



**From:** Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan

**Date:** November 23, 2018

**To:** The Honourable Don Morgan  
Minister of Justice and Attorney General

**cc:** The Honourable Jeremy Harrison  
Minister of Trade and Export Development  
Ms. Nicole Sarauer  
MLA for Regina Douglas Park

**Re:** Supplementary Changes to Current Election Legislation

In publishing recommendations for reform in *Volume IV* of my report<sup>1</sup> on the 28th General Election, I highlighted three priority areas for completion in advance of the 29th General Election, scheduled for the fall of 2020. These were:

- 1) Streamlining the advance voting process by introducing electronic poll book and tabulator technology;
- 2) Enabling Elections Saskatchewan to undertake pilot projects to test planned electoral process innovations in a limited implementation environment; and
- 3) Addressing errors, omissions, contradictions and administrative challenges that exist in the current legislation

My recommendations for legislative change that would be required for the first two of the three priority areas listed above were forwarded to your office in a memo dated October 26, 2018.<sup>2</sup> The current memo focuses on the third priority area listed above.

As with any piece of legislation that has been in place and then amended from time to time over several decades, the current Election Act contains a variety of legislative issues which, when taken as a whole, lead to various inefficiencies and challenges for voters, political parties and candidates, and election administrators.

The recommendations contained in the current memo focus on gaining efficiencies and overcoming administrative challenges. They are *intentionally non-controversial*, with an eye toward improving our election system in the short-term.

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<sup>1</sup> Elections SK (2018). Volume IV – Chief Electoral Officer’s Recommendations for Legislative Reform in A Report on the Twenty-Eighth General Election (Regina: Elections Saskatchewan) – see <https://cdn.elections.sk.ca/upload/ESK-Recommendations-for-Legislative-Reform-small-res-1.0-FINAL.pdf>

<sup>2</sup> Dr. Michael Boda, Chief Electoral Officer to The Honourable Don Morgan, Minister of Justice and Attorney General (October 26, 2018). Proposed Amendments to *The Election Act, 1996*.

An overview of the types of recommendations offered here can be found in "Appendix D – Supplementary Information on Recommendations for Legislative and Regulatory Changes re: *The Election Act, 1996*" in Volume IV of my report on the 28th General Election (a copy is attached). These recommendations are presented within seven broad categories in the seven tables attached, including:

- 1) Incomplete drafting and conflicting references;
- 2) Provisions that add cost, but little or no value;
- 3) Provisions that demand the collection of unnecessary information;
- 4) Provisions that are no longer required;
- 5) Gaps in legislative provisions;
- 6) Changes required to keep pace with voting trends;
- 7) Changes required to keep pace with modifications to electoral administration

Moving forward, my goal is to continue to work with legislators in order to facilitate effective and meaningful change to our election system.<sup>3</sup> I would be pleased to make my staff available to work with legislative drafters from the Ministry of Justice on specific language needed to incorporate these changes.

I genuinely appreciate your attention to these important changes and want to thank you for working with my office as we work to ensure Saskatchewan's 29th general election is administered in a manner that is consistent with electoral best practice and the highest standards of efficiency.

Sincerely,



Enclosures

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<sup>3</sup> A copy of a memo offering an overview of all legislative change to be proposed in advance of the 29th General Election was provided to your office earlier. See Dr. Michael Boda, Chief Electoral Officer to The Honourable Jeremy Harrison, Minister of Trade & Export (September 27, 2018). Amendments to *The Election Act, 1996* for Saskatchewan's 29th General Election.

# Supplementary Information on Recommendations for Legislative and Regulatory Changes Re: *The Election Act, 1996*

In April 2018, Elections Saskatchewan (Elections SK) published Volume IV in *A Report on the Twenty-Eighth General Election, Chief Electoral Officer's Recommendations for Legislative Reform*. That report offered a vision of a modernized provincial voting system that would be phased in over the course of the next three provincial election cycles.

Phase One focused on the following key priorities:

- Streamlining the advance voting process by introducing technology;
- Enabling Elections SK to undertake pilot projects to test innovations; and
- Addressing errors, omissions, contradictions and challenges that exist in the current Act.

This document focuses exclusively on the third bullet point and fulfils a promise made in Volume IV to provide a list of “housekeeping amendments” that will ensure the Act is relevant and efficient for the next provincial election, scheduled to be held on the fall of 2020. It also provides for limited modernization to sections of the Act which will not be affected by changes to advance voting processes or the introduction of pilot projects. The majority of these proposed amendments are non-controversial and are well overdue for legislative attention. A high-level overview of these amendments can be found in Appendix D of the above-mentioned report. Appendix D also contained a promise that this document, entitled *Supplementary Information on Modernization Recommendations for Legislative and Regulatory Changes Re: The Election Act, 1996*, would be provided to the Ministry of Justice for consideration.

For more information on the first and second points listed above, see Appendix B and C of Volume IV. Further information was provided to government and opposition members of the Legislative Assembly in the Chief Electoral Officer's memo to the Honourable Don Morgan, Minister of Justice and Attorney General, dated October 26, 2018.<sup>1</sup>

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<sup>1</sup> Dr. Michael Boda, Chief Electoral Officer to The Honourable Don Morgan, Minister of Justice and Attorney General (October 26, 2018). Proposed Amendments to *The Election Act, 1996*.

The changes recommended within this document have been categorized under the seven broad categories introduced in Volume IV:

1. Incomplete drafting and conflicting references;
2. Provisions that add cost, but little or no value;
3. Provisions that demand the collection of unnecessary information;
4. Provisions that are no longer required;
5. Gaps in legislative provisions;
6. Changes required to keep pace with voting trends;
7. Changes required to keep pace with modifications to electoral administration.

Each category is briefly explained below along with a table listing the sections and subsections of the Act that fall within that category (listed numerically). Within the table, the current language found in the Act, or a brief description of that language, is included alongside an explanation of the proposed change. In most cases, proposed legislative language has not been provided, rather the issue with the current wording and a potential solution is described. If a section of the Act has issues or problems that could place it into more than one category, it has been included only in the category that seems most appropriate and not every area that it could fit into. In rare cases where an entirely new legislative provision is being recommended, there will be nothing listed in the columns for sections of the Act or current legislative language.

## 1. Incomplete Drafting and Conflicting References

This first category focuses on legislative drafting that is incomplete or incorrect as well as references within the Act that conflict or are not in clear agreement with other sections. The Act has been amended more than 15 times since its approval in 1996 and many small issues and inconsistencies have been introduced over the years. Small errors and typos of all varieties have also been included in this category.

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
GE29-6	Interpretation – Outdated Reference	2(1)(c.1) & others	Several sections of the Act refer to <i>The Legislative Assembly and Executive Council Act, 2007</i> .	The Act should reference <i>The Legislative Assembly Act, 2007</i> . There are also outdated references in ss. 2(1)(ll.1), 18.3(2)(a), 42(1)(d), and 277.1(1).
GE29-9	Nomination day - More than 1 day	40	The nomination of candidates is to be at the day, time and place fixed in accordance with clause 31(3)(b) by the returning officer in the election proclamation.	<p>The proclamation fixes a single day as nomination day. In fact, nomination day is set as the deadline for nominations. Nomination papers are permitted from the day the writs of election are issued until nomination day.</p> <p>This section should be amended to be consistent with s. 44(1) and to reflect the fact that nominations occur from the date the writs are issued.</p>
GE29-10	Candidate’s representatives - Saskatchewan residents	54(1)	<p>A candidate may appoint in writing one or more voters, or Saskatchewan residents, who are Canadian citizens and who are 14 years of age or older to do all or any of the following:</p> <p>(a) to be present and to represent him or her, in addition to or in place of himself or herself, at a polling place;</p> <p>(b) to perform at the polling place any functions that this Act authorizes a candidate’s representative to perform;</p> <p>(c) prior to the final count of votes, to be present at a place other than a polling place and to perform at the</p>	<p>It is confusing and unnecessary to include the words “voters” in the list of qualifications for candidate's representatives, since persons who are between the age of 14 years of age but less than 18 would not be voters.</p> <p>The age limit for candidate’s representatives should be raised to 16 to be consistent with a proposal to permit persons 16 years of age or older to act as election officers.</p>

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			place any functions that this Act authorizes a candidate's representative to perform at the place.	
GE29-11	Who is entitled to be in polling place and at counting of votes	63(1)	<p>Only the following persons are entitled to be present in the polling place during the time that the polling place remains open for voting and at the counting of the votes pursuant to section 141:</p> <p>(a) the Chief Electoral Officer and the Assistant Chief Electoral Officer;</p> <p>(b) the returning officer, the supervisory deputy returning officer, if any, and the deputy returning officer;</p> <p>(c) the election clerk and the poll clerk or clerks;</p> <p>(d) any interpreter;</p> <p>(e) the candidates and not more than two candidate's representatives for each candidate;</p> <p>(f) any other persons authorized by the returning officer, supervisory deputy returning officer or deputy returning officer to assist in preserving the peace at the polling place.</p>	<p>This section deals specifically with what takes place during voting and should, therefore, be amended to remove the reference to counting of votes and a new provision added to section 141 that deals specifically with who can be present at the counting of votes after the polls close.</p> <p>This section should be amended to clarify that voters are permitted in the polling place during the hours of voting. Voting in hospitals, personal care homes and remand centres often requires the presence of staff while patients or residents are voting. The CEO should also be able to authorize the presence of other persons for purposes of observation and auditing voting procedures and election processes.</p>
GE29-12	Information that voters must provide on entering polling place - On or off the list	65(2) & (3)	<p>(2) If the poll clerk determines that a voter's name appears on the voters' list, the voter, before being given a ballot paper and voting, shall:</p> <p>(a) provide the deputy returning officer with the satisfactory evidence of the voter's identity and ordinary residence required pursuant to section 72.1;</p> <p>or</p> <p>(b) make the voter's declaration in accordance with section 71.</p> <p>(3) If the individual's name does not appear on the voters' list, the individual shall:</p> <p>(a) answer any questions from the deputy returning officer; and</p> <p>(b) provide to the deputy returning officer any</p>	<p>The recently added requirement for a voter to provide satisfactory evidence of identity and residential address was intended to apply to all voters regardless of whether or not their name appeared on the voters list.</p> <p>There should be no different or lesser requirement for a voter whose name is not on the list. The Act should be amended to eliminate the distinction for voters whose names are on the voters list and voters whose names are not on the list.</p>

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			information, satisfactory to the deputy returning officer, that relates to establishing the individual's identity, ordinary residence on the day on which the writ was issued and eligibility to vote; (c) Repealed. 2014, c.10, s.13.	
GE29-13	Evidence of identity and ordinary residence - On or off the list	72.1(2)(a)	If a voter or other individual is required to provide satisfactory evidence of the voter's or individual's identity and ordinary residence pursuant to this Act, the satisfactory evidence that must be provided is one of the following: (a) if the voter's or individual's name appears on the voter's list, one original piece of identification that: (i) shows the voter's or individual's photograph, name and address; and (ii) is issued by the Government of Saskatchewan, the Government of Canada or an agency of those governments; or	This provision should be amended to eliminate the distinction between voters who are on the voters list and those who are not to make it clear that voters who are not on the voters list must satisfy the same ID requirements as voters who are on the list.  Section 2.1 of <i>The Election Act Regulations</i> should also be amended to correspond with the amendment to this provision of the Act.
GE29-14	Marking ballot - Depositing ballot	74(4)(b) & others	After leaving the voting station, the voter shall: (a) immediately deliver the folded ballot paper to the deputy returning officer, without showing the front to anyone or displaying the ballot paper so as to make the name of the candidate for whom he or she has voted known to any person; (b) observe the deputy returning officer deposit the ballot in the ballot box; and (c) leave the polling place immediately after the ballot has been deposited in the ballot box.	This section should be amended to permit the voter to deposit his or her own ballot in the ballot box. This is permitted elsewhere in the Act.  This also affects also ss. 75(b)(ii), 77(3), 77(3), 99(10), 107(10), 115(10) and 123(10).
GE29-15	Voter may request assistance in marking ballot -	77(1)(b)	A deputy returning officer may assist a voter in marking the voter's ballot if the voter: (a) is unable to read or is physically unable to mark	The term "applies" suggests a formal application for assistance. The voter should only need to request the DRO to help with marking his or her ballot.

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	Need for voter to apply		his or her ballot in the manner prescribed in this Act; and (b) applies for assistance.	The Act should be amended to replace the term "applies for assistance" with "requests assistance".
GE29-17	Voting Procedures - Numbering	88(3) to (5)	Clauses go from (3) to (5)	The numbering in this section needs to be corrected.
GE29-19	Voting procedures - homebound voters - Making appointments	89.3(1)	If the returning officer is satisfied that the applicant is a homebound and that it is reasonably practicable to do so, the returning officer shall direct an election officer designated by the returning officer to contact the voter to schedule an appointment at an agreed time for an election officer to attend on a homebound voter between the first day of advance polling and the close of voting on the last day of advance polling for the purposes of voting in accordance with this section.	It is not necessarily another election officer who would be contacting the homebound voter to make the appointment for a visit. It may be the returning officer or an office staff member.  The Act should be amended to indicate that the returning officer will ensure the homebound voter is contacted to schedule an appointment.
GE29-21	Voting procedures - homebound voters	89.3(4)(a)(ii)	If directed to do so pursuant to subsection (1), an election officer shall, in accordance with subsection (1), attend on and deliver to the homebound voter the following: (a) a ballot paper that: (i) is in the prescribed form; (ii) is initialed by the returning officer or election clerk; and	Homebound polls are conducted in the same manner as any other poll using a deputy returning officer and a poll clerk. The Act should be amended to indicate that it is the deputy returning officer who initials the ballot rather than the returning officer or election clerk.
GE29-22	Voting procedures - homebound voters - two election officials	89.3(4) & (5)	Both of these sections refer to " <u>an</u> election officer" attending and delivering a ballot to a homebound voter.	Every other voting process described in the Act requires two election officials to be present to administer the voting process. As a matter of good practice to maintain the integrity of the voting process, Elections Saskatchewan sends a two-person team consisting of a male and female deputy returning officer and poll clerk to each homebound voter's home. This is also done as a matter of security



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				for the election officials and the voter. The Act should be amended to require two election officials.
GE29-23	Voting procedures - homebound voters - Candidate's representatives	89.3(5)	If an election officer is directed pursuant to subsection (1) to attend on a homebound voter, a representative of each candidate in the constituency may also attend with the election officer at the scheduled time.	<p>Many homebound voters are vulnerable and concerned about their personal safety. It is not clear in the Act whether a homebound voter should be permitted to vote if they refuse entry of candidate's representatives.</p> <p>The Act should be amended to make it clear that if the homebound voter refuses entry to a candidate's representative, the deputy returning officer should allow the voter to vote and the poll clerk should make a note in the poll book of the voter's refusal to allow entry to the candidate's representative.</p>
GE29-24	Voting procedures - homebound voters - Ballot counting	89.3(8)	Sections 77 and 78 apply, with any necessary modification, to a homebound voter who is voting in accordance with subsection (7).	<p>This section effectively requires homebound ballots to be counted at the same time as absentee ballots which are counted 10 days after polling day.</p> <p>The Act should stipulate that the election officials count the homebound ballots on election night.</p>
GE29-25	Voting procedures - homebound voters -Informing candidates	89.3(12)	When delivering the written notice to the deputy returning officer pursuant to subsection (11), the returning officer shall inform each candidate of the name and address of each homebound voter.	<p>If the intent of this section is to allow a candidate's representative to attend at the vote of a homebound voter, then informing candidates at the time written notice is provided to the deputy returning officer, i.e. after homebound voters have voted, is not practical.</p> <p>The Act should be amended to allow the returning officer to advise the candidate of appointments scheduled for each day and to inform candidates after all homebound voters have voted.</p>

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GE29-26	Temporarily displaced voters - Procedures after closing polling place - Return of ballot box to CEO	100(15) & others	The deputy returning officer shall immediately deliver to the Chief Electoral Officer the locked and sealed ballot box mentioned in subsection 99(10) containing the unopened ballot envelopes.	<p>Ballot boxes for temporarily displaced voters are returned to the returning officer who then forwards them to the Chief Electoral Officer. This section should be amended to indicate that the sealed ballot box is to be delivered to the RO who then delivers it to the CEO. This also affects ss. 108(15) and 116(15).</p> <p>Also, as noted in comments on section 59 (Table 7) of the Act, ballot boxes are made of cardboard and do not have a locking mechanism. See Table 7 for further information.</p>
GE29-27	Handling of ballot boxes with ballot envelopes - Temporarily displaced voters - Sorting of ballots by CEO	101(2)	The Chief Electoral Officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.	<p>The current provision would require the CEO to permit candidate representatives for all candidates in the election to be present for the sorting process which could potentially involve several hundred persons.</p> <p>The Act should be amended to permit all registered political parties to have a maximum of two representatives and independent candidates to have one representative present to observe the ballot sorting process.</p>
GE29-28	Handling of ballot boxes with ballot envelopes - Hospitals - Sorting ballots at office of CEO	109(2)	The Chief Electoral Officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.	<p>The current provision would require the CEO to permit candidate representatives for all candidates in the election to be present for the sorting process and could potentially involve several hundred persons.</p> <p>The Act should be amended to permit all registered political parties to have a maximum of two representatives and independent candidates to have one representative present to observe the sorting process.</p>

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GE29-29	Voting procedures - Remand centres - Depositing ballot	115(10)	<p>In the full view of the voter and all others present: On receiving a ballot paper from a voter, the deputy returning officer shall,</p> <p>(a) without unfolding the ballot paper or in any way disclosing the name or political affiliation of the candidate for whom the voter voted, examine the initials appearing on the ballot paper to ensure that it is in the same ballot paper that the deputy returning officer delivered to the voter; and</p> <p>(b) if it is the same ballot paper:</p> <p>(i) remove and destroy the counterfoil;</p> <p>(ii) place the ballot in the ballot envelope containing the voter's declaration of the voter and seal the envelope; and</p> <p>(iii) deposit the ballot envelope in the ballot box.</p>	<p>The Act was changed several years ago to allow voters to deposit their own ballot. This section should be amended to reflect the change.</p>
GE29-30	Handling of ballot boxes with ballot envelopes - Remand Centres - Sorting of ballots at office of CEO	117(2)	<p>The Chief Electoral Officer shall do the things prescribed in this section in the presence and in full view of the persons who are entitled pursuant to section 63 to be present.</p>	<p>The current provision would require the CEO to permit candidate representatives for all candidates in the election to be present for the sorting process and could potentially involve several hundred persons.</p> <p>The Act should be amended to permit all registered political parties to have a maximum of two representatives and independent candidates to have one representative present to observe the sorting process.</p>
GE29-31	Polls and polling places - Hospitals – Stationary poll	121(1)	<p>A returning officer shall establish a poll in each hospital and remand centre in the constituency for which the returning officer is appointed.</p>	<p>This section should be amended to leave it to the discretion of the returning officer, after consulting with hospital administration, whether a stationary poll needs to be established in a hospital in addition to going bed to bed.</p>

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GE29-36	Contracts based on election void - Missing word	213	Every executory contract, promise or undertaking the performance of which is dependent on a candidate's election is void, even if the contract, promise or undertaking (is) related to the payment of lawful expenses or the doing of a lawful act.	This section is missing the word "is" between the words "undertaking" and "related".
GE29-37	Offences respecting printing - Heading	215	Offences respecting printing	The heading of s. 215 refers to "Offences respecting printing" however, the section itself deals, more generally, with offences respecting advertising. The heading of this section should refer to "Offences respecting advertising."
GE29-39	Qualifications and principles to be applied by auditor - GAAP	222(2)	Every auditor shall apply generally accepted accounting principles in conducting an examination or in making a report pursuant to this Act.	The requirement for auditors' examinations to be conducted according to generally accepted accounting principles (GAAP) should be supplemented with a requirement to conduct examinations to ensure compliance with the requirements set out in the Act.
GE29-41	Registered political parties to file information	230(1)	As soon as possible after the following information becomes known to a registered political party, it shall file the following information with the Chief Electoral Officer: (a) the name and address of each candidate selected by the party's constituency associations, the name of the constituency association choosing the candidate and the date of the selection; (b) the name and address of each business manager appointed for each candidate, the date of the appointment and the written consent of the person to act as business manager.	This section should be amended to clarify that it is the leader or chief official agent of the party who is required to file this information.  Also, this section requires the leader to sign candidate endorsements before the writ period, whereas other sections of the Act permit the leader to designate another person to sign endorsements within the writ period. This section should be amended to permit a designate to sign candidate endorsements.
GE29-42	Register - Party - Tax receipts	231(e)	(e) records submitted pursuant to this Part by each registered political party and candidate with respect to tax receipts issued by the party or candidate;	S. 231(e) outlines the information the CEO must maintain in a register. Tax receipts are only issued by registered political parties and the business managers of independent candidates.

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				This section should be amended to clarify that tax receipts for contributions are not issued by any candidate.
GE29-43	Business manager - Missing word	236(4)	(4) A candidate's business manager shall do the following with respect the candidate:	This sentence should be amended to include the word "to" following the word "respect."
GE29-44	No contributions from non-Canadians	242	No Contributions from non-Canadians No business manager and no chief official agent of a registered political party shall accept a contribution from a contributor who resides outside Canada, unless that contributor is a Canadian citizen.	The heading of this section, while not part of the enactment, causes confusion as it does not accurately reflect the intent of the legislation. The section heading should be amended to not cause confusion.
GE29-45	Who may make payment on behalf of candidate	253(2)(b)	(2) Subsection (1) does not apply to: (b) a payment by <u>an</u> individual if the individual uses the individual's own money and the individual is not repaid for the payment; or	This provision exempts individuals from incurring election expenses or making payments on behalf of a candidate other than through the business manager. All candidate election expenses should be authorized by the business manager and treated as election expenses.
GE29-46	Time limit to enforce claims against candidate	256(1)	(1) Every person who issues a bill to, or makes any charge on or claim against, a candidate with respect to a good or service used during an election shall deliver the bill, charge or claim to the candidate or to the candidate's business manager within 60 days of the day fixed for the return to the writ.	In the amendments which came into force in March 2006, references to the deadline for filing of candidate's election returns in subsection 261(1) was changed from "within three months after the day fixed for return of the writ" to "within three months after polling day". It was an over-sight not to change the time limit in subsection 256(1).  References to deadlines in the case of the candidate's return of election expenses should be consistent. The Act should be amended to change the deadline in s. 256(1) from "within 60 days of the day fixed for the

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				return to the writ” to “within 60 days after election day.”
GE29-47	Candidate’s election expenses return - Filing with RO	261(1)	(1) Within three months after polling day, the business manager of each candidate shall file with the returning officer: (a) an election expenses return for the election in the prescribed form; (b) an auditor’s report with respect to the election expenses return; and (c) a solemn oath or declaration, in the prescribed form, made by the candidate’s business manager with respect to the accuracy of the information in the election expense return.	Returning offices are closed by the time candidates' returns are due and returns are filed with CEO. There are multiple other references to returning officers throughout this section that should be amended as well.  The Act should be amended to remove reference to filing the candidate's election expenses return with the returning officer.
GE29-48	Candidate’s election expenses return - Filing of candidate’s oath or declaration	261(5)	(5) Within three months after the candidate returned has been declared elected, each candidate shall file with the returning officer a solemn oath or declaration, in the prescribed form, with respect to the election expenses incurred by the candidate.	The returning officer does not occupy the returning office 3 months after the candidate returned has been declared elected and the business managers of candidates would have no way of contacting them. This section should be amended to indicate that the solemn oath or declaration must be filed with the CEO.  Furthermore, it should be filed 3 months after polling day along with the candidate's election expenses return. In the amendments which came into force in March 2006 references to the deadline for the filing of candidate’s election returns in subsection 261(1) were changed from “within three months after the day fixed for return to the writ” to “within three months after polling day”. It was an over-sight not to change the reference in subsection 261(5) to “within three months days after polling day”. References to deadlines should be consistent. The section should be amended to indicate that the candidate's return is

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
				filed with the CEO and the timeline for filing should be three months from polling day to be consistent with section 261(1).
GE29-49	Handling of election expenses return - Candidate	262(1)	(1) immediately on the filing of an election expenses return or supplementary election expenses return pursuant to section 261, a returning officer shall: (a) make a copy of the return and of any documents accompanying the return; and (b) send the original return and the originals of the documents to the Chief Electoral Officer.	Section 262 (and other sections where necessary) should be revised to show that expense returns are filed with the Chief Electoral Officer and not with the returning officer.
GE29-50	Handling of election expenses return - Gazetting returns	262(5)	As soon as is practicable after receiving an election expenses return or supplementary election expenses return, the Chief Electoral Officer shall publish in the Gazette a summary of the candidate's receipts and expenses.	This section should be amended to provide for the Gazetting of returns upon finalization following review rather than upon receipt.
GE29-51	Eligibility for reimbursement - party - Amount for parties	264(3)	(3) immediately on receipt of a certificate pursuant to subsection (2), the Minister of Finance shall pay an amount equal to 75% of the amount mentioned in clause (2)(b) to the party's chief official agent.	S. 264(3) indicates that the Minister of Finance must pay to eligible political parties an amount equal to 75% of the amount mentioned in clause (2)(b). Clause (2)(b) refers to a certificate that the CEO prepares for the Minister of Finance that states (i) the fact that the registered political party is eligible for a reimbursement, and (ii) the total of the political party's election expenses. Parties are not eligible for a reimbursement of 75% of their election expenses – only 50% according to s. 264(6).  S. 264(3) should clearly state that the Minister of Finance shall pay to political parties immediately upon receipt of a certificate, 75% of the reimbursement to which they are entitled - which is 50% of the party's eligible election expenses.

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GE29-52	Eligibility for reimbursement - candidate - Amount for candidates	265(3)	(3) Subject to sections 269 and 270, immediately on receipt of a certificate pursuant to subsection (2), the Minister of Finance shall pay an amount equal to 75% of the amount mentioned in clause (2)(b) to the candidate's business manager.	<p>S. 265(3) indicates that the Minister of Finance must pay to eligible political parties an amount equal to 75% of the amount mentioned in clause (2)(b). Clause (2)(b) refers to a certificate that the CEO prepares for the Minister of Finance that states (i) the fact that the candidate is eligible for a reimbursement, and (ii) the total of the candidate's election expenses. Candidates are not eligible for a reimbursement of 75% of their election expenses – only 60% according to s. 265(6).</p> <p>S. 265(3) should clearly state that the Minister of Finance shall pay to candidates immediately upon receipt of a certificate, 75% of the reimbursement to which they are entitled - which is 60% of the candidate's eligible election expenses.</p>
GE29-54	If contributions exceed election expenses - Obsolete reference	269(1)	(1) In this section and in sections 270, 271 and 275:	The numbering in the Act goes from s. 271 to s. 277. There is no s. 275 in the Act. This reference should be deleted.



## 2. Provisions that add Cost, but Little or no Value

There are several provisions within the Act that require expensive or unnecessary activities to take place. In many cases, these sections require an announcement, advertisement, or public posting to be made in a specific format/medium at a specific time for the supposed benefit of voters. Such requirements may have made sense and been necessary in past years but have been made irrelevant and unnecessary due to the widespread communication tools available today. These same requirements could be met more effectively and more economically if the legislation was less prescriptive.

Other provisions which add to the total cost of an election but provide little value to taxpayers or other stakeholders are included within this category. In most cases, these sections could be eliminated or significantly amended with no impact to the integrity of the election or to the service levels provided by Elections SK.

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
GE29-25	Preparation of preliminary voters' lists - Publishing in newspapers	26(3)	The Chief Electoral Officer or, on the direction of the Chief Electoral Officer, the returning officer shall place an advertisement in a local newspaper or, if there is no local newspaper in the constituency, in a newspaper having the largest general circulation in the constituency that sets out: (a) the right of voters to review the preliminary voters' list and to apply for revisions of the preliminary voters' list; (b) the times during which and the place at which voters may review the preliminary voters' list; and (c) the times during which and the place at which the revising officer will hear applications for revision of the preliminary voters' list.	This type of advertising is not conducted by returning officers but, rather, centrally by Elections Saskatchewan. Advertising of this nature can be more effectively handled by publishing this information on the Elections Saskatchewan website.  This section should be amended to permit the CEO to publish this information by any means that he considers advisable to adequately inform voters.

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
GE29-26	Polling Places - Maximum number	36(4)	Unless the Chief Electoral Officer approves otherwise, the maximum number of polling divisions that may be combined in a central polling place is six.	<p>If a polling place is large enough to house multiple polling divisions, there should be no need to receive the approval of the CEO. The integrity of the election will not be diminished by deleting this provision. The removal of this provision will allow a returning officer to secure appropriate polling places in a more responsive timeframe. No other Canadian jurisdiction has a similar provision in its election legislation. This section should be repealed.</p> <p>There is a further recommendation within Table 7 related to section 36 related to this topic that would add clarity to requirements for polling places.</p>
GE29-28	Description and affiliation of candidate	45(1)(b)	<p>If a candidate has been endorsed by a registered political party and wishes to have the name of the party or its abbreviation appear on the ballot paper and any election documents relating to him or her, the candidate shall file with the nomination paper a written document that:</p> <p>(a) is signed by the leader of the registered political party; and</p> <p>(b) sets out the manner in which the name of the registered political party or its abbreviation or both are to appear on the ballot paper and all other election documents.</p>	When candidates of the same party make different choices for how they want the political affiliation to appear on the ballot, the data entry and ballot proofing gets very complicated. The party leader should indicate to the CEO how the political affiliation should appear on the ballot for all candidates of that party.
GE29-29	Procedures on nomination day - Public announcements	49	<p>(1) On nomination day, the returning officer shall:</p> <p>(a) attend at the place fixed for the nomination at the hour of 9:00 a.m.;</p> <p>(b) read or cause to be read publicly the writ of election;</p> <p>(c) immediately announce in an audible voice the nominations that have been received;</p> <p>(d) from time to time until 2:00 p.m., announce any</p>	Nominations of candidates are advertised publicly on Elections Saskatchewan's website as they are approved following the issuance of the writ, and changes recommended below would legislate this requirement. Following the close of nominations, the CEO advertises the names of nominated candidates and their business managers.

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
			<p>further nominations that are received.</p> <p>(2) At 2:00 p.m., the returning officer shall:</p> <p>(a) declare the nominations closed; and</p> <p>(b) in an audible voice, announce:</p> <p>(i) the names, political affiliations, if any, addresses and occupations of the candidates nominated; and</p> <p>(ii) the names and addresses of the business managers of the candidates.</p>	<p>Public reading of the writ and announcement of the names of nominees and business managers is unnecessary. This section should be repealed.</p>
GE29-30	If more than one candidate nominated - Distributing names of candidates and enumerators	51(1)	<p>If, at the close of the nominations, more than one candidate remains in nomination, the returning officer shall announce:</p> <p>(a) the polling day; and</p> <p>(b) deliver to every candidate or to any candidate's representative:</p> <p>(i) a list of the candidates nominated; and</p> <p>(ii) a list of all enumerators in the constituency.</p>	<p>The names of all nominated candidates are available on Elections Saskatchewan's website and enumerations are no longer conducted during the writ period. This section should be repealed.</p>
GE29-31	If more than one candidate nominated - Publishing names of candidates, etc.	51(2)	<p>At the close of nominations, the returning officer shall publish the following information:</p> <p>(a) the names, political affiliations, if any, addresses and occupations of the candidates nominated;</p> <p>(b) the names and addresses of the business managers of the candidates; and</p> <p>(c) the polling day and the hours during which voting will take place.</p>	<p>It is not practical or economical for each returning officer to publish this information in a newspaper within the constituency. The section should be amended to require that the CEO publish this information on the Elections Saskatchewan website following the close of nominations and to remove the requirement to publish the occupations of candidates.</p> <p>The requirement to publish the business manager's address should be removed. This address is usually a home address and publishing it along with their name could violate their privacy and serves no purpose.</p>
GE29-32	If more than one candidate	51(3)	<p>The returning officer shall publish the notice required by subsection (2) in:</p>	<p>The CEO can determine the most effective means of advertising using multiple media formats (i.e.</p>

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
	nominated - Publishing names of candidates, etc.		(a) a newspaper published within the constituency; (b) if there is more than one newspaper published in the constituency, in the newspaper that the returning officer considers as having the largest circulation in the constituency; or (c) if no newspaper is published in the constituency, in a newspaper published nearest to the constituency or in a newspaper, wherever published, that the returning officer considers as having the largest circulation in the constituency.	website). The Act should be amended to remove the requirement to publish anything in newspapers and instead require the Chief Electoral Officer to make the information available however the Chief Electoral Officer sees fit, including publication online.
GE29-33	Limits on election expenses - Party	243(1), (2) & (3)	1) No registered political party and no chief official agent and no other person acting within the scope of that person's authority on behalf of a registered political party shall incur election expenses that exceed in the aggregate: (a) in the case of a general election, the adjusted amount of \$673,783; (b) in the case of an election other than a general election: (i) in a constituency lying north of the dividing line described in the schedule to The Constituency Boundaries Act, 1993, the adjusted amount of \$39,082 with respect to a candidate endorsed by the registered political party at the election; (ii) in a constituency lying south of the dividing line described in the schedule to The Constituency Boundaries Act, 1993, the greater of the following amounts with respect to a candidate endorsed by the registered political party at the election: (A) the adjusted amount of \$32,567; (B) the amount obtained when the adjusted amount of \$2.60 is multiplied by the number of names on the voters' list for the candidate's constituency.	Section 243 sets party expense limits for general elections and by-elections to be the greater of a base amount fixed in legislation which is adjusted by inflation <u>or</u> an amount which is determined by multiplying the number of names on the official voters list for a constituency by an adjusted per voter amount.  These provisions are very confusing and the multiplier for the per voter calculation is known too late to be of any real value in guiding the spending of parties. It would be preferable to simply set an amount in legislation and adjust it annually by inflation.

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
			<p>(2) For the purposes of paragraph (1)(b)(ii)(B), the number of names on the voters' list of a constituency is the number determined by the returning officer of the constituency.</p> <p>(3) The returning officer shall determine the number of names, as soon as is practicable, after all the official voters' lists for a constituency have been certified pursuant to section 28.</p>	
GE29-34	Limits on election expenses - Candidates	252(1), (2) & (3)	<p>(1) No candidate and no business manager or other person acting on behalf of a candidate within the scope of that person's authority shall incur election expenses that exceed in the aggregate:</p> <p>(a) in a constituency lying north of the dividing line described in the schedule to The Constituency Boundaries Act, 1993, the greater of the following amounts:</p> <p>(i) the adjusted amount of \$52,108;</p> <p>(ii) the amount obtained when the adjusted amount of \$5.21 is multiplied by the number of names on the voters' list for the candidate's constituency;</p> <p>(b) in a constituency lying south of the dividing line described in the schedule to The Constituency Boundaries Act, 1993, the greater of the following amounts:</p> <p>(i) the adjusted amount of \$39,082;</p> <p>(ii) the amount obtained when the adjusted amount of \$2.60 is multiplied by the number of names on the voters' list for the candidate's constituency.</p> <p>(2) For the purposes of subsection (1), the number of names on the voters' list of a constituency is the number determined by the returning officer of the constituency.</p> <p>(3) The returning officer shall determine the number of names, as soon as is practicable, after all the</p>	<p>Section 252 sets party candidate limits for general elections and by-elections to be the greater of a base amount fixed in legislation which is adjusted by inflation or an amount which is determined by multiplying the number of names on the official voters list for a constituency by an adjusted per voter amount.</p> <p>These provisions are very confusing and the multiplier for the per voter calculation is known too late to be of any real value in guiding the spending of candidates. It would be preferable to simply set an amount in legislation and adjust it annually by inflation.</p>

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
			official voters' lists for the constituency have been certified pursuant to section 28.	
GE29-35	Candidate's election expenses return - Summary of expense return	261(8)	(8) Within 30 days of the filing of any election expenses return or any supplementary election expenses return, a returning officer shall publish a summary of the return, in the prescribed form, in one newspaper published or circulated in the constituency in which the election was held.	<p>The returning officer does not occupy the returning office 30 days after the candidate's election expenses returns are due to be filed (3 months after polling day). Many returning officers are no longer employed by Elections Saskatchewan by this time. It has not been the practice for several elections for the returning officer to publish this summary, nor for the summary to be published in the newspaper.</p> <p>This section should be amended to indicate that a summary of the candidate's election expenses return will be posted on Elections Saskatchewan's website by the CEO. This will also require an amendment to Form YY in The Election Forms (Chief Electoral Officer) Regulations to reference the CEO rather than the returning officer.</p>
GE29-37	Regulations - Prescribing forms	287(1), (2) & (3)	<p>This section gives the Lieutenant Governor in Council the authority to make regulations prescribing any form and its contents for use in the Act.</p> <p>The section also gives the Chief Electoral Officer the authority to make regulations prescribing any form pursuant to the Act with the exception of the form of the ballot, the proclamation and the return to the writ. Lieutenant Governor in Council regulations prevail over CEO regulations.</p>	<p>The requirement for the CEO to prescribe all forms used in the administration of elections by regulation is onerous and unnecessary. It requires the CEO to engage the Ministry of Justice to introduce new forms and to make small changes/modifications to existing forms.</p> <p>The CEO should be given the authority to create, modify or eliminate forms without the need for them to be prescribed in regulation.</p>

### 3. Provisions that Demand the Collection of Unnecessary Information

Nearly all references within this category relate to the requirement to collect “occupation” information by election officials and requirements that it be included in Elections SK’s register of voters and appear on printed and electronic voters lists. This information has no value to Elections SK in describing, identifying or tracking voters and there is no standard method for voters to provide their occupation information in a concise, standardized format. In practice, many requests for voters to provide occupation information are met with resistance. No other jurisdiction in Canada requests a registering voter to provide occupation data. Also included within this category is the requirement that candidates provide an occupation necessary for being listed on the ballot.

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
GE29-38	Interpretation - Definition of voter data	2(1)(pp)(v)	The term "voter data" includes the voter's occupation.	There are several provisions in the Act that require Elections Saskatchewan to collect occupation information from voters. There is no standard way of describing occupation and no consistency in the way voters identify their occupations. Some voters do not have occupations. Occupation data has no value in describing, identifying and tracking voters. Many voters also refuse to provide occupation information.  No other Canadian jurisdiction collects such transitory information to identify voters. Occupation should be removed from the definition of the term voter data.
GE29-39	Interpretation - Requirement for voter's occupation	2(2)	If an election officer is required by this Act to state an occupation on a voters’ list, the election officer shall use the commonly employed description of that occupation.	Voters should not be required to provide an occupation to be included on the voters list. This section should be repealed.
GE29-40	Use of register of voters -	18.7(3)(b) & (c)	The voters’ list must only contain the following voter data for each voter:	In recommending the establishment of a register of voters, the original proposal by Elections

	Preparation of voters' list - Constituency & polling division		<p>(a) his or her surname, given name and middle name, if any;</p> <p>(b) his or her occupation;</p> <p>(c) his or her date of birth;</p> <p>(d) the residential address, including the postal code, of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address;</p> <p>(e) his or her permanent unique identifier assigned by the Chief Electoral Officer pursuant to subsection 18.2(5).</p>	<p>Saskatchewan did not identify occupation or date of birth as voter data that would be included on the voter's list. There is no way for the data element "occupation" to be updated and maintained. Personal information such as date of birth is not necessary for poll officials to have, nor is it necessary for candidates or parties, and to provide it would involve significant security and privacy risks.</p> <p>The Chief Electoral Officer issued an Interpretation Bulletin (ESKIB-2015/01) on this topic in advance of the last general election coming up with a compromise that provides registered political parties and candidates with the information required for their work but recognizes the sensitivity of such information and protects it. That Interpretation Bulletin can be found online at <a href="https://cdn.elections.sk.ca/upload/eskib-2015-01-voterslistprivacy_v10_final.pdf">https://cdn.elections.sk.ca/upload/eskib-2015-01-voterslistprivacy_v10_final.pdf</a>.</p> <p>The Act should be amended to remove the requirement to have (b) "occupation" and (c) "date of birth" printed on the voter's list.</p>
GE29-41	Distributing and posting of preliminary voters lists – Inspection of list	26(1)(b)	<p>Immediately after completing the preliminary voters' list, the Chief Electoral Officer or the returning officer shall:</p> <p>(a) provide:</p> <p>(i) one electronic copy and, if requested, one paper copy to each candidate;</p> <p>and</p> <p>(ii) if completed by the returning officer, one electronic copy to the Chief Electoral Officer; and</p> <p>(b) keep a copy of each preliminary voters' list in his or her office and make the list available for public inspection for electoral purposes during office hours on every day of the revision period, other than a</p>	<p>Section 26(1)(b) should be removed. ESK should not be allowing the public to inspect the preliminary list for privacy reasons.</p>



			Sunday or holiday, until the close of revision pursuant to sections 27 to 29.3.	
GE29-42	Ballot papers - Occupations of candidates	35(3)(a)	Every returning officer shall cause a printer to print on each ballot paper: (a) the names and occupations of the candidates as set out in the nomination papers arranged alphabetically according to the respective surnames and with the surname last;	<p>Not all candidates have occupations. For example, the designations of “student”, “unemployed”, and “homemaker” are not occupations. Former occupations are an inaccurate characterization of one’s current occupation and some candidates do not want to list their former occupation on the ballot as they no longer identify with that occupation.</p> <p>This requirement also creates problems when incumbent MLAs are running. According to s. 35(4), members are not permitted to indicate that they are “members” or MLAs on the ballot. Many of these individuals have indicated that they are reluctant to list “politician” as an occupation. The requirement to print candidate occupation on the ballot should be removed.</p>
GE29-43	Ballot papers - Occupation as Member	35(4)	Every printer and every returning officer shall ensure that, of the ballot papers they are responsible for, none indicates that a candidate has at any time been a member.	There is no need for the occupation of candidates to appear on the ballot. This section should be repealed. See discussion under 35(3)(a) for more information.
GE29-44	Ballot papers - Printer’s name	35(6)(a)(ii)	<p>The printer who prints the ballot papers on the instructions of the returning officer shall:</p> <p>(a) print on the back of each ballot paper:</p> <p>...</p> <p>(ii) the printer’s name and address in six-point type; and...</p>	The paragraph requires the name and address of the ballot printer to appear on the back of the ballot. This provision is not necessary and should be repealed.
GE29-45	Filing and form of nomination paper - Need to provide occupation	44(6)(a)	<p>The nomination paper must contain the candidate’s written consent to serve and must state:</p> <p>(a) the name, address and occupation of the candidate;</p>	The Act should be amended to eliminate the requirement for a candidate to provide his or her occupation. Deleting the requirement to print the occupation of candidates on the ballot would be a good opportunity to increase the print size on the ballot in response to the aging population of voters in

				<p>the Province and the need to assist voters with visual impairment.</p> <p>The Act should be amended to delete the requirement for candidates to provide their occupation on the nomination paper.</p>
GE29-46	Statement of all voter's declarations required - Occupation	85(1)	85(1) The deputy returning officer shall complete a statement in the prescribed form containing: (a) the name, address and occupation of every voter who made a voter's declaration on polling day; and	Remove requirement for voters to provide occupation. See discussion under s. 2 above.
GE29-47	Duties of deputy returning officer at mobile polls - Recording occupation	93(1)	The deputy returning officer shall note on the prescribed form the following for each voter who votes at a mobile poll: (a) name; (b) occupation; (c) post office address; (d) location of residence (e) poll number of the polling division where the voter is otherwise eligible to vote.	This requirement for the poll clerk to record the voter's occupation is unnecessary and should be eliminated. See discussion under s. 2 above.
GE29-48	Temporarily displaced voters - Voting procedures - Occupation	99(3)	On entering the polling place, a temporarily displaced voter shall state his or her name, occupation, post office address, location of residence and the constituency in which he or she was ordinarily resident on the day on which the writ was issued.	The requirement for a voter to state his or her occupation is unnecessary and should be eliminated. See discussion under s. 2 above.
GE29-49	Voting Procedures - Hospitals - Occupation	107(3)	On entering the polling place, a voter shall state his or her name, occupation, post office address, location of residence and the constituency in which he or she was ordinarily resident on the day on which the writ was issued.	This requirement for voters to state their occupation should be eliminated. See discussion under s. 2 above.
GE29-50	Handling of ballot boxes with ballot envelopes	109(7)	The Chief Electoral Officer shall make a list for each constituency affected, showing: (a) the name, address and occupation of each voter	This requirement for voters to provide their occupation should be eliminated. See discussion under s. 2 above.

	- Hospitals - Occupation		from the constituency who made a voter's declaration; and	
GE29-51	Voting procedures - Remand centres - Occupation	115(3)	On entering the polling place, a voter shall state his or her name, occupation, post office address, location of residence and the constituency in which he or she was ordinarily resident on the day on which the writ was issued.	This requirement for voters to provide their occupation should be eliminated. See discussion under s. 2 above.
GE29-52	Handling of ballot boxes with ballot envelopes - Remand Centres - Occupation	117(7)	The Chief Electoral Officer shall make a list for each constituency affected, showing: (a) the name, address and occupation of each voter from the constituency who made a voter's declaration; and (b) the number of the polling division or the location of the voter's residence set out in the voter's declaration on the ballot envelope.	This requirement for voters to provide their occupation should be eliminated. See discussion under s. 2 above.
GE29-53	Voting procedures - Hospitals - Occupation	123(3)	On entering the polling place, a voter shall state his or her name, occupation, post office address, location of residence and the constituency in which he or she was ordinarily resident on the day on which the writ was issued.	This requirement for voters to provide their occupation is unnecessary and should be eliminated. See discussion under s. 2 above.
GE29-54	Procedures on close of advance poll - Occupation	135(12)(a)	The deputy returning officer for the advance poll shall: (a) complete a statement in the prescribed form that sets out the name, address and occupation of every voter who made a voter's declaration on polling day and the poll number of the poll where the voter is otherwise eligible to vote; and	This requirement for voters to provide their occupation should be eliminated. See discussion under s. 2 above.

#### 4. Provisions that are no Longer Required

The Act dates back more than 20 years and there are a variety of sections and subsections within it which are no longer relevant or required. Many of these sections relate to voter enumeration and subsequent revisions activities which are no longer required due to legislative amendments made in 2014 that brought into place the province's permanent register of voters. Other sections flagged within this category include those which are no longer relevant or necessary to administer electoral events.

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
GE29-55	Enumeration required to establish register of voters	18.3	<p>(1) Notwithstanding any other provision of this Act, the Chief Electoral Officer shall cause an enumeration to be conducted for each polling division in each constituency established pursuant to The Representation Act, 2013 for the purposes of establishing an initial register of voters.</p> <p>(2)The enumeration mentioned in subsection (1) must be conducted:</p> <p>(a) after the coming into force of this section and before the date of the next general election to be held in accordance with section 8.1 of The Legislative Assembly and Executive Council Act, 2007; and</p> <p>(b) in accordance with sections 19 to 29.4, and those sections apply, with any necessary modification, for the purposes of this section as if the Chief Electoral Officer has directed an enumeration pursuant to subsection 19.1(1) of all constituencies.</p> <p>(3) After completing the enumeration mentioned in subsection (1) and establishing the initial register of voters, the register of voters may be revised in accordance with this Act.</p>	This transitional provision is now unnecessary since the register has already been established. This section should be repealed.

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
GE29-57	Enumeration and revision - Requirement for period of revision	19.1(2)	An enumeration is to be conducted during a period determined by the Chief Electoral Officer and is to be followed by at least one day for revisions as determined by the Chief Electoral Officer.	Reference to a period of revision should be deleted from this subsection while leaving the authority to conduct targeted enumerations at the CEO's discretion. Also see recommendation under s. 27 for elimination of revision period and related sections which should be repealed
GE29-58	Enumerators appointed	20(1)	When directed to do so by the Chief Electoral Officer, a returning officer shall appoint an enumerator for any polling division in the constituency that is subject to an enumeration.	<p>Future enumerations will be conducted outside the writ period and directed centrally by the CEO or specific constituencies or areas within a constituency will be identified by the CEO for targeted enumeration.</p> <p>The requirement for enumerators to be appointed solely by the returning officer should be removed to allow the CEO to direct and conduct centrally managed and targeted enumerations.</p>
GE29-59	Preparation of preliminary voters' lists - Distribution to CEO	26(1)	<p>Immediately after completing the preliminary voters' list, the Chief Electoral Officer or the returning officer shall:</p> <p>(a) provide:</p> <p>(i) one electronic copy and, if requested, one paper copy to each candidate;</p> <p>and</p> <p>(ii) if completed by the returning officer, one electronic copy to the Chief Electoral Officer; and</p> <p>(b) keep a copy of each preliminary voters' list in his or her office and make the list available for public inspection for electoral purposes during office hours on every day of the revision period, other than a Sunday or holiday, until the close of revision pursuant to sections 27 to 29.3.</p>	The CEO has access to all voters lists. The reference to providing the voters list to the CEO should be deleted.

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
GE29-60	Revision period	27 & others	<p>The Act currently calls for a period of revision for revising the preliminary voters list. During this period, voters must apply to add, delete or correct election records and hearings are to be held to consider changes.</p> <p>Ss. 28,29.1,29.2,29.3 &amp; 29.4 all reference revision period.</p>	<p>Ongoing voter registration and updates to the permanent voter register have supplanted the need for an official period of revision. Additions, deletions and corrections to the voters list are made by Elections Saskatchewan staff on a continuous basis and can be requested by voters at any time.</p> <p>The Act should be amended to remove any requirement for a revision period as it is no longer necessary.</p>
GE29-61	Revised voters list	29.4(3)	<p>(1) On receiving the record of revision from each revising officer for a constituency, the returning officer shall prepare a revised voters' list for each polling division in the constituency that makes all the changes to the preliminary voters' lists specified in the records of revision.</p> <p>(2) The revised voters' list must:</p> <p>(a) be in the prescribed form; and</p> <p>(b) be signed by the returning officer.</p> <p>(3) A returning officer shall provide one electronic copy and one paper copy of the revised voters' list mentioned in subsection (2) to the Chief Electoral Officer for the purposes of updating the register of voters.</p> <p>(4) The Chief Electoral Officer shall use the revised voters' list provided pursuant to subsection (3) to update the register of voters as soon as is practically possible after receipt of a revised voters' list from a returning officer.</p> <p>(5) The Chief Electoral Officer shall prepare a new voters' list for the affected constituency or polling division pursuant to section 18.7 following the</p>	<p>Ongoing voter registration and updates to the permanent voter register have supplanted the need for an official period of revision and the production of a revised voters list.</p> <p>The Act should be amended to remove any requirement for a revised voters list.</p>

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
			updating of the register of voters pursuant to this section.	
GE29-62	No supplying beverage alcohol at meetings	193(1)	No candidate, no business manager and no other person acting on behalf of a candidate shall give any beverage alcohol or cannabis at a meeting of voters assembled for the purpose of promoting the election of the candidate.	The intent of this section is to prevent bribery and vote buying. S. 195 adequately deals with such an offence. This section should be repealed.
GE29-63	No beverage alcohol on polling day	198(1)	No person shall, before 8:00 p.m. on polling day, directly or indirectly give: (a) beverage alcohol or cannabis to any voter; or (b) any money or other thing to enable the voter to obtain any beverage alcohol or cannabis.	<p>This is an unenforceable provision. While there is no definition of the term “give”, presumably it means giving free of charge and does not include the sale of alcohol or cannabis which would amount to an outright ban on the sale of these products.</p> <p>The way this provision is written, it restricts the “giving” of alcohol or cannabis on any day before polling day. Also, there is no way to restrict the giving of alcohol or cannabis in a private home. This section should be repealed since s. 195 already places a sufficient restriction on the use of alcohol or cannabis as a bribe to entice voters to vote or refrain from voting at an election.</p>

## 5. Gaps in Legislative Provisions

The legislative instructions found in the Act are often extremely prescriptive. One side effect of this prescriptiveness is that any omissions or oversights within the legislation can make implementation extremely challenging. Small changes or clarifications could be made to the Act which, in some cases, would greatly improve services offered to voters and the working conditions of election officials. Other minor changes to clarify or fill existing gaps in legislative provisions would provide greater certainty to candidates, business managers and chief official agents of registered political parties when they are fulfilling their responsibilities.

CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
GE29-64	Voting Procedures - Hospitals - ID	107(4)	The poll clerk shall: (a) complete the voter's declaration on the ballot envelope from the information supplied by the voter and from the material furnished by the Chief Electoral Officer with respect to constituencies in Saskatchewan; and (b) record the name of the voter in the poll book and fill in the appropriate spaces opposite the voter's name.	Many hospital voters only have their hospital ID bracelet for identification and will often not have other forms of ID. Hospital voters will often not be able to satisfy the ID requirements in the Act and will need to be able to make a declaration as to their identity and address that does not require them to provide ID. This section should be amended to make it explicit that hospital voters need to make a voter's declaration and show their hospital ID bracelet for identification.
GE29-65	Voting procedures - Remand centres - ID	115(4)	The poll clerk shall: (a) complete the voter's declaration on the ballot envelope from the information supplied by the voter and from the material furnished by the Chief Electoral Officer with respect to constituencies in Saskatchewan; and (b) record the name of the voter in the poll book and fill in the appropriate spaces opposite the voter's name.	Inmate voters do not have access to ID within the correctional facility. This section should be amended to make it explicit that remand centre voters need to make a voter's declaration and provide a letter of attestation from the administrator of the institution for identification.
GE29-66	Request when automatically	155(4)	The judge shall, by order, fix a time and place at which the judge or another judge will recount or add the	S. 155(1) & (1.1) indicate the two circumstances under which a recount is considered to be



CEO Rec#	Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
	entitled - Recounts and additions- Tie vote		votes if the certificate of the returning officer shows that the margin of victory of the candidate declared to be elected is less than the total number of all unopened ballot envelopes, rejected ballots and ballots objected to.	automatic and can be requested. S. 155(4) lists one of the circumstances for a recount but should be amended to indicate that a judge's order also applies to circumstances of a tie vote as well.
GE29-73	Lawful literature may be distributed - Political parties	188	The following are not corrupt practices or contraventions of this Act: (a) the distribution by a candidate, business manager or any candidate's representative of political pamphlets or other political literature; (b) the sending or causing to be sent to voters by a candidate, business manager or any candidate's representative of newspapers containing political articles, reports of political meetings or other matters of public interest.	This provision makes it clear that it is not a contravention of the Act for a candidate, business manager or a candidate's representative to distribute political pamphlets or other political literature. This section should be amended to include distribution of campaign literature by a political party. The use of the word "newspapers" in s.188(b) could also be expanded to include other media.
GE29-74	Prohibited displays, devices and actions on polling day - Use of loud speaker	190(1)	No person shall use or cause to be used a public-address system or other loud-speaker device on polling day for the purpose of promoting or securing the election of any candidate.	This section prohibits the use of a public-address system or other loud-speaker device on polling day for the purpose of <u>promoting</u> or securing the election of any candidate. This section should be amended to include "for the purpose of <u>opposing</u> the election of any candidate".
GE29-75	Bribery	192(1)(h)(i)	(h) give, lend or agree to give or lend or offer or promise any money or other valuable consideration or promise to obtain or to endeavour to obtain any money or other valuable consideration or any office, place or employment or promise to obtain or endeavour to obtain any office, place or employment to or for any person to persuade that person: (i) to be a candidate; (ii) to refrain from being a candidate; or (iii) to withdraw from being a candidate.	This section makes it an offence for a person to give, lend or offer or promise any money to another person to persuade that person to be a candidate. S. 220(f)(iv) defines an election expense to include "the cost of the salary... or other remuneration paid or agreed to be paid to a candidate on account of his or her agreeing to being a candidate, by his or her business manager or by a registered political party." S. 192(1)(h)(i) should exclude salaries or other remuneration paid to a candidate by his or her business managers or registered political party.

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GE29-76	Limitations of prosecution	219	Every prosecution pursuant to this Act must be commenced within two years after the alleged offence was committed.	This section should be amended to extend the time limit to two years after the facts on which the information is based first came to the knowledge of the CEO.
GE29-77	Interpretation of Part - Election expenses	220(f)(v)	(v) the cost incurred for literature, posters, signs or audio or visual materials, including films, recordings, records or video tapes or other materials or devices of an advertising nature used during an election;	The definition of "election expenses" should include certain costs of establishing a campaign office before the writ period, such as telephone and Internet, as well as fees for establishing a bank account. The definition of "election expenses" should be broadened to include the definitions of "advertisement" and "distribute" that appear in s. 215(1).
GE29-79	Interpretation of Part - Volunteer labour	NEW	NONE	The term "volunteer labour" (found in s.220(e)) needs to be defined. For example, work that is donated by someone who is not otherwise paid to do the work they are donating, <u>or</u> a service provided free of charge by an individual outside their working hours, but does not include a service provided by a self-employed individual if the service is one the individual normally charges for.
GE29-80	Application for registration - Political Parties - Signatures on petition	224(2)	An application for registration pursuant to subsection (1) must be accompanied by a complete and accurate petition for registration in the prescribed form signed by not fewer than 2,500 voters, 1,000 of whom must reside in at least 10 different constituencies, with a minimum of 100 voters in each of those constituencies.	This section addressing registration requirements is very vague with no time lines for signatures. This section should be amended to indicate that applications for party registration should contain signatures of voters that are no more than 6 months old.
GE29-81	Application for registration - Political Parties - Timing	224(3)	A political party may apply to be registered at any time during the period commencing on the day fixed for the return to a writ for a general election and ending on the day that is five days after the issue of the writ commencing the next general election.	Depending on when an application for party registration is submitted, it may not be possible to verify and process an application for registration before nominations close or election day within the current time frame. This section should be

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				amended to restrict the end date for registering a political party to 6 months before the issuance of the writ commencing the next general election.
GE29-82	Registration - Parties - Petition verification	225(1)	<p>On receipt of an application pursuant to section 224, the Chief Electoral Officer shall:</p> <p>(a) examine the application and determine whether or not the political party is eligible to be registered;</p> <p>(b) if the political party's application:</p> <p>(i) does not fully comply with section 224, inform the leader of the political party of that fact, in writing, setting out where the application does not comply;</p> <p>(ii) fully complies with section 224, register the political party and inform the leader of the political party.</p>	<p>Subsection (1) should be supplemented with a provision confirming and clarifying the authority, discretion and requirements of the CEO, as follows:</p> <p>(1.2) For the purpose of making the determination required by subsection (1), the Chief Electoral Officer:</p> <p>(a) shall validate voter signatures on the petition for registration in a manner and by a process considered appropriate by the Chief Electoral Officer which, in the discretion of the Chief Electoral Officer, may include or consist of a sampling of petitioners;</p> <p>(b) may take any further steps considered necessary or advisable by the Chief Electoral Officer to assess and verify the completeness and accuracy of the application and the petition including, without limiting the scope of the powers that may be exercised under section 280, by requiring the applicant to provide any additional information the Chief Electoral Officer considers relevant.</p>
GE29-83	Duties of chief official agent - Address of contributors	235(b)	(b) keep legible records of all contributions and other income received by the party, including the name of all contributors and the amounts contributed;	This section requires the chief official agent of a registered political party to maintain certain records. S. 236(4)(b) requires the business manager of a candidate to keep records of the name and address of all contributors. The Act should be amended to require chief official agents of parties to maintain the address of all contributors, the amount of contributions and the date of their contributions.

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GE29-84	Business manager - Appointment	236(1)(a) & (b)	If the candidate has not already done so, a candidate shall file, within 10 days of the appointment of a business manager, the following: (a) the name and address of the business manager; (b) the written consent of the person to act as business manager.	This section requires a candidate to file the name of their business manager within 10 days of their appointment but section 43 requires that candidates must have a business manager prior to becoming nominated as a candidate. This section should clarify the requirement for a candidate to have a business manager before submitting nomination papers.
GE29-85	Business manager - Address of contributors	236(4)(b)	(b) keep legible records of all contributions and other income received by the candidate, including the name and address of all contributors and the amounts contributed;	The Act should be amended to require business managers to keep a record of the name and address of all contributors, and the amount and date of their contributions.
GE29-86	Use of agents to make contributions - Identity of principal	240(4)(a)	(4) if a person uses an agent: (a) the agent shall disclose the identity of his or her principal to: (i) in the case of a contribution to a candidate, the candidate's business manager; or (ii) in the case of a contribution to a registered political party, the chief official agent for the registered political party; and	The term "identity" should be defined to include name and residential address.
GE29-87	Limits on election and advertising expenses - Party annual expense return - Advertising expense limit	243(4)	(4) in addition to the election expenses limits imposed by subsection (1), the adjusted amount of \$195,407 is the maximum total advertising expenses that may be incurred during a fiscal year by a registered political party, including advertising expenses incurred by the following persons or groups using funds provided directly or indirectly by the registered political party: (a) a constituency organization of the registered political party; (b) a candidate endorsed by the registered political party; (c) a member of the Legislative Assembly who is a member of the registered political party.	This section imposes an annual maximum total advertising expense limit on parties, in addition to the annual election expense limits imposed by s. 243(1). This section should be amended to clarify that in the year of a general election, the annual advertising limit is in addition to, and not part of, the overall election expense limit.

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GE29-88	Limits on election and advertising expenses - Party annual expense return - Definition of advertising	243(5)	(5) in this section, "advertising expenses" means expenses for advertising in any newspaper or magazine published in Saskatchewan or for acquiring the right to use time on the facilities of any broadcasting undertaking.	<p>This section provides a very narrow definition of the term "advertising", essentially restricting it to advertising in newspapers and magazines and broadcasts on radio and TV.</p> <p>The term "advertising" should be expanded to include all forms of advertising. S. 215(1)(a) and (b) provide more comprehensive definitions of advertising and distribution.</p>
GE29-89	Limits on election and advertising expenses - Party annual expense return - Exceeding expense limit	NEW	NONE	<p>S. 243 sets an annual expense limit for registered political parties, but there is no penalty specified for exceeding the limit. In Manitoba and Ontario, the amount of reimbursement is reduced by the amount that exceeds the total election expenses permitted. In BC a penalty of double the amount by which the election expenses exceed the limit can be imposed.</p> <p>The Act should be amended to impose a specific penalty for political parties that exceed their expense limits including a corresponding reduction of reimbursement.</p>
GE29-90	Handling of disputed claims - Party annual expense return	247(1), (2) & (3)	<p>247(1) If the chief official agent of a registered political party disputes a bill, charge or claim delivered in accordance with section 245 or refuses or neglects to pay it within the four-month period mentioned in section 246, the bill, charge or claim is deemed to be a disputed claim.</p> <p>(2) The person who is owed moneys pursuant to the disputed claim may bring an action to recover any amounts owing pursuant to the disputed claim in any court of competent jurisdiction.</p>	<p>The Act prescribes time limits for the delivery of bills, charges and claims (invoices) with respect to goods and services used during an election - one for invoices to a political party (sec. 245) and another invoices to a candidate (sec. 256) - failing which, in either case, "that person's right to recover any amount owing pursuant to the bill, charge or claim is barred". There are also time limits on when payment must be made.</p>

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			(3) Any sum paid by a chief official agent pursuant to a judgment or order of a court made pursuant to an action mentioned in subsection (2) is deemed to be paid within the time limit prescribed in this Act.	In the case of invoices to a candidate, section 258 authorizes the Chief Electoral Officer to provide direction allowing the business manager to pay a good faith claim even if time limits have been missed. There is no comparable authority with respect to invoices to a political party. The Act should be amended to provide such authority (otherwise even the court, under the section 247 process for disputed claims involving a political party, would lack jurisdiction to authorize payment on a claim that would be statute-barred).
GE29-91	Incurring petty expenses - Party annual expense return	248(1)	If authorized in writing by the chief official agent of a registered political party, a person may pay any necessary expenses for stationery, postage and other petty expenses to a maximum amount stated in the written authorization.	Any election expense authorized by the party's chief official agent should be considered an election expense. This section should be repealed. All references to "petty" expenses should be removed.
GE29-92	Annual returns - Party annual expense return - Address of contributors	250(2)(b)	(b) the name of, and the amount contributed by, each person in each class mentioned in clause (a) who made a contribution in excess of \$250 in the fiscal year to the registered political party;	This section requires registered political parties to report the name of contributors who contribute in excess of \$250 and the amount of the contribution in the fiscal year. This section should be amended to require parties to also report the address of contributors so that duplicate contributions can be verified and prohibited contributions can be detected.
GE29-93	Limit on candidate's election expenses - Including & excluding	252	S. 252 imposes an expense limit for candidates during an election but there is no specific penalty mentioned for candidates incurring election expenses that exceed the limit.	In some jurisdictions, the amount of reimbursement must be reduced by the amount that exceeds the total election expenses permitted. Also, in some jurisdictions, Members can cease to hold their seat in the Assembly for over spending.

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	election expenses from return			The Act should be amended to impose a specific penalty for candidates that exceed their expense limits and there should be a corresponding reduction of reimbursement.
GE29-94	Limit on candidate's election expenses - Including excluding election expenses from return	252(5)	A candidate may exclude from the candidate's election expenses all or any part of the candidate's campaign expenses if including the campaign expenses or part of the campaign expenses would result in the candidate exceeding the limits prescribed in subsection (1).	There is no clear reason for permitting candidates to evade their spending limits by excluding campaign expenses from their return. Clauses that allow candidates to include or exclude their campaign expenses should be repealed.
GE29-95	Who may make payment on behalf of candidate	253(2)(b)	(2) Subsection (1) does not apply to: (b) a payment by <u>a</u> individual if the individual uses the individual's own money and the individual is not repaid for the payment; or	This provision exempts individuals from incurring election expenses or making payments on behalf of a candidate other than through the business manager. All candidate election expenses should be authorized by the business manager and treated as election expenses.
GE29-96	Incurring petty expenses - candidate	259(1)	If authorized in writing by a business manager, a person may pay on behalf of a candidate any necessary expenses for stationery, postage and other petty expenses to a maximum amount stated in the written authorization.	All candidate election expenses authorized by the business manager should be treated as election expenses. This section should be repealed.
GE29-97	Candidate's election expenses return - Address of contributors	261(2)(g)	(g) the name of and the amount contributed by each contributor in each class of persons mentioned in clause (e) who made a contribution in excess of \$250 for the use of the candidate;	This section should be amended to require candidates to also report the address of contributors so that contributions can be verified and prohibited contributions can be detected.
GE29-98	Candidate's election expenses return -	261(2)(i)	(i) copies of: (i) supplier documents that state the particulars of each expense; and	Candidates should also be required to submit bank statements with their election expenses returns. Candidates should also be required to submit

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	Bank statements and advertisements		(ii) receipts or cancelled cheques that provide proof of payment with respect to the expenses.	copies/photos/scripts of all advertising with their return to verify that these advertisements have been properly authorized.
GE29-99	Candidate's election expenses return - Party onus	NEW	NONE	If a party affiliated candidate fails to file their election expenses return, the onus for filing should default to their registered political party with penalties for failing to file, such as de-registration, fines, or loss of ability to run a candidate in that constituency in the next election.
GE29-100	Candidate's election expenses return – Administrative penalties	NEW	NONE	<p>The penalty for failing to file or filing late is currently forfeiture of the \$100 nomination deposit and denial of reimbursement for those who are eligible. The only penalty for a candidate not eligible for reimbursement would be the loss of their nomination deposit.</p> <p>There should be a specific administrative penalty, such as a daily late filing fee, or other penalty for candidates who are late with filing their election expenses return and a penalty for all candidates who fail to file, distinct from the loss of reimbursement. Penalties should also be set for candidates that fail to respond to the CEO's request for information regarding an outstanding return.</p>
GE29-101	Orders to extend time - Reason for late filing	263(1)	<p>If a candidate or business manager dies, becomes ill or becomes unable for any reason to prepare and file any election expenses return required pursuant to section 261, the candidate or business manager may apply to the Chief Electoral Officer for an order:</p> <p>(a) enabling the applicant to obtain any information or documents that are necessary to prepare and file the return;</p> <p>(b) extending the time to prepare and file the return;</p>	In addition to the reasons of illness or death stated in s. 263(1), there should be some limits on the reasons offered by candidates for requesting an extension to the filing date for their return. The reasons must include extenuating circumstances that the CEO deems to warrant such a delay and extension to the filing deadline.



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			or (c) doing both of the things mentioned in clauses (a) and (b)	There should also be a limit on the duration of the extension, such as 1 month, and a limit on the number of extensions that candidates may apply for. The Act should provide for <u>one</u> 30-day extension before the return is considered late.
GE29-102	Eligibility for reimbursement - candidate - Penalty for late filing	265(1)	(1) Subject to sections 269 and 270, a candidate is eligible to be reimbursed for election expenses if: (a) the candidate has received at least 15% of all valid votes cast in the constituency; and (b) the candidate or the candidate's business manager has submitted the election expenses return and other documents required by section 261 within the time prescribed by that section.	S. 265(1) indicates that a candidate is eligible for reimbursement of election expenses if he or she receives at least 15% of all valid votes cast and files their election expenses return within the time limit. Also, according to s. 47(5) the candidate's nomination deposit cannot be returned to a candidate that has not filed his or her election expenses return. The withholding of reimbursement payment from candidates serves as a deterrent only for candidates who are eligible for reimbursement. It has no effect on those who do not qualify for reimbursement.  Also, according to s. 263(1) candidates can apply to the CEO if they become "... unable for any reason to prepare and file any election expenses return ...". It is not practical to initiate legal proceedings against candidates who do file their returns late or who do not file at all. The Act should be amended to include daily penalties for candidates who do not file their election expenses returns on time and for the forfeiture of reimbursement.
GE29-103	Eligibility for reimbursement - candidate - Payment to party or constituency association	265(3)	Subject to sections 269 and 270, immediately on receipt of a certificate pursuant to subsection (2), the Minister of Finance shall pay an amount equal to 75% of the amount mentioned in clause (2)(b) to the candidate's business manager.	Campaign accounts are usually closed by the time the reimbursement cheque is issued. This section should be amended to direct payment to the party or to the constituency association and only to business managers in the case of independent candidates.

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GE29-104	Eligibility for reimbursement - candidate - Interest paid after 90 days	265(5)(b)	(b) a further amount as interest equal to the amount mentioned in clause (a) times the prime rate of interest of the bank holding Saskatchewan's general revenue fund for each day following 90 days from the date the Chief Electoral Officer has received the election expenses return that the amount mentioned in clause (4)(b) remains unpaid.	In addition to reimbursement owing to candidates, the Minister of Finance is required to pay interest for each day following 90 days from the date the Chief Electoral Officer has received the election expenses return that the amount of reimbursement remains unpaid. The delays in processing candidate election expenses returns stems principally from the candidate's or business manager's delays in providing complete or additional requested information to Elections Saskatchewan. No other provincial, territorial or federal electoral jurisdiction in the country has such a provision. The Act should be amended to remove the requirement for Elections Saskatchewan to pay interest on reimbursement owing more than 90 days.
GE29-105	Expenses that are not reimbursable - donation in kind	266(1)(a)	(1) The following election expenses are not reimbursable pursuant to section 264, 265 or 268: (a) any commercial value claims for items totaling \$200 or less;	This section should be amended to prohibit reimbursement for all donations in kind and not just those under \$200.
GE29-106	Expenses that are not reimbursable - Advertising not authorized by business manager	266(1)	The following election expenses are not reimbursable pursuant to section 264, 265 or 268: (a) any commercial value claims for items totaling \$200 or less; (b) any contributions, donations or other transfers of money or goods and services made between a registered political party, its constituency associations or a candidate endorsed by a registered political party, if the contributions, donations or transfers are being claimed by the donor, contributor or transferor; (c) any amounts claimed for the use of a privately-owned motor vehicle, unless: (i) the amounts are for oil, gas and additional insurance and are vouched for by supplier documents	Advertisements that are not "authorized by the business manager" should be added to the list of non-reimbursable expenses

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			<p>stating the particulars of the expenses and by receipts or cancelled cheques that provide proof of payment; or (ii) the amounts are for distances travelled and supported by signed invoices or vouchers containing details of the number of kilometres travelled, the locations travelled to and from and the dates of travel;</p> <p>(d) any amounts spent for beverage alcohol; (e) any amounts claimed that are for goods previously used in an election or goods that are unused, if the cost of those goods was claimed in a previous election expenses return pursuant to this Act or a prior Election Act;</p> <p>(f) any amounts incurred or paid as expenses for fund-raising functions;</p> <p>(g) any amounts claimed as election expenses that are not supported by:</p> <p>(i) a supplier document that states the particulars of the expense; and</p> <p>(ii) a receipt or cancelled cheque that provides proof of payment.</p>	
GE29-107	Expenses that are not reimbursable - Limit of reimbursable expense & Non-reimbursable expense	266(1)	See directly above for complete text of section 266(1).	Some campaigns claim thousands of dollars on food for their campaign volunteers and workers and it is difficult to determine whether it was actually purchased for the campaign or whether it was a personal grocery expense. This section should impose a limit on how much food purchased for campaigns is reimbursable. This section should also clarify that non-reimbursable expenses include any expense that does not comply with the requirements of the legislation (i.e. advertisements that are not properly authorized by the business manager).

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GE29-108	Expenses that are not reimbursable - Distance rate	266(1)(c)(ii)	(c) any amounts claimed for the use of a privately-owned motor vehicle, unless: (i) the amounts are for oil, gas and additional insurance and are vouched for by supplier documents stating the particulars of the expenses and by receipts or cancelled cheques that provide proof of payment; or (ii) the amounts are for distances travelled and supported by signed invoices or vouchers containing details of the number of kilometres travelled, the locations travelled to and from and the dates of travel;	This section should refer to the mileage expense rate established by the Province of Saskatchewan for government travel.
GE29-109	If contributions exceed election expenses - Who receives	269(2), (4) & 270	These sections describe various scenarios where reimbursement goes to the business manager, the constituency association or to the Minister of Finance.	These provisions are confusing and challenging to comply with. Most candidates want reimbursement to go back to their constituency association since their campaign accounts are closed. The legislation should be amended to clarify who receives reimbursement.
GE29-110	If contributions exceed election expenses - Confusing treatment of surplus	269	Ss. 269 and 270 describe the treatment of surpluses.	Reimbursement is intended to defray election costs for candidates and parties, not as a way for parties and constituency associations to generate income from public funds. Any eligible reimbursement should be limited to netting out the amount by which election expenses exceed contributions. There should not be any public reimbursement of election expenses paid in situations where contributions exceed election expenses or where reimbursement of election expenses would result in a surplus situation for the candidate or party.
GE29-113	Voter Information Cards	NEW	NONE	Voter information cards (VICs) are provided to voters to inform them where to vote. These cards have been used by Elections Saskatchewan for several elections. VICs are also used by most other Canadian jurisdictions. There is currently no

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				reference in the Act to the use and content of voter information cards. The Act should be amended to provide the CEO with authority to distribute voter information cards (in whatever manner the CEO deems appropriate) in advance of election day to inform voters when and where to vote.
GE29-114	Candidate reporting of contributions	NEW	NONE	This past election, candidates began to raise funds and receive contributions in advance of the scheduled November 2015 election date. The election was then delayed until April 2016. There is confusion about the period during which candidates are to report contributions. Technically, a person does not become a candidate until their nomination papers are accepted by the RO. The Act should clarify at what point candidates need to start reporting contributions on their own return instead of through the party.

## 6. Changes Required to Keep Pace with Voting Trends

In many ways, voting has looked about the same in most of Canada for more than 100 years. While the modernization efforts detailed in Volume IV would bring about substantial changes to this process, there are also a number of smaller changes that could be made to ensure the next provincial election meets the expectations of today's voters. These changes mostly involve offering greater opportunities for voters to participate at the times and in the ways which are most convenient for them. Other changes detailed here also relate to loosening restrictions on the requirements that election officials must meet, which will hopefully help to alleviate hiring difficulties that many returning officers have been encountering in recent years.

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GE29-117	Deputy returning officer/Poll clerk - Age restriction	10(2) & 13(3)	<p>10(2) A returning officer shall only appoint as a deputy returning officer a voter who is:</p> <ul style="list-style-type: none"> <li>(a) in the opinion of the returning officer, competent and reliable;</li> <li>(b) unless otherwise authorized by the Chief Electoral Officer, resident in the constituency;</li> <li>(c) willing to act as a deputy returning officer; and</li> <li>(d) not ineligible pursuant to section 3.</li> </ul> <p>13(3) A returning officer shall only appoint as a poll clerk a voter who is:</p> <ul style="list-style-type: none"> <li>(a) in the opinion of the returning officer, competent and reliable;</li> <li>(b) unless authorized otherwise by the Chief Electoral Officer, resident in the constituency;</li> <li>(c) willing to act as a poll clerk; and</li> <li>(d) eligible in accordance with section 3 to be appointed as an election officer.</li> </ul>	<p>These provisions should be amended to permit the returning officer to appoint persons 16 years of age and older to the positions of DRO and poll clerk. This change would encourage and permit wider participation on the part of young people in the democratic process. Candidate's representatives do not need to be voters and can currently be 14 years of age or older. Currently information officers and registration officers do not need to be voters.</p>

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GE29-118	Lieutenant Governor in Council to commence elections - All advance polls open any 5 days	31(3)(d)	<p>The order mentioned in subsection (1) must: fix any five days before polling day on which the advance poll is to be held, and those days:</p> <ul style="list-style-type: none"> <li>(i) must not include a holiday; and</li> <li>(ii) must be neither more than seven clear days nor less than one clear day before polling day;</li> </ul>	<p>The requirement for all advance polls to be open for a 5-day period restricts the use of this voting opportunity in smaller centres where fewer than 5 days would be more appropriate. Permitting fewer than 5 days for an advance poll would allow for the placement of more advance polls open for a shorter duration in rural centres where demand is extremely low.</p> <p>Also, the days of advance voting should be fixed for a set date election to permit earlier planning and the leasing of polling places. The Act should be amended to permit advance polls to be open for up to 5 days. The 5 days should be one clear day before polling day and continuous with the exception of holidays, i.e. Tuesday through Saturday or the week preceding Election Day. This has been the practice going back many elections and by-elections.</p>
GE29-118.1	When mobile polls may be established	90(1)	<p>A returning officer may establish one or more mobile polls if:</p> <ul style="list-style-type: none"> <li>(a) there are, in the opinion of the returning officer, special or unusual circumstances requiring mobile polls; and...</li> </ul>	<p>Clause (a) should be amended to remove the reference to "special or unusual circumstances" and provide that a returning officer may establish one or more mobile polls "if, in the opinion of the returning officer, there is good reason for the establishment of mobile polls"</p> <p>The undefined terms "special or unusual" do not provide clarity or reflect how mobile polls have traditionally been used, which is to serve voters in personal care homes (both licensed and unlicensed).</p> <p>Moving forward, mobile polls will continue to be used to offer voting to residents of small personal</p>

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				care homes but the removal of the words “special or unusual” would clarify that mobile polls can also be used to provide greater flexibility and voting options to voters in more sparsely populated geographic areas. A mobile poll could be open for a portion of the advance voting period or on election day in a location which would otherwise not be served by a poll.
GE29-119	Hours of advance polls	132	An advance poll is to be open: (a) if held on a day other than a Saturday or Sunday, from 3:00 p.m. to 10:00 p.m.; (b) if held on a Saturday or Sunday, from noon until 7:00 p.m.	The current hours for advance voting are too restrictive and cause confusion with some voters who show up hours in advance of the opening of the polls on weekends. Most other jurisdictions have between 10 and 12 hours of advance voting per day. The hours of advance poll voting should be longer, and they should be consistent each day. To minimize confusion, the hours of advance voting should be from 9:00 a.m. to 8:00 p.m. – the same hours as election day voting.



## 7. Changes Required to Keep Pace with Modifications to Electoral Administration

The Act is quite prescriptive in its language, which means that there are many areas which, over time, become inconsistent with electoral best practice and with current administrative practices. In some cases, these are areas where additional, clarifying language would offer greater certainty to Elections SK. This category includes a wide variety of items which, if changed and implemented, would result in smoother, more consistent electoral events.

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GE29-121	Assistant Chief Electoral Officer	3(1)(d), 4.5(1), 4.5(2), 8, 17(d), 42(2)(e), 63(1)(a), 159(6)	Language concerning the position of Assistant Chief Electoral Officer as found in section 8 and other provisions as noted in the preceding column	<p>The position of Assistant Chief Electoral Officer is an anachronistic position that has not been filled for many years. All references to it should be deleted and, where required, replaced with alternate wording as follows:</p> <ul style="list-style-type: none"> <li>- Clause 3(1)(d) - strike out "or the Assistant Chief Electoral Officer"</li> <li>- Subsection 4.5(1) - strike out "or the Assistant Chief Electoral Officer"</li> <li>- Subsection 4.5(2) - strike out "and the Assistant Chief Electoral Officer"</li> <li>- Section 8 - delete the entire section</li> <li>- Clause 42(2)(e) - strike out ", the Assistant Chief Electoral Officer"</li> <li>- Clause 63(1)(a) - strike out "the Assistant Chief Electoral Officer" and substitute "any person authorized in writing by the Chief Electoral Officer"</li> <li>- Subsection 159(6) - strike out "the Assistant Chief Electoral Officer" and substitute "any person authorized in writing by the Chief Electoral Officer"</li> </ul>

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GE29-122	Returning officers - Appointment outside of constituency	9(1)	The Chief Electoral Officer may appoint a voter residing in Saskatchewan as the returning officer for the constituency in which the voter resides.	The hiring of returning officers is based on an open, public, merit-based competition requiring persons to apply for these positions. This section should be amended to permit the CEO to appoint a person to be the returning officer for a constituency who does not reside in the constituency where no qualified person residing in the constituency has applied.
GE29-123	Poll clerk - Appointment form	13(1)	(1) A returning officer shall appoint a poll clerk for the polling place in the constituency for which the returning officer was appointed.	<p>This section requires the poll clerk to be appointed by the returning officer, however, the deputy returning officer usually takes the oath and signs the appointment form.</p> <p>The Act should be amended to permit either returning officer or the deputy returning officer to appoint the poll clerk. In The Election Forms (Chief Electoral Officer) Regulations, form E-311-T Appointment of Poll Clerk should be revised such that it can be signed by either the returning officer or the deputy returning officer.</p>
GE29-126	Who is entitled (to vote) - Residency	16(4)	An individual is entitled to be registered only on the voters' list for the polling division in which he or she ordinarily resided on the day on which the writ for that election was issued.	During every election, situations are encountered where individuals move, either within the constituency or to another constituency, after the writ is issued. Currently, individuals who move to another constituency must either return to their former constituency to vote [as per s. 16(1)(c)(ii)] or vote by absentee ballot. This is particularly problematic for seniors who move into personal care homes after the writ is issued. Voters who move within their constituency, can vote at the advance polls within the constituency or vote by absentee ballot. The Act should be amended to permit voters to vote within the polling division where they reside on election day.

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GE29-127	Rules respecting ordinary residence - Student residency	18(12)	If an individual has left his or her residence in another province to study at an educational institution in Saskatchewan, the individual is deemed to have acquired an ordinary residence in Saskatchewan for the duration of his or her studies.	If the intent of this provision is to have students from other provinces acquire residency immediately in Saskatchewan without meeting the 6-month residency requirement applicable to others who have moved to the province (similar to members of the Canadian Forces), it should be made explicit in the Act. Since these individuals would not likely have acceptable ID to prove their residency, we may need to require them to supply proof they are students from out of Province and have them make a declaration as to residence. The Act should be amended to make it explicit that students from other provinces do not have to meet 6-month residency rule as per s. 16(1)(c)(i).
GE29-128	Rules respecting ordinary residence - Senator and MP residency	18(13)	A member of the Senate or the House of Commons of Canada who at the time of becoming a member was ordinarily resident in Saskatchewan, the member's spouse if living with the member and the member's unmarried dependent children are deemed to be ordinarily resident in the polling division in which the member resided at the time of becoming a member, notwithstanding that the member may have established a residence outside Saskatchewan.	Some of the persons referred to in this section may not have acceptable ID to prove ordinary residence in Saskatchewan, particularly if they have established a residence outside of Saskatchewan. Nevertheless, according to the ID requirements of the Act, they are required to provide proof of residency in Saskatchewan. The Act should be amended to permit these individuals to provide proof they fall within the categories of individuals listed in the section and to permit them to make a declaration as to residence.
GE29-129	Ordinary residence - Canadian Forces	18.1(4)	If a person leaves his or her residence in a province or territory other than Saskatchewan to serve as a member of the Canadian Forces in Saskatchewan, the person is, while serving as a member of the Canadian Forces in Saskatchewan, deemed to have acquired an ordinary residence in Saskatchewan for the duration of his or her service.	This section deems Canadian Forces members from another province or territory to have acquired residency in Saskatchewan for the duration their service. If the intent is to permit Canadian Forces members to acquire residency immediately without meeting the 6-month residency requirement applicable to other individuals, they may not be able to prove residency as per the ID requirements of the Act. The Act should be amended to permit members

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				of the Canadian Forces from out of Province to provide ID proving they are members of the Canadian Forces and have them make a declaration as to residence.
GE29-130	Establishment & maintenance of register of voters - Voter data	18.2(4)	<p>The register of voters may only contain the following voter data about persons ordinarily resident in Saskatchewan who are voters or who will be eligible to vote at the next general election after the date the information is collected:</p> <ul style="list-style-type: none"> <li>(a) surname, given name and any middle name;</li> <li>(b) residential address, including the postal code, of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address;</li> <li>(c) date of birth;</li> <li>(d) gender;</li> <li>(e) occupation;</li> <li>(f) telephone number;</li> <li>(g) the permanent unique identifier assigned pursuant to subsection (5); and</li> <li>(h) any other identification number assigned by other persons who provide information to the Chief Electoral Officer.</li> </ul>	<p>There is no provision for the voter register to contain data concerning the voter's constituency or polling division. This data is necessary to maintain since voting is tied to an individual's constituency and polling division.</p> <p>The register of voters should contain two additional fields beyond what the Act stipulates in s.18.2(4)</p> <ul style="list-style-type: none"> <li>(i) constituency code</li> <li>(j) polling division code</li> </ul>
GE29-131	Use of register of voters - Preparation of voters' list - Constituency & polling division	18.7(3)	<p>The voters' list must only contain the following voter data for each voter:</p> <ul style="list-style-type: none"> <li>(a) his or her surname, given name and middle name, if any;</li> <li>(b) his or her occupation;</li> <li>(c) his or her date of birth;</li> <li>(d) the residential address, including the postal code, of the residence of the person, and the mailing</li> </ul>	<p>The Act should be amended to add "constituency" and "polling division" to the list of voter data to be contained on the voters list. This is necessary since voting is tied to an individual's constituency and polling division.</p>

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			address, including the postal code, if the mailing address is different from the residential address; (e) his or her permanent unique identifier assigned by the Chief Electoral Officer pursuant to subsection 18.2(5).	
GE29-132	Preparation of preliminary voters list - Inclusion of register of voters information	25(2)(a)	The Chief Electoral Officer or a returning officer who is authorized by the Chief Electoral Officer shall: (a) based on the voter information records and voter confirmation records submitted pursuant to subsection (1), enter all the information necessary to complete a preliminary voters' list;	The principle source of information for the preliminary voters list is the register of voters. The Act should be amended to include information from the register of voters, in addition to any information collected through an enumeration of voters and confirmation of voter records.
GE29-133	Preparation of preliminary voters' list - Sort order	25(4)	In the case of a polling division in a city, town or village that requires the use and display of street address numbers, the Chief Electoral Officer or the returning officer who is authorized by the Chief Electoral Officer shall arrange the names on each preliminary voters' list in geographical order by reference to streets and address numbers, sorted firstly by streets and secondly by address numbers.	The Act requires the voters list for rural polling divisions [s. 25(3)(a)] to be sorted alphabetically and for urban polling divisions to be sorted geographically by street names and numbers.  The vast majority of voters now live in cities, towns and villages. This makes it very difficult for election officials in urban polling divisions to find registered voters on the list. Both urban and rural polling division voters lists should be arranged alphabetically by voter name for ease of look up at the polls. The Act should be amended to permit voters lists used at all polls to be sorted alphabetically. The voter lists provided to candidates and parties can be sorted either way for their convenience.
GE29-134	Issuing writ - Appointing new election clerk	32(7)	A new returning officer may appoint a new election clerk and new deputy returning officers if the new returning officer considers it appropriate to replace any persons appointed to those offices by the person previously appointed as returning officer.	Election clerk positions are filled through an open, merit-based competitive process, the same as returning officer positions. Following this process, it is the CEO who appoints the election clerk. This subsection should be repealed.

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GE29-135	Election proclamation - Posting of proclamation	34(3)	At least seven days before nomination day, the returning officer shall cause copies of the election proclamation to be posted: (a) in the returning officer's office; and (b) with the approval of the Postmaster General of Canada or other proper officer, at every post office in the constituency.	Since this provision was written, there have been many additional modes of communicating proclamation information to the public, including website advertising. Since 1981, there has not been a Postmaster General. There have been many changes to the postal system since this time and there is now considerable difficulty obtaining consent for posting of proclamations in private sector pharmacies where most post offices are now located. The requirement for posting proclamations in post offices should be removed from the Act.
GE29-136	Election proclamation - Providing proclamations to candidates & CEO	34(4)	As soon as the election proclamation is printed, the returning officer shall deliver: (a) 10 copies of the election proclamation to the official campaign headquarters, known to the returning officer, of each candidate or potential candidate; (b) 10 copies of the election proclamation to the Chief Electoral Officer; and (c) one copy of the election proclamation to the council of each municipality wholly or partly situated within the constituency, and the council shall post a copy of the election proclamation in a conspicuous place in the municipality.	Candidates do not have a need for 10 copies of the proclamation. Clause (a) should be amended to require only one copy of the proclamation to be provided to candidates.  Clause (b) should be deleted since it is the CEO who prepares the election proclamation and delivers it to the returning officer.
GE29-137	Election proclamation - Providing notice of change to affected voters	34(6)	If the returning officer varies the location of any polling place, the returning officer shall make every reasonable effort to notify each candidate or potential candidate of the change.	The Act should be amended to extend this obligation to informing voters as well as candidates.
GE29-138	Polling Places - Polling places within polling divisions	36(1)	Subject to subsections (2) to (8), on receiving the writ, a returning officer shall provide within each polling division a polling place for the polling division	It is not always feasible or possible to provide a polling location in each polling division, particularly in new developments. It is necessary to use a central poll in many situations. This section should be

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			in the most central or most convenient place for the voters.	amended to require the returning officer to provide a poll for each polling division. This would be more consistent with s. 36(3) which permits the returning officer to establish a central polling place where up to 6 polling divisions may be combined.
GE29-141	Handling and forfeiture of deposits - Return of nomination deposit	47	<p>(1) Subject to subsection (5), the returning officer shall return a candidate's deposit to the candidate immediately after:</p> <p>(a) the final count by the returning officer;</p> <p>(b) the election is found void and set aside; or</p> <p>(c) the returning officer refuses to issue a certificate of validity with respect to the nomination paper of the candidate.</p> <p>(2) If a candidate dies after being nominated and before the close of the taking of the votes of the voters, the returning officer shall return the deposit to the candidate's personal representative.</p> <p>(3) Repealed. 2013, c.39, s.5.</p> <p>(4) If a candidate has forfeited his or her deposit, the returning officer shall send the deposit to the Chief Electoral Officer, and the Chief Electoral Officer shall forward the deposit to the Minister of Finance for deposit in the general revenue fund.</p> <p>(5) The returning officer shall not return a deposit to a candidate unless the candidate and the candidate's business manager have complied with section 261 (candidate's election expenses return).</p>	After filing nomination papers, deposits are immediately forwarded to the CEO. It is the CEO who returns the nomination deposit to the candidate in s. 47(1)(a) & (b) and 47(2) & (5). The returning officer would only return the nomination deposit in the case of 47(1)(c) i.e. where a certificate of validity is refused.
GE29-142	Opening of polling place - Marking device	57(3)	The deputy returning officer shall provide a black lead pencil in each voting station of the polling place.	The Act should be amended to require a "marking device" to be placed in each voting station.
GE29-143	Examination and sealing of ballot	59 & Others	<p>(1) Immediately before the voting begins, the deputy returning officer shall:</p> <p>(a) show the ballot box to the persons who are</p>	Ballot boxes are made of cardboard and do not contain a locking mechanism. The Act should be amended to delete the requirement for locking the

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	boxes - Locking the ballot box		<p>present in the polling place so that they may see that it is empty;</p> <p>(b) lock and seal the ballot box with one of the seals prescribed by the Chief Electoral Officer; and</p> <p>(c) place the ballot box on a desk, counter or table or in any other manner so that it is raised above the floor in full view of all present.</p> <p>(2) The deputy returning officer shall keep the ballot box where it has been placed pursuant to subsection (1) in a locked and sealed condition during the hours that voting takes place.</p>	<p>ballot box. It is sufficient to require the DRO to seal the ballot box before voting begins.</p> <p>This also affects ss. 100(12) &amp; (15), 108(12) &amp; (15), 116(12 &amp; (15), 124(12) and 135(8).</p>
GE29-144	When voting deemed to be done - Absentee voter	84(1)	An individual who applies for a ballot paper is deemed to have presented his or her vote or to have offered to vote.	<p>The current provision causes the absentee voter's name to be struck from the voters list after he or she has successfully applied for an absentee ballot and precludes the voter from casting a ballot if he or she is subsequently able to be present to vote in his or her polling division.</p> <p>This provision should be amended to allow a voter who, after having applied for an absentee ballot (but not having voted) and is able to vote on election day or at an advance poll due to changing circumstances, to cast a ballot in person at a polling station.</p>
GE29-145	Application – absentee voters - Extending date	87(2)	An application pursuant to this section must be received by the returning officer or the Chief Electoral Officer at least eight days before polling day.	This section should be amended to make it clear when a voter can apply to either the CEO or the returning officer to become an absentee voter. Voters should be able to apply to the CEO up to 6 months before the writ for a fixed-date election is issued and to the returning officer after the writ is issued. An application pursuant to this section must be received by the Chief Electoral Officer no earlier than six months prior to the issuance of the writ of election and by the returning officer at least nine



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				days (not eight as current legislation states) before polling day. The current requirement of eight days does not provide enough time to produce "the list to be used in the election" with all absentee voters marked as having voted.
GE29-146	Voting procedures - Registered mail	88(2)	The materials mentioned in subsection (1) must be delivered: (a) not less than three days before polling day in the case of personal delivery; (b) not less than four days before polling day in the case of delivery by registered mail.	Delivery by registered mail will often take more than 4 days. In addition, registered mail is a very expensive way to send mail. Delivery of absentee ballot materials should not be restricted to personal delivery and registered mail but should be made by any means that provides proof of mailing and/or delivery. S. 89.3(1) permits absentee ballots for homebound voters to be sent by registered mail, courier or other prescribed method. The Act should be amended to permit other prescribed means of delivery for absentee ballots.
GE29-147	Voting procedures - Informing the DRO	88(3)	Immediately on delivering the materials mentioned in subsection (1) to all absentee voters, the returning officer shall inform, in writing, the deputy returning officer for the polling division where each absentee voter is eligible to vote that the voter: (a) is an absentee voter; and (b) may not vote otherwise than as an absentee voter.	In practical terms, it is not always possible for a returning officer to immediately inform the deputy returning officer in writing that absentee voting materials have been delivered to a voter. Also, they are delivered at different times throughout the election period depending on when an application is received and approved. If the application is received early in the election period, the deputy returning officer may not have been appointed yet. In practice, a deputy returning officer for the polling division is "informed" that a voter has voted by absentee ballot by having the name of the voter stroked off the voters list for that polling division. The Act should be amended to state that the returning officer should inform the DRO of the name and address of the absentee voter following the deadline for receiving applications.

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GE29-148	Voting procedures - Informing candidates of absentee voters	88(5)	When delivering written notice to the deputy returning officer, the returning officer shall inform each candidate of the name and address of the absentee voter.	In order to comply with this provision, the returning officer would need to be informing all candidates daily of materials being delivered to absentee voters.  This section should be amended to require the returning officer to inform candidates after the deadline for receiving absentee voter applications.
GE29-149	Voting Procedures - Return of absentee ballot by registered mail	S. 88(7)(h) & 89(5)(b)(ii) & (c)	The Act requires an absentee voter to return the absentee ballot by registered mail.	This section should be amended to clarify that absentee voters may return their ballot by any means, i.e. personal delivery, courier or mail.
GE29-150	Voting procedures - homebound voters - Informing candidates	89.3(11)	Immediately on determining that an applicant is a homebound voter pursuant to this section, the returning officer shall provide a written notice to the deputy returning officer for the polling division where the homebound voter is eligible to vote that the voter: (a) is a homebound voter; and (b) may not vote otherwise than as a homebound voter.	In practical terms, it is not always possible for a returning officer to immediately inform the deputy returning officer in writing that a homebound voter application has been approved. If the application is received early in the election period, the deputy returning officer may not have been appointed yet. In practice, a deputy returning officer is "informed" after a voter has voted by homebound ballot by having the name of the voter stroked off the voters list for that polling division. The Act should be amended to require deputy returning officers to be informed after all homebound voters have voted.
GE29-151	Voting procedures - homebound voters -When deemed to have voted	89.3(11)	Immediately on determining that an applicant is a homebound voter pursuant to this section, the returning officer shall provide a written notice to the deputy returning officer for the polling division where the homebound voter is eligible to vote that the voter: (a) is a homebound voter; and	This section makes the request to vote as a homebound voter irrevocable once the application has been approved. There may be circumstances where the homebound voter is no longer in their home (e.g. maybe admitted to a hospital) and would not be allowed to vote in the hospital. This section should be amended to clarify that a homebound

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			(b) may not vote otherwise than as a homebound voter.	voter is deemed to have voted once they have voted as a homebound voter.
GE29-152	Costs of recount or addition - Payment of costs	165(1)(a) & (b) & 165(2) (iii)	<p>(1) if a recount or an addition is ordered:  (a) pursuant to section 155, the returning officer shall pay the costs of the candidate or business manager who requested the recount or addition and of the candidates appearing at the recount or addition;  (b) pursuant to section 156 and the judge on the recount or addition finds that the applicant was entitled to and requested a recount or addition pursuant to section 155 but the returning officer failed to comply with section 155, the returning officer shall pay the costs of the applicant and of the candidates appearing at the application and at the recount or addition.</p> <p>(2) in any other case, the judge may direct:  (a) that each party pay his or her own costs; or  (b) that costs be paid by all or any of the following:  (i) the applicant;  (ii) one or more of the candidates;  (iii) the returning officer.</p>	<p>These provisions require the <u>returning officer</u>, under certain circumstances, to pay the costs of the candidate or business manager who requested the recount or addition and the costs of the applicant and the candidates appearing at the recount or addition.</p> <p>These sections should be amended to require the <u>Chief Electoral Officer</u>, under certain circumstances, to pay recount costs.</p>
GE29-153	Return to the writ - Registered mail	171(3)	<p>The returning officer shall send, by registered mail, to the Chief Electoral Officer:  (a) the return to the writ;  (b) the writ of election;  (c) the nomination papers;  (d) the affidavit of the printer;  (e) any candidate's deposit that has been forfeited; and  (f) a written report setting out any comments with respect to the state of the ballot boxes or ballot papers that the returning officer considers appropriate.</p>	<p>This provision requires the return to the writ and other documents and materials, as well as any forfeited nomination deposit, to be sent by the returning officer to the CEO by registered mail. This section should be amended to permit these documents and materials to be sent to the CEO by any method that provides proof of mailing and/or delivery.</p>

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GE29-154	Return to the writ - Nomination deposit	171(3)(e)	(e) any candidate's deposit that has been forfeited; and	This provision requires the returning officer to send the nomination deposit to the CEO along with the return to the writ. This can be eliminated since all nomination deposits are sent to the CEO immediately after they are received following the acceptance of nomination papers.
GE29-155	Election materials to be sent to Chief Electoral Officer - Return of writ - Registered mail	172(5)	Immediately after sending the items mentioned in subsection (1), the returning officer shall make an affidavit in the prescribed form and shall immediately send the affidavit to the Chief Electoral Officer by registered mail.	This section should be amended to permit these documents and materials to be sent to the CEO by any method that provides proof of mailing and/or delivery.  Section 285, which contains instructions and details on Delivery of materials, should also be amended with similar wording.
GE29-156	Public inspection of documents and voter data - List only to be used for electoral purposes	177(4)(b) & (5)	4(b) a political party that is registered pursuant to an Act or an Act of the Parliament of Canada or any candidate for election to the Parliament of Canada or the Legislative Assembly. (5) if a political party mentioned in clause (4)(b) enters into an agreement with the Chief Electoral Officer, that political party may only use the register of voters, the voters' list or the voter data for any purpose that: (a) is related to this Act or any other Act or Act of the Parliament of Canada governing elections; and (b) is authorized in the agreement.	Currently in s. 177(4)(b) and (5), the Act makes it clear that the Chief Electoral Officer may enter into an agreement with respect to sharing or using a voters list or any voter data collected pursuant to The Election Act, with any political party or any candidate at the provincial or federal level and that if any political party enters into agreement with the Chief Electoral Officer, that any political party may use the voters list or voter data for any purpose related to the Act or any other Act or Acts of the Parliament of Canada governing elections. The Act does not specifically state that a voters list, or any voter data collected pursuant to <i>The Election Act</i> cannot be used for any purpose other than an electoral purpose.  The Act should be amended to permit the voters list to be used only for an electoral purpose and the term

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				<p>“electoral purpose” should be defined. There should be an offence and penalty for misusing the voters list.</p>
GE29-157	Prohibited displays, devices and actions on polling day - Use of cell phone in polling place	190(6)	No person, other than an election officer, shall use in any polling place any cellular phone or other communications device.	<p>The use of cell phones in ubiquitous. It is impractical to place this restriction on candidate’s representatives who may be in the polling place for up to 14 hours on polling day and may need to contact their campaign office or political party. Also, voters who may be attempting to establish their identity and address for the purpose of fulfilling the identification requirements may need to open their cell phones and display an electronic statement or other document. What should be prohibited is the taking of photographs or video in the polling place which may violate personal privacy or the secrecy of the vote.</p> <p>This section should be amended to permit the Chief Electoral Officer to develop a policy regarding the use of cell phones and other communication devices at polling places.</p>
GE29-158	Handling of election expenses return - Public inspection	262(2)	<p>(2) A returning officer shall:</p> <p>(a) preserve copies of all returns and documents made pursuant to this section; and</p> <p>(b) make the copies available for public inspection for at least six months during normal office hours of the returning officer.</p>	<p>The returning officer does not occupy the returning office 6 months after polling day and has no normal business hours.</p> <p>This section should be amended to indicate that the returns and documents filed with the CEO should be made available for public inspection by the CEO for at least 6 months after they are filed.</p>