knowingly makes a false declaration respecting election expenses is guilty of a corrupt practice and of an offence against this Act.
- (11) Where, after the date on which a return respecting election expenses is transmitted by a business manager, a payment is made pursuant to an order of a judge under subsection (14) of section 204, the business manager shall, within ten days after the payment, transmit to the returning officer a return of the sums paid pursuant to such order accompanied by a copy of the order of the judge and, in default, he shall be deemed to have failed to comply with the requirements of this section.
- (12) The Chief Electoral Officer shall without undue delay publish the summary of each candidate's election receipts and expenses in the *Gazette*.

REIMBURSEMENT IN RESPECT OF CANDIDATES' ELECTION EXPENSES

Amount of election expenses incurred to be shown in certificate, etc.

207(1) The Chief Electoral Officer, forthwith after receiving under subsection (1) of section 206 a copy of a return respecting election expenses incurred in respect of a candidate who obtained not less than fifteen per cent of the valid votes cast in the constituency in which he was a candidate, shall:

(a) prepare and file in the office of the Chief Electoral Officer a certificate showing that the candidate and his business manager have complied with section 206 and setting out:

(i) the maximum amount of election expenses that may be lawfully incurred by the candidate or his business manager pursuant to section 205;

(ii) the total of all election expenses disclosed in the return;

(iii) the maximum amount of election expenses in respect of which the candidate is entitled to receive reimbursement under this Act;

(iv) the amount to be so reimbursed in respect of a constituency lying south of the dividing line described in section 14 of *The Constituency Boundaries Commission Act*, being:

(A) the amount obtained by multiplying the number of names of voters on the official voters' lists for the candidate's constituency as certified by the returning officer pursuant to section 25 by fifteen cents;

(B) an amount equal to fifty per cent of the amount of election expenses of the candidate, other than election expenses of the candidate which are disputed or payment of which is refused, specified in subclause (iii);

whichever is less;

(v) the amount to be so reimbursed in respect of a constituency lying north of the dividing line described in section 14 of *The Constituency Boundaries Commission Act*, being an amount equal to fifty per cent of the election expenses of the candidate, other than election expenses of the candidate which are disputed or payment of which is refused, specified in subclause (iii);

(b) pay to the business manager of the candidate to whom the certificate relates, or to such other person as the business manager may, by notice in writing sent to the Chief Electoral Officer, designate, the amount to which the candidate is entitled under subclause (iv) or (v) of clause (a).

(2) The Chief Electoral Officer shall include the amounts paid under subsection (1) in his election expense account.

(3) The Chief Electoral Officer shall prepare and transmit to the President of the Executive Council a statement setting out the name of each candidate in respect of whom a payment was made under clause (b) of subsection (1) and the amount so paid in respect of each candidate.

(4) Notwithstanding *The Tabling of Documents Act*, each statement received under subsection (3) by the President of the Executive Council shall be laid by him before the Legislative Assembly forthwith if the Assembly is then in session and if not then in session within ten days of the commencement of its next ensuing session.

1973-74, c.36, s.14; 1974-75, c.13, s.17; R.S.S.
1978, c.E-6, s.207.

Candidates may jointly incur and pay election expenses

208 Two or more candidates, not exceeding ten in number, may enter into an agreement or arrangement in writing for the purpose of jointly incurring election expenses on account of or in respect of the conduct or management of the election of the candidates and for making payment by them of the expenses in such portions as they specify in the agreement or arrangement.

1974-75, c.13, s.18; R.S.S. 1978, c.E-6, s.208.

Exception to manner of paying election expenses

209 Notwithstanding subsection (1) of section 204, where election expenses are incurred jointly by candidates pursuant to an agreement or arrangement under section 208, the expenses may be paid in the manner provided in section 204 by the business manager of any of the candidates in respect of whom the expenses were incurred.

1974-75, c.13, s.18; R.S.S. 1978, c.E-6, s.209.

Business managers to be notified of payment

210 Where election expenses incurred by any candidates pursuant to an agreement or arrangement under section 208 are paid by the business manager of one of the candidates, the business manager who made the payment shall in writing notify the business managers of the other candidates, who under section 211 are deemed to have incurred a portion of the election expenses, of the payment of those expenses, giving particulars, setting out the amount of those expenses so deemed to have been incurred by each of the candidates and forwarding to the business managers a copy of the receipt obtained in respect of the payment.

1974-75, c.13, s.18; R.S.S. 1978, c.E-6, s.210.

Candidate deemed to have incurred expenses agreed in agreement

211 For the purposes of this Act, a candidate who is a party to an agreement or arrangement under section 208 and in respect of whom election expenses are incurred shall be deemed to have incurred such portion of those election expenses as the candidate agreed in the agreement or arrangement to make payment for.

1974-75, c.13, s.18; R.S.S. 1978, c.E-6, s.211.

RECOGNIZED POLITICAL PARTIES

Political parties not to act unless recorded

212 No political party shall directly or indirectly solicit or receive any gift, advance, loan, contribution, deposit of money or other financial assistance, or incur or pay any expense or expend any effort, for the purpose of promoting, opposing, endorsing or supporting the platform of the party, any other party or a candidate unless the political party first mentioned has been recorded under section 215 and the leader of the party has been notified by the Chief Electoral Officer of the recording.

1974-75, c.13, s.19; R.S.S. 1978, c.E-6, s.212.

Register

213 The Chief Electoral Officer shall maintain a register in which he shall, subject to this Act, record the names of political parties that apply for such recording and the names of chief official agents and official agents appointed pursuant to section 219.

1973-74, c.36, s.14; R.S.S. 1978, c.E-6, s.213.

Application to be recorded

214(1) A political party that desires to be recorded in the register maintained under section 213 shall apply in writing to the Chief Electoral Officer to be recorded and shall file a statement signed by the leader of the political party setting out:

- (a) the full name of the political party;
- (b) the date on or about which the political party was organized or formed in Saskatchewan;
- (c) the name of the political party, or any abbreviation thereof, to be shown in any election documents;
- (d) the name and address of the leader of the political party;
- (e) the name and address of any representative designated by the leader of the party to endorse any candidates at an election;
- (f) the amount of money the political party has on hand at the time of the filing of the application.

(2) Subject to subsection (3), a political party that desires to be recorded may apply to be recorded at any time during the period commencing with the day fixed for the return to a writ of election and ending on the day of the close of nominations for the election next following that day.

(3) With respect to the first election following the coming into force of this section, a political party desiring to be recorded may apply to be recorded at any time during the period commencing with the day on which this section comes into force and ending on the day of the close of nominations for that first election.

1973-74, c.36, s.14; 1974-75, c.13, s.20; R.S.S. 1978, c.E-6, s.214.

Recording of political party, exception

215(1) Upon receipt of an application and statement under section 214, the Chief Electoral Officer shall examine and consider the information disclosed by the statement and unless:

- (a) he is of the opinion that the name, or abbreviation of the name, of the political party so nearly resembles the name or abbreviation of the name of a political party that was represented in the Legislative Assembly immediately prior to the fifth day of May, 1975 so as to be likely to be confused with the name of the political party so represented;
- (b) he is of the opinion that the name, or abbreviation of the name, of the political party so nearly resembles the name or abbreviation of the name of a political party that has been recorded so as to be likely to be confused with that political party;
- (c) he is of the opinion that the name, or abbreviation of the name, of the political party is or was the name of a political party that was merged or amalgamated with another political party; or
- (d) the name, or abbreviation of the name, of the political party includes the word "independent" or any abbreviation thereof;

he shall record the name of the political party in the register and forthwith notify the leader of the party thereof.

(2) A political party that has been recorded pursuant to this section is a "recognized political party".

(3) A political party that has been recorded under subsection (1) may make application in writing by the leader of the party to the Chief Electoral Officer to have the name or abbreviation of the name of the party that is recorded varied to such name or abbreviation thereof as is set out in the application and unless such variation may not be made for any reason set out in clause (a), (b), (c) or (d) of subsection (1) the Chief Electoral Officer shall make the variation requested in the application.

1973-74, c.36, s.14; R.S.S. 1978, c.E-6, s.215.

Notification to leader of action taken

216 The Chief Electoral Officer shall advise the leader of the political party in writing of his decision in respect of an application of the party under section 214 or subsection (3) of section 215 and if the Chief Electoral Officer does not record the name or abbreviation, or variation thereof, of the political party in the register he shall give his reason therefor in writing to the leader of the political party.

1973-74, c.36, s.14; R.S.S. 1978, c.E-6, s.216.

Termination of recording

217 The recording under section 215 of a recognized political party terminates:

- (a) on the day on which the Chief Electoral Officer receives a statement in writing from the leader of the party stating that the party does not wish to remain recorded as a recognized political party; or
- (b) at the close of nominations at a general election if at that time the party endorses fewer than ten candidates nominated throughout the province at the election.

1974-75, c.13, s.21; 1976-77, c.21, s.3; R.S.S.
1978, c.E-6, s.217.

Publication in *Gazette* of recording

218 The Chief Electoral Officer shall forthwith after he has recorded the name and abbreviation, if any, or any variation of the name or abbreviation of a political party publish in the *Gazette* a notice of such recording and of the name of the leader of the political party in respect of which the recording was made.

1973-74, c.36, s.14; R.S.S. 1978, c.E-6, s.218.

Chief official agents and official agents, recording of appointment of, etc.

219(1) A recognized political party by instrument in writing signed by the leader of the party:

- (a) shall appoint a chief official agent of the party;
- (b) may appoint one or more official agents of the party;

and may revoke in the same manner any appointment made under clause (a) or (b).

(2) A person appointed under clause (a) or (b) of subsection (1) in replacement of a person previously appointed under such provision shall comply with the requirements of this Act in respect of any matter or thing done before his appointment as the person he is replacing would be required to do had he remained in office.

(3) The instrument of appointment or revocation of an appointment under subsection (1) shall forthwith be filed by the leader of the party with the Chief Electoral Officer who shall record in the register maintained under section 213 the information set out in the instrument.

(4) Where any person whose name is recorded in the register maintained under section 213 ceases to act as chief official agent or official agent, as the case may be, of a recognized political party, the leader of the party shall forthwith appoint a new chief official agent or official agent and by instrument in writing signed by him notify the Chief Electoral Officer, and on receipt of the notice the Chief Electoral Officer shall vary the register accordingly.

(5) No returning officer, election clerk, deputy returning officer, poll clerk or candidate is eligible for appointment or to act as business manager, or as chief official agent or official agent of a recognized political party, and if any such person so acts, he is guilty of an illegal practice and of an offence against this Act.

(6) The Chief Electoral Officer shall not record any information in the register from an instrument filed with him under subsection (3) unless the instrument is signed as required by subsection (1).

(7) The appointment or revocation of an appointment made under subsection (1) becomes effective on the day on which the information set out in the instrument of such appointment or revocation is recorded in the register.

(8) The Chief Electoral Officer shall publish a notice in the *Gazette* of every appointment or revocation thereof recorded by him in the register.

R.S.S. 1978, c.E-6, s.219.

Liability of agents for contravention of section 212

220 The chief official agent and each official agent, if any, of a recognized political party, is jointly and severally liable for any contravention of section 212.

R.S.S. 1978, c.E-6, s.220.

Payments to party to be made through chief official agent

221(1) Subject to this section:

- (a) all money provided by any person for the use of a recognized political party, whether as a gift, contribution, loan, advance, deposit or otherwise, including all money, if any, paid or agreed to be paid as mentioned in clause (c) of subsection (1) of section 203, shall be paid to the chief official agent of the party; and
 - (b) no payment shall be made by or on behalf of the recognized political party otherwise than by or through the chief official agent or an official agent of the party.
- (2) Every person who provides any money in contravention of clause (a) of subsection (1) or makes any payment in contravention of clause (b) of subsection (1) is guilty of an offence against this Act.
- (3) Every payment made by or through a chief official agent or an official agent in respect of any expenses of a recognized political party shall be vouched for by a bill stating the particulars and by a receipt.
- (4) Every person who has a bill, charge or claim upon a recognized political party shall send 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 and, if he does not do so, the right of that person to recover the amount of the bill, charge or claim or any part thereof shall be barred.
- (5) All bills, charges or claims incurred by or on behalf of a recognized political party shall be paid within four months after the day on which the bill, charge or claim is received by the chief official agent of the recognized political party.
- (6) Where a chief official agent or an official agent, in the case of a claim sent in to him or to the recognized political party within the time limited by subsection (4), disputes it or refuses or neglects to pay within the period of four months referred to in subsection (5), the claim shall be deemed to be a disputed claim and the claimant may, if he thinks fit, bring an action to recover the claim in any court of competent jurisdiction.
- (7) Any sum paid by a chief official agent or an official agent pursuant to a judgment or order of a court made in respect of an action brought pursuant to subsection (6) shall be deemed to be paid within the time limited by subsection (5).
- (8) Any person may, if so authorized by the chief official agent or by an official agent, pay necessary expenses for stationery, postage, telegrams and other petty expenses to a total amount not exceeding that stated in the authority, but any sum in excess of the total amount so stated shall be paid by the chief official agent or by an official agent.
- (9) A statement of the particulars of any payment made by an official agent, or by any person authorized to make payments pursuant to subsection (8), shall be sent to the chief official agent forthwith after the payment has been made and shall be vouched for by a bill containing the receipt of that person.

Chief official agent to supply return of contributions, etc.

222(1) The chief official agent of a recognized political party shall within six months after polling day of an election transmit to the Chief Electoral Officer in respect of the election a return which shall set out:

(a) the amount of money provided during the election for the use of the party by way of contributions, gifts, loans or advances by a candidate or a business manager and by each of the following, namely: individuals, corporations, trade unions and unincorporated organizations or associations, and the name, address and amount provided by each in each such class;

(b) the amount of money provided prior to the election for the use, otherwise than during an election, of the party by way of contributions, gifts, loans or advances by each of the following, namely: individuals, trade unions, corporations and unincorporated organizations or associations and the name, address and amount provided by each in each such class;

(c) the amount of money provided, and the value of other assistance given, by the party to each constituency organization of the party for use directly in the conduct or management of the election and to each candidate who has been endorsed by the party at the election;

(d) the amounts of money expended as election expenses;

(e) the amount of money expended on operating expenses of the party including travel costs of the leader of the party and other party officials and that are not included in the amount referred to in clause (c);

(f) the total of all other expenditures made by or on behalf of the party.

(2) The return required under subsection (1) shall be in form 34 with any necessary changes and the return shall be verified by the declaration of the chief official agent in form 36 or 37 with any necessary changes.

(3) Every corporation, unincorporated organization or association that is organized or constituted solely or partly for the purposes of soliciting or receiving contributions, gifts, loans or advances to be made to the corporation, unincorporated organization or association to be used by it to provide contributions, gifts, loans or advances to any business manager, or to a recognized political party or to its chief official agent, or to any other person, on his or its behalf, shall prepare and maintain a written record of the name and address of each person who made a contribution, gift, loan or advance to it and of the amount of each contribution, gift, loan or advance made by each such person.

(4) No contribution, gift, loan or advance shall be made by a corporation, unincorporated organization or association to a business manager, or to a recognized political party or to its chief official agent, unless the corporation, unincorporated organization or association, at the time of making the contribution, gift, loan or advance, delivers to the business manager, or to the recognized political party or to its chief official agent, a list setting out the name and address of each person who made a contribution, gift, loan or advance to it and the amount received from each such person that comprises the contribution, gift, loan or advance made by the corporation or unincorporated organization or association to the business manager or to the recognized political party or to its chief official agent.

(5) No business manager of a candidate, recognized political party or chief official agent of a recognized political party shall accept a contribution, gift, loan or advance from a corporation or an unincorporated organization or association unless the corporation or unincorporated organization or association complies with subsection (4).

(6) No contribution, gift, loan or advance shall be solicited by a candidate, business manager, recognized political party, chief official agent or official agent, or by any person on his or its behalf, from any individual, corporation, unincorporated association or organization or trade union outside of Canada.

(7) The corporation and each officer of the corporation or of the unincorporated organization or association that fails to comply with subsection (3) or (4) is guilty of an offence against this Act.

(8) Every candidate, business manager, recognized political party or chief official agent or official agent of a recognized political party who or that fails to comply with subsection (5) or contravenes subsection (6) is guilty of an offence against this Act.

(9) Where an election is held at a time other than at the time of a general election under this Act, the chief official agent of a political party shall be deemed to have complied with subsection (1) where he transmits a return setting out amounts received, expended or in the hands of the party that were received, expended or in the hands of the party in respect only for that election.

(10) Sales of individual membership cards of a political party not exceeding \$5 per card restricted to one card to one person, or such membership cards for families not exceeding \$15 per family restricted to one card per family, and contributions by persons not exceeding \$100 per person restricted to one contribution per person, may be disclosed by stating:

- (a) the total number of cards sold and the total amount received therefor; and
- (b) the total number of contributions and the total amount received from all contributions;

without disclosing the names of the members or contributors except in respect of any member or contributor who has purchased a membership card from, or made a contribution to, the business manager of a candidate concerning which purchase or contribution the business manager is not required to disclose, pursuant to subsection (2) of section 206, the name of the member or contributor; and the onus of showing that any sale or contribution may be disclosed under this subsection without disclosing the name of the member or contributor is on the chief official agent.

1973-74, c.36, s.14; 1974-75, c.13, s.23; R.S.S.
1978, c.E-6, s.222.

Election expenses that may be incurred by a recognized political party

223(1) Subject to subsections (2), (3) and (4), the election expenses that may be incurred by a recognized political party during an election shall consist of the following expenses only:

- (a) the reasonable costs of transportation and living expenses of the leader of the party for the purposes of holding meetings within the province;

- (b) the reasonable costs of transportation and living expenses of speakers while engaged by or on behalf of the recognized political party in holding public meetings within the province;
 - (c) the reasonable costs and expenses of renting and operating a central office in the province, including staff and clerical assistance, postage, telephones, stationery, lighting, heating, cleaning; and use of equipment and facilities in respect of the operation of the office;
 - (d) the reasonable costs of election material and publicity at an election;
 - (e) the reasonable costs of promoting the general cause of the recognized political party, including the costs of rental of halls, of rallies and entertainment at rallies, and of persons lawfully employed to assist the recognized political party generally in promoting its cause.
- (2) No person other than the leader of a recognized political party, the chief official agent or an official agent of the party, or any other person authorized or directed by the leader, chief official agent or an official agent to do so, shall incur election expenses on behalf of the recognized political party.
- (3) All reasonable costs or expenses that are incurred prior to the issue of a writ of election and that in any way relate to matters within clause (d) or (e) of subsection (1) shall be deemed to be election expenses incurred during an election.
- (4) The total of the costs and expenses mentioned in clauses (a), (b), (d) and (e) of subsection (1) and in subsection (3) shall not exceed:
- (a) \$175,000 in the case of a general election;
 - (b) in the case of an election other than a general election:
 - (i) \$11,250 in respect of a candidate endorsed by a recognized political party at an election in a constituency lying north of the dividing line described in section 14 of *The Constituency Boundaries Commission Act*;
 - (ii) \$10,000 or the amount obtained when \$1 is multiplied by the number of names of voters on the voters' list of the candidate's constituency, whichever amount is the greater, in respect of a candidate endorsed by a recognized political party at an election in a constituency lying south of the dividing line described in section 14 of *The Constituency Boundaries Commission Act*.
- (5) The onus of showing that election costs and expenses paid or incurred are reasonable rests upon the person so alleging.

1973-74, c.36, s.14; 1974-75, c.13, s.24; 1976-77, c.21, s.4; R.S.S. 1978, c.E-6, s.223.

Gifts, etc., over \$100 from anonymous donor

- 224(1)** No business manager or chief official agent who receives any gift, contribution, loan, advance, deposit or other financial assistance in an amount exceeding \$100 from a donor who is anonymous shall pay or otherwise use the amount for any purpose whatever.
- (2) A business manager or chief official agent who receives an amount referred to in subsection (1) shall:
- (a) in writing immediately report that fact and the circumstances thereof to the Chief Electoral Officer; and

- (b) forward the amount with the report to the Chief Electoral Officer.
- (3) The Chief Electoral Officer shall forward to the Minister of Finance any amount received by him under subsection (2), and that amount shall be placed in a special account and shall be used in making payments under clause (b) of subsection (1) of section 207.

1974-75, c.13, s.25; R.S.S. 1978, c.E-6, s.224.

Agents

225(1) A person who makes a gift, contribution, loan, advance or deposit or otherwise provides financial assistance for a candidate or recognized political party may use an agent for such purpose.

(2) Where a person uses an agent as authorized by subsection (1), the agent shall disclose to the business manager or to the chief official agent to whom the gift, contribution, loan, advance, deposit or other financial assistance was made the identity of the principal for whom he is acting.

(3) Where any person receives any gift, advance, loan, contribution, deposit or other financial assistance for a candidate or recognized political party as a result of any solicitation by the person or by some other person acting for or with the concurrence of the candidate or recognized political party, the person receiving the gift, advance, loan, contribution, deposit or other financial assistance shall be deemed to be the agent of the maker and shall disclose to the business manager or to the chief official agent of the party the identity of the person for whom he is deemed by this section to be agent.

1974-75, c.13, s.25; R.S.S. 1978, c.E-6, s.225.

Person making gift, etc., to be disclosed in return

226 Where a person makes a gift, contribution, loan, advance, deposit or otherwise provides financial assistance for a candidate or recognized political party and uses an agent for such purpose as authorized by section 225, or where the gift, contribution, loan, advance, deposit or other financial assistance is made in such circumstances that the recipient thereof is deemed by that section to be the agent of the maker, the name of the person so making the gift, contribution, loan, advance, deposit or providing other financial assistance shall be disclosed as the maker thereof in any return required by section 206 or 222 in respect of the gift, contribution, loan, advance, deposit or other financial assistance.

1974-75, c.13, s.25; R.S.S. 1978, c.E-6, s.226.

Offences and penalties

227(1) Every person who contravenes, or knowingly is a party to, acquiesces in or assents to a contravention of, any of the provisions of sections 204, 205, 206, 212, 221, 222, 223 or 224 is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 and in default of payment to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(2) Where a chief official agent or an official agent of a recognized political party is guilty of an offence, the recognized political party is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000.

(3) A prosecution of a recognized political party for an offence against this Act may be brought against and in the name of the recognized political party, and for that purpose only the recognized political party is a legal entity.

(4) Any act or thing done or omitted to be done by an officer, chief official agent or official agent of a recognized political party who is acting within the scope of his authority to act on behalf of the recognized political party shall be deemed to be an act or thing done or omitted to be done by that party.

1973-74, c.36, s.14; 1974-75, c.13, s.26; R.S.S.
1978, c.E-6, s.227.

Chief Electoral Officer to preserve returns, to publish certain summaries of expenses

228(1) The Chief Electoral Officer:

(a) shall, as soon as is reasonably practicable after the receipt by him of all returns in respect of election expenses required by sections 206 and 214 to be transmitted to him, prepare and make a report to the Speaker of the Assembly relating to election expenses of all candidates and their business managers and to recognized political parties;

(b) upon receipt of the report mentioned in clause (a), the Speaker shall table the same in the Assembly if then in session, and if not in session, then during the first fifteen days after the opening of the ensuing session of the Assembly;

(c) shall preserve all returns and documents made pursuant to section 214 with the bills and vouchers relating thereto;

(d) shall, at all reasonable times during the six months' period next after they have been delivered to him, permit any elector to inspect them and to make extracts therefrom;

(e) may, after the expiration of the six months' period mentioned in clause (d), destroy the returns, documents and other material delivered to him in respect of a candidate unless in the meantime any of them are required in a prosecution instituted for an offence against this Act or for a proceeding under *The Controverted Elections Act*, or, where the candidate or his business manager so requests in writing, return them to the person making the request.

(2) The Chief Electoral Officer shall without undue delay publish in the *Gazette* a summary of all receipts and election expenses as shown in the returns filed with him.

1973-74, c.36, s.14; R.S.S. 1978, c.E-6, s.228.

Rectification of errors

229(1) If a return or a declaration filed by a candidate with a returning officer or the Chief Electoral Officer contains any error, the candidate or the business manager of the candidate, or the chief official agent or the leader of the recognized political party that endorses the candidate, may apply to a judge for an order to rectify the error on establishing that it was made through inadvertence.

(2) If a candidate or his business manager or the chief official agent or leader of the recognized political party that endorses the candidate establishes to the satisfaction of a judge that the absence or illness of the business manager, chief official agent, official agent or leader of the recognized political party, as the case may be, or any other reasonable cause prevents the preparation and filing of a return, the judge may make such order as he considers necessary to enable the applicant to obtain all necessary information and documents necessary to prepare the return and grant such further delay as the circumstances require.

(3) A person who fails to comply with an order made under this section is guilty of an offence against this Act.

1973-74, c.36, s.14; R.S.S. 1978, c.E-6, s.229.

Publishers, etc., to file statement respecting election announcements

230(1) Every broadcaster and licensee of a broadcasting undertaking, and every publisher of a newspaper, magazine or periodical, in Saskatchewan shall, within two months after the date of an election, file with the Chief Electoral Officer a written statement setting out:

(a) the name and address of each recognized political party at whose request or on whose behalf a program, advertisement or announcement in relation to the election has been broadcast by the broadcaster or licensee or published by the publisher in Saskatchewan;

(b) the amount of money charged by such broadcaster or licensee or by the owner of the undertaking publishing the newspaper, magazine or periodical in which such publication appeared in payment for the broadcasts or publication, as the case may be, from each recognized political party or from any other person or association on behalf of the party and from the business manager of each candidate.

(2) A statement filed under subsection (1) shall be certified by the officer in charge of the broadcasting undertaking or by the licensee of the broadcasting undertaking or by the publisher of the newspaper, magazine or periodical, as the case may require.

(3) For the purposes of this section:

“broadcaster”

(a) **“broadcaster”** means a person licensed by the Canadian Radio-Television Commission to carry on a broadcasting transmitting undertaking;

“broadcasting undertaking”

(b) **“broadcasting undertaking”** includes a broadcasting transmitting undertaking, a broadcasting receiving undertaking and a network operation located in whole or in part in Saskatchewan;

“licensee”

(c) **“licensee”** means a person licensed by the Canadian Radio-Television Commission to carry on a broadcasting undertaking;

“network”

(d) **“network”** includes an operation involving two or more broadcasting undertakings whereby 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 includes a “temporary network 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 twenty-four hours before polling day.

(4) Every broadcaster or licensee of a broadcasting undertaking, or publisher or editor of a newspaper, magazine or periodical, in Saskatchewan who fails to comply with this section is guilty of an offence against this Act and liable on summary conviction to a fine not exceeding \$5,000.

(5) Every director or manager of a broadcaster or licensee, or of a corporation or association publishing a newspaper, magazine or periodical, in Saskatchewan who assents to or acquiesces in the commission of an offence under this section by the broadcaster, licensee, corporation or association is guilty of an offence against this Act and liable on summary conviction to a fine not exceeding \$5,000.

Publication of government matters during an election prohibited, exception

231(1) No department, board, commission, crown corporation or other agency of the Government of Saskatchewan shall:

- (a) during a general election, publish in any manner;
- (b) during a by-election in a constituency, publish in any manner in the constituency;
- (c) during a by-election in a constituency which includes, in whole or in part, an urban municipality which has a population exceeding 20,000 inhabitants, publish in any manner in the constituency or in the urban municipality;

any information or particulars of the activities of the department, board, commission, crown corporation or agency except in the case of an emergency where the public interest requires the publication of any such information or particulars.

(2) Every person in Saskatchewan who is in charge of a broadcasting undertaking in the province or an undertaking publishing a newspaper, magazine or periodical in the province shall, within two months after the date of the election, file in the office of the Chief Electoral Officer a statutory declaration setting out whether or not a publication mentioned in subsection (1) has been published by the undertaking of which he is in charge and if so identifying the department, board, commission, crown corporation or agency that requested such publication and shall give particulars of the publication.

1973-74, c.36, s.14; 1976-77, c.22, s.1; R.S.S.
1978, c.E-6, s.231.

FEES AND EXPENSES**Compensation and expenses to be fixed by Lieutenant Governor in Council**

232 The compensation of returning officers and other persons employed at or with respect to elections under this Act, and all expenses consequent thereupon, shall be paid by the Minister of Finance out of the consolidated fund, but only such sums as shall be determined by the Lieutenant Governor in Council shall be allowed or paid for such services and expenses.

1971, c.10, s.204; R.S.S. 1978, c.E-6, s.232.

Payment of accounts

233 All accounts for compensation for services and expenses payable under section 232 shall be rendered in duplicate and duly certified, and shall be accompanied by satisfactory vouchers showing disbursements made, and the accounts shall be forwarded for payment as herein provided to the Chief Electoral Officer at the city of Regina.

R.S.S. 1978, c.E-6, s.233.

VOTE OF MEMBERS OF CANADIAN ARMED FORCES

Provision for taking vote of members of Canadian Armed Forces serving outside Saskatchewan

234(1) The Lieutenant Governor in Council may, if deemed expedient, by order authorize the taking, at a general election, of a vote, by mail or otherwise, of members of the Canadian Armed Forces serving outside Saskatchewan who are qualified to vote at an election in Saskatchewan and of the spouses of those members.

(2) Where an order is made under subsection (1), the Lieutenant Governor in Council shall:

- (a) appoint an elector residing in Saskatchewan as returning officer to take the vote;
- (b) provide for the appointment of such other persons as are considered necessary to assist the returning officer in the taking of the vote; and
- (c) for the purpose of carrying out the provisions of the order according to its true intent and of supplying any deficiency therein, make regulations and orders which shall have the same force and effect as if incorporated in this Act.

R.S.S. 1978, c.E-6, s.234.

PART II

Special Provisions Respecting Elections In Northern Constituencies

Application of Part I

235 Part 1, where not inconsistent with the following provisions of this Part, applies with respect to all elections in the constituencies of Athabasca and Cumberland.

1974-75, c.13, s.27; R.S.S. 1978, c.E-6, s.235.

Interpretation of “territory adjacent to” a polling place

236 In this Part “**territory adjacent to**”, when used with respect to a polling place, means surrounding territory in which qualified voters reside, if the polling place is more accessible and convenient to those voters than any other polling place in the constituency to which this Part applies.

1974-75, c.13, s.27; R.S.S. 1978, c.E-6, s.236.

ATHABASCA

Duties of returning officer on receipt of writ

237 Upon receipt of the writ for an election in the constituency of Athabasca, the returning officer shall immediately:

- (a) determine the place at which voting will take place in the portion of the constituency to which this Part applies, having regard to accessibility and convenience to the voters; and
- (b) publish a proclamation under his hand.

1971, c.10, s.209; 1974-75, c.13, s.28; R.S.S. 1978, c.E-6, s.237.

Proclamation

238 The proclamation shall be in form 14, with any necessary modifications, and shall be posted up:

- (a) with the approval of the Postmaster General of Canada or other proper officer, at every post office in the portion of the constituency to which this Part relates;
- (b) at the headquarters of every field officer of the Department of Tourism and Renewable Resources or the Department of Mineral Resources stationed in the portion of the constituency; and
- (c) in two other conspicuous places near each polling place.

1971, c.10, s.210; R.S.S. 1978, c.E-6, s.238.

Appointment and duties of enumerators

239(1) The returning officer shall, having determined the places at which voting will take place, immediately appoint enumerators to prepare the voters' lists for the territory adjacent to each polling place.

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

- (a) by house to house visitation where practicable; and
- (b) from any other sources of information available to him.

(3) Each enumerator shall use every available means to satisfy himself:

- (a) that the persons whose names he has placed on the list are ordinarily resident in the territory adjacent to the polling place and are qualified to be registered as voters in the constituency; and
- (b) that he has, so far as he is aware from all sources of information available to him, placed on the list the names of all persons ordinarily resident in the territory adjacent to the polling place who are qualified to vote in the constituency.

(4) Each enumerator shall prepare sufficient copies of the voters' list completed by him to provide:

- (a) the number of copies required by subsection (5) to be posted up;
- (b) one copy for each candidate; and
- (c) one copy for revision.

(5) Each enumerator shall within seven days after nomination day post up one copy of the voters' list completed by him at each place in the territory adjacent to the polling place at which the proclamation of the returning officer is required by section 238 to be posted up.

(6) Where a candidate has so requested, an enumerator shall, at least five days before polling day, deliver personally or send by mail one copy of the voters' list completed by him to the candidate or to a person designated by the candidate to receive it.

1971, c.10, s.211; R.S.S. 1978, c.E-6, s.239.

ELECTIONS

c. E-6

Notice respecting registration of voters

240 The returning officer shall, having determined the places at which voting will take place and having appointed enumerators to prepare the voters' lists therefor, immediately post or cause to be posted, at each place at which his proclamation is required by section 238 to be posted, a notice in the following form:

CONSTITUENCY OF ATHABASCA
NOTICE TO ELECTORS

Public notice is hereby given that registration will be made of all persons qualified to vote, in the election now pending, at the polling places named in my proclamation dated the _____ day of _____, 19_____.

The enumerator appointed by me for the territory adjacent to the polling place located at _____ is _____ of _____ in this constituency.

Application for registration may be made to the enumerator by any person, ordinarily resident in the territory adjacent to the said polling place, at any time up to the hour of ten o'clock in the afternoon of Saturday the _____ day of _____, 19_____.

The enumerator will sit for revision of the voters' list at _____ between the hours of two o'clock and ten o'clock in the afternoon of Saturday the _____ day of _____, 19_____.

Given under my hand at _____ this _____ day of _____, 19_____.

.....
Returning Officer.

1971, c.10, s.212; 1974-75, c.13, s.30; R.S.S.
1978, c.E-6, s.240.

CUMBERLAND

Procedure

241 The returning officer for the constituency of Cumberland and the enumerators appointed by him shall proceed in accordance with sections 237 to 240.

1974-75, c.13, s.32; R.S.S. 1978, c.E-6, s.241.

REGULATIONS

Power to make

242 The Lieutenant Governor in Council may make such regulations as he may deem necessary for giving effect to this Part and for carrying out the provisions thereof according to their true intent.

1971, c.10, s.214; R.S.S. 1978, c.E-6, s.242.

FIRST SCHEDULE

FORM 1

(Sections 4 and 5)

WRIT OF ELECTION

Canada:

Province of Saskatchewan.

Elizabeth the Second, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To _____ of _____ in the Province of Saskatchewan, greeting:

We command you that you do cause:

(a) an election to be had according to law of a member to serve in the Legislative Assembly of our said Province of Saskatchewan for the constituency of _____;

(b) the nomination of candidates at such election to be held on Monday, the _____ day of _____ next;

(c) the voting of electors to be held, if required, on Wednesday, the _____ day of _____;

(d) if voting of electors is required, an advance poll to be held on the following days in the afternoon during the hours hereinafter mentioned:

Wednesday, the _____ day of _____, 19____, from seven o'clock to ten o'clock;

Thursday, the _____ day of _____, 19____, from seven o'clock to ten o'clock;

Friday, the _____ day of _____, 19____, from seven o'clock to ten o'clock;

Saturday, the _____ day of _____, 19____, from three o'clock to ten o'clock;

Monday, the _____ day of _____, 19____, from seven o'clock to ten o'clock;

(e) the number of votes cast for the several candidates to be added up on the _____ day of _____.

(f) a return to the writ to be made on _____, the _____ day of _____.

In testimony whereof we have caused these our letters to be made patent and the Great Seal of our said Province of Saskatchewan to be hereunto affixed.

Witness our trusty and well beloved, the Honourable _____ Lieutenant Governor of our Province of Saskatchewan at our city of Regina this _____ day of _____ in the _____ year of our reign and the year of our Lord 19____.

By order,
(Seal)

Chief Electoral Officer.

Endorsement.

Received the within writ on _____ being the _____ day of _____, 19____.

A.B.,
Returning Officer.

ELECTIONS

c. E-6

FORM 2

(Section 10)

APPOINTMENT OF ELECTION CLERK

To *E.F.*, (set forth his residence and occupation).

In my capacity of returning officer for the constituency of _____.
I hereby appoint you to be my election clerk to act in that capacity at the approaching
election for the said constituency, which election will be opened by me on the
_____ day of _____, 19____.

(the date to be inserted here is the day of nomination).

Given under my hand this _____ day of _____, 19____.

A.B.,
Returning Officer.

FORM 3

(Section 11)

OATH OF ELECTION CLERK

I, *E.F.*, appointed election clerk for the constituency of _____,
swear (or solemnly affirm) that I am legally qualified to act as election clerk and that
I will act faithfully in that capacity and also in that of returning officer if required to
act in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (or solemnly affirmed) before me at the _____ }
of _____ in the Province of Saskatchewan } *E.F.*
this _____ day of _____, 19____. } *Election Clerk.*

A.B.,
A Commissioner, etc.
(or as the case may be).

FORM 4

(Sections 6 and 13)

OATH OF RETURNING OFFICER

I, *A. B.*, returning officer for the constituency of _____, swear (or
solemnly affirm):

1. That I am legally qualified to act as returning officer for the said constituency,
and that I will act faithfully in that capacity, without partiality, fear, favour or
affection.

2. That I will not attempt to ascertain and will by every means in my power prevent any other person from ascertaining how any person is about to vote or has voted at this election.

3. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

4. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting.

So help me God.

Sworn (or solemnly affirmed) before me at the _____
of _____ in the Province of Saskatchewan
this _____ day of _____, 19____. } A.B.
Returning Officer.

.....
A Commissioner, etc.
(or as the case may be).

FORM 5

(Sections 15, 58 and 60)

NOTICE AS TO SECRECY OF VOTING

It is the sworn duty of every person in attendance at this polling place or at the counting of the votes not to attempt to ascertain how any person is about to vote or has voted and not to communicate any information obtained at the polling place that may enable or assist any person to ascertain how any person has voted.

It is further the sworn duty of every such person by all proper means to maintain and aid in maintaining the absolute secrecy of the voting at this polling place.

A person who acts in contravention of his or her duty in any of the said particulars is liable to imprisonment for any term not exceeding six months.

The Election Act further provides that every person who fraudulently and without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or ballot paper or ballot in use or used for the purpose of an election, or who attempts to do so, shall be disqualified from voting at any election for a term of eight years thereafter and shall be liable to imprisonment for a term not exceeding one year and not less than three months; and that a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election who is guilty of a contravention of that provision shall be liable to imprisonment, without the alternative of a fine, for a term not exceeding two years and not less than six months.

A.B.,
Chief Electoral Officer.

FORM 6

(Sections 15, 58 and 60)

DIRECTIONS FOR THE GUIDANCE OF VOTERS

A voter may vote for one candidate only.

Declaration – A patient in a sanatorium or hospital or a person applying to vote at an advance poll may vote only if he makes a declaration at the polling place. In other polling places a person whose name does not appear on the voters' list may vote only if he makes a declaration. Persons whose name does appear on the voters' list may be required to make the declaration and if so required will be allowed to vote only after making the declaration.

Voting procedure in polls other than those in sanatoria or hospitals – Sections 77 and 78 of *The Election Act* read as follows:

“77(1) Upon receiving a ballot paper the voter shall:

- (a) forthwith proceed into the room or compartment provided for the purpose of voting; and
- (b) with:
 - (i) the black lead pencil provided;
 - (ii) a black or blue ink pen; or
 - (iii) a black or blue ball-point pen;

mark the ballot paper by placing in the space containing the name of the candidate for whom he intends to vote a cross, thus X.

“(2) After marking the ballot paper the voter shall:

- (a) fold the ballot paper across twice right to left without overlapping the counterfoil, by:
 - (i) folding inwards, from right to left, one-third of the ballot paper; and
 - (ii) folding the folded edge, from right to left, to the edge of the counterfoil;

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) leave the compartment;
- (c) deliver the ballot paper so folded to the deputy returning officer without delay and without showing the front to anyone or displaying the ballot paper so as to make known to any person the name of the candidate for whom he has or has not marked his vote;
- (d) observe the deputy returning officer deposit his ballot paper in the ballot box;
- (e) after his ballot paper has been deposited in the ballot box forthwith leave the polling place.

“78 Upon receiving a ballot paper from a voter the deputy returning officer shall, in the full view of the voter and all others present without unfolding the ballot paper or in any way disclosing the names of the candidates or the mark made by the voter, ascertain by examination of the initials and numbers appearing on the ballot paper, that it is the same ballot paper that he delivered to the voter and if it is the same ballot paper that he delivered to the voter the deputy returning officer shall remove and destroy the counterfoil and deposit the ballot paper in the ballot box”.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires, he may return it to the deputy returning officer who will give him another.

If a voter votes for more than one candidate, or places any mark on the ballot paper by which he can be identified, his vote will be void and will not be counted.

If a voter fraudulently takes a ballot paper out of the polling place or fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer, he will be liable to imprisonment for one year.

In the following form of ordinary ballot paper, given for illustration, the candidates are Wm. R. Brown, Jane Hamon, Joseph O’Neil and Alice Smith and the voter has marked his ballot paper in favour of Alice Smith and the counterfoil has been detached.

| | |
|----------|--|
| 1 | <p>WM. R. BROWN, (Political Affiliation) Farmer.</p> |
| 2 | <p>JANE HAMON, (Political Affiliation) Spinster.</p> |
| 3 | <p>JOSEPH O’NEIL, (Political Affiliation) Gentleman.</p> |
| 4 | <p>ALICE SMITH, (Political Affiliation) Married Woman.</p> <div style="text-align: right; font-size: 2em; font-weight: bold;">X</div> |

FORM 7
(Sections 15 and 58)

POLL BOOK

REFERENCE:

- A. Ordinary poll — Columns 1, 2, 3, 4, 5, 6, 7, 12, 13, 14.
- B. Advance Poll — Columns 1, 2, 3, 4, 8, 12, 13, 14.
- C. Sanatorium & Hospital Poll — Columns 1, 2, 3, 4, 9, 10, 11, 12, 13, 14.

| 1 | 2 | A ORDINARY POLL REGULAR VOTING | | | B ADVANCE POLL ADVANCE VOTING | | | C SANATORIUM & HOSPITAL POLL | | | | 13 | 14 | | |
|--------------------|--------------------|--|--|---|-------------------------------------|---|--|---|---|--|---------|----|----|--|--|
| | | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | | | | | | |
| Consecutive Number | NAMES OF VOTERS | Post Office Address | | Occupation | | <i>Place check mark opposite the name of voter if:</i> | | | | | | | | | |
| | | Voter's name is on the list and declaration not made. | Voter's name is on the list and declaration made. | Voter resides in polling division, name not on list and declaration made. | Declaration made | Voter must give the name of the constituency in which he is qualified to vote. Also the number or name of his polling place, or location of his residence. | Voter was a qualified voter within this constituency. | Voter was a qualified voter in another constituency. | Voter refused to make the declaration. | Voted (To indicate that voter has voted) | REMARKS | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |

FORM 8

(Sections 15, 20, 21 and 25)

LIST OF VOTERS

Constituency of _____
 Polling Division No. _____
 (or as the case may be).

| Number | Name | Occupation | Post Office | Land Location (Rural) | Street and Number (Cities & Towns) |
|--------|------|------------|-------------|--------------------------|---------------------------------------|
| | | | | | |

I certify that the foregoing is a true copy of the voters' list in Polling Division No. _____ (or as the case may be) of the constituency of _____ as prepared by me for use in the election now pending of a member of the Legislative Assembly of Saskatchewan for the said constituency.

I.J.,
 Enumerator.

(Here the enumerator shall make any addition to the list which he finds necessary.)

I certify that the foregoing is a corrected list of voters in Polling Division No. ____ (or as the case may be) of the constituency of _____ as revised (or, if no correction is made, as finally approved) by me this _____ day of _____, 19____.

I.J.,
 Enumerator.

ELECTIONS

c. E-6

FORM 9

(Sections 15 and 19)

APPOINTMENT OF ENUMERATOR BY RETURNING OFFICER

Constituency of _____

In my capacity of returning officer, I hereby appoint _____ of _____, to act as enumerator for Polling Division No. _____ for the election now pending.

Dated this _____ day of _____, 19____.

.....
Returning Officer.

FORM 10

(Sections 15 and 19)

OATH OF ENUMERATOR

I, the undersigned, *I.J.*, appointed enumerator for Polling Division No. _____ (*or as the case may be*) of the constituency of _____ in the Province of Saskatchewan, do swear (*or solemnly affirm*) that I will act faithfully in the capacity of enumerator without partiality, fear, favour or affection. So help me God.

Sworn (*or solemnly affirmed*) before me at the _____ of _____ in the Province of Saskatchewan this _____ day of _____, 19____. } *I.J.*
Enumerator.

.....
A Commissioner, etc.
(*or as the case may be*).

FORM 11

(Sections 15, 17, 58, 76, 79, 101, 107 and 110)

FORM OF BALLOT PAPER

FRONT

The part of the ballot paper that extends above the first space in which the name and other particulars of a candidate is listed on the ballot paper shall be coloured black and shall extend to extreme left and right edges of the ballot paper.

The part of the ballot paper that extends below the last space in which the name and other particulars of a candidate is listed on the ballot paper shall be colored black and shall extend to the extreme left and right edges of the ballot paper.

The part of the ballot paper that extends left one inch from the full length of the left edge of the one-half inch wide vertical black bar that borders on the left the spaces in which the names and other particulars of the candidates are set out is the counterfoil and the part of the ballot paper to the left of the counterfoil is the stub.

There shall be a line of perforations along the left edge of the vertical black bar that so borders those spaces and between the counterfoil and the stub.

| |
|---|
| <p>WM. R. BROWN, (Political Affiliation) Farmer.</p> |
| <p>JANE HAMON, (Political Affiliation) Spinster.</p> |
| <p>JOSEPH O'NEIL, (Political Affiliation) Gentleman.</p> |
| <p>ALICE SMITH, (Political Affiliation) Married Woman.</p> |

FORM OF BALLOT PAPER

BACK

| | | |
|---|---|---|
| <p>D.R.O. Initials</p> | <p>(Name of Printer)</p> | <p>No. 325 (Line of perforations here)</p> |
| <p>Constituency and date of election</p> | <p>Poll Book No. (Line of perforations here)</p> | <p>No. 325</p> |

ELECTIONS

c. E-6

FORM 12

(Sections 15, 58, 89, 90, 93 and 94)

FORM OF BALLOT PAPER

FRONT

The part of the ballot paper that extends left one inch from the full length of the left edge of the vertical black bar that borders on the left the space to be used by the voter is the counterfoil and the part of the ballot paper to the left of the counterfoil is the stub.

There shall be a line of perforations along the left edge of the vertical black bar that so borders the space to be used by the voter and between the counterfoil and the stub.



BACK

| | | | |
|--|-------------------|---|---|
| D.R.O. Initials | (Name of Printer) | Poll Book No. (Line of perforations here) | No. 325 (Line of perforations here) |
| Constituency and date of election | | | |

FORM 13

(Sections 15, 17 and 90)

AFFIDAVIT OF PRINTER

Constituency of _____

I, _____, swear (or solemnly affirm).

1. That by direction of the returning officer for the above named constituency I completed the ballot papers for use at the election to be held on the _____ day of _____, 19____, (insert date of voting), furnished to me by him for that purpose;

2. That the annexed form shows the description of the ballot papers completed by me as aforesaid;
3. That I delivered to the returning officer:
(insert number) ballot papers (form 11);
(insert number) ballot papers (form 12);
4. That I spoiled *(insert total number)* ballot papers numbered as follows:
 ballot papers (form 11) *(insert numbers in consecutive order)*;
 ballot papers (form 12) *(insert numbers in consecutive order)*;
 and bound *(or stitched)* them in their proper places and notified the returning officer accordingly; or
4. That I did not spoil any of the ballot papers furnished to me for completion;
5. That no other of such ballot papers were printed by me or supplied by me to anyone.

Sworn *(or solemnly affirmed)* before me at the _____ }
 of _____ in the Province of Saskatchewan }
 this _____ day of _____, 19____. } *Signature of Printer*

.....
A Commissioner, etc.
(or as the case may be).

FORM 14
(Sections 33 and 238)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME
 AND PLACE FOR THE NOMINATION OF CANDIDATES AND
 THE DAY OF OPENING THE POLLING PLACE

PROCLAMATION

Constituency of _____

Her Majesty's Writ bearing the date the _____ day of _____, 19____,
 having been directed to me, public notice is hereby given:

1. That I am commanded to cause an election to be held according to law of a member to serve in the Legislative Assembly of Saskatchewan for the above mentioned constituency.
2. That I will, on the _____ day of _____, 19____, from twelve o'clock noon until two o'clock in the afternoon, attend at *(here state address or place)* to receive nominations.

ELECTIONS

c. E-6

3. That in case voting of electors is required, polling places will be open on the _____ day of _____, 19____, from the hour of nine o'clock in the forenoon until eight o'clock in the afternoon as follows:

Polling Division No. 1 consisting of (*or bounded as follows: or otherwise describing it clearly*) at _____ (*describing the polling place and so continuing for all the other polling divisions and polling places in the constituency*).

4. That in case voting of electors is required an advance polling place (*or advance polling places*) for this constituency will be established at (*here describe the advance polling place or places*) on the following days in the afternoon during the hours hereinafter mentioned:

Wednesday, the ____ day of _____, 19____, from seven o'clock to ten o'clock;
 Thursday, the ____ day of _____, 19____, from seven o'clock to ten o'clock;
 Friday, the _____ day of _____, 19____, from seven o'clock to ten o'clock;
 Saturday, the ____ day of _____, 19____, from three o'clock to ten o'clock;
 Monday, the ____ day of _____, 19____, from seven o'clock to ten o'clock;

(*Where a polling place or places are to be established in a geriatric centre, sanatorium or hospital include the following paragraph*).

5. That a polling place (*or polling places*) will be established in the (*here give the name and location of the geriatric centre, sanatorium or hospital and where special hours are prescribed for the polling place (or polling places) state the hours opposite the description of the geriatric centre, sanatorium or hospital*).

6. That at (*describe place where votes will be added up*) on the _____ day of _____, 19____, at the hour of _____, I shall open the ballot boxes and, in the case of a general election, I shall open the ballot envelopes containing the ballots of voters at sanatoria and hospitals, count such ballots; and make the addition of the votes given for the several candidates and declare elected the candidate having the largest number of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

All times mentioned herein are central standard time.

God Save the Queen.

Given under my hand at _____, this _____ day of _____ in the year 19____.

A.B.,
 Returning Officer.

FORM 15

(Sections 15 and 37)

NOMINATION PAPER

Part I

We, the undersigned electors of the constituency of _____, hereby nominate (*name, political affiliation, if any, and occupation*) of (*address*) as a candidate at the election, now about to be held, of a member to represent the said constituency in the Legislative Assembly of Saskatchewan. (*If the person nominated is absent from Saskatchewan it must be stated here*).

| Signature of Elector | Address of Elector | Occupation of Elector | Signature of Witness |
|----------------------|--------------------|-----------------------|----------------------|
| | | | |

(*Several signatures of electors may be bracketed and a witness need only sign once opposite the bracket for the whole series of signatures that he witnessed*).

Part II

CONSENT OF CANDIDATE

I, the said (*name of candidate*) nominated in the foregoing nomination paper hereby consent to such nomination.

I hereby declare that the name and address of my business manager is _____ of _____ in the Province of Saskatchewan.

I request that my name be set forth on the ballot paper in the following form:

I request that my political affiliation be set forth on the ballot paper in the following unabbreviated form:

I hereby designate the following as my address for service of all notices, documents or other papers required to be served upon me either under *The Election Act* or *The Controverted Elections Act*, namely:

Signed by the above named
 (*name of candidate*) in the _____
 in the presence of _____

Signature of witness.

}
Signature of candidate

Part III

AFFIDAVIT OF ATTESTATION TO BE TAKEN BY WITNESS TO SIGNATURES OF NOMINATORS

I, _____ of _____ in the Province of Saskatchewan, make oath and say (or solemnly affirm) that I know the nominators whose signatures to the foregoing nomination paper I have witnessed and that they are duly qualified electors in the constituency of _____ at the election now about to be held and that each of them signed the foregoing nomination paper in my presence.

Sworn (or solemnly affirmed) before me at the ____ of _____ in the Province of Saskatchewan this ____ day of _____, 19____. } Signature of person attesting.

..... A Commissioner, etc. (or as the case may be).

Part IV

AFFIDAVIT OF ATTESTATION TO BE TAKEN BY WITNESS TO SIGNATURES OF CANDIDATES

I, _____ of _____ in the Province of Saskatchewan, make oath and say (or solemnly affirm) that I know the said _____ nominated as a candidate in the foregoing nomination paper and that he signed his consent to the nomination in my presence.

Sworn (or solemnly affirmed) before me at the ____ of _____ in the Province of Saskatchewan this ____ day of _____, 19____. } Signature of person attesting.

..... A Commissioner, etc. (or as the case may be).

Part V

AFFIDAVIT AS TO ABSENCE OF CANDIDATE FROM SASKATCHEWAN

I, _____ of _____ in the Province of Saskatchewan, make oath and say (or solemnly affirm):

- 1. That I know the said _____ nominated as a candidate in the foregoing nomination paper;
2. That to the best of my knowledge and belief the said candidate is absent from the Province of Saskatchewan and that such belief is based upon (here state grounds of belief that candidate is absent from Saskatchewan).

Sworn (or solemnly affirmed) before me at the _____ }
of _____ in the Province of Saskatchewan } *Signature of person attesting.*
this _____ day of _____, 19____.

.....
A Commissioner, etc.
(or as the case may be).

Note.—If additional affidavits of attestation are required by reason of more than one elector signing as a witness such affidavits shall be taken in the same form as the affidavit set forth in Part III of this form and shall be attached to the nomination paper.

FORM 16

(Sections 15 and 40)

CERTIFICATE RESPECTING NOMINATION PAPER AND DEPOSIT

Constituency of _____

I hereby acknowledge receipt of a valid nomination paper filed on behalf of _____ and nominating him as a candidate at the election now about to be held of a member to represent the said constituency in the Legislative Assembly of Saskatchewan. I also acknowledge receipt of a deposit of \$100 made on his behalf.

Dated at _____ this _____ day of _____, 19____.

.....
Returning Officer.

FORM 17

(Section 45)

WITHDRAWAL OF CANDIDATE

Constituency of _____

I, _____, a candidate nominated for the above constituency hereby withdraw.

Dated at _____ this _____ day of _____, 19____.

.....
Signature of Candidate.

FORM 18

(Sections 15 and 52)

APPOINTMENT OF DEPUTY RETURNING OFFICER

To *G.H.*, (insert his residence and occupation).

In my capacity of returning officer for the constituency of _____ I hereby appoint you to be deputy returning officer for Polling Place No. _____ in the said constituency, there to take the votes of the voters, and you are hereby authorized and required to open the polling place and conduct the taking of the votes of the electors at the said polling place on the _____ day of _____, 19____, at nine o'clock in the forenoon (*here describe particularly the place in which the voting is to be held*) and there to keep the said polling place open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the deputy returning officer appointed to act therefor, and after counting the votes given to return to me forthwith the ballot box sealed with your seal and enclosing the ballots, envelopes, polling list and other documents required by law, together with this appointment.

Given under my hand this _____ day of _____, 19_____.

A.B.,
Returning Officer.

FORM 19

(Sections 15 and 52)

OATH OF DEPUTY RETURNING OFFICER

I, *G.H.*, appointed deputy returning officer for Polling Place No. _____ of the constituency of _____ (*or as the case may be*) swear (*or solemnly affirm*) that I am legally qualified to act as deputy returning officer, and that I will act faithfully in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (*or solemnly affirmed*) before me at the ___
of _____ in the Province of Saskatchewan
this _____ day of _____, 19_____.

} *G.H.*,
Returning Officer.

.....
A Commissioner, etc.
(*or as the case may be*).

FORM 20

(Sections 15, 53 and 56)

APPOINTMENT OF POLL CLERK

To *I.J.*, (insert his residence and occupation).

In my capacity of deputy returning officer for Polling Place No. _____ in the constituency of _____ I hereby appoint you to be poll clerk for the said polling place.

Given under my hand at _____ this _____ day of _____, 19____.

G.H.,
Deputy Returning Officer.

FORM 21

(Sections 15, 53 and 56)

OATH OF POLL CLERK

I, *I.J.*, appointed poll clerk for Polling Place No. _____ in the constituency of _____ swear (or solemnly affirm) that I am legally qualified to act as poll clerk and that I will act faithfully in that capacity and also in the capacity of deputy returning officer, if so required, according to law, without partiality, fear, favour or affection. So help me God.

Sworn (or solemnly affirmed) before me at the _____
of _____ in the Province of Saskatchewan
this _____ day of _____, 19____. } *I.J.*,
Poll Clerk.

.....
A Commissioner, etc.
(or as the case may be).

ELECTIONS

c. E-6

FORM 22

(Sections 15 and 63)

OATH OF SECRECY

Constituency of _____
Polling Place No. _____

I, _____, swear (or solemnly affirm):

- 1. That I will not attempt to ascertain and will by every means in my power prevent any other person from ascertaining how any person is about to vote or has voted at this election, save and except as may be necessary and proper in the case of persons blind or unable to read or incapable of marking their ballot papers as provided in *The Election Act*.
- 2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.
- 3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place. So help me God.

Sworn (or solemnly affirmed) before me at the ____
of _____ in the Province of Saskatchewan }
this ____ day of _____, 19____. }

.....
A Commissioner, etc.
(or as the case may be).

FORM 23

(Sections 2, 58, 90, 93 and 107)

I, _____ of _____, in the
Province of Saskatchewan, (*occupation*), hereby declare:

- 1. That I am of the full age of eighteen years.
- 2. That on (*date of writ*) being the day on which the writ was issued for the election in which I now seek to vote, I was a Canadian citizen.

(or)

- 2. That in the interval between enumeration day and polling day I became a Canadian citizen.

(or)

- 2. That I am a British subject other than a Canadian citizen and was qualified as a voter on the 23rd day of June, 1971.

3. That I have ordinarily resided in Saskatchewan for at least six months immediately preceding the *(date of the writ)* and was ordinarily resident:

(i) in polling division No. _____ in the constituency of _____
or _____.

(ii) at the following address _____.

4. That I am not disqualified pursuant to section 27 of *The Election Act* to vote at this election.

5. That my name appears *(or I am entitled to be registered)* on the voters' list for the polling division mentioned above.

(For voters at advance polling places include the following paragraph)

6. That I have reason to believe that I will be necessarily absent from my ordinary place of residence on polling day.

Date _____, 19____.

Witness: _____

.....
*Signature of Deputy
Returning Officer or Poll Clerk.*

.....
Signature of voter.

FORM 24

(Sections 15 and 81)

OATH OF INABILITY TO MARK BALLOT PAPER

You swear *(or solemnly affirm)* that you are unable to read *(or that you are from physical incapacity unable to mark a ballot paper, or that you are blind, as the case may be)*. So help you God.

FORM 25

(Sections 15 and 81)

OATH OF FRIEND OF BLIND VOTER

You swear *(or solemnly affirm)*:

That you know *(full name of blind voter)* who has applied to vote at this polling place, and you have heard him *(or her)* take the oath in form 24 of *The Election Act* and believe the matters therein sworn to are true in substance and in fact;

That you have been requested by *(full name of blind voter)* to mark his ballot paper, and you will keep secret the name of the candidate for whom he votes;

That you have not acted and will not act for any other blind voter at this election.

So help you God.

FORM 27

(Sections 15 and 110)

BALLOT PAPER ACCOUNT AND POLL STATEMENT

(To be made by deputy returning officer, at close of the taking of the votes of the electors, in accordance with section 110)

Constituency of _____, Polling Division No. _____

| | |
|--|--|
| 1. Total number of names on the voters' list..... | |
| Ballot Paper Account. | |
| 2. Number of ballot papers (form 11) received from returning officer | |
| 3. Number of ballot papers (form 12) received from returning officer | |
| 4. Number appearing in poll book as having voted | |
| 5. Number of unused ballot papers (form 11) | |
| 6. Number of unused ballot papers (form 12) | |
| 7. Number of ballot papers (form 11) spoiled, rejected or declined | |
| 8. Number of ballot papers (form 12) spoiled, rejected or declined | |
| 9. Number of ballot papers unaccounted for (if any) | |
| Totals | |

(Item 10 to be completed in respect of all polling places except in a sanatorium or hospital).

- 10. Number of voters appearing in poll book as having voted:
 - (a) without making a declaration
 - (b) after making a declaration

(Item 11 to be completed only in respect of polling places in a sanatorium or hospital).

- 11. Number of voters appearing in poll book as having voted, who:
 - (a) reside in the constituency
 - (b) do not reside in the constituency

NOTE: The total under item 10 or 11 must agree with item 4.

(Items 12 and 13 to be completed in respect of all polling places except polling places in a sanatorium or hospital).

| | |
|--------------------------------------|--|
| 12. Number of ballots cast for | |
| Number of ballots cast for | |
| Number of ballots cast for | |
| Number of ballots cast for | |
| 13. Number of rejected ballots | |
| Total | |

NOTE.—This total must agree with Item 10.

The seal locking this ballot box bears No. _____

I hereby certify that the above statement is correct.

Dated at _____ this _____ day of _____, 19____.

.....
Poll Clerk.

.....
Deputy Returning Officer.

(Candidates or representatives may also sign)

FORM 28

(Sections 15, 94 and 110)

OATH OF THE POLL CLERK AFTER CLOSING OF THE
POLLING PLACE FOR VOTING

I, _____, poll clerk for Polling Place No. _____ in Polling
Division No. _____ of the constituency of _____ swear (*or solemnly*
affirm) that the poll book for the said polling place kept under the direction of *G.H.*,
who acted as deputy returning officer, has been kept by me correctly to the best of
my skill and judgment; that the total number of votes cast according to the said
poll book is _____; and that to the best of my knowledge and belief it
contains a true and exact record of the voters who voted at the said polling place.

Sworn (*or solemnly affirmed*) before me at the ____
of _____ in the Province of Saskatchewan
this _____ day of _____, 19____.

} *I.J.,*
Poll Clerk.

.....
A Commissioner, etc.
(or as the case may be).

c. E-6

ELECTIONS

FORM 29

(Section 114)

RECEIPT FOR BALLOT BOX

(To be Retained by Deputy Returning Officer)

Constituency of _____
 Polling Division No. _____

19____.

Received from _____, deputy returning officer for the above described polling division, the ballot box used in the recent election for the voting held in the said polling division, the said ballot box being locked and sealed as provided by *The Election Act* and to be delivered by me, in the same condition as I received it, to _____ of _____, the returning officer for the above named constituency.

.....
 (Signature of Witness).

.....
 (Signature of Messenger).

FORM 30

*(Section 114)*OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF
THE POLLING PLACE FOR VOTING

I, _____, deputy returning officer for Polling Place No. _____ in polling Division No. _____ of the constituency of _____ swear (or solemnly affirm) that to the best of my knowledge and belief:

1. The poll book kept for the said polling place under my direction has been kept correctly.
2. The total number of votes cast according to the said poll book is _____.
3. The poll book contains a true and exact record of the votes cast at the said polling place.
4. I have correctly counted the votes cast for each candidate (*not to be included in the oath of a deputy returning officer conducting the taking of the votes of the electors in a sanatorium or hospital*).
5. I have performed all duties required of me by law.
6. The polling list, poll book, and other documents, etc., required by law to be returned by me to the returning officer have been faithfully and truly prepared and placed in the ballot box and are contained in the ballot box returned by me to the returning officer, which was locked and sealed by me in accordance with *The Election Act* and remained so locked and sealed while in my possession.

7. I have forwarded to the Chief Electoral Officer, Legislative Building, Regina, the ballot box containing the ballot envelopes (to be included only in respect of the oath of a deputy returning officer who conducted a poll in a sanatorium or hospital at a general election).

Sworn (or solemnly affirmed) before me at the ____ of ____ in the Province of Saskatchewan this ____ day of ____, 19____. } G.H., Deputy Returning Officer.

.....
A Commissioner, etc.
(or as the case may be).

FORM 31

(Section 114)

OATH OF MESSENGER WHO DELIVERS THE BALLOT BOX TO THE RETURNING OFFICER

I, _____, swear (or solemnly affirm) that I am the person to whom _____, deputy returning officer for Polling Place No. _____ of the _____ of _____ in the constituency of _____, entrusted the ballot box for the said polling place to be delivered to _____, the returning officer; that the ballot box which I delivered to the returning officer this day is the ballot box I so received; that I have not opened it and that it has not been opened by any other person since I received it from the deputy returning officer. So help me God.

Sworn (or solemnly affirmed) before me at the ____ of ____ in the Province of Saskatchewan this ____ day of ____, 19____. } (Signature of Messenger)

.....
Returning Officer.

ELECTIONS

FORM 32
(Sections 15, 89, 97, 117 and 143)

Statement of Returning Officer respecting Votes cast and Ballot Papers used at the Polling Places in the Constituency of _____
at the Election held on the _____ day of _____, 19_____.

| Name and number of Polling Place | Ballot Paper Account | | | | | | | | | | Number of Voters in Each Category | | | | Number of Votes for Candidates | | | | Remarks |
|----------------------------------|---------------------------------------|--|--|---|--|--|---|---|--|--|--|--|---|---|---|----------------------------|--|--|---------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | | | |
| | Total number of names on voters' list | Number of ballot papers (form 11) supplied to D.R.O. | Number of ballot papers (form 12) supplied to D.R.O. | Number appearing in poll book as having voted | Number of unused ballot papers (form 11) | Number of unused ballot papers (form 12) | Number of ballot papers (form 11) spoiled, rejected or declined | Number of ballot papers (form 12) spoiled, rejected or declined | Number of ballot papers unaccounted for (if any) | Number of voters who made the declaration appearing in poll book as having voted | Number of voters who did not make the declaration appearing in poll book as having voted | Sanatoria and hospitals, number of voters appearing in the poll book as having voted and residing in this constituency | Sanatoria and hospitals, number of voters appearing in the poll book as having voted and residing in another constituency | Number of voters who voted by mail under section 89 | (Insert names of candidates and political affiliations) | Number of Rejected Ballots | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

A.B.,
Returning Officer

FORM 33

(Sections 15 and 144)

AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER SENDING HIS RETURN TO THE CHIEF ELECTORAL OFFICER

I, _____, returning officer for the constituency of _____ swear (or solemnly affirm):

- 1. That of the envelopes received by me as returning officer from the Chief Electoral Officer in respect of the recent election for the said constituency, I have not opened or permitted to be opened any of the envelopes except those authorized and directed to be opened by a returning officer under *The Election Act*;
- 2. That none of the other envelopes have been opened by any person since they were returned to me by the Chief Electoral Officer (or in case of a recount add, except by the judge on a recount);
- 3. That I have not ascertained and have not attempted to ascertain from the ballot papers or other contents of any of the said envelopes how any person voted;
- 4. That I have this day sent to the Chief Electoral Officer my return in respect of the said election. So help me God.

Sworn (or solemnly affirmed) before me at the _____ of _____ in the Province of Saskatchewan this _____ day of _____, 19____. } A.B.,
 Returning Officer.

.....
 A Commissioner, etc.
 (or as the case may be).

FORM 34

(Sections 206, 124 and 222)

RETURN OF ELECTION EXPENSES

I, _____ of _____ in the Province of Saskatchewan, being the business manager for _____ a candidate at the election of a member to serve in the Legislative Assembly of Saskatchewan held on the (insert date of poll) day of _____, 19____, in the constituency of _____ make the following return respecting the election expenses of (name of candidate) at the election.

or

I, _____ of _____ in the Province of Saskatchewan, being chief official agent for _____ being the recognized political (name of recognized political party) party operating during the election held on the _____ day of _____, 19____, make the following return respecting the election expenses of (recognized political party) at the election.

.....
 Signature of business manager
 or chief official agent.

1-Receipts

(a) Money or its value received

There are accurately set out hereunder the name and occupation of every person (including the candidate) and of every club, society, company or association, from whom any money, securities or the equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the above election, showing in the case of each person the amount or value received as a contribution (including subscription or gift), loan, advance, deposit or otherwise:

| Name | Address | Occupation | State whether contribution, loan, advance or deposit, etc. | Amount or Value |
|-------|---------|------------|--|-----------------|
| | | | | |
| | | | | |
| Total | | | | |

(b) Money or its value promised but not received

In addition to the foregoing items, the persons (including the candidate), clubs, societies, companies or associations hereunder mentioned are all who have promised to pay but have not yet paid money or its equivalent for the purposes of expenses incurred, or to be incurred, on account of or in respect of the conduct or management of the said election, and the amount or value promised by them respectively, with its character is set out after their names:

| Name | Address | Occupation | State whether contribution, loan, advance or deposit, etc. | Amount or Value |
|-------|---------|------------|--|-----------------|
| | | | | |
| | | | | |
| Total | | | | |

c. E-6

ELECTIONS

(c) Advertising

The following statement contains the name and address of every person, club, society, company and association to whom any payment (not already set out) was made for advertising, with a description of such advertising and the amount paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:

| Consec. No. of voucher | Name | Address | Name of publication | Dates of issues | Amount | |
|------------------------|------|---------|---------------------|-----------------|--------|--|
| | | | | | | |
| | | | | | | |
| Total | | | | | | |

3 – Undisputed Claims Still Unpaid or Under a Judge’s Order

The following statement contains the names and addresses of all persons whose undisputed claims were received too late, or remained unpaid too long, to be payable without a judge’s order and in respect of which such an order has been or is about to be applied for, together with particulars of the nature of the claim, its amount, etc., as below set out:

| Name | Address | Nature of claim | Paid or unpaid | If paid, date of order or judgment | Amount |
|-------|---------|-----------------|----------------|------------------------------------|--------|
| | | | | | |
| | | | | | |
| Total | | | | | |

ELECTIONS

c. E-6

4 – Disputed Claims

In addition to the above, I am aware as official agent for the said candidate of the following (and only of the following) disputed and unpaid claims, the names and addresses of the claimants, the character of the claims respectively and the amount thereof being as set out below:

| Name | Address | Character of disputed account | Amount | |
|-------|---------|-------------------------------|--------|--|
| | | | | |
| | | | | |
| Total | | | | |

(a) Services

The following statement contains the name and address of every person, club, society, company or association to whom any payment was made for work done, with a description of the nature of the work done and the amount paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:

| Consec. No. of voucher | Name | Address | Nature of work done | Amount paid | |
|------------------------|-------|---------|---------------------|-------------|--|
| | | | | | |
| | | | | | |
| Total | | | | | |

c. E-6

ELECTIONS

(b) Travelling expenses and hire of vehicles

The following statement contains the name and address of every person, club, society, company or association to whom any payment was made for travelling expenses or the hire of vehicles with the amounts paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:

| Consec. No. of voucher | Name | Address | Nature of claim | Amount | |
|------------------------------|-------|---------|-----------------|--------|-------|
| | | | | | |
| | | | | | |
| Total | | | | | |

(c) Goods supplied

The following statement contains the name and address of every person, club, society, company or association to whom any payment (not already set out) was made, for goods supplied, with a description of the goods supplied and the amounts paid to each, vouchers for such payments being attached hereto, so far as the same have been received and numbered consecutively as indicated in the proper column below:

| Consec. No. of voucher | Name | Address | Description of goods supplied (If only hired, so state and give duration) | Amount paid | |
|------------------------------|-------|---------|--|----------------|-------|
| | | | | | |
| | | | | | |
| Total | | | | | |

FORM 35

(Section 126)

NOTICE OF REQUEST FOR RECOUNT OR ADDITION

To: *P.J.*

Returning Officer for the constituency of _____
Pursuant to *The Election Act*:

1. I, _____ of _____, Saskatchewan, a
candidate for the constituency of _____ at the election
held on the _____ day of _____, 19____:

(or)

I, _____ of _____ Saskatchewan, a
duly appointed business manager of _____, a candidate for
the constituency of _____ at the election held on the _____ day
of _____, 19____:

(a) hereby request a recount or addition of the votes cast at the election;
and

(b) hereby request that you issue a certificate as required by section 126 of
The Election Act.

2. My address for service of all documents required to be served on me
is _____

(Note—The address for service must be a specific address; if the candidate has
retained a solicitor to act for him, the name of the solicitor and his business address
shall be set out in full.)

Dated at _____, Saskatchewan, this _____ day of _____, 19____

.....
Candidate or his business manager.

FORM 36

(Sections 206 and 222)

DECLARATION OF BUSINESS MANAGER OF A CANDIDATE OR
CHIEF OFFICIAL AGENT OF A RECOGNIZED POLITICAL PARTY

I, _____ of _____ being:

(a) the business manager of _____ a candidate
at the election held on the _____ day of _____, 19____, of a
member of the Legislative Assembly of Saskatchewan.

(b) the chief official agent of _____ being a recognized political party, operating during an election held in Saskatchewan on the _____ day of _____, 19____;

do hereby solemnly declare that I have examined the return of election expenses to be transmitted to the returning officer at the said election or to the Chief Electoral Officer, as the case may be, and now shown to be by the officer before whom this declaration is made and to the best of my knowledge and belief that return is correct.

And I hereby further solemnly declare that except as appears from that return, I have not and to the best of my knowledge and belief no other person, nor any club, society, company or association has on behalf of the candidate or to the recognized political party made any payment, or given, promised or offered any reward, office, employment or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly declare that I have received from the candidate the sum of (*insert "NO" if the fact is so*) _____ dollars and no more for the purposes of the election, and that, except as specified in the return sent to me, no money, security or equivalent for money has been paid, advanced, given or deposited by any one to me or in my hands, or to the best of my knowledge and belief, to or in the hands of another person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of or in respect of the conduct or management of the said election: (*The above paragraph will be struck out where the declaration is made by the chief official agent of a recognized political party.*)

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

.....
(*Signature of declarant*)

Signed and declared before me by the above named declarant at _____, in the Province of _____, on the _____ day of _____, 19____.

.....
*Person authorized to administer oaths
in Saskatchewan.*

FORM 37

(*Sections 206 and 222*)

CANDIDATE'S DECLARATION AS TO EXPENSES

1. I, _____, whose address is _____ and whose occupation is _____, having been a candidate at the election of a member to serve in the Legislative Assembly of Saskatchewan for the constituency of _____, held on the (*insert date of poll*) day of _____, 19____, do hereby solemnly declare that I have examined the return of election expenses transmitted or about to be transmitted by my business manager to the returning officer at the said election, a copy of which return is now shown by me and signed by the officer before whom this declaration is made, and to the best of my knowledge and belief that return is correct.

2. And I further solemnly declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, company or association has, on my behalf, made any payment, or given, promised or offered any reward, office, employment or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

3. And I further solemnly declare that I have paid to my said business manager the sum of _____ and no more for the purpose of the said election, and that, except as specified in the return, no money, security or equivalent for money has to my knowledge or belief been paid, advanced, given or deposited by any one to or in the hands of my official agent or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

4. And I further solemnly declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

.....
(Signature of declarant)

Signed and declared before me by the above named declarant at _____, in the Province of _____, on the _____ day of _____, 19____.

.....
*Person authorized to administer oaths
in Saskatchewan*

FORM 38
(Section 126)

CERTIFICATE OF RETURNING OFFICER

CONSTITUENCY OF _____

Pursuant to the written request of _____ of _____, Saskatchewan, a candidate for the constituency of _____ (or of _____ of _____, Saskatchewan, business manager of _____, a candidate for the constituency of _____) at the election held on the _____ day of _____, 19____; and pursuant to section 126 of *The Election Act*, I, the undersigned returning officer for the constituency of _____ hereby certify as follows:

1. That the majority of the votes cast at the election according to my addition, in favor of _____, the candidate declared by me to have been elected is _____;

- 2. That the number of all unopened ballot envelopes is _____
- 3. That the number of all ballots rejected is _____
- 4. That the number of all ballots objected to is _____

Dated at _____, Saskatchewan, this _____ day of _____, 19____

.....
Returning Officer.

FORM 39

(Section 205)

CERTIFICATE OF RETURNING OFFICER

CONSTITUENCY OF _____

I, _____, the undersigned returning officer for the constituency of _____, do hereby certify that the number of voters whose names appear on the official voters' list for all polling divisions in the said constituency as enumerated, revised and corrected pursuant to section 25 of *The Election Act* for the election held in the said constituency on the _____ day of _____, 19____, is _____.

.....
Returning Officer.

FORM 40

(Section 89)

APPLICATION TO VOTE UNDER SECTION 89

PART I

To the Returning Officer

Constituency of

.....
(address)

I, _____, the undersigned person
(name of applicant)

being a qualified voter under *The Election Act* and entitled to vote in polling division No. _____ in the above-mentioned constituency, hereby apply to you to vote at the election now pending as provided in section 89 of the said Act. I claim to be entitled to vote under section 89 because I am unable to attend in person at the polling place in the polling division or at an advance poll, by reason of my physical incapacity.

Dated this _____ day of _____, 19_____.

.....
(Signature of applicant)

.....
(Address of applicant).

PART II

I, _____, the undersigned
(name of second person)

person residing in polling division No. _____ in the above-mentioned constituency, do hereby certify that I do not reside with the person named in Part I, that the person named in Part I is personally known to me, that he resides in the said polling division, and that he is unable to attend at the polling place in the polling division or at an advance poll by reason of his physical incapacity.

Dated this _____ day of _____, 19_____.

.....
(Signature of second person).

FORM 41

(Section 89)

VOTING BY INCAPACITATED VOTER

FORM OF BALLOT ENVELOPE

BALLOT ENVELOPE FOR BALLOT CAST BY INCAPACITATED VOTER

Constituency of

The voter shall mark the ballot paper by writing in the space provided the name or the political affiliation of the candidate for whom he intends to vote. He shall then insert the marked ballot in this envelope and fill in the name of the constituency in the proper place.

FORM 42

(Section 89)

FORM OF CERTIFICATE ENVELOPE
CERTIFICATE ENVELOPE

Constituency of

Polling Division No.

Insert the ballot envelope (form 41) in this envelope. The voter shall then complete the following certificate:

FIRST CERTIFICATE.

I, _____ of _____
(name of voter) (address of voter)

do hereby certify that I applied to vote under section 89 of *The Election Act* because I am unable to go in person to the polling place or to an advance poll by reason of my physical incapacity and that enclosed in this envelope is a ballot envelope which contains the ballot received by me and marked by me,.

Dated this _____ day of _____, 19____.

.....
(Signature of voter).

The voter shall then have another person, who does not reside with him and who resides in the same polling division and is entitled to vote thereat, complete the following certificate:

SECOND CERTIFICATE

I, _____, the undersigned person, residing in polling
(name of person)

division No. _____ in the above-mentioned constituency, do hereby certify that I am a duly qualified voter under *The Election Act*, entitled to vote at the above-mentioned polling division, and I further certify that I do not reside with the person named in the First Certificate and that to the best of my knowledge and belief the person named in the First Certificate is a duly qualified voter under the said Act but is unable to go to the polling place or to the advance poll in person by reason of his physical incapacity.

Dated this _____ day of _____, 19_____.

.....
(Signature of second person).

FORM 43

(Section 89)

FORM OF OUTER ENVELOPE
TO THE RETURNING OFFICER

Constituency of _____
(Name of constituency)

.....
(Address of returning officer).

FORM 44

(Section 89 (14))

STATEMENT OF BALLOTS MAILED OR DELIVERED TO THE RETURNING OFFICER

CONSTITUENCY of (name of constituency)

To be completed by the Returning Officer following the count of ballots cast by physically incapacitated voters and a copy forwarded to each candidate in the constituency, in accordance with section 89(14).

I. Total number of incapacitated voters who submitted an application to vote by mail
II. Total number of incapacitated voters to whom a ballot paper (form 12) was forwarded
III. Number of incapacitated voters appearing in poll book as having voted
IV. Number of ballots cast for each candidate:
Name of candidate No. of votes
1)
2)
3)
4)
Total
V. Number of spoiled ballots (Section 89(9)(b))
Total number of ballots received by returning officer
Note: This total must agree with item III.

I hereby certify that the above statement is correct.

Dated at this day of 19..... Returning Officer.

ELECTIONS

c. E-6

SECOND SCHEDULE

FORM 45

(Sections 128, 129)

| <i>Constituency.</i> | <i>Judicial Centre.</i> | <i>Constituency.</i> | <i>Judicial Centre.</i> |
|-----------------------|-------------------------|----------------------|-------------------------|
| Arm River | Regina | Quill Lakes | Wynyard |
| Assiniboia- | | Redberry | Battleford |
| Gravelbourg | Assiniboia | Regina Centre | Regina |
| Athabasca | Battleford | Regina Elphinstone | Regina |
| The Battlefords | Battleford | Regina Lakeview | Regina |
| Bengough-Milestone | Weyburn | Regina North-East | Regina |
| Biggar | Saskatoon | Regina North-West | Regina |
| Canora | Yorkton | Regina Rosemont | Regina |
| Cumberland | Prince Albert | Regina South | Regina |
| Cutknife-Lloydminster | Battleford | Regina Victoria | Regina |
| Estevan | Estevan | Regina Wascana | Regina |
| Humboldt | Humboldt | Rosetown-Elrose | Kerrobert |
| Indian Head-Wolseley | Regina | Rosthern | Prince Albert |
| Kelsey-Tisdale | Melfort | Saltcoats | Yorkton |
| Kelvington-Wadena | Wynyard | Saskatoon | |
| Kindersley | Kerrobert | Buena Vista | Saskatoon |
| Kinistino | Humboldt | Saskatoon Centre | Saskatoon |
| Last Mountain- | | Saskatoon Eastview | Saskatoon |
| Touchwood | Regina | Saskatoon Mayfair | Saskatoon |
| Maple Creek | Swift Current | Saskatoon Nutana | Saskatoon |
| Meadow Lake | Battleford | Saskatoon Riverside | Saskatoon |
| Melfort | Melfort | Saskatoon-Sutherland | Saskatoon |
| Melville | Melville | Saskatoon Westmount | Saskatoon |
| Moose Jaw North | Moose Jaw | Shaunavon | Shaunavon |
| Moose Jaw South | Moose Jaw | Shellbrook | Prince Albert |
| Moosomin | Moosomin | Souris-Cannington | Arcola |
| Morse | Swift Current | Swift Current | Swift Current |
| Nipawin | Melfort | Thunder Creek | Moose Jaw |
| Pelly | Yorkton | Turtleford | Battleford |
| Prince Albert | Prince Albert | Weyburn | Weyburn |
| Prince Albert- | | Wilkie | Kerrobert |
| Duck Lake | Prince Albert | Yorkton | Yorkton |
| Qu'Appelle | Regina | | |

