

Advising Note

March 10, 2023

Elections Saskatchewan

Office of the Chief Electoral Officer

Subject: 2017 and 2021 Saskatchewan Party Fiscal Period Returns

Review of Issue

On Friday, February 17, 2023, an individual identified two contributions to the Saskatchewan Party in the amount of \$875 in 2017 and \$645 in 2021, each disclosed as coming from a contributor named "Anon Y Mous" in the Party's annual return for each year. My office subsequently undertook a review of the issue by contacting the Chief Official Agent of the Saskatchewan Party to request more information about the contribution amounts and their origin.

It was learned that a temporary internal account titled "Anon Y Mous" is used in the Saskatchewan Party's tax receipt software to record contributions from Constituency Associations when complete information (contributor name and/or address) is not received, allowing the Party to gather information needed for the Party's annual return submission. Once the missing information is obtained for the individual contributions within this temporary internal account, the funds are to be transferred from the temporary internal account into newly established contributor accounts in advance of the Party's annual return submission. In the case of 2017 and 2021, those transfers were not completed, and funds remained in the "Anon Y Mous" account when submitted on fiscal period returns to Elections Saskatchewan.

Findings

Upon review, the \$875 contributed in 2017 by "Anon Y Mous" should not have been recorded in this manner as the amount came from eight individuals (not one person) through two fundraising events and a convention fee. Each of the eight contributions was under the \$250 disclosure threshold specified by *The Election Act, 1996*.

The \$675 contributed in 2021 under the same name should not have been recorded in this manner either, as the funds came from three individuals who purchased items at a silent auction fundraising event. In this case, two of the contributions were under the \$250 disclosure threshold, while one was over that threshold (\$500).

Section 241(1) of *The Election Act, 1996* states, "No financial agent and no chief official agent of a registered political party shall accept and no person shall make, an anonymous contribution that exceeds \$250."

Information provided by the Party leads me to conclude that the Party never intended to include the \$875 contribution in 2017 and \$675 contribution in 2021 under the heading of "Anon Y Mous." I find that these particular 2017 and 2021 contributions held

in the Party's temporary internal account were provided in error as part of the Party return and should not have been submitted as such. The single contribution of \$500 that exceeded the statutory threshold of \$250 should instead have been submitted under the individual's name while all the remainder of the contributions, being under \$250, should have been included under an aggregated total that does not identify names, in the appropriate year, as per legislation.

The Office of the Chief Electoral Officer is mandated to regulate political finance in Saskatchewan within the statutory framework outlined in *The Election Act, 1996*. It works to administer this system within electoral best practice on an ongoing basis. If an error is identified as a deliberate attempt to circumvent legislation or disclosure rules, my office pursues the breach based on the legislation.

In this instance, I am satisfied that the mistakes identified were not a deliberate breach of legislation but a clerical error. For all registered political parties, the practice of my office has been to address clerical errors by amending the return with the error corrected. For this reason, my office requested that the Saskatchewan Party submit corrected returns for the 2017 and 2021 calendar years.¹

I have asked the Saskatchewan Party to implement internal procedures and controls that will ensure this type of error does not occur again. While clerical errors are most often identified upon initial submission of a Party's annual return, the Party's auditor² and my office did not identify these two. My office is currently conducting an evaluation of our review program with the goal of avoiding such oversights in future submissions.

Moving forward, my office will continue to offer transparent access to information on contributions to registered political parties in Saskatchewan based on election legislation and electoral best practice. As Chief Electoral Officer, I will continue to work collaboratively with all of Saskatchewan's registered political parties and candidates to facilitate full compliance.



Dr. Michael Boda,
Chief Electoral Officer, Province of Saskatchewan

¹ Amended Saskatchewan Party returns for the 2017 and 2021 fiscal periods have been posted to the Elections Saskatchewan website. In addition, the Elections Saskatchewan contribution search tool has been updated with data from the amended returns.

² The requirements under which a party's auditor conducts their work is established in sections 222 and 237 of *The Election Act, 1996*.