

<b>DIRECTIVE NO.</b>	<b>CEODIR-2016-001</b>
<b>DATE</b>	<b>MARCH 7, 2016</b>
<b>DATE REVISED</b>	<b>APRIL 18, 2023</b>
<b>SUBJECT</b>	<b>CLARIFYING WHAT CONSTITUTES AN EMERGENCY UNDER SECTION 44(8) OF <i>THE ELECTION ACT, 1996</i></b>
<b>REFERENCE</b>	<b>SECTION 44(8) OF <i>THE ELECTION ACT, 1996</i></b>
<b>INTENT</b>	<b>TO CLARIFY WHAT CONSTITUTES AN EMERGENCY, ALLOWING A RETURNING OFFICER TO ACCEPT NOMINATION PAPERS BY FACSIMILE</b>
<b>AUDIENCE</b>	<b>CHIEF OFFICIAL AGENTS, CANDIDATES, RETURNING OFFICERS</b>

Section 44 of *The Election Act, 1996* allows candidates to fax, email, or submit by other electronic means, a copy of their nominations package to the returning officer in the case of an emergency. The original, unmodified nomination package and nomination deposit must be presented to the returning officer within 48 hours of the nomination deadline.

### **What Constitutes an Emergency**

For the purposes of Section 44 of *The Election Act, 1996*, an emergency situation will be defined as a dangerous or serious circumstance, which happens suddenly or unexpectedly and requires immediate attention.

Without limiting any other possible occurrences, examples of such circumstances would include:

- Family crisis;
- Vehicle accident;
- Medical emergency; and
- Severe weather conditions, such as a blizzard or flooding.

But would not include:

- Negligence;
- Lack of knowledge of the electoral provisions;
- Being too busy campaigning; and
- Not being able to complete nomination requirements on time.

## Procedure

The candidate must file a **complete copy** of their nomination package by facsimile, email, or other form of electronic submission approved by the returning officer, to the constituency Returning Officer with a copy of the reason(s) why she or he is availing herself or himself of the provision of subsection 44(8), no later than 2:00 p.m. C.S.T. on the day set for the close of nominations - 16 days prior to polling day.

The Returning Officer will examine the nomination package, as well as the explanation provided. If, after consultation with the Chief Electoral Officer and any due diligence that is appropriate, the Returning Officer is satisfied that the nomination package and the explanation provided are valid, the Returning Officer will accept the candidacy of that individual subject to the receipt of the original documents and the \$500 deposit no later than 48 hours after the original filing deadline. Upon receipt of these documents and provided no alteration was made to them, the Returning Officer will issue her or his certificate in the prescribed form and deliver the certificate to the candidate or the candidate's representative.

Where the original documents were altered or where the Returning Officer after examination of the documents sent by facsimile determines them to be unacceptable, after consultation with the Chief Electoral Officer, she or he shall reject the nomination and advise the individual accordingly.

A handwritten signature in blue ink that reads 'Michael D. Boda'.

MICHAEL D. BODA, D.PHIL., PH.D.  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
MARCH 7, 2016