



Interpretation Bulletin

**INTERPRETATION
BULLETIN NO.** ESKIB-2020/02

DATE: AUGUST 4, 2020

SUBJECT **ADVERTISING EXPENSE LIMIT AND REDUCTION OF ELECTION EXPENSE
REIMBURSEMENTS FOR A REGISTERED POLITICAL PARTY**

REFERENCE **SECTION 243.1 OF *THE ELECTION ACT, 1996***

Disclaimer

This interpretation bulletin sets out Election Saskatchewan's current interpretation of provisions of *The Election Act, 1996* (the "Act") and is issued to provide assistance and guidance in understanding and complying with the Act. The views expressed in interpretation bulletins are not law and are not intended to replace the official text of the Act. How the Act applies to any particular case will depend on the individual circumstances of that case. Elections Saskatchewan reserves the right to reconsider any interpretations expressed in interpretation bulletins, either generally or in light of the actual circumstances of any case, and in accordance with continuing legislative and judicial developments.

Introduction

This bulletin discusses how section 243.1 of the Act, which stipulates the penalties for a registered political party exceeding the advertising limits set out in section 243, will be applied with respect to reducing any reimbursement payable pursuant to section 264.

Context

Section 243.1 of the Act specifies that if a registered political party, chief official agent or any other person acting within the scope of that person's authority on behalf of a registered political party incurs election expenses or annual advertising expenses that exceed the limits set out in section 243, the amount of any reimbursement payable pursuant to section 264 must be reduced by the amount equal to the amount by which the election expenses or advertising expenses, as the case may be, exceed the limits set out in section 243.

Limits on Election and Advertising Expenses

Section 243 sets out limits on election expenses applicable to a general election or a by-election. Section 243 also sets out a limit on the advertising expenses a registered political party may incur in any fiscal year. The limit on advertising expenses is an annual limit and is not tied to a specific electoral event.

Limits on election and advertising expenses

243(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 adjusted amount of \$32,567 with respect to a candidate endorsed by the registered political party at the election.

Section 243 also sets out a limit on the advertising expenses a registered political party may incur in any fiscal year. The limit on advertising expenses is an annual limit and is not tied to a specific electoral event.

Limits on election and advertising expenses

243(4) In addition to the election expenses limits imposed by subsection (1), the additional 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.
- (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.

Eligibility for Reimbursement – Party

Section 264 states that a party is eligible to be reimbursed for election expenses if the candidates it has endorsed have received 15% of all valid votes cast in the election and the registered political party has submitted the election expenses return and other documents required by section 251 within the time prescribed by that section.

Section 264 also states the maximum amount of reimbursement for which a registered political party is eligible is an amount equal to one-half of the election expenses lawfully incurred.

Eligibility for reimbursement - party

- 264(1) A registered political party is eligible to be reimbursed for election expenses if:
- (a) the candidates that it has endorsed have received at least 15% of all valid votes cast in the election; and
 - (b) the registered political party has submitted the election expenses return and other documents required by section 251 within the time prescribed by that section.
- 264 (6) The maximum amount of reimbursement for which a registered political party is eligible pursuant to this section is an amount equal to one-half of the election expenses lawfully incurred by the registered political party, other than the amount of disputed claims or the amount of bills, charges or claims the payment of which is refused by the registered political party.

Where a Registered Political Party Exceeds Limits on Election Expenses

Section 243.1 states that any reimbursement pursuant to section 264 must be reduced by the amount equal to the amount by which election expenses or advertising expenses exceed the limits set out in section 243. The advertising expenses mentioned in section 243 pertain to a fiscal period and the advertising limit does not apply to any electoral event.

Where registered political party exceeds limits on election expenses

243.1 In addition to any other liability pursuant to this Act, if a registered political party, chief official agent or any other person acting within the scope of that person's authority on behalf of a registered political party incurs election expenses or advertising expenses that exceed the limits set out in section 243, the amount of any reimbursement payable pursuant to section 264 must be reduced by the amount equal to the amount by which the election expenses or advertising expenses, as the case may be, exceed the limits set out in section 243.

Chief Electoral Officer's Interpretation

The advertising limit referenced in section 243(4) is an annual limit on operational expenses and is not related to any specific electoral event. The Chief Electoral Officer will not consider excess advertising expenses from any fiscal year when calculating any reduction in reimbursement to a registered political party resulting from an electoral event.

A handwritten signature in blue ink, reading 'Michael D. Boda'.

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

August 4, 2020