

ELECTIONS SASKATCHEWAN



Kindersley, Melfort & Swift Current By-Election Communique for Chief Official Agents Issue Ten: March 9, 2018

The Final Count, recount processes and protecting voters lists

As we all continue to work through the writ period for by-elections in Kindersley, Melfort and Swift Current, I want to remind you of some important aspects for careful consideration. I hope that you will take a moment to consider these carefully and share with your candidates, business managers, and others within your campaign teams.

Final Count

You will know that, following by-election day, there are still votes left to be counted before the results of these three by-elections become official. By legislation, the final count is held 12 days after by-election day at the constituency returning office. The final count begins at 9 a.m. and candidates and up to two representatives per candidate are allowed to attend.

At the final count:

- The Returning Officer counts any votes cast using special voting procedures that have not yet been counted and records them. In this by-election, these will be absentee and hospital votes;
- Results from by-election night are reviewed but these ballots are not counted again; and
- Final results are entered into our election management system.

Any candidate representatives who attend must be able to produce an E-417 appointment form – a copy of which can be found on our website at <http://www.elections.sk.ca/candidates-political-parties/forms-and-guides/>. Every person in attendance for the counting of ballots will need to complete an oath of secrecy as well. The final count will begin promptly at 9 a.m. but candidates and/or their representatives do not need to be in attendance at the beginning nor are they required to stay for the entire duration.

The Election Act, 1996 sets out, in detail, the process, and the order in which, the returning officer conducts the final count. The first ballot boxes opened will be those from election night (with the exception of the homebound ballot box) which are then confirmed against the results reported that night. Only after this process is finished, will the absentee votes be counted. By legislation, the homebound ballot box is the last one opened.

Recount Processes

Once the final count ends, we enter a period of time whereby candidates and/or their business managers can request or apply for recounts. The ability to request or apply for a recount is an important part of the electoral process that helps to ensure integrity.

A recount will be automatically granted if a request is made by a candidate or their business manager under the following two circumstances:

- If the two candidates with the most votes have the same number of votes following the Final Count;
- If, after the Final Count, the margin of victory of the candidate declared elected is less than the total number of all unopened ballot envelopes, rejected ballots and ballots objected to.

The Election Act, 1996 refers to the two above scenarios as “automatic” recounts – see section 155 of the Act for more information. A request for an automatic recount is made to the returning officer and must be made within four days of the final count, or Saturday, March 17. Given the margins of victory in these three by-elections, the likelihood of an automatic recount is extremely low but I have included these details for your information.

There are also circumstances where a candidate or business manager can apply to a judge of the Court of Queen’s Bench for a recount or addition. These are:

- The candidate or business manager is not entitled to request a recount or an addition pursuant to section 155; or
- The candidate or business manager has made a request for a recount or an addition and the returning officer failed to comply with section 155.

In circumstances where a candidate is not entitled to request an automatic recount, the application must be made to the Court of Queen’s Bench within ten days of the returning officer declaring a candidate to be elected, or by Friday, March 23. Refer to section 156 for more information.

Security of Voters Lists

By legislation, I am required to take all reasonable steps to protect against unauthorized use of a voters list. Whether your party acquired the voters list through an Information Sharing Agreement or through a signed declaration, you agreed to certain responsibilities regarding the privacy and security of that information. I would ask that you review the agreement or declaration that was signed and review how this information needs to be treated. I take this commitment very seriously and I ask that you do as well. If you have any questions on this, please contact my office.

I would also ask you to remind your candidates of their responsibility to collect and destroy any copies of the voters list used throughout the campaign. Anyone who picked up a voters list was required to sign a declaration to protect, secure and/or destroy the list provided to them. This responsibility extends to campaign workers and volunteers.

Return of Election Expenses

Finally, just a reminder of two important dates.

The candidate return of election expenses is due on Friday, June 1. The registered political party return of election expenses is due on Tuesday, September 4. As we said in a communique sent to you dated December 21, 2017, when multiple by-elections are held on the same date, an election expense return must be prepared for each event. If you have questions, please contact Jennifer Colin, Deputy Chief Electoral Officer, at Jennifer.Colin@elections.sk.ca.

I hope that you won't hesitate to be in touch with any questions or concerns. Thank you for your continued cooperation.



Dr. Michael Boda
Chief Electoral Officer
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